



## DECISION NOTICE

### Page Gulch Wild Fish Transfer

06/28/2023

#### **ACTION**

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final, without modification, and approves Alternative 1, the no action alternative.

#### **AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT**

According to the applicable requirements of the Montana Environmental Policy Act or MEPA and its implementing rules and regulations, before a proposed action may be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA)*.

Based on these factors, FWP determined a Checklist EA (Draft EA) constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment. See *Public Participation Process* below.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of any substantive public comments received. See *Public Comment and FWP Response* below.

#### **PUBLIC PARTICIPATION PROCESS**

The Draft EA was made available for public review and comment from May 17<sup>th</sup>, 2023 – June 1<sup>st</sup>, 2023. A legal Notice was published in Helena Independent Record and the Draft EA was posted on FWP's Public

Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. A total of 4 comments were received during the public comment period.

### **DESCRIPTION OF PROPOSED ACTION**

Montana Fish, Wildlife & Parks (FWP) is proposing to transfer nonhybridized westslope cutthroat trout (WCT) *Oncorhynchus clarkii lewisi* to the fishless headwaters of Beaver Creek (Tenmile Creek drainage) from Page Gulch (Virginia Creek drainage) in the Upper Missouri River subbasin. The section of Beaver Creek where WCT will be introduced is entirely within the Helena-Lewis and Clark National Forest, Helena Ranger District above a series of natural waterfalls and a water diversion structure that isolates the upper 4.1 miles of fish habitat from downstream nonnative fish populations.

### **PURPOSE AND NEED**

The intent of the proposed action would be to support the following FWP goals and objectives:

- Prevent the loss of a unique genetic lineage of WCT native to north central Montana
- Expand the current WCT range by adding the affected stream mileage to the WCT conservation goals for the Upper Missouri River subbasin
- Reduce the likelihood of ESA-listing of WCT.
- Establish a self-sustaining WCT conservation population in Beaver Creek
- Increase the amount of protected WCT habitat in the Upper Missouri River drainage by 8.1% (from 50.6 miles to 54.7 miles; FWP 2022).
- Prevent the loss of the nonhybridized Page Gulch WCT genetic lineage
- Use the affected section of Beaver Creek as a donor stream for future WCT conservation efforts in north central Montana

### **ALTERNATIVES ANALYZED**

#### **Alternative 1: No Action**

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Under the No Action alternative FWP would not transfer nonhybridized WCT from Page Gulch to Beaver Creek. The 4.1-miles of fishless habitat in the headwaters of Beaver Creek will remain fishless under the no-action alternative.

#### **Alternative 2: Proposed Action**

Under the Proposed Action, WCT from Page Gulch would be collected by backpack electrofishing. Beaver Creek would receive WCT by transfer of fertilized embryos from wild spawned Page Gulch WCT or by direct transfer of juveniles and adults. Transfers would likely occur over several years (1-3 years depending on wild collections/genetic results) to maximize total number of nonhybridized WCT for transfer to Beaver Creek.

### **PUBLIC COMMENT AND FWP RESPONSE**

FWP received substantive public comments on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. The following provides the public comments received and FWP response(s).

1) I am an 81-year-old NATURAL born Montanan. I am a firm believer in the ethical treatment of animals including fish. I am a lifelong Montana fisherMAN. Over the years that I have fished the many streams in Montana I have caught fish for consumption. In the waters where there are release regulations, I have witnessed many dead native Cutthroat trout and other species of fish laying on the creek, River and lake bottoms and tangled by untied hooks. Especially in areas where "Catch and Torture for Fun, fishing, aka Catch and Release Fishing, is mandated. Catch and Torture for Fun Fishing is an inhumane and unethical treatment of a living creature. Not to mention the loss of the valued Native Cutthroat Trout and any other fish that dies as a result of the torture. It is not a sport to torture fish. In order to protect the fishery, any fishery, must restrict the limit of fish to be taken and or protect the specie by not allowing fishing in the water where they exist. After a fish has been caught and thrown back it is out of site to the individual that hooked the fish. The individual gets the satisfaction of a false sense of being a great steward of fish management. That is because they do not see the fish die of a hook wound to the mouth or drown due to gill injuries. My point is to anyone that disagrees with me, I suggest to them to jerk a hook in their lip and have a buddy with the fly rod yank & jerk him around for about 10 minutes. Any normal human will get the idea. I suggest waters that have fragile Native Cutthroat populations be off limits to fishing. Catch and Torture for fun folks as well as consumptive use folks. There is no way to guarantee anyone will be able to selectively hook a particular fish.

FWP Response: Comment falls outside the scope of the EA.

2) I have reviewed the Draft Environmental Assessment Checklist for the above referenced project. As I understand the project, the project is to transfer WCT from Page Gulch to Beaver Creek. Beaver Creek in T8N,R5W, sections 2, 3, 4, and 10 is in the Upper 10 Mile Superfund site and has been impacted by elevated metal loading from the National Extension mine drainage. The DEQ and EPA are recurrently conducting various remedial activities in the watershed to reduce the metal loading (especially Zn, Cd, and As). The National Extension Mine site is the source of significant metal loading to Beaver Creek in the East one half of Section 10. The mine adit flow is 7-10gpm and contains 4500-5500ug/L of dissolved zinc. The Super fund project plans to build a water treatment facility at the National Extension adit in 2024-2025. Until the water treatment facility is built and operating as per design, it is not likely you can establish a self-sustaining WCT conservation population in Beaver Creek.

FWP Response: Thank you for your comment. Based on further environmental review, FWP agrees that water quality issues in Beaver Creek would likely negatively impact any transferred WCT. Therefore, the proposed action (Alternative 2) would not constitute a reasonable and appropriate strategy to achieve the identified objectives.

3) I am not sure upper Beaver Creek is, "fishless," as spring and fall spawning takes rainbows and browns into the upper reaches of Beaver Creek. Please don't suggest poisoning Beaver Creek to accomplish your Cutthroat project.

FWP Response: Beaver Creek is isolated from downstream nonnative fish populations in Tenmile Creek by a series of natural waterfalls and a water diversion structure. No fish have been detected above these barriers following multiple sampling efforts performed by FWP.

4) The Montana Wildlife Federation (MWF) is the state's oldest hunter and angler advocacy organization consisting of thousands of Montanans who value sound fish and wildlife management and our storied hunting, angling, and outdoor legacy. Together with our nineteen (18) affiliated clubs, we ensure

that fish and wildlife conservation dollars and efforts are efficiently spent on fish and wildlife-related activities, promote sound biology in managing our state's fish and wildlife, and safeguard our hunting and angling heritage. After reviewing the prepared Draft Environmental Access (EA) regarding the Page Gulch Wild Fish Transfer EA, MWF strongly recommends the adoption of Alternative 2: Proposed Project. The transfer of genetically pure westslope cutthroat trout to the currently fishless headwaters of Beaver Creek would prevent the loss of these unique fish and restore a temporarily lost fishing opportunity for anglers in Central Montana. Additionally, due to the natural features of this fishery in Page Gulch, the fish transferred here would remain isolated from other fish, thus keeping the genetics of this population unhybridized. We thank FWP for this opportunity to comment. This fish transfer would be a win for all Montanans. We support strong protection for healthy fisheries, quality habitat, and meaningful access for outdoors people. We appreciate FWP's efforts to seek public input on this issue. We look forward to partnering with landowners, hunters, wildlife enthusiasts, and FWP to find the best solution for the resource and all Montanans and urge the speedy completion of this project.

FWP Response: Thank you for your comment.

#### **DECISION**

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action. Therefore, preparation of an EIS is unnecessary. However, based on substantive public comment and information related to water quality issues gained through the public participation process, FWP determined the proposed action does not constitute a reasonable and appropriate strategy to achieve the identified objectives. Water quality issues would likely preclude the establishment of a viable WCT conservation population in Beaver Creek. FWP hereby adopts the Draft EA as final and approves Alternative 1, the no action alternative. FWP will continue to pursue the translocation of the at-risk Page Gulch WCT population elsewhere once suitable habitat is identified.

Sincerely,



Jason Rhoten  
Regional Supervisor  
Montana Fish, Wildlife & Parks