

SUPPLEMENTAL DRAFT ENVIRONMENTAL ASSESSMENT CHECKLIST

Westslope Cutthroat Trout Establishment in Rainbow Lake

FWP-CEA-FSH-R1-24-012

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Checklist Environmental Assessment

The Montana Department of Fish, Wildlife and Parks (FWP) has prepared this Draft Environmental Assessment (EA) in accordance with the requirements of the Montana Environmental Policy Act (MEPA). The purpose of an EA is to identify, analyze, and disclose the impacts of a proposed state action. This document may disclose impacts that have no required mitigation measures, or over which FWP, more broadly, has no regulatory authority.

Local governments and other state agencies may have authority over different resources and activities under separate regulations. FWP actions will only be approved if the proposed action complies with all applicable regulations. FWP has a separate obligation to comply with any federal, state, or local laws and to obtain any other permits, licenses, or approvals required for any part of the proposed action.

I. Compliance with the Montana Environmental Policy Act

Before a proposed project may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- *It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
 - (i) a project, program, or activity initiated and directly undertaken by a state agency;
 - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
 - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.*
- *It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));*
- *FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));*
- *Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));*
- *The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or*
- *As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).*

Supplemental Environmental Review

According to the requirements of ARM 12.2.440(1), “The agency shall prepare supplements to either draft or final [environmental review] whenever:

- *The agency or the applicant makes a substantial change in a proposed action.*
- *There are significant new circumstances, discovered prior to final agency decision, including information bearing on the proposed action or its impacts that change the basis for the decision; or*
- *Following preparation of draft [environmental review] and prior to completion of final [environmental review], the agency determines that there is a need for substantial, additional information to evaluate the impacts of a proposed action or reasonable alternatives.*

With consideration for prior environmental review prepared, publicly processed, and approved for The Westslope Cutthroat Trout Establishment in Rainbow Lake Draft EA and Decision Notice finalized in 2022, FWP determined the proposed action meets the criteria identified above for supplemental environmental review. For context, a copy of the initial [Draft EA](#) and associated [Decision Notice](#) being supplemented under the proposed action is available for review.

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

II. Background and Description of Proposed Project

Name of Project: Westslope Cutthroat Trout Establishment in Rainbow Lake

Rainbow Lake is a 9.5 acre lake located within the Ten Lakes Scenic Area that was designated as a Wilderness Study Area by the Montana Wilderness Study Act of 1977 (Public Law 95-150). Historically, FWP suspects that Rainbow Lake was fishless. However, Rainbow Lake currently contains Yellowstone cutthroat trout (*Oncorhynchus clarkii bouvieri*) that likely resulted from an unrecorded FWP stocking event that occurred prior to 1960. The unnamed outlet stream from the lake flows north approximately 1.5 miles before entering Canada and the Wigwam River watershed, which drains to the Elk River and Lake Koocanusa (Figure 1). These downstream tributaries are inhabited by westslope cutthroat trout (*O. lewisi*) which readily interbreed with closely related species including Yellowstone cutthroat trout, yielding fertile hybrids. Hybridization is especially detrimental, as genes from other species disrupt evolved genetic adaptations to local habitat conditions and can reduce reproductive fitness (Muhlfeld et al. 2009). These detrimental impacts to a species that result from hybridization seldom reverses without management intervention. Removal of the existing Yellowstone cutthroat trout inhabiting Rainbow Lake and replacing those with westslope cutthroat trout contributes to the conservation of this native species within the area by reducing future hybridization in downstream waters.

In 2022, FWP prepared and publicly processed a Draft Environmental Assessment or Draft EA for the removal of Yellowstone cutthroat trout and establishment of westslope cutthroat trout in Rainbow Lake. A copy of the Draft EA and associated Decision Notice are available for review [Here](#) and [Here](#), respectively. This previous Draft EA and Decision Notice identified chemical removal of the fish in Rainbow Lake as the preferred alternative because it would be the most effective and efficient method to accomplish the purpose and need of the project. Importantly, the preferred alternative approved through prior environmental review would require helicopter transport of supplies and materials to Rainbow Lake. Since the original Draft EA was prepared, publicly processed, and approved, FWP's chief helicopter pilot determined that Rainbow Lake lacks a sufficiently large landing zone to safely accomplish the initially preferred and approved alternative. Therefore, the previously approved alternative is not possible to complete and thus no longer constitutes a reasonable alternative to achieve project objectives.

The objectives of the proposed action are as follows:

- 1) eliminate a source of Yellowstone cutthroat trout that contributes to the hybridization of westslope cutthroat trout in the Wigwam River drainage, and
- 2) re-establish an equivalent westslope cutthroat trout recreational fishery in Rainbow Lake by restocking the lake after removal of the Yellowstone cutthroat trout.

To accomplish these goals, FWP previously evaluated mechanical removal of fish from Rainbow Lake using gill nets, but dismissed this alternative because it was less likely to result in a complete removal of Yellowstone cutthroat trout from the lake. Yellowstone cutthroat trout remaining in the lake after removal efforts will likely interbreed with the stocked westslope cutthroat trout. The amount of genetic admixture remaining in Rainbow Lake would depend on the future relative reproductive success of fish with Yellowstone cutthroat ancestry and their relative abundance. Substantially reducing the number of Yellowstone cutthroat trout via gill net suppression and increasing the number of westslope cutthroat trout by stocking after several generations of natural reproduction would increase the frequency of westslope cutthroat trout alleles (genes) in the population. This concept is referred to as genetic swamping (Anttila et al. 2000; Hufford & Mazer 2003). Further, reducing the frequency of Yellowstone cutthroat trout genes within individual fish leaving Rainbow Lake via the outlet tributary would reduce the risk of exacerbating the degree of hybridizations in downstream populations.

Again, because the initially proposed and approved alternative to eliminate Yellowstone cutthroat trout from Rainbow Lake using piscicide is not technically feasible, it no longer constitutes a reasonable alternative to meet project objectives. Complete elimination of Yellowstone cutthroat trout in Rainbow Lake using gill nets would likely require enormous effort. Therefore, FWP has identified 95% reduction in Yellowstone cutthroat trout abundance as the target for the proposed suppression action. At the conclusion of the Yellowstone cutthroat trout suppression efforts in Rainbow Lake, westslope cutthroat trout would be stocked annually and genetic monitoring would occur every five years to evaluate swamping effectiveness and inform frequency of future westslope cutthroat trout stocking necessary to achieve conservation objectives.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 48.98546° N -114.88649° W
 - Section, Township, and Range: Section 8, T37N, and R25W
 - Town/City, County, Montana: 11 miles northeast from Eureka, Lincoln County, Montana
- Location Map (Figure 1)

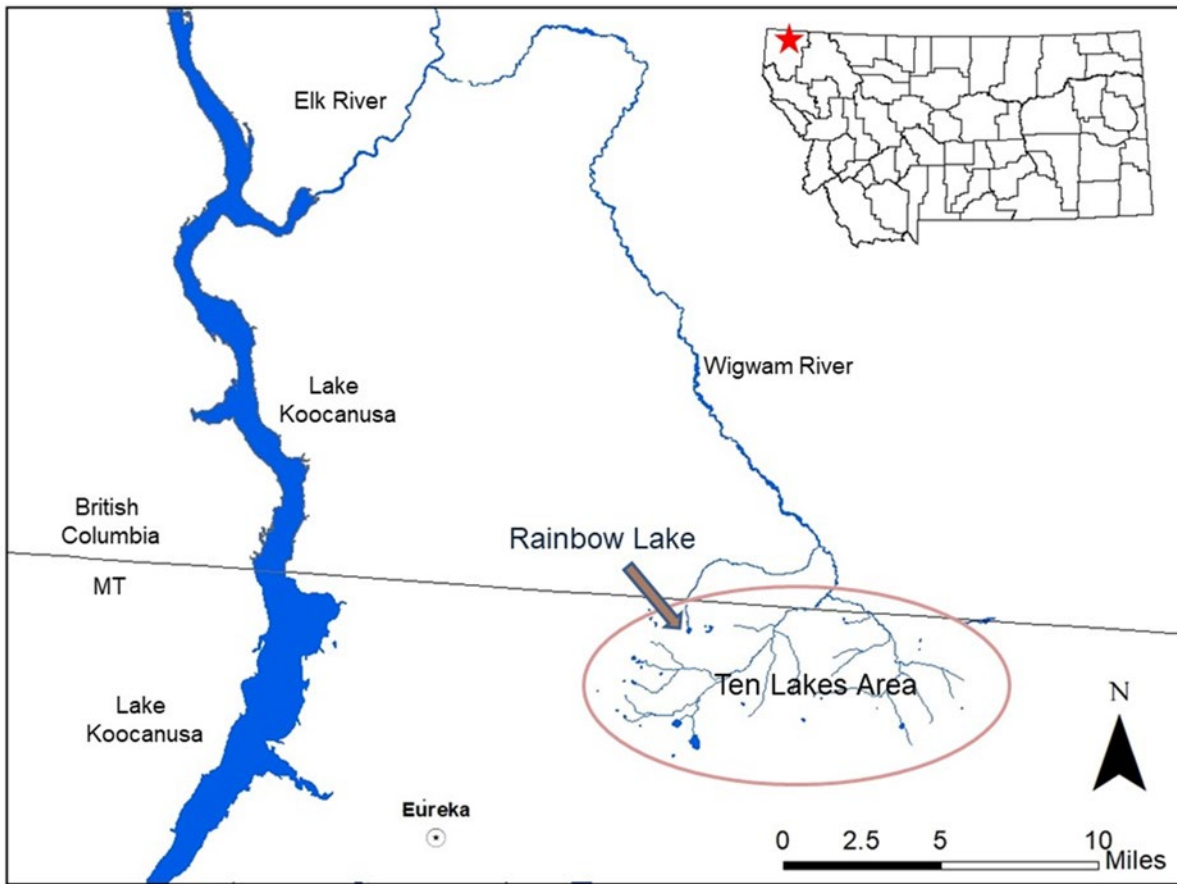


Figure 1. General location of Rainbow Lake located northeast of Eureka, MT.

III. Purpose and Need

The EA must include a description of the purpose and need or benefits of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

Westslope cutthroat trout in the upper Kootenai River drainage face several threats with perhaps the most substantial threat being hybridization with closely related introduced non-native species including rainbow trout (*O. mykiss*) and Yellowstone cutthroat trout. Without management intervention, hybridization will remain a concern to downstream populations because the fish residing in Rainbow Lake will continue to migrate downstream and remain a persistent source of non-native genetic contribution to downstream populations of native westslope cutthroat trout. This project would reduce the occurrence and prevalence of Yellowstone cutthroat trout genes in downstream waters and contribute to the persistence of westslope cutthroat trout in the upper Kootenai River drainage.

The proposed action would further FWP and the state of Montana's conservation objectives related to native westslope cutthroat trout. More specifically, the proposed project would help to achieve the objectives of Montana's westslope cutthroat trout conservation strategy, would further conservation objectives under the federal ESA, and would work to restore westslope cutthroat trout to 20% of their historically occupied habitat pursuant to FWP's 2023 statewide fisheries management plan.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

IV. Other Agency Regulatory Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

*A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.*

Table 1: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
FWP, DNRC, DEQ, MT Stockgrowers Association, MT Farm Bureau Federation, USFS, USBLM, USFWS, USNRCS, and 10 other signatories	Memorandum of Understanding (MOU): Westslope Cutthroat Trout Conservation Strategy	To ensure the long-term, self-sustaining persistence of westslope cutthroat trout within each of the five major river drainages they historically inhabited in Montana, including the Kootenai River drainage, and to maintain genetic diversity and life history strategies represented by the remaining local populations.
FWP	§ 87-1-201(9)(a), Montana Code Annotated	FWP is required by law to implement programs that manage sensitive fish species in a manner that assists in the maintenance or recovery of those species, and that prevents the need to list the species under § 87-5-107, MCA, or the federal ESA.
FWP	State-Wide Fisheries Management Plan	Specifies a management goal of restoring westslope cutthroat trout into the Kootenai River drainage to 20% of their historically occupied habitat.

V. List of Mitigations, Stipulations

Mitigations, stipulations, and other enforceable controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
NA				

VI. Alternatives Considered

In addition to the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative in this EA. Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

Alternative 1: (Preferred):

FWP would use gill nets to eliminate or reduce Yellowstone cutthroat trout in Rainbow Lake over the next two years by 95%. FWP expects to set up to 500 net-nights per year over the course of the two-year effort. One net-night is equal to a single overnight gill net set. Most fish captured in gill nets do not survive and those that do survive will be euthanized. The dead fish resulting from this effort will have their air bladders punctured and sunk in the deepest part of the lake to avoid attracting wildlife and prevent offensive odors.

At the conclusion of the Yellowstone cutthroat trout suppression efforts in Rainbow Lake, westslope cutthroat trout would be stocked annually and genetic monitoring would occur every five years to evaluate swamping effectiveness and inform frequency of future westslope cutthroat trout stocking necessary to achieve conservation objectives. This action is intended to reduce the prevalence of Yellowstone cutthroat trout genes in this population and the hybridization risk posed to downstream westslope cutthroat trout as well as establishing a native trout population in Rainbow Lake that supports a quality fishery, in line with agency conservation objectives. Alternative 1 would help to achieve the objectives of Montana's westslope cutthroat trout conservation strategy, would further conservation objectives under the federal ESA, and would work to restore westslope cutthroat trout to 20% of their historically occupied habitat pursuant to FWP's 2023 statewide fisheries management plan.

Alternative 2: No action

Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population (human environment) in the analysis area would occur because of the proposed project. Yellowstone cutthroat trout would not be removed from Rainbow Lake, their genes would remain abundant in the affected area, and their genetic contribution to downstream populations of westslope cutthroat trout would remain a threat. Further, westslope cutthroat trout would not be planted in the project area. The No Action alternative would not achieve the objectives of Montana's westslope cutthroat trout conservation strategy, would not further conservation objectives under the federal ESA, and would not work to restore westslope cutthroat trout to 20% of their historically occupied habitat pursuant to FWP's 2023 statewide fisheries management plan.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VII. Alternatives Considered but Dismissed from Detailed Analysis

Alternative 3: Angling to remove Yellowstone cutthroat trout from Rainbow Lake.

FWP has the authority through Montana Fish & Wildlife Commission (commission) rules to modify angling regulations for the purpose of removing unwanted fish from a lake or stream. Unfortunately, this method is unlikely to substantially reduce or eliminate Yellowstone cutthroat trout in the lake.

There are several reasons why this method likely would not work to achieve project objectives, especially considering the remote location of Rainbow Lake. First, liberalizing bag limits does not guarantee every angler would harvest or otherwise kill the fish they catch, primarily because of differences in value systems among anglers. Further, recreational angling has been shown to reduce the average size of fish and reduce population abundance. As the size and abundance of fish decreases, angler satisfaction tends to decrease. For these reasons, which are based on direct agency experience gained through implementation of similar projects, it would be difficult to attract anglers to Rainbow Lake for voluntary angling for such purposes, especially if angling quality is poor. Also, caring for large bounties of fish in remote locations further dissuades anglers from keeping every fish they catch, thereby potentially creating a scenario leading to release of some fish caught and/or dead fish littering the affected area. Furthermore, very small fish are not vulnerable to angling and can require as much as two years to become vulnerable to the fishery. During this time, adult fish would continue reproducing. The amount of time required for anglers to catch enough fish to make meaningful reductions in abundance would likely require many years, if achievable.

Alternative 3 would not achieve the objectives of Montana's westslope cutthroat trout conservation strategy, would not further conservation objectives under the federal ESA, and would not work to restore westslope cutthroat trout to 20% of their historically occupied habitat pursuant to FWP's 2023 statewide fisheries management plan. For these reasons Alternative 3 is considered unreliable at achieving the objective of complete fish removal from Rainbow Lake and was eliminated from further analysis.

Alternative 4: Stock westslope cutthroat trout in Rainbow Lake in the presence of Yellowstone cutthroat trout.

This alternative involves stocking Rainbow Lake with westslope cutthroat trout in the presence of the existing Yellowstone cutthroat trout population. The stocked hatchery fish would hybridize with the existing, naturally reproducing Yellowstone cutthroat trout inhabiting the lake. Because the existing fish in the lake are predominantly Yellowstone cutthroat trout (> 90% genetics), the length of time to make meaningful changes in the genetic composition of the fish inhabiting the lake would likely require decades.

This alternative would require a very aggressive stocking program and stocking numbers of hatchery fish at much higher stocking rates than would typically be considered. The higher stocking densities would likely increase the total number of fish present in the lake and negatively impact fish growth. Reduced fish growth would likely result in smaller fish available for anglers and could be viewed by some as a lower quality angling experience. Although this alternative may temporarily improve angling catch rates for trout in the lakes, it would require many years and would do little in the near term to conserve westslope cutthroat trout in the upper Kootenai watershed.

Alternative 4 would not achieve the objectives of Montana's westslope cutthroat trout conservation strategy, would not further conservation objectives under the federal ESA, and would not work to restore westslope cutthroat trout to 20%

of their historically occupied habitat pursuant to FWP's 2023 statewide fisheries management plan. Based on these considerations, Alternative 4 has a low probability of meeting the objectives and was dismissed for further analysis.

VIII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

*The impacts analysis identifies and evaluates **direct, secondary, and cumulative impacts**.*

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** "are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action." ARM 12.2.429(18).
- **Cumulative impacts** "means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures." ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency, and severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.
- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

*A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.*

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

Under the “No Action” alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below.

Table 3 - Potential Impacts of Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. However, adverse impacts to the existing Yellowstone cutthroat trout population would occur. More specifically, the proposed project is intended to lethally remove Yellowstone cutthroat trout from Rainbow Lake for the purpose of establishing a westslope cutthroat trout population and fishery in line with agency conservation objectives. Westslope cutthroat trout would be stocked for five consecutive years following Yellowstone cutthroat trout suppression efforts intended to reduce the existing Yellowstone cutthroat trout population by at least 95%. Stocking would be expected to reestablish the westslope cutthroat trout population and fishery in Rainbow Lake within two to five years. All fish lethally removed would be sunk in the deepest part of the lake to reduce or eliminate the potential for conflict with scavenging wildlife. No other avian, terrestrial, or aquatic species or habitats would be adversely impacted by the proposed action. Therefore, any adverse impacts because of the proposed project would be short-term, minor, and consistent with westslope cutthroat trout conservation strategies. Any beneficial impacts would be short- and long-term, minor to moderate, and consistent with westslope cutthroat trout conservation strategies.
Water quality, quantity, and distribution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. However, some temporary, adverse impacts to water quality from the decay of dead fish intentionally sunk in the lake may occur. While the number of fish killed would likely exceed that which may occur naturally over the same period, the

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									existence of dead and decaying fish carcasses in Rainbow Lake would be consistent with natural conditions. Further, the increased incidence of dead and decaying fish would be short-lived, would add beneficial nutrients to the lake, and would not occur following completion of the proposed project. Any impacts to water quality would be short-term, negligible to minor, and consistent with existing impacts and natural conditions. No adverse impacts to water quantity or distribution would be expected because of the proposed project.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. No ground disturbing activities would occur; therefore, no impacts to geology would be expected because of the proposed project.
Soil quality, stability, and moisture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. No ground disturbing activities would occur; therefore, no impacts to soil quality, stability, or moisture would be expected because of the proposed project.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Yellowstone cutthroat trout suppression efforts would require multiple overnight trips to the lake by FWP personnel, which may result in minor trampling of existing vegetation along the lake and stream during gillnetting operations. Public camping, fishing, and related activities constitute a regular occurrence at Rainbow Lake; therefore, any adverse impacts to existing vegetation would be short term, minor, consistent with current and historic impacts, and would likely disappear within one growing season.
Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would require the presence of field crews and their camps

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									at Rainbow Lake for short, intermittent periods over the life of the proposed project. Some individuals seeking solitude at the lake during periods when field crews are camped and conducting operations may realize some adverse impacts. However, any disturbance would be intermittent and short-lived, lasting only as long as the proposed project and consistent with existing impacts from other campers who use the affected area. Therefore, any adverse impacts to the aesthetic nature of the affected area would be short-term, minor, and consistent with existing and historic impacts in the affected area.
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to air quality would be expected because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable National ambient air quality standards (NAAQS). Existing sources of air pollution in the area are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust). No impacts to air quality would be expected because of the proposed action. Therefore, the proposed action would not be expected to cause or contribute to a violation of the applicable NAAQS.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The presence of any state-listed animal and/or plant <i>species of concern</i> and/or any federally listed <i>threatened</i> or <i>endangered</i> species located within or using the affected area were assessed and include westslope cutthroat trout and grizzly bear. A complete list of any state and/or federally listed species that have been observed within or may use the affected

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									area is included in Appendix A. The elimination or reduction of Yellowstone cutthroat trout, which are not native to the affected area, and the associated reduction of their genes in Rainbow Lake will substantially reduce the risk of hybridization with populations of westslope cutthroat trout residing within and downstream of the lake and thus would be expected to benefit these native fish populations, thereby furthering Montana’s westslope cutthroat trout conservation objectives. More specifically, the proposed project would help to achieve the objectives of Montana’s westslope cutthroat trout conservation strategy, would further conservation objectives under the federal ESA, and would work to restore westslope cutthroat trout to 20% of their historically occupied habitat pursuant to FWP’s 2023 statewide fisheries management plan. Handling, transporting, and storing dead fish would increase the risk of human conflicts with grizzly bears in the remote project area, which would be reduced or eliminated by sinking fish carcasses to the bottom of the lake. FWP does not expect any other unique, endangered, fragile, or limited environmental resources would be impacted or potentially impacted by the proposed action. Therefore, any adverse impacts because of the proposed project would be short- and long-term, minor, and consistent with westslope cutthroat trout conservation strategies. Any beneficial impacts would be short- and long-term, minor to moderate, and consistent with westslope cutthroat trout conservation strategies.
Historical and archaeological sites	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (ARM 12.8.501-12.8.510), all undertakings on state lands are

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office (SHPO). FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. The project site is located within the aboriginal range of the Confederated Salish and Kootenai Tribes (CSKT) of the Flathead Nation. In May 2022, cultural officers for the CSKT and SHPO were contacted. To date there have been no historical or archaeological resources identified within or near the affected area. Further, there will be no ground-breaking activities associated with the proposed project; therefore, no impacts to any existing historical and/or archaeological sites or resources would be expected because of the proposed project.
Demands on environmental resources of land, water, air, and energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. As identified previously through the analyses of potential impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some adverse impacts to the environmental resources of land, water, and air may occur because of the proposed project. However, any such impacts would be short-term and minor (see cited impacts analyses above). No impacts to energy nor the demand for land, water, or air would be expected because of the proposed project.

Table 4 - Potential Impacts of Proposed Project on the Human Population

HUMAN POPULATION		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts would be expected because of the proposed project. Rainbow Lake is an existing, remote public lake used by resident and non-resident anglers and recreationists. Existing recreational opportunities would remain in place but would be altered because of the intended removal/reduction of the existing Yellowstone cutthroat trout population and stocking of westslope cutthroat trout. As such, recreation, and related services that support the existing social structure, customs, values, and conventions of the affected human population in the affected area, as well as any visitors to the affected area, would remain but would be altered. Many Montanans and those visiting the state for outdoor recreational purposes hold high regard for conservation of and access to native fishes, including westslope cutthroat trout. Westslope cutthroat trout conservation projects in northwestern Montana generally have the support of indigenous tribes and many whom enjoy fishing for and otherwise appreciate native species on the landscape. Others who recreate on Rainbow Lake may view the loss of the existing Yellowstone cutthroat trout fishery as an adverse impact. However, any adverse impacts associated with the elimination or reduction of Yellowstone cutthroat trout from Rainbow Lake would be mitigated by the stocking of native westslope cutthroat trout. Therefore, any beneficial impacts would be long-term and moderate. Any adverse impacts would be short-term and mitigated by the stocking of westslope cutthroat trout to replace Yellowstone cutthroat trout.</p>

HUMAN POPULATION		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Cultural uniqueness and diversity		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed action would not be expected to result in the relocation of people into or out of the affected area and thus would not be expected to impact area demographics or associated cultural values of the existing, affected human population in any way. Therefore, no impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Fishing and other recreational pursuits on Rainbow Lake would not be closed during or after completion of netting operations; therefore, no impacts to access would be expected because of the proposed project. However, removal of all or most of the invasive Yellowstone cutthroat trout currently inhabiting Rainbow Lake would result in the temporary loss of angling opportunity in Rainbow Lake. To mitigate the loss of the Yellowstone Cutthroat Trout fishery, westslope cutthroat trout would be stocked in the lake after Yellowstone cutthroat trout suppression efforts have been completed to re-establish recreational fishing opportunities for native westslope cutthroat trout. The affected fishery may take up to five years to fully recover. During the first years of recovery, anglers should expect to catch smaller and different (westslope vs. Yellowstone cutthroat trout) fish until the stocked westslope cutthroat trout grow to larger sizes. FWP would monitor the catch and size of fish in Rainbow Lake for several years to ensure an equivalent fishery is reestablished and adjust westslope cutthroat trout stocking density and frequency, as needed. Therefore, any adverse direct impacts would

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									be short-term, minor to moderate, and mitigated by replacement of the existing fishery.
Local and state tax base and tax revenues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project does not involve the acquisition of land or property, production of any products, or displacement of any existing businesses. The Yellowstone cutthroat trout population is expected to be eliminated or reduced because of the proposed action. However, elimination or a reduction in Yellowstone cutthroat trout would be offset by the stocking of westslope cutthroat trout and associated near term opportunity to fish for and harvest native westslope cutthroat trout, once the population is established. Angler use is anticipated to remain similar despite a shift in species preference. Therefore, no impacts to the existing local and state tax base and tax revenues would be expected because of the proposed project.
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Because the affected area is not currently used for agricultural and/or industrial production the proposed project would not impact such practices. Therefore, no impacts to agricultural or industrial production would be expected because of the proposed project.
Human health and safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Under the proposed project FWP would employ gillnetting operations to remove/reduce the existing population of non-native [to the affected area] Yellowstone cutthroat trout from Rainbow Lake and the replacement of this non-native species with native westslope cutthroat trout. The nature of gillnetting activities conducted in remote wilderness

HUMAN POPULATION		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										areas inherently involves some risk to human health and safety. However, FWP would require affected government staff to operate in a safe manner and utilize best management practices, including the use of available and appropriate safety precautions. For example, to mitigate risk, staff would be trained in safe gillnetting practices, safety in bear country, such as safe food storage, making noise, and the use of bear spray, and handling, transporting, and storing dead fish would increase the risk of conflicts with grizzly and black bears in the remote project area, which would be reduced or eliminated by sinking fish carcasses to the bottom of the lake. When completed, no additional adverse impacts to human health and safety would be expected. Therefore, any adverse impacts to human health and safety would be consistent with existing hazards of the job, short-term, and negligible, lasting only as long as the proposed project.
Quantity and distribution of employment		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Short -term and minor impacts to the local quantity and distribution of employment may be realized because existing government staff. The proposed project, when completed, would not be expected to impact the quantity and distribution of employment in the affected area in any way. Therefore, any impacts the quantity and distribution of employment in the affected area would be short -term and negligible, lasting only as long as the proposed project.
Distribution and density of population and housing		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would use existing government staff to accomplish the proposed project and would not otherwise require or

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									result in the movement of existing or new population into or out of the affected area. Therefore, no impacts to the distribution and density of population and housing would be expected because of the proposed project.
Demands for government services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would use existing government staff to complete the work. FWP staff would conduct the work as part of their typical day-to-day duties. When completed, the proposed project would not be expected to impact demands for government services in any way. Therefore, any impacts would be short-term and negligible.
Industrial, agricultural, and commercial activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. No industrial, agricultural, or commercial activities currently occur in the affected area. Therefore, the proposed project would not disturb or otherwise impact any industrial, agricultural, or commercial properties or operations and no impacts to such activities would be expected because of the proposed project.
Locally adopted environmental plans and goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would eliminate non-native Yellowstone cutthroat trout from Rainbow Lake and replace the existing fishery with native westslope cutthroat trout. The proposed project would help to achieve the objectives of Montana's westslope cutthroat trout conservation strategy, would further conservation objectives under the federal ESA, and would work to restore westslope cutthroat trout to 20% of their historically occupied habitat pursuant to FWP's 2023 statewide fisheries management plan. The stocking of westslope cutthroat trout in their native environment would help to preserve the species and enhance fishing

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									opportunities for native fish in Rainbow Lake. These actions are consistent with the direction of FWP's Westslope Cutthroat Trout Conservation Strategy and Statewide Fisheries Management Plan. Therefore, any impacts would be long-term, beneficial, and moderate.

Table 6: Determining the Significance of Impacts on the Quality of the Human Environment

If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.

According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.

Criteria Used to Determine Significance

1	<p>The severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <p>"Severity" describes the density of the potential impact, while "extent" describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>"Duration" describes the time period during which an impact may occur, while "frequency" describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values

5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

IX. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 7: Private Property Assessment (Takings)

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.

If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

Alternatives:

The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.

X. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- *An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).*
- *Public notice will be served on the Montana Fish, Wildlife and Parks website at: <https://fwp.mt.gov/news/public-notices>*
- *Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.*
- *FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the EA to those persons for review and comment (ARM 12.2.433(3)).*
- *FWP will issue public notice in the following newspaper periodical(s) on the date(s) indicated.*
- *Public notice will announce the availability of the EA, summarize its content, and solicit public comment.*

- ***Duration of Public Comment Period:*** *The public comment period begins on the date of publication. Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment, as listed below:*

Length of Public Comment Period: 15 days

Public Comment Period Begins: 06/03/2024

Public Comment Period Ends: 06/17/2024

Comments must be addressed to the FWP contact, as listed below.

- ***Where to Mail or Email Comments on the Draft EA:***

Name: JIM DUNNIGAN

Email: jdunnigan@mt.gov

Mailing Address:

385 Fish Hatchery Road

Libby, MT 59923

XI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct EIS level review for the proposed action	<input type="checkbox"/>

XII. EA Preparation and Review

	Name	Title
EA prepared by:	Jim Dunnigan	Libby Dam Mitigation Coordinator
EA reviewed by:	Eric Merchant	FWP MEPA Coordinator

XIII. Literature Cited

Anttila C. K., R. A. King RA, C. Ferris C., D. R. Ayres and, D. R. Strong. 2000. Reciprocal hybrid formation of *Spartina* in San Francisco Bay. *Molecular Ecology* 9:765–770.

Hufford K. M. and, S. J. Mazer. 2003. Plant ecotypes: genetic differentiation in the age of ecological restoration. *Trends in Ecology and Evolution* 18:147–155.

Muhlfeld, C., S. T Kalinowski, T. McMahon, M. L Taper, S. Painter, R. Leary, and F. W Allendorf. 2009. Hybridization rapidly reduces fitness of native trout in the wild. *Biology letters* 5:328-331.

XIV. Appendix A

Table A1. Animal species of concern within the project area {[MNHP animal field guide](#)}.

Family	Common Name	Scientific Name	State Status	USFS Status
Bufo	Western toad	<i>Anaxyrus boreas</i>	S2	Sensitive
Anas	Harlequin duck	<i>Histrionicus histrionicus</i>	S2B	Sensitive
Strix	Great gray owl	<i>Strix nebulosa</i>	S3	
Picus	Black-backed woodpecker	<i>Picoides arcticus</i>	S3	Sensitive
Picus	Pileated woodpecker	<i>Dryocopus pileatus</i>	S3	
Accipiter	Northern goshawk	<i>Accipiter gentilis</i>	S3	
Accipiter	Golden eagle	<i>Aquila chrysaetos</i>	S3	
Accipiter	Bald eagle	<i>Haliaeetus leucocephalus</i>		Sensitive
Falco	Peregrine falcon	<i>Falco peregrinus</i>	S3	Sensitive
Corvus	Clark's nutcracker	<i>Nucifraga columbiana</i>	S3	
Fringilla	Cassin's finch	<i>Haemorhous cassinii</i>	S3	
Fringilla	Evening grosbeak	<i>Coccothraustes vespertinus</i>	S3	
Fringilla	Gre-crowned Rosy-finch	<i>Leucosticte tephrocotis</i>	S2	
Certhia	Brown creeper	<i>Certhia americana</i>	S3	
Turdus	Veery	<i>Catharus fuscescens</i>	S3B	
Turdus	Varied thrush	<i>Ixoreus naevius</i>	S3B	
Vespertilio	Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	S3	Sensitive
Vespertilio	Yuma myotis	<i>Myotis yumanensis</i>	S3	
Vespertilio	Long-legged myotis	<i>Myotis Volans</i>	S3	
Vespertilio	Long-eared myotis	<i>Myotis evotis</i>	S3	
Vespertilio	Little brown myotis	<i>Myotis lucifugus</i>	S3	
Vespertilio	Fringed myotis	<i>Myotis thysanodes</i>	S3	
Vespertilio	Silver haired bat	<i>Lasionycteris noctivagans</i>	S4	
Ovis	Bighorn sheep	<i>Ovis canadensis</i>		Sensitive
Gulo	Wolverine	<i>Gulo gulo</i>	S3	Proposed
Lynx	Canada lynx	<i>Lynx canadensis</i>	S3	Threatened
Canis	Gray wolf	<i>Canis lupus</i>		Sensitive
Ursus	Grizzly bear	<i>Ursos arctos</i>		Threatened

S2 = at risk because of very limited and/or potentially declining abundance, range, or habitat, making it vulnerable to extirpation in the state.

B=Breeding populations are potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas.

S3=Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas.

Sensitive = population viability is a concern on Forest Service lands as evidenced by a significant downward trend in population or habitat capacity.

Proposed = any species that is proposed under the Federal Register to be listed under section 4 of the Endangered Species Act

Threatened = listed as threatened under the Endangered Species Act