



DECISION NOTICE

WESTSLOPE CUTTHROAT TROUT ESTABLISHMENT IN RAINBOW LAKE

June 18, 2024

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 Supplemental Environmental Assessment or SEA as final, without modification, and approves Alternative 2, the proposed action.

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 an Environmental Assessment (Draft EA) constitutes the appropriate level of review for the initially proposed action. Therefore, to assess and disclose potential impacts of the initially proposed action, FWP prepared a Draft EA for public review and comment. A copy of the initial Draft EA and associated Decision Notice are available for review [Here](#) and [Here](#), respectively.

Supplemental Environmental Review

According to the applicable 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 establishment of westslope cutthroat trout in Rainbow Lake, because FWP made a substantial change in the proposed action, the action met the criteria identified above for supplemental environmental review. For context, see link to the initial Draft EA, above.

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

PUBLIC PARTICIPATION PROCESS

The initial Draft EA was made available for public review and comment from August 11, 2022, through September 8, 2022. The Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. 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. During the public comment period FWP received one substantive comment, which was in support of the project. A substantive public comment is defined as the identification of a specific issue or impact. Public comments on the initial Draft EA and FWP's response to comments are included in the Decision Notice for the initial Draft EA. See link to the DN for the initial Draft EA above.

The SEA was made available for public review and comment from June 3, 2024, and the SEA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. The SEA 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. FWP received substantive public comment during the public comment period. See *Public Comment and FWP Response* below.

BACKGROUND AND DESCRIPTION OF PROPOSED ACTION

Rainbow Lake is a 9.5-acre lake in the Wigwam River watershed, which drains to the Elk River (Alberta, Canada) and ultimately Lake Koocanusa. The outlet tributary to Rainbow Lake is an unnamed creek that flows approximately 1.5 miles prior to crossing the international border into

Canada. The proposed activities would be limited to Rainbow Lake and approximately one mile of the outlet tributary directly downstream of the lake. Rainbow Lake lies within the Ten Lakes Scenic Area that was designated a Wilderness Study Area (WSA) by the Montana Wilderness Study Act of 1977. Historically, Rainbow Lake was likely fishless because of a natural waterfall barrier located about one mile downstream of the lake. There are no hatchery records of fish stocking in Rainbow Lake, which makes the origin of fish introduction in this waterbody unclear. Nonetheless, Rainbow Lake currently contains naturally reproducing nonnative Yellowstone cutthroat trout that pose a hybridization threat to native westslope cutthroat trout in the Kootenai River watershed.

In 2022, FWP prepared and publicly processed a 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 initial 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.

As analyzed by the SEA, to accomplish the stated goals FWP would use gill nets to remove fish from Rainbow Lake, targeting at least 95 percent reduction of gill net catch rates prior to restocking Rainbow Lake with westslope cutthroat trout with stock obtained from several local tributaries to the Kootenai River upstream of Libby Dam.

PURPOSE AND NEED

The objectives of the proposed action are to:

- Eliminate a source of Yellowstone cutthroat trout that contributes to hybridization with westslope cutthroat trout in the Wigwam River drainage.
- Re-establish an equivalent westslope cutthroat trout recreational fishery in Rainbow Lake by restocking the lake after removal of the Yellowstone cutthroat trout.

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, the existing population of introduced Yellowstone cutthroat trout would not be removed from Rainbow Lake and would continue to constitute a threat to native westslope cutthroat trout populations in the Kootenai River drainage through hybridization.

Alternative 2: Proposed Action

Under the initially proposed action (Draft EA) FWP proposed the use of chemical piscicide (rotenone) to eliminate a source of introduced Yellowstone cutthroat trout that contributes to hybridization with westslope cutthroat trout in the Wigwam River drainage and to re-establish an equivalent westslope cutthroat trout recreational fishery by restocking the lake after removal of the introduced Yellowstone cutthroat trout. Under the proposed action (SEA), FWP would use gill netting in lieu of chemical piscicide to remove the introduced Yellowstone cutthroat trout population for the same purposes. See *Background and Description of Proposed Action*, above.

PUBLIC COMMENT AND FWP RESPONSE

Comment: *I support the proposal to remove Yellowstone Cutthroat Trout from Rainbow Lake to reestablish a native trout population and fishery. The scientific research done on this project is well documented and makes biological sense. Keeping a pure gene line for Westslope Cutthroat Trout is very important for the future of this native fish.*

FWP response: *Thank you for your input and engagement with fisheries conservation in Montana.*

DECISION

Based on the environmental review provided by the SEA, 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 affected human environment and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. FWP hereby adopts the SEA as final and approves Alternative 2, the proposed action.

Sincerely,

Lee Anderson

6/18/2024

Lee Anderson
Region 1 Supervisor
Montana Fish, Wildlife & Parks

Date