Decision Notice for the Brewery Flats Channel Restoration

Montana Fish, Wildlife & Parks

Fisheries Division
Helena

June 27, 1997

Description of Proposed Action:

Montana Fish, Wildlife & Parks proposes to authorize the restoration of the Big Spring Creek channel located on department property known as Brewery Flats. Under this action the Brewery Flats channel restoration project would be approved.

Comments received and agency responses are as follows:

1) Belinda Waters, Floodplain Administrator for Fergus County noted that a floodplain permit will be needed for this project.

   Response: FWP intends to make application during the summer of 1997, well in advance of the planned construction period.

2) Kemper McMaster, Fish & Wildlife Service (Helena) concluded that the proposed project would not affect threatened and endangered species or their critical habitats. He also concluded that this project's impact on wetlands would result in no net loss, although some change in type would occur.

3) Dick Blotnick, Environmental Protection Agency (Helena) concluded "EPA is optimistic that discharges of fill material associated with this project will meet the compliance requirements of the CWA and subsequently be authorized under 404."

   Response: FWP will be applying for the COE "404 Permit" during the early summer of 1997, well in advance of the planned construction period.

4) Larry Robson, Army Corps of Engineers (Helena) noted that any fill placed in wetlands "will require some form of Department of the Army authorization." He noted that "placement of fill material into the existing channel will require Department of the Army authorization." Lastly, he cautioned that this project will likely require an "individual permit."

   Response: FWP is aware that COE authorization will be needed. Additionally, FWP realizes that an "individual permit" will likely be required. The four month delay will not be problematic since application will be made during the summer 1997, approximately one year before planned construction.

Fergus 3

5) Mary Gessner, U.S. Fish & Wildlife Service, Federal Aid (Denver) noted the following suggestions:

A) The wording contained in 1.0 "Purpose of the Proposed Action" be changed from:

"The purpose of this project is to restore the Brewery Flats section of Big Spring Creek to an appropriate stream pattern, profile and dimension, thereby causing an 80% increase in the catchable salmonid population"

to: "The purpose of the project is to restore the Brewery Flats section of the Big Spring Creek by redesigning the stream channel to a meandering pattern, profile and dimension consistent with channel hydraulics. By returning Brewery Flats to a naturally functioning hydrologic and wetland system an 80% increase in the catchable salmonid population is expected."

Response: The document is changed as suggested.

B) On page 10 and 11, the schedule should be modified as follows:

"Decision Notices" - Strike "Contingent on USFWS approval"

"Time period": change "Mid-May to July 1, 1997"

"NEPA EA Release:" change to "Final NEPA document...."

Note and add appropriate time to secure COE 404 permit.

"Time Period:" change to July 15, 1997, since the Federal Aid office has 10 work days to review and process grant applications.

"Time Period:" change to July 31, 1997, since contacted agencies have 15 days to respond and provide comments on the unsigned FONSI and Final EA.

Response: The document is changed as suggested.

C) On page 13, there are statements in the text that refer to constructing or creating a "new floodplain" with heavy equipment. It should be clarified that if during channel construction the surrounding area will be excavated to create a new floodplain; or if a new floodplain will be created because realignment of the channel will result in a new flood water distribution pattern in the surrounding area.

Response: The actual case is that the surrounding area will be excavated to create a new floodplaind adjacent to the new channel location. The flood water distribution cannot be altered since the entire property is within the 100 year floodway (Appendix 10). The proposed excavation of a primary floodplain is being proposed to comply with efforts to demonstrate "no net loss" of wetlands.

D) On page 17, Alternatives 3 and 4 were reported to have incorrect numerical totals.

Response: Both of these Alternatives have 6+ scores and 1 minus score which does total a +5, as noted.

E) On page 18 (under Resources Considered), it was noted that the following text on specific subjects (Siltation) mentioned temporary turbidity would result when water is released into the new channel. It was suggested that "soil erosion might also be addressed."

Response: FWP does not believe this is a relevant approach since the design does not anticipate any eroding streambanks. The expected turbidity results from a small amount of fine material distributed throughout the new channel length and not from any single erosional source.

The FWS also noted that because Alternative 2 will increase site use, the document should note it as having a positive impact on the local economy.

Response: FWP believes that a higher level of site use will result from this project. However, most of this use is expected to result from re-distribution of the existing user base. Additionally, there does not appear to be any way to make economic estimates of these small level changes.

F) On page 28, Table 3 (Consequences by Alternative) corrections were suggested for Alternatives 2, 3 and 4. The acreage changes were noted as the same as Alternative 1. Actually, Alternative 2 will have no change in acreage, but some change in wetland type. Alternatives 3 and 4 will have a conversion of 0.33 acres from wetland to aquatic habitat.

Response: The document was changed as suggested.

The FWS objected to the mention of "artificial wetlands" n pages 5 and 19.

Response: As noted in the wetland discussion, these are considered "jurisdictional wetlands" (page 20). Therefore reference to "artificial wetlands" will be removed from the text.

Two other comments were received during the public meeting in Lewistown (May 29, 1997).

6) The first concern regarded the design of ponds associated with part of the active stream channel. The commentor noted that early drawings included such ponds. Now that Northern pike are known to inhabit the creek, the commentor felt that these ponds would provide an undesirable advantage to this intruder species.

   Response: FWP concurs with this interpretation. As a result of documentation of Northern pike presence, the alternatives offered in the draft EA did not include any ponds. Therefore, no competitive advantage should be provided Northern pike as a result of the proposed project.

7) The second concern regarded the impact of this project on the "Total Maximum Daily Load" laws passed by the 1997 legislative session (H.B. 546). Additionally, the commentor asked if Big Spring Creek is on DEQ's initial list of potential stream reaches.

   Response: Big Spring Creek is on DEQ's initial list of impacted streams. DEQ's list includes two separate sections of the creek noted for a total distance of 22 miles. The impacted resources listed are recreation and coldwater fisheries habitat. The identified impairments are suspended sediment, habitat alterations and nutrients. Big Spring Creek was given a moderate priority and classified as "threatened." Information secured from DEQ suggests that it will be quite some time before all needed water quality information is gathered. Until the base background information is collected and interpreted, there will be no clear program direction.

   H.B. 546 allows volunteer groups to address stream impairment problems. This channel restoration project is intended to correct a long-standing of habitat alteration. Therefore, the proposed work will partially correct the cause of the impairment rating given to Big Spring Creek. The "TMDL" legislation does not appear to create any problem for the proposed work.

No substantive negative comment from the public or cooperating agencies was received by FWP by the review and comment period deadline of June 16. The proposed Brewery Flats channel restoration project - Alternative 2 will proceed.

Action on this decision will begin immediately with the application for required permits. The "Request For Proposal" for the "design/build" approach on this project will be released later this summer. The draft Environmental Assessment will be accepted (with the comments included in this decision notice) as the final EA.

The final EA may be viewed or obtained from the Montana Fish, Wildlife and Parks, Fisheries Division Office, P.O. Box 200701, Helena, MT 59620-0701.

Sincerely,

Bruce J. Rehwinkel
Habitat Protection Bureau
Fisheries Division