



# Montana Fish, Wildlife & Parks

April 23, 2004

1420 East 6th Ave.  
P.O. Box 20070

**RECEIVED**

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LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

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Montana Department of Environmental Quality  
Montana Department of Fish, Wildlife and Parks  
Fisheries Division  
Endangered Species Coordinator  
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Montana State Library, Helena  
MT Environmental Information Center  
Montana Audubon Council  
Gallatin Conservation District  
U.S. Army Corp of Engineers, Helena  
U.S. Fish and Wildlife Service, 100 North Park, Suite 320, Helena, MT 59601  
State Historic Preservation Office, Helena  
Madison Gallatin Chapter Trout Unlimited, P.O. Box 52, Bozeman, MT 59771  
Whirling Disease Foundation, P.O. Box 327, Bozeman, MT 59771  
Confluence Consulting, Inc., P.O. Box 1133, Bozeman, MT 59771  
Anna Collins-Proper, 1085 Hamilton Road, Belgrade, MT 59714  
Rick and Jayne Keller, 500 Hamilton Road, Belgrade, MT 59714  
Earl Kraft, 3727 Hamilton Road, Belgrade, MT 59714  
Jim McMillin, 3950 Dry Creek Road, Belgrade, MT 59714  
Tom Milesnick, 5805 Dry Creek Road, Belgrade, MT 59714  
Harry Piper, 1260 Sunny Bear Drive, Bozeman, MT 59715  
Nick Savko, 6055 Ross Peak Way, Belgrade, MT 59714  
Gary Stoner, 3876 Dry Creek Road, Belgrade, MT 59714  
Madline Taylor, 531 Penwell Bridge Road, Belgrade, MT 59714  
Bruce Taylor, 881 Penwell Bridge Road, Belgrade, MT 59714  
George VanDelinder, 275 Hamilton Road, Belgrade, MT 59714

Ladies and Gentlemen:

In March, you received a draft environmental assessment (EA) prepared for the Future Fisheries Improvement Program. The Program tentatively planned to provide partial funding to a project calling for the restoration of a degraded 4.8-mile reach of Thompson Creek, a tributary to the East Gallatin River. This proposed project is located on property owned by multiple landowners approximately 3 miles north of the town of Belgrade in Gallatin County.

The attached Decision Notice contains responses to public comment. Please consider the draft EA and Decision Notice as the final document.

Based on the EA and public comment, it is my decision to proceed with providing funding through the

Future Fisheries Improvement Program for the Thompson Creek channel restoration project. Funding for this project has received final approval by the Fish, Wildlife and Parks Commission. I find there to be no significant impacts associated with this action and conclude an Environmental Impact Statement is not warranted. The completed EA and the response to comments included in the attached Decision Notice are an appropriate level of analysis.

Thank you for your interest and involvement.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Lere". The signature is fluid and cursive, with the first name "Mark" and last name "Lere" clearly distinguishable.

Mark Lere, Program Officer  
Habitat Protection Bureau  
Fisheries Division

**DECISION NOTICE**  
**Thompson Creek Channel Restoration Project**  
**Prepared By**  
**Montana Fish, Wildlife and Parks**  
**April 23, 2004**

**I. Proposal**

Montana Fish, Wildlife and Parks (FWP) proposes to provide partial funding through the Future Fisheries Improvement Program to restore a degraded 4.8-mile reach of Thompson Creek, a tributary to the East Gallatin River. This proposed project is located on properties owned by multiple landowners approximately 3 miles north of the town of Belgrade in Gallatin County.

**II. Montana Environmental Policy Act (MEPA)**

MEPA required FWP to assess the potential consequences of this proposed action for the human and natural environment. The proposal was detailed in an Environmental Assessment (EA) completed by FWP March 15, 2004. The 30-day comment period for this EA ended April 15, 2004.

Issues raised during the public comment period on the EA are addressed in the Comments section of this Decision Notice. The Draft EA and Decision Notice will serve as the final document.

**III. Summary of Public Comment**

As of April 15, 2004, FWP had received two e-mails and a telephone call from three individuals. No other comments were received. Two individuals expressed general support for the proposed project and the third individual expressed reservations about the proposed project. The comments that were received brought up the following issues:

**Issue 1. There is no longer enough water in this spring creek to make this a viable project due to sprinkler irrigation conversion, domestic wells and drought. We recommend the bulk of the project money and restoration be implemented where water is currently most available.**

Response: Conversions from flood to sprinkler irrigation and drought are known factors that can influence flow rates in spring creeks. Although unmeasured, it is likely that these same factors influence flow rates in Thompson Creek. Unfortunately, very little stream flow data have been collected historically for Thompson Creek. Stream flow in Thompson Creek, located about one half mile upstream from the mouth, was estimated by the United States Geological Survey for the period between October 1951 and December 1953. Monthly mean stream flow ranged between 22.5 and 39.5 cubic feet per second (cfs). A recent flow measurement taken about 3/4ths of a mile upstream from the mouth by Confluence Consulting, Inc. totaled 13.7 cfs. Although these data are very limited, results indicate that flow in Thompson Creek may be less today than in the past. Additional flow data collected by Confluence Consulting, Inc. revealed that Thompson Creek is a gaining stream, as expected, with flow increasing from 3.6 cfs at about stream mile 5.0 (Taylor property) to 7.4 cfs at about stream mile 3.0 to 13.7 cfs at about stream mile 0.75. One of the submitted comments indicated that Thompson Creek recently had been dry at the Penwell Road Bridge at stream mile 6.9.

Reduced stream flow in Thompson Creek certainly may be a contributing factor to habitat degradation, but little can be done to reverse ongoing changes in irrigation practices and drought. The proposed project calls for the channel restoration work to cover 4.8 stream miles between the upstream boundary of the Taylor property and the mouth. Based on the limited data that have been collected, the flow rate more than triples within this project reach. These existing flow rates are adequate and hold a substantial potential for providing spawning and recruitment habitat for trout and mountain whitefish to the East Gallatin River. This habitat potential obviously increases in a downstream direction as Thompson Creek gains flow from headwaters to mouth.

**Issue 2. There seems to be general disregard in Gallatin County for access to rivers.**

Response: Montana's stream access law allows for recreational use by the public on our streams and rivers up to the ordinary high water mark without regard to the ownership of land underlying the waters. The way Gallatin County addresses access to streams and rivers along county road rights of ways is beyond the scope of this environmental assessment.

**Issue 3. What are the conditions that would be imposed upon property owners if they were to accept funding through the Future Fisheries Improvement Program? Would the grantor expect unlimited access as part of the grant?**

Response: Where Future Fisheries funding is involved, each landowner will be expected to enter into a project agreement with Montana Fish, Wildlife and Parks (MFWP). In general, these project agreements call for the landowner to agree to protect and maintain the investment in restoration for a minimum of 20 years. This may include elimination of grazing from streamside areas, management of streamside grazing in a manner that would protect and maintain the woody riparian vegetation, and/or elimination other land use practices or activities that would negatively affect the restoration project. Future Fisheries funding will not be released by MFWP until project agreements are signed by the landowner(s). The Future Fisheries Improvement Program is voluntary and, as such, any landowner not wishing to participate can opt out of a project. The Program, by statute, cannot require that public access be part of an overall project.

**Issue 4. All project funding needs to be in place prior to the start of the project.**

Response: Funding from the Future Fisheries Improvement Program will not be released until MFWP receives documentation that all other funding sources outlined in the project application have been committed to the project. MFWP cannot control how other funding sources are treated.

**IV. Modifications to the Environmental Assessment**

Based on the public comments received, modifications to the Draft EA are deemed to be unnecessary.

**V. Decision**

After review of the proposal and the corresponding comments, it is my decision to proceed with providing funding through the Future Fisheries Improvement Program for the Thompson Creek channel restoration project. The action will benefit the fishery and riparian wildlife of Thompson Creek.

I find there to be no significant impacts associated with this action and conclude that an Environmental Impact Statement is not needed. The completed EA and the response to comments included in this

Decision Notice are an appropriate level of analysis.

Mark Lere, Program Officer  
Habitat Protection Bureau  
Fisheries Division