



2300 Lake Elmo Drive
Billings MT 59105

July 11, 2006

- TO: Environmental Quality Council
 Director's Office, Dept. of Environmental Quality
 Montana Fish, Wildlife & Parks*
- | | |
|--------------------|-----------------------|
| Director's Office | Lands Section |
| Parks Division | Design & Construction |
| Fisheries Division | Legal Unit |
| Wildlife Division | Regional Supervisors |
- Mike Volesky, Governor's Office*
 Sarah Elliott, Press Agent, Governor's Office*
 Montana Historical Society, State Preservation Office
 Janet Ellis, Montana Audubon Council
 Montana Wildlife Federation
 Montana State Library*
 George Ochenski
 Montana Environmental Information Center
 Wayne Hirst, Montana State Parks Foundation
 FWP Commissioner Shane Colton
 Montana Parks Association (land acquisition projects)
 Sharon Moore, DNRC Area Manager, Southern Land Office
 County Commissioners
 Other Local Interested People or Groups and:
 Bill Avey, USFS, Big Timber (wavey@fs.fed.us)
 Scott Barndt, USFS, Bozeman (sbarndt@fs.fed.us)
 Scot Shuler, USFS, Livingston (swshuler@fs.fed.us)
 Scott Bosse, GYC, Bozeman (sbosse@greateryellowstone.org)
 Coral Wilson, SG CD, Big Timber (coral.wilson@mt.nacdnet.net)

Ladies and Gentlemen:

Attached for your review is a draft Environmental Assessment for stocking Yellowstone cutthroat trout into Great Falls Creek Lake #55 in the Boulder River drainage near Big Timber, Montana. These native cutthroat trout would replace previously planted, non-native rainbow trout that have all but disappeared.

Any questions should be directed to Jim Olsen (328-4636) or Jim Darling (247-2961). Written comments should be addressed to the undersigned by August 4, 2006.

Sincerely,

Gary Hammond
Regional Supervisor

ENVIRONMENTAL ASSESSMENT CHECKLIST

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: Yellowstone Cutthroat Trout Introduction into Great Falls Creek Lake #55

Date: July 11, 2006

Name, Address and Phone Number:

James E. Darling
Regional Fisheries Manager
Montana Fish, Wildlife and Parks
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Project Location: Great Falls Creek is a tributary to the Boulder River upstream of the Natural Bridge Falls (Figure 1). There are three lakes in the drainage (# 53, 54, 55), and Great Falls Creek Lake #55 (T5S R11E Sec 6) is the first and only lake in the Great Falls Creek drainage that contains fish (Figure 2). Most of the Great Falls Creek drainage is located within the Absaroka-Beartooth Wilderness Area.

Description of Project:

The distribution and abundance of Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*; YCT) have declined from historical levels over most of their range. In Montana, Idaho and Wyoming, YCT currently occupy less than 60% of their historically occupied 17,397 miles of habitat, and of these only 7-25% are genetically pure populations of fish (May et al. 2003). YCT are a Species of Special Concern in the State of Montana and on the Sensitive Species List for R1 of the US Forest Service. Many populations have been in decline or have disappeared because of habitat degradation, introduction of non-native species, disease, and over-harvest.

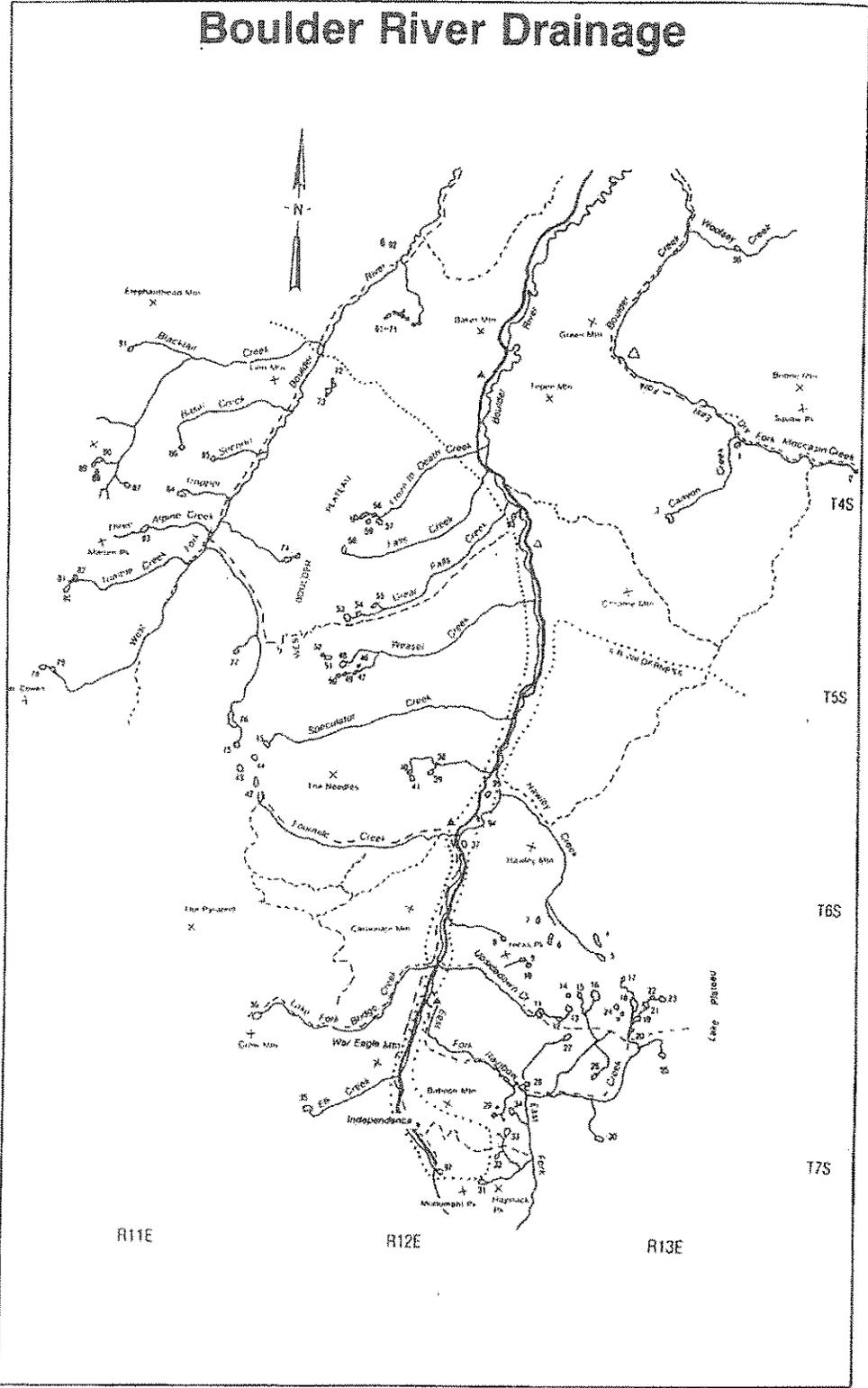


Figure 1. Mountain lakes of the Boulder River Basin.

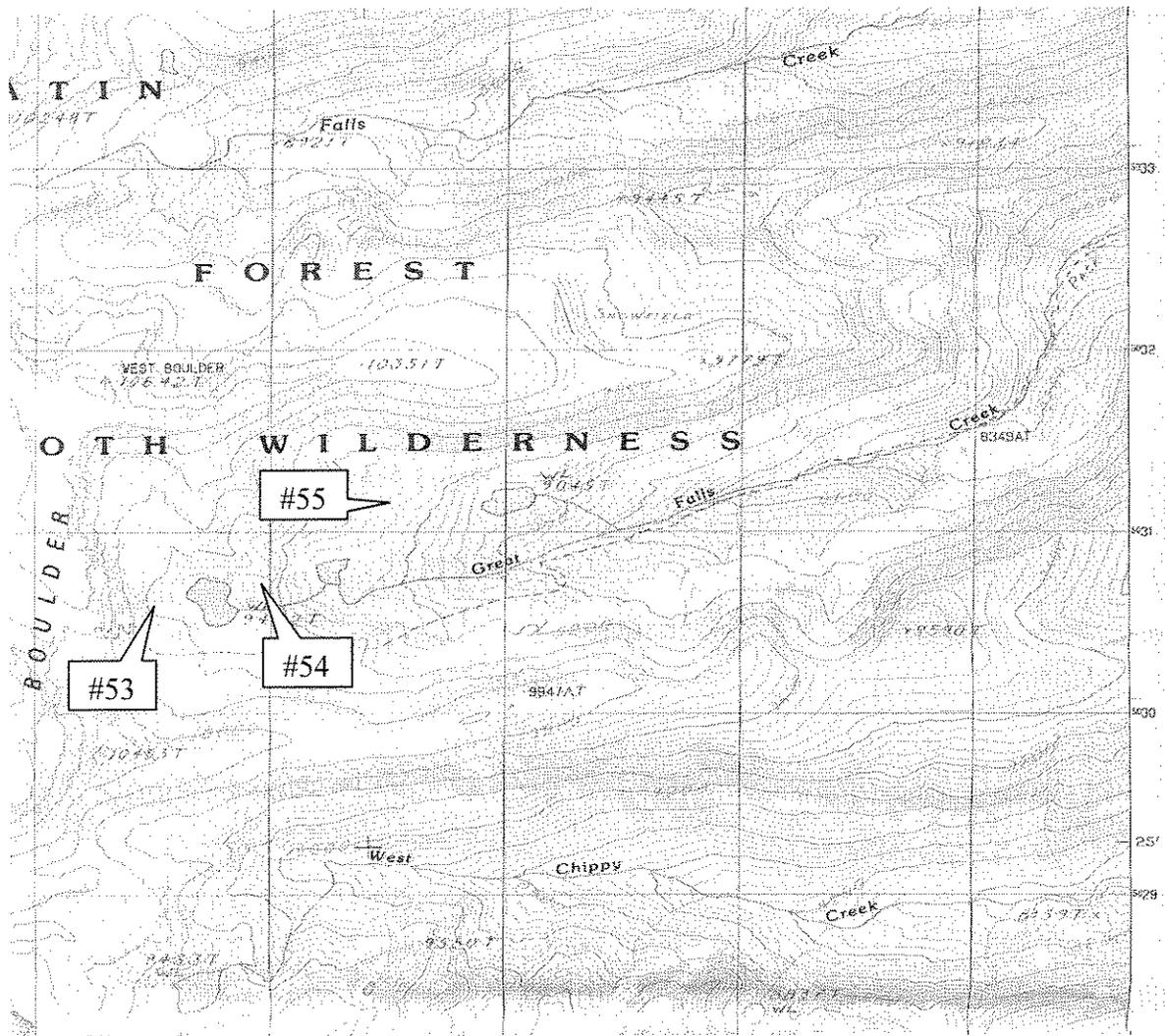


Figure 2. Map of Great Fall Creek lakes.

Great Falls Creek Lake #55, like all lakes in the Boulder River drainage upstream of the Natural Bridge Falls, was historically fishless. Rainbow trout were first introduced into the lake in 1933, before wilderness designation. The lake was stocked three other times between 1933 and 1995 with rainbow trout. Natural reproduction occurs at the lake, but may be limited (particularly during drought cycles), necessitating periodic stocking to maintain the fishery. The creek downstream of the lake was surveyed during 2003 and was found to be fishless. The lake was visually surveyed and angled during 2003, and no fish were seen. Netting during 2005 yielded only 2 fish. Prior netting in 1995 suggested rainbow trout were abundant in the lake, growing to an average size of 12.2 in (range 6.3-21.0 in). Barrier waterfalls were identified in Great Falls Creek between Lake #55 and #54, preventing fish movement and colonization of the upper lakes. Great Falls Creek Lake # 53 is the largest lake in the drainage and was identified as having the potential to sustain a fish population (Marcuson 1980, Poore 1981), but records indicate the lake has never been stocked. Lake #53 was netted in 1995, and no fish were captured or seen. Lake

#54 has little fisheries potential. Because of the limited number of fish in Great Falls Creek Lake #55, Montana Fish, Wildlife and Parks (FWP) is proposing to stock the lake to enhance the fishery. Because of the decline in YCT across their range and the management emphasis for native species within the wilderness area, FWP is proposing to change the existing management species from rainbow trout to YCT.

Replacement of the fishery in Great Falls Creek Lake will consist of intensively stocking the lake annually for a period of 4-6 years with YCT. The intensive stocking is intended to “swamp out” the few remaining rainbow trout in the lake. It is anticipated that within this timeframe the cutthroat fishery in Great Falls Creek Lake #55 will become self-sustaining and will only require periodic stocking, similar to the current rainbow trout fishery. The lake will be either stocked from the air or using livestock via the existing Great Falls Creek Trail. The impacts of YCT upon other organisms in the lake should be similar to those of the current population of rainbow trout. Survey data from 2005 indicated an abundant population of spotted frogs inhabit the lake.

Other groups or agencies contacted or which may have overlapping jurisdiction:

Great Falls Creek Lake #55 is within the Gallatin National Forest (GNF) and the Absaroka-Beartooth Wilderness Area. This project is consistent with fish-population and habitat management goals and objectives for streams within the GNF. The goals of this project are also consistent with USFS sensitive species management, and specific goals and objectives outlined in the Cooperative Conservation Agreement for Yellowstone Cutthroat Trout within Montana (CCA 2000) entered into by several state and federal resource management agencies, including FWP and the GNF.

PART 2. ENVIRONMENTAL REVIEW

1. POTENTIAL IMPACT ON PHYSICAL ENVIRONMENT

WILL THE PROJECT RESULT IN POTENTIAL IMPACTS TO:	UNKNOWN	POTENTIALLY SIGNIFICANT	MINOR	NONE	CAN BE MITIGATED	COMMENTS PROVIDED
1. Unique, endangered, fragile or limited environmental resources			X			1.1
2. Terrestrial or aquatic life and/or habitat			X			1.2
3. Introduction of a new species into an area			X			1.3
4. Vegetation cover, quantity and quality				X		
5. Water quality, quantity and distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		
8. Air quality or objectionable odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics				X		

Comments

1.1. Unique, endangered, fragile, or limited environmental resources

The Yellowstone cutthroat trout (YCT) is listed as a "Species of Special Concern" in Montana and is classified as a Sensitive Species by the GNF. The intent of this project is to establish a wild, self-sustaining population of YCT, a highly valued native fish species and the only indigenous trout species in the Yellowstone Drainage. If the introduction is successful, the range of this species would be expanded, lessening the possibility of their extinction within the drainage.

1.2. Terrestrial or aquatic life and/or habitat

The introducing of YCT will have direct impacts on invertebrate and vertebrate organisms through predation. Because there has been an historic rainbow trout fishery in Great Falls Creek Lake #55, the potential impacts of stocking YCT on invertebrate and vertebrate populations should be minimal and similar to the current impacts of rainbow trout. Surveys conducted

during 2005 indicate a healthy aquatic invertebrate and spotted frog population inhabit the lake. There should be little change to this status as a result of the stocking and future establishment of a self-sustaining population of YCT. Yellowstone cutthroats are native to the Boulder River drainage, and this project will help to ensure the long-term persistence of the fish species across its range.

1.3. Introduction of a new species into an area

See comment 1.2.

2. POTENTIAL IMPACTS ON HUMAN ENVIRONMENT

WILL THE PROJECT RESULT IN POTENTIAL IMPACTS TO:	UNKNOWN	POTENTIALLY SIGNIFICANT	MINOR	NONE	CAN BE MITIGATED	COMMENTS PROVIDED
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat			X			2.2
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community income				X		
7. Access to and quality of recreational activities			X			2.7
8. Locally adopted environmental plans & goals				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industry and/or commercial activity				X		

Comments

2.2. Changes in the existing public benefits provided by wildlife populations and/or habitat

By establishing a population of YCT in Great Fall Creek Lake #55, the recreational opportunities to catch wild cutthroat trout will increase. The relatively remote location of this population, however, will likely result in little change in the numbers of recreationists visiting the area.

2.7. Access to and quality of recreational activities

The primary purposes for reintroducing YCT into Great Fall Creek Lake #55 are to expand the existing range of the species and continue to provide a recreational fishery for the backcountry users. Establishing a YCT population in this lake will expand opportunities to fish for native cutthroat trout, but fishing pressure is unlikely to change because the lake is relatively remote. An increase in human use as a result of YCT introduction is not anticipated.

Does the proposed action involve potential risks of adverse effects that are uncertain but extremely harmful if they were to occur?

No

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

No

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:

1. The "No Action" Alternative

If no action is taken the following consequences are likely to result:

It is possible that the rainbow trout population in Great Falls Creek Lake #55 would go extinct, and the lake would no longer support a fishery. This lake was fishless prior to 1933, and the no action alternative could lead to the lake reverting to its historically fishless state. FWP prefers that the lake continue to provide a recreational fishery for backcountry users. FWP has the authority to manage fisheries in the wilderness area where fish were present prior to wilderness designation and plans to continue management at Great Falls Creek Lake #55. Because the lake is within the wilderness area, however, this change in fisheries management will emphasize a native Species of Special Concern.

Another potential consequence of no action is that the rainbow trout population could recover and repopulate the lake. This outcome would result in a continued

recreational fishery in the lake, but would not increase the range and number of populations of YCT nor reduce the probability of future extinction.

Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

None

Individuals or groups contributing to, or commenting on this EA: Bill Avey, Frank Cifala, and Scot Shuler of the Gallatin National Forest.

EA prepared by: Jim Olsen, Regional Fisheries Biologist, Montana Fish Wildlife and Parks

Date Completed: July 11, 2006

Mail comments to:

James E. Darling
Regional Fisheries Manager
Montana Fish, Wildlife and Parks
2300 Lake Elmo Dr.
Billings, MT 59105

Comments due by: August 4, 2006

References

Cooperative Conservation Agreement. 2000. Cooperative conservation agreement for Yellowstone cutthroat trout within Montana between Crow Tribe, Montana Department of Fish, Wildlife and Parks, Montana Department of Environmental Quality, Montana Department of Natural Resources and Conservation, USDA Forest Service Gallatin and Custer National Forests, USDI Bureau of Land Management, USDI Fish and Wildlife Service, USDI Bureau of Indian Affairs, and Yellowstone National Park. Montana Department of Fish, Wildlife and Parks, Helena, Montana.

Marcuson, P. E. 1980. Fisheries management plan for mountain lakes of the Boulder River drainage, Montana. Department of Fish and Game, Billings, MT.

May, B. E., Urie, W., Shepard, B. B., and Montana Cooperative Fishery Research Unit. 2003. Range-wide status of Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*): 2001. Bozeman, MT.

Poore, M. D. 1991. Fisheries management plan for mountain lakes of the Boulder River drainage, Montana. Department of Fish Wildlife and Parks, Billings, MT.

PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions 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 actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without 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 agency to assess the impact of a proposed agency action 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 action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

(LIST ANY MITIGATION OR STIPALTIONS REQUIRED, OR NOTE "NONE")

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES

NO

- | | | |
|-------|--------------|---|
| _____ | <u> X </u> | 1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights? |
| _____ | <u> X </u> | 2. Does the action result in either a permanent or indefinite physical occupation of private property? |
| _____ | <u> X </u> | 3. Does the action deprive the owner of all economically viable uses of the property? |
| _____ | <u> X </u> | 4. Does the action deny a fundamental attribute of ownership? |

- _____ X 5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is **NO**, skip questions 5a and 5b and continue with question 6.]
- _____ _____ 5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
- _____ _____ 5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
- _____ X 6. Does the action have a severe impact on the value of the property?
- _____ X 7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]
- _____ _____ 7a. Is the impact of government action direct, peculiar, and significant?
- _____ _____ 7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
- _____ _____ 7c. Has 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?

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 questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, 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.