



Montana Fish, Wildlife & Parks

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Ref:DV242-00
September 18, 2000

TO: Environmental Quality Council, Capitol Building, Helena, 59620-1704
Dept. of Environmental Quality, Metcalf Bldg., PO Box 200901, Helena, 59620-0901
Montana Fish, Wildlife & Parks

Director's Office – Rich Clough

Legal Unit

Fisheries Division – Dorothy Lindsay

Montana Historical Society, State Historic Preservation Office, 225 North Roberts, Veteran's
Memorial Building, Helena, 59620-1201

Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800

Jim Jensen, Montana Environmental Information Center, PO Box 1184, Helena, 59624

George Ochenski, PO Box 689, Helena, 59624

Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923

Montana State Parks Association, PO Box 699, Billings, 59103

Joe Gutkoski, President, Montana River Action Network, 304 N 18th Ave., Bozeman, 59773-8298

Rep. Paul Sliter, 604 Fifth Ave. E, Kalispell, 59901

Sen. Bob Keenan, PO Box 697, Bigfork, 59911-0697

Rep. Rob Raney, 212 S. 6th, Livingston, 59047

Flathead County Library, 247 First Avenue E, Kalispell, 59901

Flathead County Library, 521 Electric Ave., PO Box 472, Bigfork, 59911

Flathead County Commissioners, 800 S. Main, Kalispell, 59901

Flathead Wildlife, PO Box 4, Kalispell, 59903

Glen Anacker, FVTU, PO Box 638, Kalispell, 59903

Ladies and Gentlemen:

The enclosed Environmental Assessment (EA) has been prepared for the **Brown Trout Egg and Fish Removal** project. The project proposes to suppress or eradicate the resident population of brown trout in **Mill Creek**, near Creston, MT (T28N, R20W, Sec. 16), to minimize potential threats to native species in the Flathead River drainage.

Questions and comments will be accepted through Monday, October 2, 2000. Please direct your questions or comments to Clint Muhlfeld or Mark Deleray, fisheries biologists, FWP, 490 N. Meridian Road, Kalispell, MT 59901, e-mail to cmuhlfeld@digisys.net. Thank you.

Sincerely,

Dan Vincent
Regional Supervisor

DV/nli
Enclosure

Flathead

ENVIRONMENTAL ASSESSMENT CHECKLIST

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: Brown Trout Egg and Fish Removal from Mill Creek

Application Date: September 6, 2000

Name, Address and Phone Number: Montana Fish, Wildlife & Parks (MFWP), 490 North Meridian Road, Kalispell, Montana 59901

Project Location: Mill Creek, a tributary to the Flathead River near Creston, Flathead County (T28, R20W, Sec.16)

Description of Project:

In October 1999, MFWP personnel discovered a reproducing population of nonnative brown trout inhabiting Mill Creek, a tributary to the Flathead River near Creston. This is the first time brown trout have been verified in the Flathead drainage upstream from Kerr Dam. Brown trout directly compete with bull trout (ESA listed species) for spawning, rearing, and food and space resources. The purpose of this project is to suppress or eradicate the resident population of brown trout in Mill Creek to minimize potential threats to native species in the Flathead River drainage. Failure to immediately suppress and eradicate this population may result in brown trout colonizing other areas of the river-lake system, possibly reducing the abundance and distribution of native fishes. This action is consistent with the Governor's Bull Trout Restoration Team recommendation for removal or suppression of introduced fish to aid in bull trout recovery.

We will use electrofishing, egg removal, and migrant trapping techniques to suppress and remove brown trout from the Mill Creek system. Previous electrofishing surveys proved effective in reducing the abundance of brown trout and revealed several age-classes present in the population (Figure 1). Continued electrofishing surveys will monitor population trends through time, and allow FWP to remove individual brown trout as they are collected. Stream-wide redd surveys conducted in 1999 identified specific spawning areas, and subsequent egg removal attempts at each redd site were effective in impeding recruitment to the population (MFWP, unpublished data, Kalispell). In fall 1999, 6 brown trout redds measuring approximately 2 x 3 feet were excavated on an emergency basis to a depth of 6 inches using a hand shovel to turn the gravel.

Dislodged eggs were captured in a hand screen placed downstream. Gravels were then returned to the redd site and smoothed. Minor turbidity was visible immediately downstream for 20-30 seconds during excavation. Future egg removal efforts at each redd site will entail temporarily moving a 3 ft³ section of the streambed with a hand shovel, capturing dislodged eggs in a screen downstream, and replacing the material back to the original location and configuration. Since initial suppression efforts appear to have removed 80 – 90% of the brown trout population, only 0 – 3 redds are expected in future years. Migrant trapping will identify the timing, abundance, and movements of brown trout in the system to determine if there is a migratory component to the population and allow FWP to remove individual brown trout as they are collected. There will be no impact to native fish species as a result of the proposed actions because bull trout and westslope cutthroat trout are absent from Mill Creek (MFWP, unpublished data, Kalispell). All proposed actions will continue indefinitely until brown trout are removed from the system. For more information, see project file at FWP headquarters in Kalispell.

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

Montana Department of Environmental Quality, 3(a) turbidity permit.

PART 2. ENVIRONMENTAL REVIEW

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats			X			X
3. Introduction of new species into an area				X		
4. Vegetation cover, quantity and quality				X		
5. Water quality, quantity and distribution (surface or groundwater)			X			X
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		
8. Air quality or objectional odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

2. There will be minor short-term impacts to some aquatic insects in the Mill Creek drainage associated with the proposed activities. Removal of brown trout and viable eggs will result in direct mortality to brown trout. Temporary substrate removal will displace aquatic insects at each redd site. However, minor impacts will be short-term and insignificant. Failure to implement brown trout control will result in serious long-term threats to the persistence of westslope cutthroat trout and bull trout in the upper Flathead River drainage.

5. Minor impacts associated with egg removal will include short-term increases in turbidity. However, fine sediment releases will be minor and undetectable a short distance downstream. Fine sediment releases in the water column will last for approximately 20-30 seconds at each redd site. Attached is a short-term exemption from MT surface water quality standards (3A authorization) specific to these actions.

Table 2. Potential impacts on human environment.

Will the proposed action 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		
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities				X		
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

Does the proposed action involve potential risks or adverse effects, which 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. No action: Allow the existing population of brown trout to successfully reproduce and potentially colonize other areas of the upper Flathead River drainage. The threat of brown trout directly competing with bull trout and westslope cutthroat trout would likely reduce the distribution and abundance of native fishes that are currently classified as a threatened species under the ESA (i.e. bull trout) or classified as a species of special concern (i.e. westslope cutthroat trout).
2. Liberalize fishing limits: Liberalize daily bag limits to encourage anglers to harvest more brown trout. This approach would have limited success since most of Mill Creek is privately owned with minimal public access. In addition, brown trout are considered more difficult to catch than most other trout species. Also, fish species identification surveys show anglers can confuse bull trout with brown trout, so liberalized regulations may result in some incidental bull trout mortality.
3. Proposed action: Use electrofishing, trapping, and physical removal to eradicate brown trout or suppress them sufficiently to minimize movement into Flathead Lake/River system. Initial efforts have yielded substantial reduction in brown trout abundance.

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

3(a) turbidity permit

This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (EQC, 1996). A completed checklist designed to assist state agencies in identifying and evaluating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property, is included in Appendix A.

Individuals or groups contributing to, or commenting on, this EA:

EA prepared by: Clint Muhlfeld, Mark Deleray, Fisheries Biologists
MTFWP, 490 North Meridian Road, Kalispell, MT 59901
<http://fwp.state.mt.us>

Date Completed: _____

APPENDIX A

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):

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

- | YES | NO | |
|-------|-------------------------------------|---|
| _____ | <input checked="" type="checkbox"/> | 1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights? |
| _____ | <input checked="" type="checkbox"/> | 2. Does the action result in either a permanent or indefinite physical occupation of private property? |
| _____ | <input checked="" type="checkbox"/> | 3. Does the action deprive the owner of all economically viable uses of the property? |
| _____ | <input checked="" type="checkbox"/> | 4. Does the action deny a fundamental attribute of ownership? |
| _____ | <input checked="" type="checkbox"/> | 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? |
| _____ | <input checked="" type="checkbox"/> | 6. Does the action have a severe impact on the value of the property? |

- 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.

Figure 1. Length frequency distribution and predicted age-class composition of brown trout electrofished in Mill Creek (Flathead County) during October, 1999 (n=127).

