Decision Memo

North Fork Blackfoot River Indigenous Fish Restoration

USDA Forest Service

Lincoln Ranger District, Helena – Lewis and Clark National Forest and Seeley Lake Ranger District, Lolo National Forest Powell and Lewis and Clark Counties, Montana

Background

The Forest Service proposes to authorize a project developed by the Montana Department of Fish, Wildlife, and Parks (FWP) to establish a secure conservation population of non-hybridized to slightly hybridized westslope cutthroat trout in the North Fork of the Blackfoot River in the Scapegoat Wilderness. The Forest Service proposed action for this project includes approving a Pesticide Use Proposal in wilderness for the use of rotenone in the Scapegoat Wilderness and authorization of activities normally prohibited in wilderness.

FWP has responsibility and authority to manage fish and wildlife populations on National Forest System lands in Montana. The Forest Service has jurisdiction and responsibility for occupancy, use, and management of National Forest System lands, including administration of designated wilderness on such lands.

The North Fork is the one of three large tributaries to the Blackfoot River. Its total watershed acreage is approximately 200,758 acres with approximately 118,925 acres located within the Scapegoat Wilderness. The project area is upstream of the North Fork falls, a natural barrier to fish migration, and encompasses approximately 70,722 acres within the Scapegoat Wilderness. The project area spans the National Forest boundary, including portions of the Seeley Lake Ranger District in the Lolo National Forest and the Lincoln Ranger District in the Helena – Lewis and Clark National Forest. See project location map (Figure 1).

Through past stocking with non-native rainbow trout, the North Fork of the Blackfoot River above North Fork Falls has become dominated by trout that are hybrids of rainbow trout and cutthroat trout. FWP proposes to remove hybrid trout from the project area through application of Rotenone, a piscicide, and subsequent stocking of multiple age-class westslope cutthroat trout. FWP has prepared an environmental assessment and decision notice compliant with the Montana Environmental Policy Act documenting the proposed project and its effects. These documents are available in the project record. (Montana FWP 2020a and 2020b).

The first phase of this project would involve the removal of hybridized trout above the falls with a chemical formulation of rotenone (liquid and powdered). This piscicide would be delivered through a series of drip stations to approximately 67 miles of stream and lakes above the North Fork Blackfoot falls. As part of this process a detoxification agent (potassium permanganate) would be added to neutralize the rotenone and protect fish below the falls, the downstream project limit. FWP would implement this phase of the project during the summer and fall of 2021.

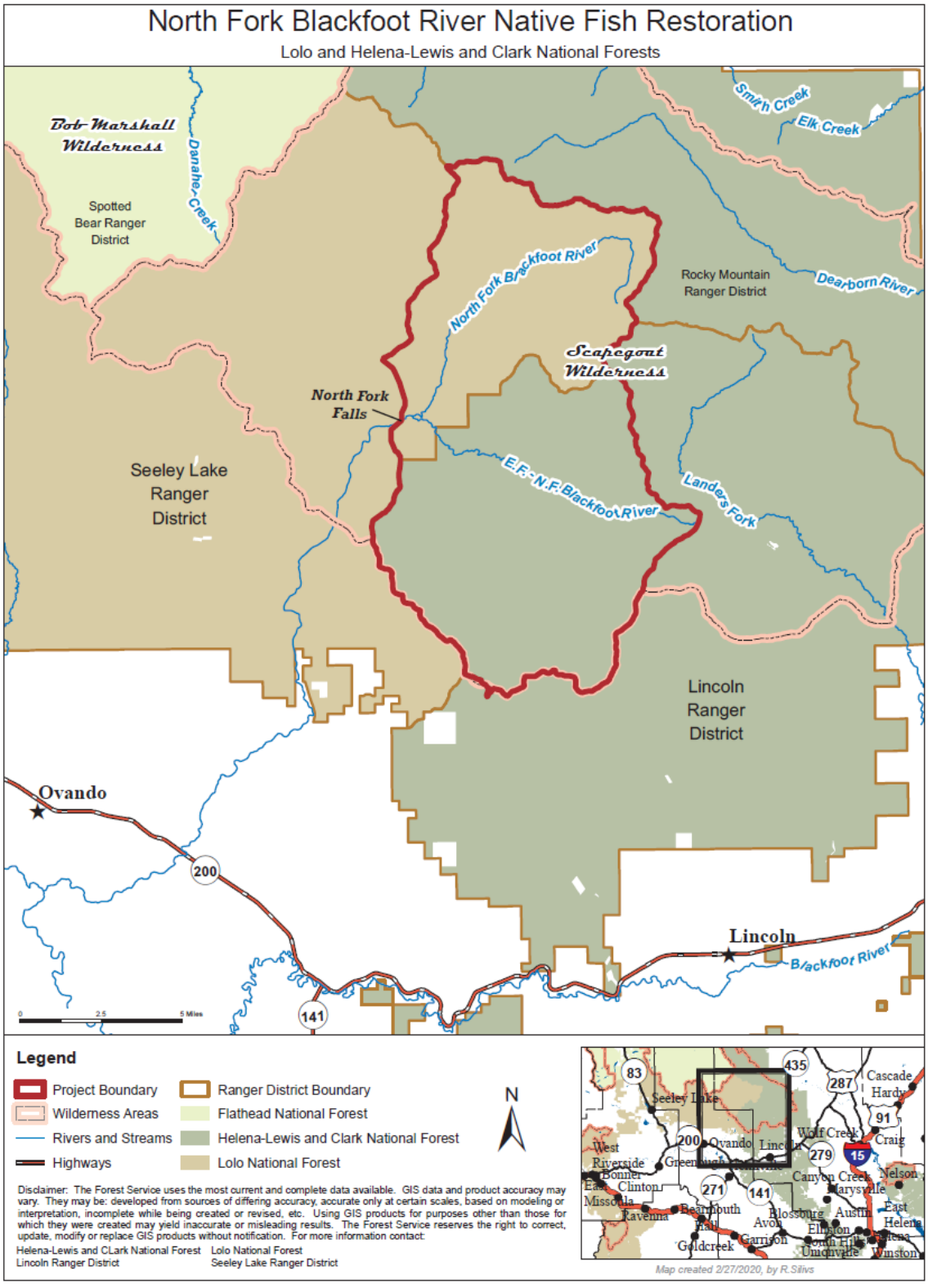

Figure 1. Project Location

Piscicide treatments to three lakes within the stream system would use motorized pumps on small rafts to dispense the rotenone. On the largest lake in the system the raft would be propelled by an outboard motor. On the smaller lakes the raft would be rowed.

The second phase of this project is the re-introduction of non-hybridized westslope cutthroat trout. Multiple life stages of genetically pure westslope cutthroat trout would be reintroduced during three events over a six-year period. To increase the effectiveness of the genetic swamping effort, stocking would begin in fall of 2021. Existing non-fish bearing stream segments would not be stocked and would remain fishless.

The project area includes two National Forests and the Scapegoat Wilderness. The species proposed for management, introduced hybridized trout and westslope cutthroat trout, are managed by FWP. The Northern Region of the U.S. Forest Service and FWP entered into a cooperative agreement for Fish, Wildlife and Habitat Management on National Forest Wilderness lands in Montana in 2008. This agreement identifies roles and responsibilities for species and habitat management within Forest Service managed Wilderness areas. Removal of non-native trout and establishment of native populations is consistent with the management interests of the Forest Service and FWP, as stated in the Memorandum of Understanding and Conservation Agreement for westslope cutthroat trout and Yellowstone cutthroat trout in Montana (Montana Cutthroat Trout Steering Committee 2007).

Project Description

The Forest Service proposed action for this project includes approving a Pesticide Use Proposal for the use of rotenone in the Scapegoat Wilderness and authorization of activities normally prohibited in wilderness under Section 4(c) of the Wilderness Act. Such activities include:

- Use of motorized equipment
    - Boat motor used to treat large lake
    - Generator used to power the detoxification station
    - Motorized pumps for dispersing rotenone in lakes
- Any kind of mechanized or motorized transport
    - Helicopter to transport deactivation stations, chemicals, and large age-class fish for stocking
- Temporary or permanent facility development, structures, or installations
    - Spike camps
    - Temporary radio repeater

Delivery and demobilization of the deactivation stations and chemicals, as well as fish for initial stocking will require a high intensity of helicopter flights the first year. We anticipate multiple flights per day on 7 days during the first year of implementation, then one day per year for each of two years during the following five-year period. The window for flight operations would be from August 1 through September 15 for the first year and mid-July through September 15 in the two subsequent stocking years. This window avoids piscicide treatment during periods of vulnerability of non-target species in early summer during the first year and limits conflict with the popular backcountry hunting season for all years. Flights would occur during mid-week, to the extent feasible, to reduce impacts to the recreating public.

FWP proposes to transport the deactivation stations by helicopter due to the large, unwieldy size of stations with a capacity to ensure full rotenone deactivation within the project site above North Fork Falls. Similarly, FWP proposes to transport chemicals (rotenone and potassium permanganate to neutralize rotenone) by helicopter to reduce the potential for spills into streams, as the pack trails closely parallel several stream segments. Larger age-class fish for stocking and use as sentinel fish during application of rotenone would be transported by helicopter to reduce mortality. All other materials and supplies would be transported into the project by pack stock.

The Forest Service has analyzed these activities through a wilderness minimum requirements decision guide process. The results of this process are available for review in the project record as North Fork Blackfoot River Indigenous Fish Restoration Minimum Requirements Decision Guide (USDA Forest Service 2021).\

FWP describes their proposed action in detail in their Environmental Assessment and Decision Notice (Montana FWP 2020a and 2020b). To summarize, FWP would establish camps at existing dispersed campsites, designated outfitter sites, and Forest Service administrative sites to house crews and supplies. These camps would remain in place for up to 24 days. Immediately prior to application of rotenone, the area would be closed to limit conflicts between recreational users and FWP field staff. The area would be closed for 7 to 10 days. Treatment of streams would use drip systems with portable containers. Backpack sprayers would be used where limited mixing would occur in the water column. During this phase of implementation beaver dams would be breached by FWP personnel using hand tools. Sentinel fish would be placed throughout the area to confirm lethal concentrations of piscicide throughout the stream and that full deactivation has occurred below the project area and above North Fork Falls. Additionally, rotenone would be applied to Parker, Meadow, and Lower Twin Lakes. FWP would use inflatable rafts with battery powered pumps to disperse rotenone. An outboard motor would be used on Parker Lake due to its size and depth. Rafts on Meadow and Lower Twin Lakes would be propelled by oars. Two deactivation stations would be established at the lower end of the project area, sufficiently above North Fork Falls to assure full neutralization of rotenone. FWP would monitor deactivation through placement and observation of sentinel fish downstream of the stations.

Decision

We have decided to authorize FWP's implementation of the proposed action described in their 2020 environmental assessment and decision notice. This is also the intermediate alternative described in the Forest Service's Minimum Requirements Decision Guide Workbook. This decision allows activities normally prohibited in wilderness, subject to the mitigations and limitations described in the project Minimum Requirement Decision Guide Workbook (USDA Forest Service 2021).

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as (6) Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction (36 CFR 220.6(e)(6)). This category of actions is applicable the proposed actions would enhance the habitat of the North Fork Blackfoot River, and the actions do not include any use of herbicides or road construction.

We find that there are no extraordinary circumstances that would warrant further analysis and documentation in a Forest Service EA or EIS. It's important to note that, as mentioned earlier, FWP completed an EA and Decision Notice for this project analyzing the effects on all resources except wilderness. Forest Service staff subsequently completed a project specific Wilderness Minimum Requirement Decision Guide Workbook to ensure that effects to wilderness are addressed appropriately. We considered resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – three species listed as threatened occur in or near the project area: bull trout (*Salvelinus confluentus*), Canada lynx (*Lynx canadensis*), and grizzly bear (*Ursus arctos horribilis*). Two of these species have designated critical habitat, bull trout and Canada lynx. We prepared biological assessments for these species (Hendrickson 2020, Tomson 2020). We determined that implementing the proposed action would have no effect on Critical Habitat for Canada lynx, may affect but would not be likely to adversely affect Canada lynx, bull trout, and bull trout critical habitat, and may affect and is likely to adversely affect grizzly bear. The U.S. Fish and Wildlife Service has concurred with the no effect and may affect, not likely to adversely affect determinations. The Fish and Wildlife Service has issued a biological opinion that the project is not likely of jeopardize the continued existence of the grizzly bear. This determination concludes that the project may adversely affect some individual grizzly bears, but that such affects to individuals would be temporary and not negatively impact the recovery of the Northern Continental Divide Ecosystem grizzly bear population.
- Flood plains, wetlands, or municipal watersheds – none are present in the project area.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – the project occurs entirely within the Scapegoat Wilderness, a component of the Federal Wilderness Preservation System. As stated in the Forest Service Categorical Exclusion guidelines: "The mere presence of an [extraordinary circumstance] does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist (36 CFR 220.6(b))." Mitigations and limitations of action, as described in the project Wilderness Minimum Requirements Decision Guide Workbook (USDA Forest Service 2021) provide a suitable level of protection to wilderness character. This project would restore naturalness to the Scapegoat Wilderness through replacing a hybrid trout population that is an artifact of stocking with pure-strain westslope cutthroat trout, a species native to waters of the Scapegoat Wilderness, if not verifiably present in the project area.
- Inventoried roadless areas or potential wilderness areas – none are present in the project area.
- Research natural areas – none are present in the project area.

- American Indians and Alaska Native religious or cultural sites – through government-to-government consultation with the Blackfeet and the Confederated Salish and Kootenai Tribes, the project area does not contain any identified religious or cultural sites that would be affected by the proposed project.
- Archaeological sites, or historic properties or areas – the proposed project been reviewed by the Forest Archaeologist under Section 106 of the National Historic Preservation Act. The Forest Archaeologist has determined that the proposed project is a federal undertaking that does not have the potential to directly or indirectly cause effects to historic properties as it does not involve any ground disturbing activity or other types of activities that would cause effects to historic properties assuming that they were present. Per 36 CFR 800.3(a)(1) and the Region One Programmatic Agreement with the Montana State Historic Preservation Officer (Stipulations I.A.1 and III.B), this undertaking does not warrant further considerations under Section 106 of the National Historic Preservation Act. There are No Effects and No Extraordinary Circumstances to historic properties.

Public Involvement

This action was originally listed as a proposal on the Lolo National Forest Schedule of Proposed Actions and updated periodically during the analysis. We initially offered a public 15-day scoping period from January 26 through February 10, 2021. Due to public interest expressed, we extended the public comment period through March 12, 2021. The project received approximately 36,000 comments. More than 35,900 of these were a form email forwarded through an on-line solicitation by Wilderness Watch, a non-governmental organization. Scoping comments raised several substantive issues. Our response to those issues follows.

Issue: The level of mechanized transport and motorized equipment proposed violates the Wilderness Act; extraordinary circumstances thus exist regarding wilderness and the action should not be categorically excluded from detailed analysis.
Response: As discussed above under the bullet item for congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas; we hold that mitigations and restrictions are sufficient to protect wilderness character and gains in naturalness resulting from the proposed management actions justify short-term uses generally prohibited in wilderness.

Issue: The size of the project and number of actions taken within the Scapegoat Wilderness merit analysis at the environmental assessment or environmental impact statement level.
Response: This proposed action meets the requirements of Category 6 of the Forest Service's categorical exclusions from NEPA (36 CFR 220.6(b)). This category includes no maximum size. It is appropriate to use the categorical exclusion, so long as extraordinary circumstances do not exist.

Issue: Use of rotenone will result in mortality to non-target gill-breathing organisms in the drainage such as amphibians and aquatic insects.
Response: FWP's project EA (Montana Fish, Wildlife & Parks. 2020a) addresses this issue at length in Section 3. As more fully developed there, project timing would limit impacts to amphibians, and aquatic insects have been demonstrated to quickly recolonize areas treated with rotenone and similar piscicides.

Issue: Project has potential to adversely affect federally threatened bull trout downstream in North Fork Blackfoot River through spillover of piscicide.
Response: FWP's use of two deactivation stations provides back-up for any problem with neutralizing the rotenone piscicide. Our biological assessment for aquatic species evaluates potential effects to bull trout and determined downstream effects of chemicals used in the project would be unlikely to adversely affect bull trout (Hendrickson 2020).

Issue: Discharging toxic materials, such as piscicide, into Montana surface waters violates Montana law.
Response: FWP holds a National Pollutant Discharge Elimination System permit from the Montana Department of Environmental Quality. This specifically permits discharge of rotenone into Montana surface waters under established conditions.

Issue: What are the effects of large numbers of dead fish containing poison residues being consumed by wildlife after the piscicide treatments?
Response: The areas to be treated are generally sparsely populated, and rotenone residues are not known to be harmful to non-gill breathing organisms. FWP addressed this issue in detail in Section 3.4 of their EA (Montana Fish, Wildlife & Parks. 2020a).

Issue: The watershed area in question was likely fishless prior to stocking in the Twentieth Century. How does stocking a naturally fishless stream contribute to naturalness of the Scapegoat Wilderness?
Response: The waters of the North Fork of the Blackfoot River in the Scapegoat Wilderness were determined to be fish bearing waters at the time of the Scapegoat Wilderness designation. Currently fishless reaches of stream in the system will not be stocked and will remain fishless. The current population of hybrid trout are an artifact of stocking. Replacing them with pure strain westslope cutthroat, which occur elsewhere in the Scapegoat Wilderness, would enhance overall naturalness of the system.

Issue: The project timing is outside of the most favorable period for low flows in the North Fork Blackfoot River, which would be later in the fall. This is an obvious nod to accommodating hunters.
Response: We timed the project to avoid periods of heavy recreational use of the area to minimize impacts to solitude and naturalness as experienced by visitors. Avoiding the popular fall hunting season was a consideration.

Issue: The project could be implemented in a manner compliant with the Wilderness Act. Pack materials in, use manual pumps rather motorized, propel the rafts with oars on all three lakes.
Response: We analyzed an alternative for implementation using much less motorized transport through a Minimum Requirements Decision Guide. This approach was determined to require too long a period of disruption in wilderness for implementation and raise hazards of chemical spill. These considerations rendered non-motorized implementation unacceptable.

Findings Required by Other Laws and Regulations

This decision is consistent with the Helena, Lewis and Clark, and Lolo National Forests Land Management Plans.

Wilderness Act of 1964 – the proposed action has been vetted for compliance with the Wilderness Act (16 U.S.C. 1131-1136, as amended), specifically exceptions to the normally prohibited uses at Section 4 (c), through a Minimum Requirements Decision Guide Workbook.

Section 106 of the National Historical Preservation Act – as stated above, the proposed action complies with the National Historical Preservation Act regulations at 36 CFR 800.3(a)(1) and the Region One Programmatic Agreement with the Montana State Historic Preservation Officer (Stipulations I.A.1 and III.B).

Endangered Species Act –the Fish and Wildlife Service has reviewed our biological assessments subject to Section 7 of the Endangered Species Act. The Fish and Wildlife Service concurred with our determination that the proposed project may affect but is not likely to adversely affect Canada lynx, bull trout, and critical habitat for bull trout, and issued a Biological Opinion that the proposed action would not be likely of jeopardize the continued existence of the grizzly bear.

Administrative Review (Appeal) Opportunities

Activities categorically excluded from documentation in an environmental impact statement environmental assessment are not subject to administrative review (36 CFR 215.4).

Implementation Date

August 2021

Contact

For additional information concerning this decision, contact: John Slown, Environmental Coordinator, Enterprise Program, USDA Forest Service (406) 493-4196, or email: john.slown@usda.gov

CAROLYN UPTON Digitally signed by CAROLYN UPTON
Date: 2021.06.02 12:56:38 -06'00'

CAROLYN UPTON
Lolo National Forest Supervisor Date

5/25/21

WILLIAM AVEY
Helena – Lewis and Clark National Forest Supervisor Date

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