

# FUTURE FISHERIES IMPROVEMENT PROGRAM

## REVIEW PANEL MINUTES

### SUMMER 2021

**Date: June 15-16, 2021**

#### **Review Panel Attendees:**

In Person: Clint Peck, Tony Cate, Bruce Farling

Phone/Zoom: Karin Boyd, Terry Chute, Bill Mytton, Rep. Brian Putnam, Bob Schroeder, Bill Semmens, Luca Welle, Bill Wichers, Nancy Winslow

#### **FWP staff:**

In Person: Michelle McGree, Trevor Watson, Eric Roberts, Valisa Milligan

#### **Applicants and others in attendance:**

Phone/Zoom: Jim Olsen, Allison Russell, Jarrett Payne, Logan McInnis, Julie Merritt, Rob Roberts, Pat Saffel, Mike Ruggles, Paul Hooper, Erin Ryan, Mike Jakober, Adam Switalski, Clint Sestrich, Dale White, Katie Racette, Jed Whiteley, Alan Davis, Brad Talcotte, Ryen Neudecker

#### **Panel business (before project review):**

- Welcome and introductions. Representative Brian Putnam is new to the Review Panel.
- The agenda was approved. The motion to approve was made by Tony Cate, second by Bruce Farling.
- Review Future Fisheries balances, staff recommendations.
- Discussion of bank stabilization and FFIP funding.
- Discussion with Eric Roberts about SB360 and fish removal projects. Future Fisheries review is unaffected.

#### **Panel business (after project review):**

- Project balances were reviewed. Terry Chute was chosen as the panel representative for the prioritization. The prioritization committee planned to meet June 16, 2021, after project review.
- The decision was made to keep funding levels as recommended.
- The Fish & Wildlife Commission will meet in August 2021 to finalize funding awards.
- FFIP field tour is scheduled for August 19, with a gathering at Nancy's the night before (18<sup>th</sup>).
- The Review Panel requested FWP staff to explain when projects focus on fish passage vs fish barriers during fall tour.

- The Winter Panel Review meeting will be held in Helena on December 15.
- Discussion on seat renewals. Michelle encouraged existing members to reapply. Said goodbyes to Luca as he will be attending University of Montana in the fall.

**Application discussions and funding recommendations:**

**1) Andrus Creek fish barrier (009-2021)**

Amount Requested: \$22,342

FWP Recommendation: We recommend fully funding this project (\$22,342) but ask the applicant to address 1) What barrier maintenance will be needed and who will be responsible? and 2) What type of streamflows are expected at the barrier location?

Project Representative: Jim Olsen, FWP

Discussion Items:

- Discussion on maintenance. FWP and landowner will partner to cover responsibilities.
- Discussion on streamflows and stream isolation. The barrier throat is sized for a 100-year flood.
- Discussion on other sources of funding. Can likely get funding from Trout Unlimited.
- Will they supplement fish? Not sure. Need a minimum of 30 fish to release without supplementation. If less than 30, will discuss.
- Will this project create upstream ponding? Won't manipulate the stream above, will let it fill in but there will be a pond/wetland area.

Motion: Motion made to fund the project at \$18,342

Motion Made by: Bruce Farling

Motion Second by: Tony Cate

Panel Action: Motion passes (unanimous)

**Amount Approved: \$18,342**

**2) Beaver Creek restoration phase 2 (010-2021)**

Amount Requested: \$50,000

FWP Recommendation: We recommend fully funding (\$50,000) if applicant can address the intermittency that occurred after the first phase and the confidence that subsequent phases will not result in intermittent sections.

Project Representative: Allison Russell, USFS

Discussion Items:

- Expect intermittency to resolve itself as the stream and groundwater recharge. The project area has been entrenched for a long time.
- Discussion of other sources of funding and fencing installation. DNRC funding will pay for fencing and riparian plantings. RRGL funding is now secured.
- Discussion on how beaver activity impacts the site. There are beaver above and below the project site and brown trout could be impacted in the fall, but there are no plans to address beaver and fish passage.

- Discussion on camping sites. Dispersed camping impacts are being considered, the USFS is looking into alternatives, including potential new sites.
- An onsite repository (local material) will be used to bury the old channel. Wood will be found onsite and will be appropriately sized for the area. A more passive approach was considered when making the design, ended on using a combination of passive and active restoration.
- Why did it take so long for the USFS to fix the project area? The land exchange happened in the 70's, there was a restoration design completed in the 90's but was too expensive. It later became a priority for NW Energy.

Motion: Motion made to fund the project at \$50,000

Motion Made by: Bill Wichers

Motion Second by: Bob Schroeder

Panel Action: Motion passes (unanimous)

**Amount Approved: \$50,000**

### 3) Big Hole Daniels Ditch fish screen (011-2021)

Amount Requested: \$34,000

FWP Recommendation: We recommend partial funding (\$30,000) to meet the total project cost, in light of the excess match listed in the application.

Project Representative: Jarrett Payne, FWP

Discussion Items:

- Discussion on other sources of funding. Working with the USFWS Partners Program and within the CCAA Program that has landowner involvement. The panel asked for clarification regarding the difference between amount requested and amount recommended.
- Discussion on Artic grayling protection in ditch. Corrugated water screens have not been used with grayling. However, although the juvenile fish are fragile, the fish screen shouldn't be a concern due to the trough structure.
- Regarding the number of fish that would be saved, it is hard to get an estimate of the number of fish that would be saved from this project because electrofishing and sampling challenges. The vegetation is thick. Bird predation is not a concern due to the vegetation present.
- The applicant wants to complete project soon since it is the only known source of entrainment. They also have constraints on some of the match funding.

Motion: Motion made to fund the project at \$30,000

Motion Made by: Karin Boyd

Motion Second by: Luca Welle

Panel Action: Motion passes (unanimous)

**Amount Approved: \$30,000**

### 4) Big Hole Spokane Diversion flow improvement (012-2021)

Amount Requested: \$33,360.48

FWP Recommendation: We recommend full funding (\$33,360.48) but ask the applicant to address the following: 1) Confirm that the State Wildlife Grant (SWG) funding is secured. 2) Are there concerns with fish passage at the pin-and-plank structure or entrainment that might be part of a future project? 3) What do the bubble icons indicate on the hydrograph?

Project Representative: Jarrett Payne, FWP

Discussion Items:

- Discussion on other sources of funding. This is not the landowner's project; he didn't need the work done, so he's supporting it but not promoting it. He's been a very helpful landowner. He is voluntarily involved in the CCAA and has met flow targets. SWG funding is secured.
- Discussion on amount requested.
- Discussion on cost of construction materials; the panel wanted to make sure costs haven't risen since the time of the estimate. The budget is adjusted based on changing prices. Wants to bid before prices keep going up.
- The project is very urgent for controlling streamflows. In terms of entrainment, there is a return approximately 30 miles downstream. Surveys have not indicated that entrainment is an issue but would consider addressing it in the future if needed. There is a fish ladder on site.
- FWP will assume maintenance of the structure.

Motion: Motion made to fully fund the project at \$33,360.48

Motion Made by: Bill Mytton

Motion Second by: Bill Wichers

Panel Action: Motion passes (unanimous)

**Amount Approved: \$33,360.48**

##### 5) Clark Fork River Flynn-Lowney ditch water savings (013-2021)

Amount Requested: \$100,000

FWP Recommendation: We support the project and recommend funding at a level determined by the Review Panel in light of a fully unsecured budget, and with the contingency that the DNRC water right change is successful. We also request the applicant provide detail on the DNRC water right process and logistics, particularly related to the timeline and the discussions taking place to ensure the project is successful. We note potential complications regarding the change of timing and duration of use of water, new wells and new water rights or transferring rights from the irrigation company to water users. We recognize that instream flow improvements may be hard to predict, but the benefits to entrainment are substantial and highly impactful.

Project Representative: Logan McInnis & Julie Merritt (City of Missoula), Rob Roberts (TU)

Discussion Items:

- Discussion on legality of funding acquisition. Cannot fund purchase of land but can fund the purchase or transfer of water rights. Any awarded funding would have to go to water right purchase within the overall acquisition.

- Discussion on water rights. It is considered an open basin and they will mitigate for downstream hydropower rights. They expect to have an approved DNRC change of use by this time next year and they believe they have a feasible path forward. The result should be a net gain of flow to the Clark Fork River.
- Discussion on who was responsible for ditch maintenance, who can contribute funding, and the current vs. future costs. The landowners will accept the costs of the well operation and will have reliable water. Applicants expect that the cost of wells will be less than the O&M of operating the ditch.
- Discussion on long-term plan of project. Is there a 20 year plan for the area? There will likely be a subdivision or development but not in the entire area.
- What are the plans for the diversion structure and the diversion materials in the channel? Intend to improve stream function and remove the landowner structures currently in the channel. Will work on the rehab of ditch next.
- There is a \$265k gap in funding. The applicants are confident in City funding but need a vote first. They have until October to secure funding.
- The fisheries benefits are considerable.

Motion: Motion made to fund the project at \$50,000

Motion Made by: Bob Schroeder

Motion Second by: Karin Boyd

Panel Action: Motion passes (10 Yes, 1 No)

**Amount Approved: \$50,000**

#### 6) Lake Elmo habitat enhancement supplement 2 (014-2021)

Amount Requested: \$33,700

FWP Recommendation: We recommend full funding (\$33,700)

Project Representative: Mike Ruggles, FWP

Discussion Items:

- Discussion on other sources of funding. The FWP funding is not fully secured but it is pre-committed. It is allocated but needs final approval.
- This project's recommended funding was previously reduced by prioritization and should be supported now.
- Headgate construction and draining costs are covered by DNRC separately. The outlet structure will be finished by DNRC, which will allow 12 feet of draining (out of 16 feet). They have until November to pump the water.

Motion: Motion made to fully fund the project at \$33,700

Motion Made by: Luca Welle

Motion Second by: Bruce Farling

Panel Action: Motion passes (unanimous)

**Amount Approved: \$33,700**

**7) SF Dry Cottonwood Creek Rd 85 fish passage (020-2021)**

Amount Requested: \$39,636

FWP Recommendation: We recommend partial funding (\$39,300; travel is not an allowable cost) but ask the applicant to address the following: 1)How close are nonnatives to Dry Cottonwood Creek or South Fork Dry Cottonwood Creek? 2) Is there potential for a fish barrier in the future, and if so, have the project partners considered where a barrier would be placed?

Project Representative: Paul Hooper and Erin Ryan, USFS

Discussion Items:

- Discussion on other sources of funding. Natural Resource Damage (NRD) Program is not interested in small, isolated areas for project funding. The applicant has not had issues with purchasing materials.
- Discussion on discrepancy in funding request and budget information.
- There are no nonnative fish near the project. The closest they come is the Clark Fork Coalition ranch and intermittency stops passage upstream between the project area and downstream areas.
- The genetics of the fish were described as both 95% and 100% pure. Is there introgression? The old data indicated introgression, but the new data indicate that it's just natural variability in the population. A new technique was used after 2010.

Motion: Motion made to fund the project at \$34,000

Motion Made by: Nancy Winslow

Motion Second by: Bill Mytton

Panel Action: Motion passes (10 yes, 1 no)

**Amount Approved: \$34,000**

**8) Lick Creek culvert replacement (015-2021)**

Amount Requested: \$50,000

FWP Recommendation: We recommend full funding (\$50,00) but request additional budget detail and an update on the likelihood of securing USFS funding.

Project Representative: Mike Jakober, USFS

Discussion Items:

- Discussion on other sources of funding. The USFS requires seed money before contributing, but the applicant is sure that USFS funding will be available for match. The USFS bought the design.
- Discussion on brook trout and rainbow trout invasion potential. Brown trout and rainbow trout invasion is happening in the area, but rainbow trout are not expanding upstream. The brown trout are closer but lower risk, as are brook trout. The benefits of the project outweigh the risks of invasion.
- Extirpation is not likely, but stream connectivity is the focus. Not developing a barrier because movement is the priority.
- Discussion on additional budget requests. This is one of the last tributaries left to improve.

Motion: Motion made to fully fund project at \$50,000

Motion Made by: Nancy Winslow

Motion Second by: Tony Cate

Panel Action: Motion passes (unanimous)

**Amount Approved: \$50,000**

**9) Little Park Creek restoration and WCT conservation (016-2021)**

Amount Requested: \$20,000 (\$20,100 on budget sheet)

FWP Recommendation: We recommend full funding (\$20,000).

Project Representative: Adam Switalski, Clark Fork Coalition

Discussion Items:

- Discussion on barrier location and long-term stability. The Review Panel expressed concern that the ford is so close to the barrier wingwall. The applicant will ask the engineer about pushing the ford slightly upstream to create a buffer between the ford and wingwall. A bridge barrier was too expensive.
- Discussion on other sources of funding. The Nature Conservancy (landowner) is contributing rock, seed mix, weed treatments, and maintenance. The TU money is secured but waiting on the MPG ranch.
- How much is the road used? Only for ATV use (spraying weeds) and emergency vehicles. Not anticipating much use (private).
- The lower culvert cannot be replaced with the barrier because there isn't enough elevation.

Motion: Motion made to fully fund the project at \$20,000

Motion Made by: Terry Chute

Motion Second by: Luca Welle

Panel Action: Motion passes (8 yes, 2 no)

**Amount Approved: \$20,000**

**10) Mill Creek fish barrier (017-2021)**

Amount Requested: \$100,000

FWP Recommendation: We support the project and recommend funding at a level determined by the Review Panel, in light of unsecured funds. FFIP funding cannot be used for overhead (\$1,596.51). We request that the applicant address the following: 1) Confirm that government salaries are not used as match and 2) What is the timing of construction?

Project Representative: Clint Sestrich, USFS

Discussion Items:

- Discussion on genetic data and if it could change the location of the barrier. Two barrier sites were identified and are expected to be a similar cost. The final location will be based on the genetic data collected. Survey data would not change the design. If Passage Creek is not included in the area above the barrier the project would lose 2.5 miles of protected stream. With it included, 13 miles of stream are protected for Yellowstone cutthroat trout.

- Discussion on other sources of funding and timeframe funding is needed. It will take a few years to accumulate funding so there will be a delay before construction. The project applicant appreciates any level of funding from FFIP. The match funding is not secured.
- Discussion on construction and materials of barrier. The applicant looked at barrier types. Wood structures can be good on lower energy, small stream systems. This site has more stream flow and trees, making it too big for alternative barrier types (approx. 800 cfs).
- Land is private on the lower end of the drainage. The landowner has not been involved in barrier discussions but is doing a separate restoration project.
- Not aware of fluvial Yellowstone cutthroat trout. There is chronic dewatering in Lower Mill Creek, which is the biggest issue.

Motion: Motion made to fund the project at \$50,000

Motion Made by: Bill Mytton

Motion Second by: Terry Chute

Panel Action: Motion passes (unanimous)

**Amount Approved: \$50,000**

### **11) Miller Creek Bear Run stream restoration (018-2021)**

Amount Requested: \$39,500

FWP Recommendation: We recommend full funding (\$39,500) but request the applicant address the following: 1) What magnitude of impact do you expect the project to accomplish in terms of addressing the water quality issues? Was a BEHI completed to assess how much sediment has been entering the stream? 2) Was the design created to allow for passive recovery (as a result of riparian fencing) where possible and channel restoration where possible and channel restoration where passive recovery was not sufficient? Please explain your strategy to balance active and passive recovery in this section.

Project Representative: Katie Racette & Jed Whiteley, Clark Fork Coalition

Discussion Items:

- Discussion on landowner's willingness to allow fishing and where there is public access nearby. Onsite fishing access has not been discussed but it is likely not allowed. Access is at road crossings, DNRC property, and the USFS property upstream. FFIP properties must improve a fishery the public has access to, not necessarily onsite.
- Discussion on other sources of funding.
- Discussion on cost of materials and time frame of project. Planning on fall construction.
- Question about how the project improves recruitment. Lower Miller Creek is trashed and there is low water. Putting wood in the stream to create habitat. Question about the benefit of improving Miller Creek in general.
- Discussion of the magnitude of impact from this project. There is 1,000 feet of active eroding banks they will address, and they hope to get downstream landowner involved. There was a watershed assessment completed in 2017 and they are taking a watershed approach. Is an important recruitment stream to the Bitterroot River. A fence for future livestock is in place and high priority areas are targeted to restore to maximize project benefits.

1<sup>st</sup> Motion: Motion made not to fund project (\$0)

Motion Made by: Bruce Farling

Motion Second by: Tony Cate

Panel Action: Motion fails (3 Yes, 7 no)

2<sup>nd</sup> Motion: Motion made to fund \$15,000 for channel work

Motion Made by: Karin Boyd

Motion Second by: Bill Wichers

Panel Action: Motion passes (8 Yes, 2 no)

**Amount Approved: \$15,000**

## **12) Placid Lake outlet barrier improvement (019-2021)**

Amount Requested: \$10,020

FWP Recommendation: We recommend full funding (\$10,020) but ask to confirm secured match.

Project Representative: Alan Davis & Brad Calcotte, Placid Lake Homeowners Association

Discussion Items:

- Comments highlighting the importance of keeping northern pike out of Placid Lake.

Motion: Motion made to fund the project at \$10,020

Motion Made by: Tony Cate

Motion Second by: Bruce Farling

Panel Action: Motion passes (unanimous)

**Amount Approved: \$10,020**

## **13) Trail Creek fish passage (021-2021)**

Amount Requested: \$14,300

FWP Recommendation: We recommend full funding (\$14,300).

Project Representative: Ryen Neudecker, Big Blackfoot Chapter of Trout Unlimited

Discussion Items:

- Discussion on what fish species will gain access to Trail Creek. This project is not expected to open passage to rainbow trout. The priority is connectivity over potential risk of nonnatives.
- Discussion on road usage in subdivision. It is not a heavily used road (residential). Construction will use a ford to allow access and the project site will be dewatered. It is part of the mobilization cost.
- In terms of fishing access, there is private property on each side of the crossing.
- In this location the channel split and is migrating toward the project side. The conservation district is allowing the natural process to happen, and the stream will go through the Double Arrow common area.

Motion: Motion made to fund the project at \$14,300

Motion Made by: Nancy Winslow

Motion Second by: Terry Chute

Panel Action: Motion passes (unanimous)

**Amount Approved: \$14,300**

**14) Willow Creek fish barrier (022-2021)**

Amount Requested: \$8,200

FWP Recommendation: We recommend full funding (\$8,200)

Project Representative: Ryen Neudecker

Discussion Items:

- Discussion on sources of funding.
- Discussion on donated materials and if the in-kind bridge stringers are allowed as match. Only government salaries are prohibited to use as match, donated materials are allowed. Explained bridge stringer program.

Motion: Motion made to fund the project at \$8,200

Motion Made by: Bruce Farling

Motion Second by: Tony Cate & Bill Mytton

Panel Action: Motion passes (unanimous)

**Amount Approved: \$8,200**