

FUTURE FISHERIES IMPROVEMENT PROGRAM

REVIEW PANEL MINUTES

SUMMER 2023

Date: June 16, 2023

Review Panel Attendees:

In Person: Bill Mytton, Nancy Winslow, Ron Pierce, David Cope, Clint Peck, Michael Johns, Mike Newton, Bob Schroeder, Richard Lane, Bill Semmens

Future Fisheries FWP staff:

- In Person: Eileen Ryce, Michelle McGree, Ryan Comstock

Applicants and others in attendance: Ashley Brubaker (Trout Unlimited), Will McDowell (Clark Fork Coalition), Caleb Uerling (FWP), Christine Brissette (Trout Unlimited), Zach Owen (Beaverhead Conservation District), Tess Scanlon (Trout Unlimited), Ben LaPorte (Big Hole Watershed Committee), Laura Nowlin (Winnett ACES), Lloyd Rowton (Landowner), Clint Smith (FWP), Jim Magee (U.S. Fish and Wildlife Service), Jim Olsen (FWP)

Panel business (before project review):

- Clint Peck brought the meeting to order at 8:04 a.m.
- Eileen Ryce was introduced as guest speaker. Michelle gave a presentation on the status of the program and its nearly 30-year history, and Eileen gave updates on the 2023 legislative outcomes and financials. With a need to use Program authority and spend funding, there should be many projects in December 2023 and therefore the meeting could be 1.5 days (December 12 and 13).
- Program Updates Discussion:
 - Clint Peck asked for data about the whole of all projects under fish management and asked about surveying Montanans about the importance of habitat.
 - Bill Mytton spoke about new landowners being more receptive than old landowners to letting us do more for preserving watersheds. He also believes the general public don't know enough about fish habitat and our FFIP, and that they should be more aware.
 - Ron talked about the "Rule of 80" that most people have about 80% of things in common, and you can communicate if you don't talk about the other 20%.
 - Projects costs are going up; average FFIP award has stayed close to the same over the years.

Panel business (after project review):

- Funding recommendations were reviewed and accepted as-is.
- Nancy Winslow will complete the prioritization with Michelle and Adam Strainer.

Application discussions and funding recommendations:

1. Brackett Creek Streambank Restoration (012-2023)

Amount Requested: \$85,115*

FWP Recommendation: \$85,115

Project Representative: Ashley Brubaker, Trout Unlimited

**Due to unspent authority and FWP's request to consider additional needs, the applicant noted that they would be interested in increasing their ask. However, no amount was given.*

Discussion Items:

- Ashley brought Brackett Creek Streambank Restoration forward to FFIP last December. The concerns with the previous application were revisited.
- Brackett Creek was originally moved for agriculture and then re-channelized in the mid 90's (not sure why).
- Banks are eroding and need to be resloped. Discussion of the bank toe and using materials that will withstand flooding. Old meanders will be flooded as part of the design.
- Discussion of the bridge and the importance of it to the restoration. They want to remove bridge & restore the banks. The landowners may move the access road.
- Discussion about sediment upstream and downstream and if there are any flow problems. The applicant will do a BEHI survey with the project. The applicant has a 10 year water lease that is in the process of being renewed.
- Public fishing opportunities were discussed. There is an access point downstream, and the landowners would probably allow fishing if asked.
- There is no grazing on the property.
- The panel discussed the cost of the project. There was an opinion that the cost is double what it should be for certain aspects of the project. Others discussed the bid process and the need to offer a bigger carrot to attract contracts, due to lack of contractors available currently. They need qualified people to do the job and sometimes paying more is acceptable.

Motion: Motion made to fund the project at \$61,800

Motion Made by: Mike Newton

Motion Second by: Rich Lane

Panel Action: Motion fails (3 for, 5 against)

Motion: Motion made to fund the project at the recommended amount (\$85,115) and any leftover funds will be returned to FFIP.

Motion Made by: Bob Schroeder

Motion Second by: Michael Johns

Panel Action: Motion passes (7 for, 1 against)

2) Browns Gulch Fish screens (013-2023)

Amount Requested: \$37,890*

FWP Recommendation: We recommend full funding (\$37,890) but ask that the applicant addresses landowner permissions, use of rock, and fish passage.

Project Representative: Will McDowell, Clark Fork Coalition

**Due to unspent authority and FWP's request to consider additional needs, the applicant increased their ask from \$37,890 to \$45,390. Additional funds for construction oversight and rock for weirs.*

Discussion Items:

- Four fish screens; wants to bid in August, and start building by September
- Fish screens do not have a bypass, they are being modified currently
- Question about the landowner fencing around the diversion
- Discussion about the trajectory of fishery; Silverbow Creek has westslope cutthroat trout (WCT). WCT are found at the top and bottom of Browns Gulch. Fixing connectivity issues on important tributaries like Brown's Gulch
- Question about diversion having any measuring device(s) for water flow. Do not think it does. The screen is designed for water right with additional capacity for clogging problems. There is no water commissioner, but has a downstream senior rights holder.
- Are there diversions above the project? None, or maybe one. Fair number elsewhere, but not in the WCT reach. Flood irrigation in the area, on small fields. Not opportunities for water savings, yet.

Motion: Motion made to fund project at \$45,390.00

Motion made by: Michael Johns

Motion second by: Mike Newton

Panel Action: Unanimous yes, motion passed

Amount Approved: \$45,390.00

3) Chicken Creek Fish screens (014-2023)

Amount Requested: \$25,750

FWP Recommendation: We recommend funding this project at \$25,965.

Project Representative: Christine Brissette, Trout Unlimited

Discussion Items:

- Chicken Creek is a big cold-water watershed and is projected to remain cold. This project would start late August 2023.
- The diversion is on USFS land and landowners are on board with the project.

- Discussion on streamflows. There are late season flows and the stream doesn't dewater. There are two diversions; this is one, and discussions are happening regarding the other. There is 7-8 cfs of water in late season.
- Discussion on funding. Question why Trout Unlimited hasn't put any money into this; they weren't asked. Trout Unlimited went to USFS for funding.
- Question about year around water rights for the pond. There are fisheries water right for the ponds.

Motion: Motion made to fund the recommended amount of \$25,965

Motion made by: Ron Pierce

Motion second by: Nancy Winslow

Panel Action: Unanimous yes, motion passed

Amount Approved: \$25,965

4) **Grasshopper Creek mine tailings bank stabilization (015-2023)**

Amount Requested: \$5,000*

FWP Recommendation: We recommend full funding (\$5,000) but ask the applicant to consider opportunities to soften the treatment.

Project Representative: Zack Owen, Beaverhead Conservation District

**Due to unspent authority and FWP's request to consider additional needs, the applicant increased their ask from \$5,000 to \$27,765. Additional funds are for adding vegetation to the riprap.*

Discussion Items:

- Removal of tailings was discussed. This is expensive and was a firm no from Bannack State Park because of its historical value.
- The contaminants present include Cadmium, Arsenic, Mercury, and Copper. Grasshopper Creek is listed for Mercury and Arsenic. Somehow it is getting into the stream. It's hard to have tailings next to a stream even if they are "sealed." There's no physical barrier. Elemental Mercury is believed to pool and make a barrier that becomes stable. Messing with it makes the project a multi-million dollar project. The tailings are 7-8 feet deep.
- Discussion of the project ask as a small portion of the bigger effort.
- Discussion on the use of riprap, and the potential precedent for using FFIP funding for riprap. Hard stabilization is not a preferred method in restoration, but this project could be an exception. Discussion on the effectiveness of vegetating riprap.
- The panel discussed the merits of this project as a fish habitat project. The support from the fisheries biologist was discussed in terms of project impact.

Motion: Motion made to fund revised ask of \$27,765

Motion made by: Bob Schroeder

Motion second by: Mike Newton

Panel Action: Unanimous yes, motion passed

Amount Approved: \$27,765

5) **Middle Fort Rock Creek fish passage reconnection (016-2023)**

Amount Requested: \$50,000*

FWP Recommendation: We recommend full funding \$50,000 and the use of a screen that avoids the use of a rock ramp.

Project Representative: Tess Scanlon, Trout Unlimited

**Due to unspent authority and FWP's request to consider additional needs, the applicant increased their ask from \$50,000 to \$90,000. Additional funds would support the costs associated with the purchase and installation of the fish screen.*

Discussion Items:

- Question about the pump and infrastructure associated with project. The proposed project would shift from gravity to pumped water. The landowner is aware of pumping costs.
- What would keep new landowner from going back to gravity fed? They would be reclaiming the ditch so if they were to go back to the gravity fed, they would have to rebuild it.
- There will be 8-10 cfs of water saved and the water user will donate it to TU to save for instream flow.
- Are the funds from Western Native Trout Initiative secured? The additional funds haven't been secured yet; they haven't met this year to determine awards.
- Discussion about what they would do with the extra \$40,000 they asked for. They would invest it into the screen, since that is the bulk of the project cost.
- Discussion on the revised funding ask. If they are fully funded by FFIP, will they still go after the unsecured money from Western Native Trout Initiative? Yes, they would still go after the unsecured funds, they would just be asking for less if they secured the additional \$40,000.00 from FFIP.
- Discussion on project costs. Panel member believes that the cost is extreme, asked if this was to cover contingency. Mobilization cost is twenty percent of construction costs, within the normal range for mobilization. Panel members note that costs are high and did not believe there was justification for the extra \$40,000 requested in the revised ask.
- The project time frame would be Summer 2024.

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

Motion made by: Nancy Winslow

Motion second by: Bill Mytton

Panel Action: Unanimous yes, motion passed

Amount Approved: \$50,000

6) Mount Haggin culvert removal and replacement (017-2023)

Amount Requested: \$24,500*

FWP Recommendation: We recommend full funding (\$24,500).

Project Representative: Ben Laporte, Big Hole Watershed Committee

**Due to unspent authority and FWP's request to consider additional needs, the applicant increased their ask from \$24,500 to \$29,788.50. Additional funds would cover the cost of the larger pipe that will be required for the project.*

Discussion Items:

- Two removals and two replacements across four sites. The project would open up 8.4 miles of stream. This is based on perennial streams and presence of fish.
- Question about road access. The roads to Julius and Little California are already defunct. These are logging roads, not system roads. The roads are mostly grown in and not in use or maintained.
- Culvert size was discussed, relating to accommodating a specific streamflow event. Yes, the eleven-foot pipe is superior to the eight-foot pipes that were previously installed. The culvert sizes are based on streamflow and follow USFS stream simulation protocols.

Motion: Motion made to fund the project at the revised request of \$29,788.50

Motion made by: Bob Schroeder

Motion second by: Mike Newton

Panel Action: Unanimous yes, motion passed

Amount Approved: \$29,788.50

7) Musselshell River Rowton bank restoration (018-2023)

Amount Requested: \$50,000*

FWP Recommendation: We recommend full funding (\$50,000) but ask for more detail on the toe of the bank treatment.

Project Representative: Laura Nowlin, Winnett ACES; Lloyd Rowton, Landowner; Clint Smith, FWP

**Due to unspent authority and FWP's request to consider additional needs, the applicant increased their ask from \$50,000 to \$118,461. Additional funds would cover the increased costs of design, permitting, and installation after significant flooding in spring 2023.*

Discussion Items:

- The affected bank was heavily damaged by 2023 flooding. It is threatening a field and infrastructure. Damage is continuing downstream.

- Discussion about this project being the beginning of softer treatments used in Musselshell projects in the future (demonstration value).
- Will be sloping banks where they are, not returning banks to where they were pre-flood.
- Question about the increased ask of funding. The recent flooding caused the bank damage to be a lot more significant, so the project is now bigger. They are anticipating the change in design, permitting, and overall cost. Match funding is pending.
- Discussion on the fish benefits. There are 23-24 fish species and all but four or five are native species. Fixing sections of the Musselshell will provide great opportunities for them. Want to mimic a natural stream system and provide habitat complexity.

Motion: Motion made to fund project at revised ask of \$118,461

Motion made by: Mike Newton

Motion second by: Bill Mytton

Panel Action: Unanimous yes, motion passed

Amount Approved: \$118,461

8) South Fork North Fork Divide Creek fish passage (019-2023)

Amount Requested: \$35,000*

FWP Recommendation: We recommend full funding (\$35,000) but ask that the applicant provides more detail on the toe of the bank treatment.

Project Representative: Jim McGee, USFWS

**Due to unspent authority and FWP's request to consider additional needs, the applicant increased their ask from \$35,000 to \$45,000. Additional funds would cover project costs and shift \$10,000 back to other Arctic grayling restoration projects.*

Discussion Items:

- Original fish passage project failed. It was grouted and didn't dissipate energy. The new design is expected to be effective.
- The project is being designed based on streamflow measurements and hydraulics analyzed by Big Hole Watershed Committee (BHWC). The BHWC has the knowledge and ability to design the project, especially because they just completed a project using rock step pools.
- The applicant gave a description of how the water moves through the settling basin and the reservoir to the South Fork and the Big Hole River. This is an important water supply for Butte.
- Question about why the City of Butte isn't contributing. The applicant didn't ask; they've been working with the County.
- Question about the maintenance agreement, which is covered by the FFIP program requirements.

Motion: Motion made to fund the project at the revised ask of \$45,000

Motion made by: Ron Pierce

Motion second by: Nancy Winslow

Panel Action: Unanimous yes, motion passed

Amount Approved: \$45,000