

MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS

FISHERIES DIVISION
JOB PROGRESS REPORT

STATE: MONTANA

PROJECT NUMBER: F-46-R-2

JOB NUMBER: VI-a

PROJECT TITLE: STATEWIDE FISHERIES INVESTIGATIONS

STATE TITLE: STATEWIDE SURVEY AND INVENTORIES

JOB TITLE: STREAM PROTECTION COORDINATOR

PERIOD COVERED: JULY 1, 1988 TO JUNE 30, 1989

ABSTRACT

During the report period, 137 Notice of Construction applications were received and reviewed. Measures were requested to reduce or mitigate damage to streams and fish habitat.

Fish and wildlife information for environmental assessments was provided to the State Department of Highways on request. Environmental impact assessments submitted for all state highway projects were reviewed and commented on as required.

Regional fisheries personnel reviewed over 500 applications for 310 permits. About 70% of these were field inspected. Seven river mechanics training workshops were attended by about 265 participants.

Engineering consultation services have been contracted and have helped with hydraulic questions.

OBJECTIVES

1. To coordinate administration of the Stream Protection Act (SPA) and the Natural Streambed and Land Preservation Act (310) to ensure the preservation of Montana streams in their natural, existing state.
2. To provide recommendations as provided by Sec. 404 of the Clean Water Act to avoid impacts to wetlands contiguous to streams or in project corridors.

3. To assist with interagency coordination with other state and federal agencies, agricultural, corporate and other private entities in an effort to promote stream habitat management.

Objective 3 was accomplished with state funding.

PROCEDURES

State, county, municipal and political subdivisions are required to provide SPA notices to the Department of Fish, Wildlife and Parks (DFWP) at least 60 days prior to construction for projects which may affect stream beds or stream banks. Irrigation district projects and emergencies are exempt from the act.

This department provides notification forms to applicants for completion and return to the department. Plans are reviewed by Helena and regional staff to determine if any adverse impacts to fish or wildlife will occur. Recommendations are made to the applicant to eliminate or reduce the adverse impacts. The act provides for an arbitration procedure if an agreement cannot be reached.

The Stream Protection Act application form was revised. The contents of the application were changed to clarify the information requested. Administrative changes required the regions to process the Miscellaneous and County category application. Helena office will process all Department of Highways sponsored applications and keep a central file on all issued permits and transactions.

Memos of understanding have been entered into with several federal agencies to comply with the intent of the act. In addition, water quality standards of the Montana Department of Health and Environmental Sciences provide that we screen construction projects for the potential exceedence of the water quality standard for turbidity, and then so advise that agency. Other agencies cooperate to varying degrees under informal agreements.

A private individual, corporation, firm, partnership, association, or other legal entity not covered under the Stream Protection Act must, before altering or modifying the bed or banks of stream, obtain a 310 permit from the local Conservation District Board of Supervisors. Fisheries personnel are required as part of the permitting process to review plans and make recommendations for reducing or eliminating impacts to the streambed or banks and thereby protect fish habitat. The permitting process normally includes on-site inspections and takes less than 60 days to process. If a dispute occurs, there is a provision for arbitration or further litigation.

The project leader will maintain guidelines to provide consistent statewide approach to administration and recommendations for 310 projects. Division activities will be coordinated on all arbitration proceedings dealing with disagreements and violations. Technical assistance will be provided to fisheries personnel when unusual, difficult or hard to solve hydrologic problems occur. Training will be provided for new fisheries biologists assigned to stream protection duties.

Approximately 80 percent of job time will be utilized on cold water streams and 20 percent on warm or cool water streams.

Fish population data are usually available from the department's Fisheries Division, and are supplied by regional offices. When adequate data are not available, requests are made to the appropriate region to obtain such data.

Engineering consultation service will be obtained under a contract with a private hydrologist for engineering expertise.

FINDINGS

Stream Protection Act

A total of 137 Notice of Construction applications were reviewed and processed during this report period. Of these notices, 47 were for state highway projects (Table 1), 37 for county road and bridge projects (Table 2), and 53 for miscellaneous projects (Table 3). Miscellaneous projects included projects by federal agencies, municipalities, and state agencies other than the Department of Highways.

To meet the Federal requirements of the Section 404, the Department has entered into a Memorandum of Understanding to establish and implement operating procedures for identification, evaluation and mitigation of highway construction impacts to wetlands.

A wetland technical subcommittee was established to carry out the functions of the program under direction of the Interagency Wetlands Group. A recently developed MOU allows a positive approach for wetland mitigation. Preliminary cooperation shown by the agencies involved indicates initial success of the program.

Recommendations to protect streams and wetlands were generally well received. To reduce adverse effects on streams and rivers, we will continue our awareness program of stream and water quality protection for agencies and general contractors. Some projects are of a nature that they can be handled in a routine manner. Other projects require several meetings for coordination and detailed investigation to resolve issues.

Some problems exist from non-compliance or after-the-fact applications by County road and bridge projects. In an attempt to avoid future problems, the Montana Association of Counties and Road Supervisors were contacted and briefing discussions were presented at their four annual area meetings held in November of 1988. A stream hydrology seminar was held at the Road Supervisors annual statewide meeting in April. Other state agency personnel were encouraged to attend the seminar.

Environmental impact assessments were received for all state highway projects and reviewed, and commented on as required.

Voluntary compliance with the intent of the act by federal agencies has been generally good during this period. A lack of full record keeping on voluntary compliance causes inconsistent records, which in turn, does not give us an accurate account of the number to total projects throughout the state. Greater coordination with Department field biologists and federal agencies will hopefully improve this situation.

Natural Streambed and Land Preservation Act (310)

Regional fisheries personnel received notification of 532 applications for 310 permits from 40 conservation districts throughout the state. Of these applications, the Conservation District supervisors declared 499 applications as projects and 33 as non-projects. Team inspections were held on 344 or 69% of the projects.

For purposes of this report, descriptions of projects were divided into five categories. The number of projects for each category follows: 174 - stream crossings (includes bridges, culverts, fords, pipelines and cables); 152 - irrigation diversions (headgates, pumps and instream structures); 106 - streambank and channel stabilization; 15 - mining; and 52 - miscellaneous (habitat enhancement, pond development, debris removal). There were 15 reported violations of which about half were irrigation diversion related. Applications for permits were denied on only two projects.

The majority of 310 projects were located in the southwestern part of the state. The following table lists 310 activity in the seven fisheries regions:

<u>Region</u>	<u>Projects</u>	<u>Team Inspections (%)</u>
1	87	37 (43)
2	81	44 (54)
3	200	150 (75)
4	53	41 (77)
5	57	57 (100)
6	4	3 (75)
7	17	12 (70)

Gallatin County Conservation District processed the most 310 projects with 86; Flathead County was second with 49. Carbon County (Region 5) processed 27 irrigation diversion maintenance projects under annual plans of operation (661). This means the permittee is allowed to do irrigation diversion maintenance every year up to 10 years providing he follows plans approved by the Conservation District and the Department. Only 5 other operational plans were approved in the rest of the state. More operational plans may have been issued but the reporting system did not make that distinction.

The Department initiated an arbitration case in Custer County when the Fisheries Manager disagreed with the Conservation District's decision to approve a jetty project on the Yellowstone River. The arbitration panel ruled in favor of the Conservation District, but recommended the jetties be constructed to SCS standards. The applicant wanted to use streambed gravel, logs and broken concrete to construct the jetties.

The project leaders attended six area conservation district meetings, the MACD State convention and one employee training workshop. The Department, along with assistance from the Department of Health and Environmental Sciences, sponsored seven river mechanic training workshops. Conservation Districts hosted these workshops in Cascade, Custer, Judith Basin, Lewis & Clark, Phillips, Stillwater and Yellowstone counties. About 265 persons attended the workshops.

RECOMMENDATIONS

It is recommended that this project be continued. Review and comment concerning projects where environmental evaluation is required by various state and federal statutes should continue. Evaluations of existing aquatic values and possible mitigative measures should be continued where appropriate. Cooperation with other agencies to streamline permit review requirements should continue. River mechanics training workshops should continue to be offered to those involved with the permitting process and stream protection responsibilities.

Prepared by: Ken Chrest

Date: July, 1989

1. Contents of File. Notices of Construction (Hydraulic Projects Affecting Fishing Waters) submitted by the Department of Highways (DOH).

<u>No</u>	<u>Project Name</u>	<u>DOH Pro. #</u>	<u>Date</u>	<u>Stream</u>
1	Frontage Road Pipe, O'Keefe Creek	No #	6/17/88	O'Keefe Creek
2	Pine Creek Bridge on Yellowstone (core)	BR 9034	7/13/88	Yellowstone River
3	Meadow Creek South	RS 508-1() 12	7/15/88	Hell Roaring, Cyclone, Meadow Red Top Crks
3c	Meadow Creek South (core drill)			
4	Swamp Creek	F-1-1	7/15/88	Swamp Creek
5	Milk River Bridge at Vandalia	BR 9054(8)	7/18/88	Milk River
6	O'Fallon Creek Bridge	BRS 320-1() 1()	7/19/88	O'Fallon Creek
7	Rudyard North	RS 255() 0	7/29/88	Drainages No of Rudyard
8	Pine Creek Bridge	BR 9034	7/29/88	Yellowstone River
9	Fisher Creek Diversion	No #	8/2/88	Fisher Creek
10	Finley Creek Maintenance	MN 1001	8/2/88	Finley Creek
11	Rosebud Creek Bridge at Absarokee	BRS 420-1() 1() 0	8/8/88	Rosebud Creek
11W	Work Bridge	BRS 420-1() 1() 0	4/20/89	Rosebud Creek
12	Elizabeth Warren St.	M1816 (6)	8/15/88	Blacktail Crk.
13	West Rosebud Creek Bridge	BRS 419-1() 1(3) 4	8/15/88	W. Rosebud Crk @ Fishtail
14c	Teton River 1 mile South of Loma (core drilling)	BR 9008(11)	8/17/88	Teton River
15c	Flathead River Bridge (Core drilling)	BRF 52-2() 2(7) 49	9/6/88	Flathead River

Table 1 continued

16c	Whitefish River Bridge (core drill)	BR 9015 (10)	9/8/88	Whitefish River
16	Whitefish River North of Kalispell	BR 9015(10)	2/22/89	Whitefish River
17c	East Fork Bitterroot River-NE of Sula (core drill)	BR 9041(11)	9/20/88	East Fork Bitterroot River
18c	Kalispell - Whitefish	F 5 - 3(28)115	9/20/88	Stillwater River
19c	Dixon Ravalli (core drill)	F 6 - 1(24)109	9/23/88	Jocko River
20	Yellowstone River Bridge, SE of Laurel	BRF 4-2()54	10/12/88	Yellowstone River
21	Madison River Bridge 4 Mi East of McAllister	BR 9029(8)	10/12/88	Madison River
22	Sage Creek Pipe Repair	MN 5002	10/17/88	Sage Creek
23	Bridge So. of Glentana	BRS 438- 1(5)36	10/27/88	Snow Coulee
24	Teton River Bridge Replacement	BR 9008(11)	11/23/88	Teton River
25	Yellowstone Bridge at Greycliff	BR 9049(4)	12/15/88	Yellowstone River
26	Lolo Rip Rap MP 21.7	1107	1/27/89	Lolo Creek
27	Marias Pass Recreational Facility	F 1-1()197	1/30/89	Summit Creek
28	Glasgow East	F 1-9(17) 542	2/22/89	Goudge Coulee
29	California Creek Maintenance	MN 2001	4/4/89	California Creek
30	Helena West	F 8-2(8)34	3/30/89	Ten Mile Creek
31	Robertson Creek Channel Clearing	MN 1002	4/6/89	Robertson Creek

Table 1 continued

32	West Fork of Rock Creek	BR 9020(8)	4/19/89	West Fork, Rock Crk, east of Skalkaho Pass
33	Middle Fork of Rock Creek	BR 9020(9)	4/19/89	Mdl Fk Rock Crk
34	Riprap I-15 MP 181	N/A	5/4/89	Prickly Pear Creek
35	Maintenance Riprap MP 8.7 US87	N/A	5/11/89	Otter Creek
36W	Clark Fork River Bridge NC 845	BR 9039(8)	5/24/89	Clark Fork River
37C	Jefferson River North of Twin Bridges - Core Drill	BRF 29 - 1(13)50	5/24/89	Jefferson River
38	Judith Gap North	F632()19	6/5/89	Ross Fork Cr. Meadow Cr. Dry Creek
39	Greenough Hill North	F241(9)23	6/5/89	Blackfoot Riv.
40	Indian Creek	NA	6/9/89	Indian Creek
41C	Madison River - East of Norris - Core Drill	BRF 84 - 1(3)8	6/12/89	Madison River
42W	Troy West - NC 933	RTF-BRF 1 - 1(31)14	6/15/89	Cedar Creek
43	Ovando East - NC 10	FR 1(16) 43	6/27/89	Warren, Rocky, Ward Creeks
44	Bridger Canyon Road - NC 710	F 86-1(5)3	6/27/89	Bridger Creek

2. Contents of File. Notice of Construction (Hydraulic Projects Affecting Fishing Waters) submitted by County agencies. (CO)

<u>No.</u>	<u>Project Name</u>	<u>County</u>	<u>Date</u>	<u>Stream</u>
1	O'Brien Creek Bridge	Missoula	6/22/88	O'Brien Creek
2	Lump Gulch Culvert Extension	Jefferson	8/1/88	Lump Gulch Ext.
3	Hangin Tree Road Prickley Pear Creek Erosion Project	Jefferson	8/1/88	Prickley Pear Creek
4	Little Pipestone - Cedar Hill Culvert	Jefferson	8/2/88	Fk Little Pipestone
5	Fortine Creek Bridge	Lincoln	8/5/88	Fortine Creek
6	Cemetery Housing District Irrigation Water Supply	Rosebud	8/17/88	Yellowstone River
7	Godfrey Bridge Removal	Gallatin	8/18/88	Godfrey Creek
8	Bridge 119	Lake	8/19/88	Post Creek
9	Bridge & Channel Repairs 30-B-1A	Yellowstone	8/23/88	Pryor Creek
10	Big Rock Couley	Glacier	8/23/88	Rocky Couley
11	Big Sandy Creek Culvert Installation & Road Realignment	Hill	9/6/88	Big Sandy Creek
12	Bridge deck & backing wall repairs	Yellowstone	9/15/88	Pryor Creek
13	Boulder River Bridge by Carey Ranch	Jefferson	9/16/88	Boulder River
14	Black Lake Road Crossing	Lake	9/23/88	Ronan Creek
15	Brundage Bridge (replacement)	Beaverhead	10/1/88	Red Rock River
16	Box Elder Bridge Replacement	Hill	11/9/88	Box Elder Creek
17	Bear Creek Culvert Change on Highway 308	Carbon	11/15/88	Bear Creek
18	Kountz Bridge -KBM-1	Madison	12/14/88	Jefferson River
19	Post Creek Bridge Removal	Lake	12/23/88	Post Creek

Table 2 continued

20	Fairgrounds Road Improvement	Musselshell	1/4/89	Musselshell River
21	Lake Blaine Inlet	Flathead	1/10/89	Lake Blaine
22	Dynamite Ice Jam	Carbon	1/11/89	Rock Creek
23	Montaqua Stream Bank Stabilization	Carbon	1/11/89	Rock Creek
24	Trout Creek Project	Gallatin	3/1/89	Trout Creek
25	Griffin Drive	Gallatin	3/1/89	East Gallatin River
26	Taylor Hill Road	Carbon	3/9/89	Willow Creek
27	Merridian Bridge Dyke Rip Rap	Jefferson	4/4/89	Jefferson River
28	Sager Lane River Bridge	Powell	4/6/89	Clark Fork River
29	Mill Creek General Maintenance	Ravalli	4/17/89	Mill Creek
30	Sawmill Gulch Br RS-7	Missoula	4/20/89	Rattlesnake Crk
31	Pamida Drainage Location	Fergus	4/28/89	Boyd Creek
32	Wolfe Lane Bridge	Beaverhead	5/11/89	Red Rock River
33	Bridge 28-B-3	Yellowstone	5/26/89	Alkali Creek
34	Riverside Road	Flathead	6/1/89	Blaine Creek
35	Musselshell Bridge Rip Rap	Musselshell	6/29/89	Musselshell River
36	Newton Bridge	Musselshell	6/29/89	Musselshell River
37	Riverside Rd. Bridge	Flathead	6/28/89	Mill Creek

3. Contents of File. Notice of Construction (Hydraulic Projects Affecting Fishing Waters) submitted by Miscellaneous Agencies. (MISC)

<u>No.</u>	<u>Project Name</u>	<u>Agency</u>	<u>Date</u>	<u>Stream</u>
1A	Upper Little Horn Irrigation Headgate	Crow Agency	7/11/88	Little Big Horn River
1B	Warm Spring D.U. Pond	DFWP-Wldlfe	7/15/88	Warm Springs Creek
2	Soup Creek Trout Barrier	DFWP-Fish	7/28/88	Soup Creek
3	Roche Jaune Boat Ramp Repair	DFWP-Parks	8/17/88	Yellowstone River
4	Pond E Restoration	Lee Metcalf Nat. Wldlfe Refuge	8/17/88	Rogman's Crk, 3 Mile, Bitterroot
5	Skimmerhorn Timber Sale	BLM	8/18/88	Skimmerhorn Crk, Elk Crk.
6	Divide Creek Flood Debris Removal	Nat. Park Service	8/25/88	Divide Creek
7	Mill Creek Fisheries Enhancement	Kalispell fisheries	8/31/88	Mill Creek
8	Gilman-Wimberly Flood Protection	Deer Lodge Valley CD	9/2/88	Clark Fork River
9	Fort Peck Fisheries Habitat Evaluation and Improvement	MDFWP	9/13/88	Missouri River dwnstm-Ft. Peck
10	Weir	Canyon Creek Irrigation District	9/14/88	Canyon Creek
11	Callahan Creek Crossing	City of Troy	9/15/88	Callahan Creek
12	Indian Creek Timber Sale	BLM	9/20/88	East Fork Indian Creek
13	Hilltop Road Extension	City of Billings	9/22/88	Yellowstone River
14	Bridge-Cateract Creek	Madison Mines Inc.	10/4/88	Cateract Creek

Table 3 continued

15	Broadwater Power Project (tailrace excavation)	DNRC	10/7/88	Missouri River
16	Infiltration Gallery Improvements	Town of Hysham	10/14/88	Yellowstone River
17	Star Meadows Road	Fed.Highway Admin.	10/28/88	Stillwater River, Logan Crk & isolated wetlands
18	Polebridge Temp. Bridge Installation	Glacier National Park	11/22/88	N . Fork Flathead River
19	Sand Coulee Creek	State Lands	10/28/88	Sand Coulee Creek
20	Notch Bottom F.A.S.	FWP	12/2/88	Bighole River
21	Woodside Bridge Fishing Access A/E 87-35-15-09	FWP	12/6/88	Bitterroot River
22	Cyr Bridge Fishing Access A/E 87-35-15-02	FWP	12/6/88	Clark Fork
23	Sunset Mountain Timber Sale	State Lands	12/6/88	Little Birch Creek
24	Laurel Ramp Modifications	FWP	12/9/88	Yellowstone River
25	US 89 Bridge Boat Ramp	FWP	12/14/88	Yellowstone River
26	McAtee Bridge Boat Ramp	FWP	12/22/88	Madison River
27	West Fork Bitterroot River Bridge - MT FH 66	FHA	1/6/89	West Fork Bitterroot River
28	Ronan Water System Improvement	City of Ronan	1/9/89	Middle Crow Creek
29	Sands Lake Island	DFWP	1/10/89	Sands Lake Reservoir
30	Somers Fishing Access Site	DFWP	1/31/89	Flathead Lake

Table 3 continued

31	Hillcrest Pond Island A/E 87-35-19-13	DFWP	1/31/89	Unnamed Pond
32	Joyes Pond Island A/E 87-35-19-10	DFWP	1/31/89	U n a n m e d Reservoir
33	Wildhorse Res. Island A/E 87-35-19-09	DFWP	1/31/89	Reservoir
34	Swede Creek Culvert Installation	State Lands	2/3/89	Swede Creek
35	Ashley Creek Headgate Repair	DFWP	2/8/89	Ashley Creek
36	Middle Fork of Spotted Dog Timber Sale	State Lands	2/8/89	Mdl Fk Spotted Dog Creek
37	Deer Lodge 12" Water Trans. Main	City of Deer Lodge	2/9/89	Peterson Creek
38	Spring Creek Improvement	DFWP	3/2/89	Spring Creek
39	Washington-Bluebird AMR, Washington Site	State Lands	3/3/89	Unnamed trib to Wood Chute Cr.
40	Washington-Bluebird AMR, Bluebird Site	State Lands	3/3/89	Unnamed trib to Wood Chute Cr. located Certain Gulch
41	Gobbler's Knob Timber Sale	State Lands	3/6/89	3 Unnamed Streams
42	Tin Cup Sprinkler Div.	P r i s o n Ranch	3/9/89	Tin Cup Joe Creek
43	Lyons Creek	State Lands	3/27/89	Lyons Creek
44	Windy Ridge Timber Sale	State Lands	4/12/89	Little Birch Creek
45	Elkhorn Mine Reclamation Project	State Lands	4/12/89	Elkhorn Crk
46	Mill Crk Fisheries Enhancement	MFWP	4/11/89	Mill Crk
47	N. Fork Little Thompson	State Lands	4/13/89	N Fk Little Thompson River

Table 3 continued

48	Comet Mine Reclamation Project	DFWP	4/19/89	High Ore Creek
49	Gold Creek Fish Barrier - MISC-1-89	DFWP	5/24/89	Gold Creek
50	Rimini Abandoned Mine Reclam.	State Lands	6/8/89	Ten Mile Creek
51	Alkali Creek Outfall Sewer	City of Billings	6/15/89	Alkali Creek
52	Wicks Lane Storm Drain	City of Billings	6/15/89	5 Mile Creek