



**DECISION MEMO**  
**UPPER WEST BRANCH LeCLERC CREEK FISH MANAGEMENT STRUCTURE, FISH SALVAGE, AND**  
**PISCICIDE TREATMENTS**  
**U.S. FOREST SERVICE**  
**COLVILLE NATIONAL FOREST, NEWPORT-SULLIVAN RANGER DISTRICT**  
**PEND OREILLE COUNTY, WASHINGTON**

## **Background**

In continued fulfillment of the terms for Box Canyon Dam FERC License #2042 and its associated Trout Habitat Restoration Program plan, the Pend Oreille Public Utility District (PUD), in coordination with the Kalispel Tribe of Indians and the Washington Department of Fish and Wildlife (WDFW), submitted special use applications to perform non-native fish eradication in the Upper West Branch LeClerc Creek Watershed. The project goals are two-fold: (1) eradication of non-native Brook Trout and (2) restoration of native Westslope Cutthroat Trout endemic to the West Branch LeClerc Creek watershed. Given the size and complexity of the watershed, a single piscicide treatment above the confluence with East Branch LeClerc Creek would not be feasible. Rather, the watershed would need to be divided via the use of a temporary Fish Management Structure, allowing non-native fish eradication to proceed in stages.

The PUD would construct a temporary fish management structure (structure) on the Upper West Branch LeClerc Creek, approximately 350 feet north of the NF-1935 road intersection with the creek, in accordance with 100% final project designs and technical specifications submitted by the PUD. The Kalispel Tribe and WDFW would follow-up with subsequent fish salvage and piscicide treatments. The proposed structure would be a combined 18-foot-wide velocity-drop barrier steel structure with steel wingwalls, eco-block retaining walls and earthen embankments. This structure would provide a temporary barrier to the upstream migration of exotic species, primarily Eastern Brook Trout, until the piscicide treatment process is completed. Surface disturbance would be less than one acre and localized to the streambank immediately surrounding the structure, and temporary access on both sides of the creek. Approximately 350' of a closed roadbed running parallel to the bank on the east side of the creek is required for temporary access, and approximately 200' on the west side of the creek. These temporary roads may require light grading, brushing, or cut and fill to ensure access for associated equipment. During the winter of 2022/2023, the NF-1935 road washed out approximately 0.5-0.75 miles southwest of the proposed fish management structure, and the PUD has agreed to repair the road as part of this project, using fill from an existing rock source quarry adjacent to NF-1935.

Following installation of the structure, WDFW and the Kalispel Tribe would conduct fish salvage of Westslope Cutthroat Trout and piscicide treatments for non-native species. The fish treatments would include light brushing of some administrative access roads and trails, vehicle access on brushed roads, temporary placement of rotenone drip cans and Potassium Permanganate solution dispensers throughout the treatment reach of West Branch LeClerc Creek (~14 days duration), posting of informational and warning signs about rotenone treatment, and camping for some WDFW or Kalispel Tribe staff. The Colville National Forest has issued Special Use Authorizations for similar non-native fish

removal/Westslope Cutthroat Trout restoration projects conducted on Smalle (NEW14; 2014), Highline (SLK40; 2016), and Flume (SLK51; 2019) creeks. Reduction of standing water via diversion or beaver dam notching may also be conducted by WDFW to facilitate effective treatments.

The structure is planned to be in place for six years and removed on year seven; however, it may need to operate for up to three years longer if the piscicide treatments are not as effective as planned, for a total of up to ten years. This project would take place in the following areas:

- Fish Management Structure:
  - Township 37 North Range 44 East, Section 33
  - Coordinates: 48.657643° North, -117.238378° West
- Fish Salvage and Piscicide Treatments: The Project Area is located within the LeClerc Creek Watershed, in Township 36 North, Range 44 East, Sections 3 and 4, and Township 37 North, Range 44 East, Sections 14-17, 20-23, 25-29, and 32-35. The project would encompass approximately 7.32 miles of Upper West Branch LeClerc Creek and tributaries.

The total anticipated ground disturbance for these two projects is less than 1 acre.

## Decision

Based on my review of the information presented in this document, it is my decision to authorize the Upper West Branch LeClerc Fish Management Structure construction and associated piscicide treatments as described.

This decision includes the following design criteria:

### General

1. Following the completion of all phases of the project, and removal of the fish management structure, the streambank and temporary access roads must be reclaimed and re-seeded. Public access to the closed access roads will be prohibited by the placement of a barrier.
2. No large or mature trees will be removed within the project area.

### Wildlife

1. If a threatened, endangered, or sensitive wildlife species is observed in the project area, or if a previously unknown wildlife activity site (large carnivore den, raptor nest, cave, mine, etc.) is discovered, consult the district wildlife biologist on measures that might be necessary to protect the species/site.
2. All in-water work must be completed within the in-water work period of August 1st – September 30<sup>th</sup>. If additional time is needed to complete the work, the applicant must coordinate with the Forest Service and WDFW to apply for an in-water work window extension. The in-water work window extension shall be requested prior to the start of work.

## Heritage

1. Personnel must notify the Forest archeologist if there is an inadvertent discovery of archeological resources. In such an instance, operations are to cease until a certified archeologist can develop mitigations. All equipment and surface-disturbing activities must stay out of the known boundaries of historic sites.

## Botany

1. The project will use the approved seed mix (BioSwale mix of native plants provided by River Structures Consulting November 18, 2022), or request FS review if an alternative is needed.
2. Require weed-free aggregate (gravel) for construction, if needed.
3. Any sensitive plant populations found during implementation would be protected using design criteria appropriate for the species. A FS Botanist would be consulted to determine necessary actions to protect population viability and habitat identified during implementation.

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 36 CFR 220.6(e)(3) for approval, modification, or continuation of special uses that require less than 20 acres of NFS land.

I find there are no extraordinary circumstances that warrant further analysis or documentation in an EA or EIS. I considered resource conditions identified in agency procedures 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** – This project will not likely result in jeopardy to any federally listed or proposed threatened or endangered animal or plant species. Implementing this project will not lead towards the federal listing or loss of viability of Forest Service Sensitive species and will not decrease habitat sufficiently to threaten the viability of Management Indicator or Focal species (see associated BE and list in CNF Forest Plan). Interdisciplinary review of this project determined that no extraordinary circumstances exist that would require the proposed actions to be documented with an EA or EIS. The following circumstances were specifically reviewed for effect:

1. *Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:*

The project is not likely to jeopardize the continued existence of the bull trout and is not likely to destroy or adversely modify designated critical habitat. This is due to the very low number of bull trout likely to occur and the distance of occurrences (10-11 miles downstream) from the project area location. There is little to no potential for incidental take of individuals via project construction or subsequent Rotenone treatments. However, bull trout do have access to the construction site and it is possible that they could be affected during construction activities such as fish removal or dewatering. The distance of the project would ameliorate channel disturbance effects (i.e. sediment) and addition of potassium permanganate would neutralize effects of Rotenone piscicide to bull trout. Bull trout are downstream of

the fish structure. There are no migratory barriers between the eDNA detection site and the project site. The structure may block passage to bull trout, but the potential is low. This project would not contribute to a negative trend in viability of bull trout.

The West Branch LeClerc subwatershed includes approximately 10.5 miles of designated critical habitat within the Clark Fork River CHU. The subwatershed represents less than 0.1 percent of total critical habitat in the CHU. The Forest Service consulted with the US Fish and Wildlife Service, which included an analysis of the environmental baseline of critical habitat in West Branch LeClerc Creek and the Action Area relative to each of the nine Principal Constituent Elements (PCE) or Primary Biological Factors of bull trout critical habitat. The long-term effect on critical habitat would be beneficial especially by potential significant improvements to PCE 9 by removing non-native species detrimental to bull trout. Potential short-term sediment inputs from project construction are possible, and water quality would be briefly affected by Rotenone treatments but would be neutralized by potassium permanganate additions. However, overall this project would result in long-term Beneficial Effects for critical habitat in West Branch LeClerc Creek. This project would not contribute to a negative trend in bull trout critical habitat. There may be some short-term negative impacts to West Branch LeClerc creek by adding a temporary physical migration barrier (PCE 2) and releasing fine sediments through construction and removal (PCE 6) but these are temporary and localized in nature. The long-term impacts of the proposed project would be beneficial to critical habitat in West Branch LeClerc Creek, especially to the food base (PCE 3) and by lowering the occurrence of non-native species (PCE 9).

Grizzly bears are the other federally listed species in the project area. The project area is within the Selkirk Mountains Grizzly Bear Recovery Area. Bears have been documented near the project area, especially in the Molybdenite Mountain area 3 miles to the north of the project area's location.

The road that would be used to access the fish structure would be kept closed to public use. Post-project the road would be decommissioned and the entrance blocked with native material. The closed road would be monitored for five years and if needed, steps would be taken necessary to address any breaches of road closures by motorized vehicles.

The project could contribute to human disturbance in the area that would be cumulative to ongoing human uses and activities. However, activities associated with forest management projects on all ownerships would be confined in time (daylight hours) and space (individual treatment area). Bears should be able to displace to more secluded portions adjacent to the project area. Areas of human activity not connected with forest management would be predominantly confined to open road and trail corridors, lakes, and recreation sites such as campgrounds. Bears are already prone to disturbance in these static, high human-use areas.

Based on the above discussion, the potential to disrupt individuals in the area and the minimal loss of hiding cover, the proposed action may affect, but is not likely to adversely affect grizzly bear.

One Forest Service sensitive fish species, Westslope Cutthroat trout, *Oncorhynchus clarkii*, occurs within the project area. Project activities may impact individuals or habitat; however, any impacts will not likely contribute to a trend toward federal listing or loss of viability to either species. Overall, the project will improve native fish populations by removing non-native fish and reintroducing Westslope Cutthroat trout.

Twenty Forest Service sensitive wildlife species have been documented within the project area. Project activities may impact individuals but are not likely to lead in a trend towards federal listing or loss of viability.

Seven Forest Service sensitive plant species, *Botrychium ascendens*, *Botrychium hesperium*, *Botrychium michiganense*, *Carex cordillerana*, *Circuta bulbifera*, *Geum rivale*, and *Hypericum majus* have suitable habitat within the project area. No individuals or populations are known to occur within the project boundary. Some short-term potential impacts to vegetation would occur in suitable habitat, but the overall effect of creek restoration on existing native plants and vegetation communities would likely be beneficial. Project activities may impact individuals or habitat; however, any impacts will not likely contribute to a trend toward federal listing or loss of viability to either species.

The effects of the project are limited to less than an acre and will not likely result in jeopardy to any federally listed or proposed threatened or endangered animal or plant species or lead towards the federal listing or loss of viability of Forest Service Sensitive species and will not decrease habitat sufficiently to threaten the viability of Management Indicator or Focal species.

- ◆ **Flood plains, wetlands, or municipal watersheds** – There are no floodplains, wetlands, or municipal watersheds within or near the project area.
- ◆ **Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas** – This project does not occur in any congressionally designated areas.
- ◆ **Inventoried roadless areas or potential wilderness areas** – This project does not occur in any inventoried Roadless areas or potential wilderness areas.
- ◆ **Research natural areas** – This project does not occur in any research natural areas.
- ◆ **American Indians and Alaska Native religious or cultural sites** – Tribal consultation has been completed. A Heritage resource review has been completed and no known cultural sites will be disturbed by this project. In the case of incidental discoveries, the included design criteria will be followed. The Kalispel Tribe confirmed that the project would restore trout, which are culturally important to the Tribe, and would have no detrimental effect on Traditional Cultural Properties.
- ◆ **Archaeological sites, or historic properties or areas** – No known eligible sites have been surveyed in the project area, but incidental discoveries are included in the design criteria.

## Public Involvement

This action was listed as a proposal on the Colville National Forest Schedule of Proposed Actions on December 23, 2022 and updated as necessary during the analysis. The Kalispel, Colville, and Spokane Tribes were notified of the proposed project by letter on November 4, 2022. No concerns have been expressed; the Kalispel provided a letter of support.

## Findings Required by Other Laws and Regulations

This decision which includes the design criteria above is consistent with the Colville National Forest Land Management Plan. The proposed fish management structure and piscicide treatments are managed under the Focused Restoration Management Area designation in the Forest Plan, where the

management emphasis is to restore ecological integrity and ecosystem function at the landscape scale, using both active management (mechanical treatment and prescribed fire) and passive management (natural processes including disturbances and succession) to restore management natural processes and improve resiliency, while emphasizing important fish and wildlife habitats.

This project is also consistent with all laws affecting National Forest management. These laws include the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and the National Historic Preservation Act.

### Administrative Review or Appeal Opportunities

This decision is not subject to appeal pursuant to 36 CFR 215.12(f) and may be implemented on the date of the decision by the responsible official.

### Implementation Date

Construction of the fish management structure is expected to occur during the in-water work window (8/1-9/30) in summer and fall of 2023. Piscicide treatments are planned to commence beginning in the 2024 field season.

### Contact

Questions regarding this decision should be submitted by email to Carin Vadala at (carin.e.vadala@usda.gov) or by phone at 509-447-7300 or by mail to District Ranger, 315 North Warren Ave., Newport, WA 99156.

Questions regarding the project should be submitted to Allison Ginn by email (allison.ginn@usda.gov) or by phone at 509-380-3586.



CARIN VADALA  
District Ranger

7-10-23

Date

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