



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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**JUL 30 2013**

Ref: 8 EPR-N

Mr. Les Evarts  
Fisheries Program Manager  
Confederated Salish and Kootenai Tribes  
P.O. Box 278  
Pablo, Montana 59855

Re: Proposed Strategies to Benefit Native Species by  
Reducing the Abundance of Lake Trout, Flathead Lake,  
Montana: Draft Environmental Impact Statement  
CEQ # 20130175

Dear Mr. Evarts:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)C, and Section 309 of the Clean Air Act (CAA), 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Bureau of Indian Affairs (BIA) Proposed Strategies to Benefit Native Species by Reducing the Abundance of Lake Trout, Flathead Lake, Montana, Draft Environmental Impact Statement (DEIS).

We appreciated the opportunity to review this DEIS which describes an interdisciplinary and cooperative effort among Tribal, State and Federal agencies. The purpose of this project is to benefit native fish by reducing the population of predacious lake trout in Flathead Lake using a combination of fisheries population management tools, including angling and netting. Specifically, the project will likely benefit the population of bull trout which were listed as a threatened species under the Endangered Species Act in 1998.

### **Background**

This project area is Flathead Lake, located in Lake and Flathead Counties, Montana. The Flathead Lake and Flathead River System are managed as one entity because of the migratory nature of fish in the system. The following areas north (upstream) of the lake are included in the analysis: the Flathead River upstream from Flathead Lake and the Middle and North Fork Flathead River watersheds. The south half of Flathead Lake is located on the Flathead Indian Reservation.

Alternatives identified in the DEIS include:

- Alternative A: no action alternative (maintain the status quo).
- Alternative B: reduce the population of adult lake trout (age 8 and older) by 25 percent, using Mack Days contests, targeted gillnets, trapnets, and allowing anglers to legally keep fish of all sizes (there would be no “slot” limit).
- Alternative C: reduce the population of adult lake trout (age 8 or older) by 50 percent, using Mack Days contests, targeted gillnets, trapnets, and allowing anglers to legally keep fish of all sizes (there would be no “slot” limit).
- Alternative D: reduce the population of adult lake trout (age 8 and older) by 75 percent, using Mack Days contests, targeted gillnets, trapnets, and allowing anglers to legally keep fish of all sizes (there would be no “slot” limit).

A preferred alternative will be chosen after consideration of public comments.

### **EPA Comments**

The project proposed by the BIA/Confederated Salish and Kootenai Tribes is anticipated to significantly benefit the bull trout, a native char that is listed as "Threatened" under the U.S. Endangered Species Act. Importantly, due to the interconnected nature of the Flathead River system, the benefits to bull trout population would likely be realized well beyond Flathead Lake itself (i.e., into the various forks of the Flathead River). In the face of various additional emerging threats (e.g., climate change), management opportunities such as these that benefit imperiled native fisheries should be supported, with appropriate adaptive management strategies in place to ensure that goals are realized. We have reviewed the Adaptive Management Plan included in Appendix 8 and have no comments.

The document indicates that U.S. Fish and Wildlife Service has been a cooperating agency for this project. The EPA suggests that the document would benefit from a narrative explaining their involvement and recommendations and concerns that have been considered during DEIS development.

### **EPA's Rating**

Since a preferred alternative has not yet been identified, we have rated all action Alternatives presented in the DEIS. The EPA has rated Alternatives B, C, and D as “LO” or “Lack of Objections.”

We have enclosed a description of the EPA's rating system for your convenience (Enclosure 1).

We appreciate the opportunity to comment on this DEIS. If you have any questions, please feel free to contact me at 303-312-6925 or Robin Coursen of my staff at 303-312-6695, email: [coursen.robin@epa.gov](mailto:coursen.robin@epa.gov).

Sincerely,



Suzanne J. Bohan  
Director, NEPA Compliance and Review Program  
Office of Ecosystems Protection and Remediation

Cc: Barry Hansen, Confederated Salish and Kootenai Tribe, [barryh@cskt.org](mailto:barryh@cskt.org)

Enclosure





## U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

### Definitions and Follow-Up Action\*

#### Environmental Impact of the Action

**LO - - Lack of Objections:** The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC - - Environmental Concerns:** The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO - - Environmental Objections:** The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU - - Environmentally Unsatisfactory:** The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

#### Adequacy of the Impact Statement

**Category 1 - - Adequate:** EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 - - Insufficient Information:** The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 - - Inadequate:** EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

