



## DECISION NOTICE

### Beartooth WMA Gravel Pit

April 21, 2023

#### **ACTION**

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final, without modification, and approves the proposed action.

#### **AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT**

According to the applicable requirements of the Montana Environmental Policy Act or MEPA and its implementing rules and regulations, before a proposed action can be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA)*.

Based on these factors, FWP determined a Checklist EA (Draft EA) constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft Checklist EA for public review and comment.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of public comment received.

#### **PUBLIC PARTICIPATION PROCESS**

The Draft EA was made available for public review and comment from April 5, 2023 to April 20, 2023. A legal Notice was published in the Helena Independent Record and the Draft EA was posted on FWP's Public

Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received one public comment during the public comment period.

### **DESCRIPTION OF PROPOSED ACTION**

In some areas on the Beartooth Wildlife Management Area (BTWMA), road conditions have deteriorated to the point of being potentially hazardous for users. Use of the BTWMA property has become increasingly more limited by the condition of the roads. Hauling gravel to the property for necessary road maintenance is cost prohibitive due to the distance between the BTWMA and already established gravel pits. Therefore, FWP explored mining gravel on the BTWMA and found two viable source locations. The sites are relatively small at 1.8 and 2.3 acres in size. They are immediately adjacent to the road segments requiring maintenance and more importantly can be opened and reclaimed without significant detriment to other resources in the area. Overall, road improvements would allow greater seasonal use of the area including less hazardous access to nearby National Forest and Wilderness.

The proposed action also requires permitting by the Montana Department of Environmental Quality (DEQ). The required Dryland Opencut Mining Permit applications have been submitted to DEQ and are currently under review by the DEQ Opencut Mining Section. Mining would not occur until the permits are granted by DEQ and the proposed project is approved through this MEPA review process. Reclamation of the gravel pits will be required within 10 years of project initiation. The gravel pits may be closed/reclaimed early as assessments are made.

### **PURPOSE AND NEED**

The proposed project would create two small gravel pits on the BTWMA. The proposed gravel pits would provide the following benefits:

- Needed gravel/hard-rock resources for localized road maintenance projects
- Keep road maintenance costs down due to location of the proposed gravel pits
- Road improvements would allow greater seasonal use of the area including less hazardous access to nearby National Forest and Wilderness

### **ALTERNATIVES ANALYZED**

#### **Alternative 1: No Action**

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Under the No Action alternative, the conditions leading to the proposed action would continue. Road condition would continue to degrade and public safety and public access could be compromised.

#### **Alternative 2: Proposed Action**

The proposed action involves the development of two gravel pits on the Beartooth Wildlife Management Area to source material onsite. Material will be utilized on road improvement projects planned for 2023, 2024, and 2025.

### **Alternative 3: Off-site Material Sourcing**

Under the Proposed Action, gravel would be sourced off-site and delivered. However, this option is not cost-effective due to the remote location of the Beartooth WMA and the difficulty of reaching the access roads within the BTWMA. Additionally, there is only one gravel supplier in the nearby area. The combination of these two issues has proven to be cost-prohibitive for road maintenance projects in and around the BTWMA.

### **PUBLIC COMMENT AND FWP RESPONSE**

FWP received substantive public comments on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. The following provides the public comments received and FWP response(s).

1) Dear Fish Wildlife & Parks Commission,  
WOW!!! Makes perfect sense to do this, and I know sometimes you can't do something like this, but I see no reason not to do this. I would make sure to crush more than you need right now, because you will need more in the future, and it's not going to get old in a stock pile. Great idea.

FWP Response: FWP does intend to create a stockpile of material prior to reclamation to assist with future road repairs and improvements.

### **DECISION**

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. FWP hereby adopts the Draft EA as final and approves the Alternative 2, the proposed action.

Sincerely,

Jason Rhoten  
R4 Fisheries Manager / Acting R4 Supervisor  
Montana Fish, Wildlife & Parks