



SPA 124 PERMIT DECISION NOTICE
White Pine Creek streambank stabilization project
FWP-DN-FSH-R1-24-030

[10/4/2024]

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 prepared for the proposed action as final, and approves Alternative 2, 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 may 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 EA.

PUBLIC PARTICIPATION PROCESS

Under usual circumstances, FWP makes the Draft EA available for public review and comment. However, in this circumstance, MEPA's required public process for projects of this nature is impacted by a competing statutory deadline. MEPA requires FWP to comply with its terms *"to the fullest extent possible."* To fulfill the stated policy of MEPA, the agency shall conform to the applicable rules prior to reaching a final decision on proposed actions covered by MEPA. *ARM 12.2.428, Policy Statement Concerning MEPA Rules*. More specifically, § 87-5-504, *MCA*, states:

"Within 30 days after the receipt of such plans [for a project subject to SPA 124 permitting], the department shall notify the applicant whether or not such construction project or hydraulic project will adversely affect any fish or game habitat. If the department notifies the applicant that such construction will adversely affect any fish or game habitat, it shall accompany such notice with recommendations or alternative plans which

will eliminate or diminish such adverse effect.”

Effectively, within 30 days after receipt of an application [for an SPA 124 Permit], FWP must make a final decision on the proposed action/project. Within the applicable 30-day timeframe, the MEPA practitioner or author of the Draft EA must conduct a rigorous process, making it difficult or impossible for FWP to accommodate a public comment period for the Draft EA within the required 30-day time-period. § 87-5-504, MCA.

Therefore, for the purposes of achieving compliance with MEPA, *“to the fullest extent possible,”* FWP prepares a Draft EA for file, sans public comment, and issues a DN identifying the agency decision, reasons for the decision, and any special conditions surrounding the decision or its implementation. Conditions applicable to the approved action, including recommendations or alternative plans to eliminate or diminish any adverse effects, are contained in the approved SPA 124 Permit (see attached).

DESCRIPTION OF PROPOSED ACTION

The White Pine Creek streambank stabilization project is located at river mile (RM) 0.7 , on land administered by the Kootenai Nation Forest (KNF), adjacent to National Forest Service Road (NFSR) 215 . At this location, a side road (~ 60 feet in length) leads at White Pine Creek. This road occurs directly across from a large gravel pit used by the KNF and Sanders County. The county utilizes this location as a drafting site for a water truck .The streambank at this site is sloughing, has no riparian vegetation and is mainly comprised of fine sediment and small substrate, likely increasing sediment delivery to the stream and potential for future of mass wasting during high flow events. White Pine Creeks is on the state’s 303(d) list as an impaired watershed for “alteration in streamside vegetative cover” and “sedimentation” associated with forest roads and streambank modifications/destabilization (with an approved sediment TMDL by Montana Department of Environmental Quality). The proposed project will improve streambank stability, along about 20 feet of the left streambank, by incorporating rootwads (with tree stems attached and buried in the bank) and rocks into the bank which will also be recontoured to a less steep angle. Designs plans and techniques for previously successful restoration projects on similar sized local streams will be used. Native grass seeds will be planted in the spring (2025) and noxious weeds at the site will be treated to prevent colonization. If successful, this project should improve streambank stability and reduce point-source sediment delivery to White Pine Creek at this location.

PURPOSE AND NEED

- The purpose if this project is to conduct stream bank stabilization on a small section (~ 20 feet) of the left streambank in the lower reaches of White Pine Creek on public land administered by the KNF.
- The intended benefit of this project is to reduce sediment delivery and the potential for mass wasting at the site by bank treatments that reduce the slope, incorporate rootwads, large woody debris and rock as well as revegetation using a native grass seed mix.
- Additionally, control of noxious weeds at the site will be essential and should occur until native grass has become established, which should help improve long-term colonization potential by native woody shrubs and tree species that maximize streambank stability on low order streams in the area.

- This project may occur in the fall of 2024, through December 31. This work may occur in the fall as bull trout do not currently inhabit the White Pine Creek. Westslope cutthroat trout do occur in the stream and therefore no work may occur in the spring/summer of 2025 until July 15, should the project not be completed in the fall of 2024.
- This project will be completed by Sanders County roads department staff and will ultimately improve streambank stability and resiliency at the site.

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 streambank would remain in a disturbed state. Localized sediment delivery to the stream would continue and the bank will be more susceptible to future sloughing and mass wasting during high water events.

Alternative 2: Proposed Action

Under the Proposed Action, streambank stability will be improved by incorporating rootwads (with tree stems attached and buried in the bank) and rocks into the bank which will also be recontoured to a less steep angle. Native grass seed will be planted in the spring of 2025 and noxious weeds will be controlled at the site, which should ultimately improve streambank stability and improve conditions for colonization by native riparian vegetation.

DECISION

Based on the environmental review provided in the Draft EA, and, to the greatest extent possible, 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 environmental impact statement or EIS is unnecessary.

FWP hereby adopts the Draft EA as final and approves Alternative 2, the Proposed Action.

Sincerely,

Sincerely,



Lee Anderson
Region 1 Supervisor
Montana Fish, Wildlife & Parks