



## SPA 124 PERMIT DECISION NOTICE

### USFS Greek Creek River Access Improvements

### FWP-FSH-R3-24-043

May 30, 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.

### **DESCRIPTION OF PROPOSED ACTION**

The project area is located at the Greek Creek Campground along the Gallatin River in Gallatin Canyon. Long-term use of the site has resulted in a loss of riparian vegetation and streambank erosion, which was exacerbated during the June 2022 high water event when the Gallatin River reached 6,410 cfs at the Deer Creek gage and 8,620 cfs at the Gallatin Gateway gage. The streambank is approximately 5-6 feet tall when measured from the baseflow water surface elevation. The bank has a relatively low slope, is comprised of cobbles, and generally lacks riparian vegetation along the top of the bank. Sparse wetland and riparian vegetation along the base of the eroding streambank is located within the ordinary high-water mark and will be maintained during construction. Nearby structures include rustic camp sites and a paved campground access road. Project implementation includes construction of a bioengineered streambank with native willows locally sourced. The restored streambank will be planted with containerized riparian vegetation. A rock terrace will be constructed to provide designated hardened river access and route visitors away from native riparian vegetation. Temporary fencing will be installed along the restored streambank and riparian plantings during the establishment phase. Additional project components include post assisted log structures (PALS) to enhance instream habitat and beaver dam analogs (BDAs) to slow out-of-bank streamflows. The campground's existing vault toilet will also be replaced.

### **PURPOSE AND NEED**

The Greek Creek River Access is federally owned property and provides public access and recreational opportunities along the Gallatin River. The proposed bioengineered streambanks and post-assisted-log-structures will improve conditions in the Gallatin River by reducing fine-sediment deposition, enhancing riparian coverage, and improve aquatic habitat. Furthermore, replacing existing vault toilets and adding a hardened river access point will provide a public benefit.

### **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, FWP would not issue a SPA124 permit, which could result in continued streambank erosion that would threaten the nearby campground and other infrastructure.

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

Under the Proposed Action, FWP would issue a SPA124 for the project with the following special condition:

1. The USFS will visually inspect constructed BDA and PALS structures at least twice annually and after spring runoff to ensure functions outlined in the SPA124 application are being met.

**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,

A handwritten signature in black ink, appearing to read "Adam Pankratz", with a stylized flourish extending from the end.

Adam Pankratz  
Acting Region 3 Supervisor