



DECISION NOTICE
Lewis and Clark Overlook and Trailhead
Stormwater Erosion Mitigation
FWP-DN-POR-R4-24-027

August 14th, 2024

ACTION

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a Decision Notice 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 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 for public review and comment. See *Public Participation Process* below.

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 any substantive public comments received. See *Public Comment and FWP Response* below.

PUBLIC PARTICIPATION PROCESS

The Draft EA was made available for public review and comment from July 19th to August 2nd. A legal Notice was published 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 comment on the Lewis and Clark Overlook and Trailhead Stormwater Erosion Mitigation Project during the public comment period.

DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife & Parks (FWP) proposes the implementation of a stormwater erosion mitigation project at the Lewis and Clark Overlook and Trailhead. This site is located on NorthWestern Energy owned land and is managed by FWP through an agreement as part of Giant Springs State Park. The project area would be roughly .10 acres, comprised of Northwestern Glaciated Plains. The landscape is predominately sagebrush steppe, prairie grasslands, and native shrubs located on a bench above the Missouri River. In 2022, FWP staff identified that stormwater outflow from the parking area was eroding the slope below the site, jeopardizing infrastructure such as the asphalt parking area and vault toilet. Currently, the existing outflow discharges approximately 10 feet off the sidewalk and 20 feet from a vault toilet. Slope failure occurred at other areas within this site multiple times in 2010 and the subsequent repair work has held to this point. The proposed project would move the stormwater outflow discharge further downslope and would address the current erosion issues before they become more severe and potentially lead to another slope failure.

PURPOSE AND NEED

The proposed project would mitigate the erosion caused by the existing stormwater outflow at the Lewis and Clark Overlook and Trailhead. The project would consist of extending the current stormwater outflow pipe, adding sumps to decrease the energy of stormwater discharge, placing riprap at the terminus of the pipe, and restoration of disturbed areas.

The proposed project would provide the following benefits:

- Resolve the current erosion issues.
- Extend the current outflow system further downslope from the developed site and improve riprap at the pipe terminus.
- Prevent future slope failure associated with stormwater outflow.

Implementation of the proposed project would occur during the fall of 2024.

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.

If the “No Action” alternative was chosen, the proposed project would not be implemented and the benefits including improved slope stability would not be realized. Thus, no impacts to the physical environment or human population in the analysis area would occur in association with the project and conditions leading to the proposed action would continue.

Alternative 2: Proposed Action

Under the Proposed Action, the Lewis and Clark Overlook and Trailhead Stormwater Erosion Mitigation Project would include:

- Extending the outflow pipe 104 feet using 15-inch CMP pipe, connecting to the end of the existing outflow.
- 3 – 48-inch manholes with 12-inch sumps to accommodate grade changes and decrease the energy of the stormwater discharge.
- Class 1 riprap placed at the terminus of the piping to dissipate the energy of the stormwater discharge.
- Restoration and seeding of the disturbed areas with a native seed mix.

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).

Comment:

I strongly support the Lewis and Clark Overlook and Trailhead Stormwater Erosion Mitigation project.

FWP response:

Thank you for your comment.

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,

Derrick Miller for Jason Rhoten

Jason Rhoten
Region 4 Supervisor
Montana Fish, Wildlife & Parks