



SPA 124 PERMIT DECISION NOTICE

FWP-CEA-FSH-R5-24-023

Grey Bear Fishing Access Site Bank Stabilization

08/26/2024

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 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 08/07/2024–08/21/2024. The Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. 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 did not receive comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife & Parks (FWP) proposes to repair approximately 80-feet of bank armoring on the Yellowstone River at the Grey Bear Fishing Access Site (FAS) in Sweet Grass County, Montana. In 2022, high magnitude spring flows on the Yellowstone River flanked a significant portion of rip rapped riverbank upstream of the Sweet Grass County Yellowstone Trail Bridge, which included rip rap located in the Sweet Grass County right-of-way and the Grey Bear FAS. Sweet Grass County completed their right-of-way rip rap repairs in 2023. If left exposed, the remaining 80-foot of riverbank on the Grey Bear FAS may facilitate further erosion and damage rip rap near the bridge. Thus, FWP proposes to place class III rip rap to restore the bank to near pre-2022 flood conditions. To complete the project, contractors will use heavy machinery (e.g., excavators, road graders, dump trucks) and expects equipment to be operated from the road approaches and upper bank terrace. Bank armoring repairs are expected to begin in September 2024 and completed before spring runoff in 2025.

PURPOSE AND NEED

FWP proposes to repair and replace 80-feet of class III rock rip rap along the Yellowstone River at the Grey Bear FAS to restore the bank to pre-2022 flood conditions. This repair and maintenance will tie-in with rip rap placed by Sweet County in 2023 and mitigate further bank erosion which could put the Yellowstone Trail Road and bridge at risk as the river continues to migrate towards the south bank. The Yellowstone Trail Road is a county access road to the north side of the river and allows more immediate access for residents living in the greater Springdale and Big Timber area.

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, this area would be left in its current conditions. If the streambank is left exposed, the remaining 80-foot of riverbank on the Grey Bear FAS may facilitate further erosion and potentially undermine the Yellowstone Trail Road and bridge.

Alternative 2: Proposed Action

Under the Proposed Action, FWP will repair and replace 80-feet of class III rock rip rap along the Yellowstone River at the Grey Bear FAS to restore the bank to pre-2022 flood conditions. This repair and maintenance will tie-in with rip rap placed by Sweet County in 2023 and mitigate further bank erosion which could put the Yellowstone Trail Road and bridge at risk as the river continues to migrate towards the south bank. Installation of the bank improvements will affect approximately 130' along the east bank of the Yellowstone River. The lateral extent of the rip rap varies between 55 and 65 feet. The proposed work is planned in a preexisting working area footprint. Disturbance areas, including road fill will be reseeded with

native grasses to promote vegetation. Black erosion control fabric will not be used to encourage natural colonization of willows or other woody plants, if suitable. If applicable, loose wood at the site may be incorporated but is not part of the established efforts.

Alternative 3: Soft Bank Stabilization

This alternative considered the use of woody materials and willow soil lifts to stabilize the bank with more natural materials. However, the proposed section for repair is among a well-established section of class III rip rap and the county expressed concerns about effectively tying existing rip rap into willow lifts. Using soft bank stabilization techniques are likely to be more effective if the entire rip rapped bank was replaced with a well-established toe and willow soil lifts. However, this alternative is not cost effective as a selected contractor would need to remove approximately 550 linear feet of class III rip rap and re-establish the bank with soft bank stabilization techniques, both of which would require extensive heavy machinery and manual labor. As such, this alternative was not selected.

PUBLIC COMMENT AND FWP RESPONSE

No public comments were received during the public comment period.

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,



Mike Ruggles
Region 5 Supervisor
Montana Fish, Wildlife & Parks