

**Stream Protection Act (SPA 124) Permit**

Date: 08/26/2024

Applicant Name: Montana Fish, Wildlife & Parks

Address: 2300 Lake Elmo Drive, Billings, MT 59105

Permit #: MI-13-24

Waterbody: Yellowstone River

Project Name: Grey Bear Fishing Access Site Bank Stabilization

Project Description:

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. FWP would begin the bank stabilization repairs fall 2024.

Montana Fish, Wildlife & Parks has reviewed the proposed project. The project is approved provided it is carried out in accordance with the information supplied in the application, all general conditions listed on page 4 of this permit, and any special conditions listed below.

Expiration: This permit is valid for 1 year(s) from the date of issuance.

Timing Restrictions: ☒ No ☐ Yes If yes see below.

Special Conditions:

- Work in the stream shall be minimized to avoid excess disturbance and turbidity; prioritize equipment to be operated from the bank rather than in the stream.
- Work shall not occur outside of the project scope outlined in permit. Failure to comply could result in violations.
- FWP reserves the right to revisit, modify, deny, issue an amendment or violation to a previously approved permit.

**318 Authorization Review**

I have reviewed the above project on behalf of the Montana Department of Environmental Quality (DEQ) pursuant to the Montana Water Quality Act Short-term Water Quality Standards for Turbidity 75-5-318 MCA:

- ☐ This project **will not** increase turbidity if completed according to the conditions listed in the 310 or 124 permit. Therefore, application to DEQ for a 318 authorization **is not** required.
- ☐ Impacts to the physical and biological environment from turbidity generated as a result of this project are uncertain. Therefore, the applicant must contact the Montana Department of Environmental Quality, 1520 East Sixth Avenue, Box 200901, Helena, MT 59620-0901, (406 444-3080) to determine project specific narrative conditions required to meet short-term water quality standards and protect aquatic biota.
- ☒ Turbidity generated from this project is expected to be short-term and have only temporary and minor impacts on the physical and biological environment. Therefore, compliance with the conditions stated in the attached letter outlining ***DEQ's Short Term Water Quality Standard for Turbidity Related to Construction Activity***, as well as other conditions listed in 124 permit, are appropriate for this project.

Issuing Biologist: Demi Blythe

Signature: 

**Stream Protection Act 124 Permit General Conditions**

1. Complete work affecting a streambed or stream bank in an expeditious manner to avoid unnecessary impacts to the stream.
2. Limit the clearing of vegetation to that which is absolutely necessary for construction of the project. Take precautions to preserve existing riparian vegetation. Salvage and reuse native vegetation where possible.
3. Install and maintain erosion control measures where appropriate to protect aquatic resources. Do not clear and grub land adjacent to streams prior to installing proper erosion and sedimentation controls. Conduct all work in a manner that minimizes turbidity and other disturbances to aquatic resources.
4. Plan temporary construction facilities to:
 - a. Minimize disturbance to stream banks, stream bank vegetation, and the streambed by locating staging or storage facilities at least 50' horizontally from the highest anticipated water level during construction;
 - b. not restrict or impede fish passage in streams; and
 - c. not restrict any flow anticipated during use.
5. Provide sediment controls for drainage from topsoil stockpiles, staging areas, access roads, channel changes, and instream excavations.
6. Isolate work zones from flowing and standing waters to prevent turbid water and sediments from being discharged into streams or other drainages that flow directly into the stream. Divert flowing waters around the work zone.
7. Do not spill or dump material into streams. Store and handle petroleum products, chemicals, cement and other deleterious materials in a manner that will prevent their entering streams.
8. Do not permit wash water from cleaning concrete-related equipment or wet concrete to enter streams.
9. Do not operate mechanized equipment in any stream or flowing water unless special authorization is obtained. If special authorization is granted, the following conditions apply:
 - a. Power-wash all equipment allowed in a stream prior to entering the stream channel.
 - b. Clean and maintain all equipment so that petroleum-based products and hydraulic fluids do not leak or spill into the waterway.
10. Reclaim streambeds and stream banks as closely as possible to their pre-disturbed condition.
11. Restore disturbed stream banks to their natural or pre-disturbed configuration to match adjacent ground contours or as specified in the project plans. Stabilize, reseed, and re-vegetate disturbed areas. Install and maintain long-term biodegradable erosion-control measures to protect these areas until adequate vegetation has been established.
12. Restore temporary access routes and any temporarily disturbed areas to original conditions, including original contours and vegetation.
13. Dispose of any excess material generated from the project above the ordinary high-water mark and in an area not classified as a wetland.