



SPA 124 PERMIT DECISION NOTICE

Grizzly Gulch Placer Mine Restoration Project

14 May 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 Lewis and Clark County Water Quality Protection District (WQPD) has sponsored the Grizzly Gulch Placer Mine Reclamation Project. The project will reclaim the Pretty Girl Placer Mine located in Grizzly Gulch, just south of Helena. The site has an extensive mining history dating back to the 1870s. Mining activities have obliterated Grizzly Creek and disturbed four acres of floodplain. Materials have been displaced and the site contains several deep open pits and unstable embankments that have disrupted the surface water and groundwater flows through Grizzly Gulch, as well as created unsafe conditions for the public along Grizzly Gulch Drive. The overarching goal of this project is to reclaim Grizzly Creek to a functional stream and floodplain and to improve the safety for the public that uses Grizzly Gulch Drive.

Impacts to natural resources center on water quality and quantity associated with the disrupted hydrologic conditions. Water quality is impacted through erosion of steep, exposed soils and increased sedimentation, in addition to increased water temperature from the large surface area of standing waters. Water quantity impacts include increased evaporative loss of water, as well as disruptions to the groundwater and surface water resources, where the two mix in the pit and outflows are inconsistent and unnatural. The project proposes to reclaim the mine by establishing a functional floodplain slope to restore natural surface and groundwater flows.

The floodplain will include a constructed stream channel through diverse riparian vegetation to address water quality impacts. Impacts to the public focus on the public safety hazards to vehicular and pedestrian traffic along Grizzly Gulch Drive. The project will address the steep slopes along the county road to improve safety for vehicular and pedestrian traffic. The project will allow public access to the reclaimed mine and restored stream corridor with a new trail. The project will be initiated in August of 2024 and completed in June of 2025.

PURPOSE AND NEED

The goal of the Grizzly Gulch Placer Mine Reclamation Project is to restore Grizzly Creek to a functioning stream with connection to a floodplain and riparian area; as well as to improve the safety of the public that uses Grizzly Gulch Drive.

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 an SPA 124 permit and the Lewis and Clark Water Quality Protection District (WQPD) would not be able to restore the Pretty Girl Placer Mine and Grizzly Creek

Alternative 2: Proposed Action

Under the Proposed Action, the Lewis and Clark Water Quality Protection District (WQPD) would sponsor the Grizzly Gulch Reclamation Project and reclaim the Pretty Girl Placer Mine and restore Grizzly Creek to a function stream with connections to a floodplain and riparian area; as well as improve safety of the public that uses Grizzly Gulch Drive.

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 Strainer', with a stylized flourish at the end.

Adam Strainer
Habitat Bureau Chief
Montana Fish, Wildlife & Parks