



## SPA 124 PERMIT DECISION NOTICE

### [Vermilion River Grouse Reach Stream Restoration]

April 3, 2025

#### **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**

This proposed project is located within a portion of the Vermilion River (a tributary to the Lower Clark Fork River) on the Kootenai National Forest (KNF) near Trout Creek, MT. The Grouse Reach restoration project site exists solely on KNF lands and is downstream of the previous three completed restoration projects (Sims Reach 2021, Miners Gulch Reach 2016, Chapel Slide Reach 2012). The restoration work will focus on reconnecting the floodplain, realigning the channel with a more sinuous historic pattern that would allow for more stream length (an additional 350 feet) and use of the entire width of the floodplain. The project will incorporate in-channel habitat structures by utilizing approximately 400 large trees with attached roots. This restoration work will reduce fine sediment delivery to the river channel by decommissioning about 0.4 road miles of National Forest System Road (NFSR) 154A. The segment of the NFSR 154A to be decommissioned would be converted into part of the Grouse Creek Trail.

Mining, logging, and road building have been the predominant disturbance types influencing fish habitat and riparian areas in the Vermilion River watershed. Clearing of riparian vegetation and destabilization of stream channels associated with placer mining has led to degraded conditions that have been driving instability since the late 1800s. Riparian harvest occurred in much of the rest of the basin as well. These activities have contributed to the degraded condition of the river and compromised its ability to withstand normal runoff events. Average flow events often result in dramatic channel adjustments that do not occur in similar reference watersheds. There are substantial raw banks producing unnaturally high sediment loads, including some that are chronic contributors at all flow levels. Pool and large woody debris frequencies are very low compared to KNF reference conditions. The riparian vegetative community and stream habitat has degraded in the lower river from anthropogenic activities and has been exacerbated by natural processes.

The Vermilion River is an important native fish stronghold in the lower Clark Fork River. The distribution of native fish in the Vermilion River is unique and has been dictated by the presence of natural barriers. Westslope Cutthroat Trout occur throughout the drainage, Bull Trout and sculpin occur in the lower river downstream of Vermilion Falls (rm 11.6) , while Mountain Whitefish distribution is limited to downstream of China Gorge just upstream on Canyon Creek around rm 4.7. Portions of the lower vermilion River have extremely low habitat diversity and complexity. The existing condition of the Grouse Reach of the Vermilion

River has been shaped by these past events and current channel conditions display departure from reference.

### **PURPOSE AND NEED**

- Historic placer mining, timber harvest including in the riparian area and road construction coupled with natural processes (ex., annual spring-runoff) has had deleterious impacts to the riparian area, floodplain connectivity, bank erosion as well instream habitat complexity and diversity which have left portions of the river in a degraded state compared to local reference reaches on the KNF.
- A watershed assessment was completed in the Vermilion River in 2007. The Grouse Reach was the fourth highest priority site in reach 6 of the Vermilion River. The first priority restoration site (Chapel Slide) was restored in 2012. The second priority restoration site (Miners Gulch) was restored in 2016. The Third priority restoration site (Sims) was restored in 2021.
- Approximately 2500 feet of the channel will be reconstructed/realigned with a more historic sinuous pattern. The proposed project will add an additional 350 ft of river to this reach and reconnected the river with its floodplain (~ 11 acres), which in turn will allow for the establishment of a more diverse and ecologically resilient riparian community. About 400 whole trees with rootwads will be utilized to construct wood debris structures in the channel and in the floodplain to reduce shear stress on banks, to maintain pools, to increase habitat complexity and diversity and to retain fine sediment in the floodplain to aid in the natural recolonization of native riparian plant species.
- An aggressive revegetation effort of planting approximately 400 black cottonwood seedlings and willow cuttings will complement the reconnection of the floodplain which help provide for the initiation of a sustainable riparian community. The surrounding conifer and riparian vegetation directly adjacent to the channel will be avoided to the extent possible during the stream restoration activities.

### **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, the Grouse Reach of the Vermilion River will remain in a degraded state in which the historic floodplain will remain largely disconnected from the river, long-term riparian vegetation will not become established, bank instability and sedimentation will remain elevated and instream habitat will continue to lack diversity and complexity. The capacity for the reach to be resilient from natural

disturbance will remain low as will the stream's carrying capacity for sensitive native fish species such as Bull Trout and Westslope Cutthroat Trout.

**Alternative 2: Proposed Action**

Under the Proposed Action, the Grouse Reach stream restoration project will improve channel form/function, floodplain connectivity, stream bank stability as well as instream and riparian habitat complexity, diversity and resiliency. This project should ultimately improve river health and local habitat conditions for fish, amphibians, wildlife, and bird species within this portion of the Vermilion River.

**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 that reads "Amber Steed". The signature is written in a cursive, flowing style.

Amber Steed  
Regional 1 Supervisor