



**SPA 124 PERMIT DECISION NOTICE**  
**Armington Junction bridge repair, Big Otter Creek –**  
**Cascade County, MT – SPA 124 Permit**  
**FWP-CEA-FSH-R4-25-017**

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**

Cascade County has proposed placement of rip rap on the north-facing headwall of a bridge over Big Otter Creek to prevent erosion from high water. The current north-facing headwall is sand and a few rip rap rocks.

Big Otter Creek is fed by springs and runoff and has been heavily degraded by grazing and agriculture. Sampling data is limited, but the creek likely contains a fish assemblage that includes salmonid, minnow, and sucker species. The creek is a popular spot for local anglers. Additionally, Big Otter Creek likely provides spawning habitat for migratory salmonids from Belt Creek. The aquatic and riparian habitat are generally in poor condition stemming from historic grazing and agricultural use.

The north-facing headwall of the bridge is mostly sandy with a few rip rap rocks. Water does not reach the headwall at normal flow, but does at high flows. The county is concerned about high waters going underneath the headwall and causing erosion to the banks which would compromise the structure. The proposed project would prevent water from going underneath the headwall. Rip rap rocks would be lowered one at a time from the bridge to the bank, and then manually set in place against the headwall underneath the bridge. No equipment would be in the water.

Cascade County is the sponsor of the project and has a planned implementation schedule of April or May 2025.

#### **PURPOSE AND NEED**

The purpose of this project is to issue a Stream Protection Act 124 Permit to Cascade County for the purpose, by the means, at the location, and in accordance with the timeline identified in the attached *Joint Application*, only after careful review of the potential impacts to State fish and wildlife resources stemming from the proposed action.

The purpose of the proposed project is to install rip rap on the north-facing headwall of the bridge on Big Otter Creek to prevent erosion of the banks around the headwall and degradation of the structure. The goal of the project is to ensure the continued function of the bridge.

## **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 status quo would continue. The bridge would be at risk of degradation due to eroding banks around the north-facing headwall.

### **Alternative 2: Proposed Action**

Under the Proposed Action, FWP would issue the SPA 124 Permit with the applicable general and special conditions outlined in both the draft EA and issued permit.

## **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 "Jason Rhoten". The signature is written in a cursive, flowing style.

Jason Rhoten  
Region 4 Manager  
Montana Fish, Wildlife & Parks