



SPA 124 PERMIT DECISION NOTICE
North Fork Smith River Stream and Riparian Restoration,
Meagher County, MT – SPA 124 Permit
FWP-CEA-FSH-R4-25-015

April 24, 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, 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 March 27, 2025 to April 11, 2025. 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 received one comment during the public comment period.

DESCRIPTION OF PROPOSED ACTION

The North Fork Smith River restoration project is located on the North Fork upstream of White Sulphur Springs, Montana. The North Fork supports an important trout fishery. The North Fork has been degraded through livestock grazing, agricultural encroachment, irrigation withdrawals, channel straightening, bank armoring, and infrastructure development. The main water quality issues in the North Fork include elevated turbidity from streambank erosion and irrigation return flows; elevated water temperatures from decreased late season flows; removal of woody riparian vegetation and channel widening; and elevated nutrients and *E. coli* from livestock grazing and agriculture.

The North Fork Smith River restoration project is located on an approximately 2-mile reach of the North Fork on a private working ranch upstream of White Sulphur Springs. Restoration actions include installing off-site livestock water to reduce livestock use of the stream, creating a topographic buffer between the river and livestock corrals, replacing degraded riparian protection fence, installing windbreak fence in strategic locations to reduce livestock access to riparian areas, hardening six livestock access points, restoring 1,500 linear feet of eroding streambanks, and narrowing areas of over-widened channel to create an additional 5,000 square feet of hydrologically connected riparian area to help filter sediment and nutrients and enhance aquatic habitat.

The Smith River Corridor Enhancement Account fund, which is funded by floater fees, would be utilized to fund the project.

PURPOSE AND NEED

The project addresses degradation to the North Fork Smith River and its floodplain. The North Fork Smith River has been degraded through livestock grazing, agricultural encroachment, irrigation withdrawals, channel straightening, bank armoring, and infrastructure development. The main water quality issues in the North Fork include elevated turbidity from streambank erosion and irrigation return flows; elevated water temperatures from decreased late season flows, removal of woody riparian vegetation and channel widening; and elevated nutrients and *E. coli* from livestock grazing and agriculture.

The improvements are expected to benefit vegetative communities and aquatic species, including native and nonnative fish, and encourage natural stream processes and healthy ecosystems. The treatments are expected to result in improved water quality, and stream and riparian habitat as identified in the Smith River Basinwide Study and DEQ approved Watershed Restoration Plan. These outcomes are expected to benefit the resource through natural function, the public through water quality and improved aesthetics, and the department through achievement of fisheries priorities.

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 conduct the restoration project and the status quo would continue.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would conduct the restoration project. An SPA 124 Permit would be issued with applicable general and special conditions.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comments on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact.

Comment 1:

Please accept this letter as Montana Trout Unlimited's (MTU), the Missouri River Flyfisher chapter of Trout Unlimited's (MRF), and the Pat Barnes chapter of Trout Unlimited's (PBTU) expression of support for the river, stream and riparian restoration projects on both the North and South Forks of the Smith River, as currently evaluated in two draft environmental assessments. Both of these projects provide meaningful benefits to landowners and their operations, water quality and quantity, and fish habitat.

Founded in 1964, Montana Trout Unlimited is the only statewide grassroots organization dedicated solely to the mission of conserving, protecting, and restoring Montana's coldwater fisheries and their watersheds. We carry out our mission by pursuing strong policy, through education and outreach, and by implementing on-the-ground projects. Montana's waters and fish are an invaluable part of the state's heritage and responsibility. They deserve to be passed down to all future generations. As the voice for healthy rivers and wild trout, MTU represents more than 5,000 members and supports in Montana, including local chapters, like the MRF in the Great Falls and PBTU in Helena, that prize the Smith River watershed, its fishery, recreation opportunities, and its thriving agricultural community. As such, we support these projects as developed through the EA process. We also have approved \$10,000 of MTU mini-grant funding with chapter match included for each of these projects. We appreciate acknowledgement of this funding contribution in the EAs and look forward to putting it to work on these projects, as needed.

Both EAs accurately and thoroughly recognize the causes of historic impairment of Smith River water quality and quantity, namely grazing, agricultural encroachment, irrigation, channel manipulation, reduced riparian habitat along with bank armoring, and infrastructural development. Because of these impairments, the North and South Forks of the Smith River, along with

the mainstem river regularly have elevated turbidity, elevated water temperatures, reduced late season flows, reduced woody material and streambank vegetation, and elevated nutrients and *E. coli*. As articulated in the EAs, both projects aim to help restore stream health – water quality, water quantity and riparian habitat – while also maintaining or improving the landowners' operations by reducing livestock use of the streams through development of off-site water, fencing and barriers/buffers, corrals, dedicated and hardened livestock access points to the stream and direct restoration of streambanks and/or historic side channels.

One element that is not explicitly included in the EAs is post-project monitoring. The recently finalized Smith River Watershed Restoration Plan (WRP) articulating clear monitoring and adaptive management. It would be good to have it specified that the monitoring envisioned in the WRP applies to these two projects, or that there is a plan for post-project monitoring if it is separate from what is in the WRP.

Bottom-line, these projects are very welcome first steps in implementing the kind of long-term collaborative effort to restore or improve the health of the Smith River that is envisioned in the WRP and that aligns with our organization's mission.

Thank you for your work on the EAs and the forthcoming projects.

FWP response:

Thank you for your comment. FWP will implement pre- and post- project monitoring following the criteria outlined in Section 9.5 of the Smith River Watershed Restoration Plan.

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 Supervisor
Montana Fish, Wildlife & Parks