



# **Montana Fish, Wildlife & Parks**

**Region 1  
490 N. Meridian Road  
Kalispell, MT 59901**

**Decision Notice  
and  
Finding of No Significant Impact  
for  
Issuance of a 124 Permit to Flathead County for Installation of Rock Riprap on  
Swift Creek, Montana  
Environmental Assessment**

**10/25/2011**

**Description of the Proposed Action:**

Fish, Wildlife & Parks (FWP) proposed to issue a 124 permit to Flathead County for a stream construction project on Swift Creek. The county proposed to install rock riprap along an eroding stream bank to prevent further erosion toward a county road. The bank has eroded roughly 10 feet along 120 feet of stream bank. Heavy equipment would work from the bank to place 55 yards of 36- to 48-inch and smaller rock riprap along the eroding bank. The project is located on private property adjacent to the county road right of way. The road cannot be moved due to the location of the bridge crossing just downstream of the proposed project.

**Public Comment:**

FWP issued a news release regarding the draft environmental assessment (EA) and opportunity for public comment. The draft EA was published on the FWP website and the made available at state and local libraries. Legal notices were published in the Daily Inter Lake and Whitefish Pilot newspapers. Copies of the draft EA were sent to adjacent landowners and notification cards were sent to interested parties.

During the public comment period, FWP received four comments, three written and one verbal. Two written comments solely acknowledged that there was bank erosion and supported the county proposal and FWP issuance of a 124 permit.

The other written comment similarly supported the proposed action, but expressed concern over the removal of riparian vegetation associated with staging and placement of the rock. He also questioned the FWP response to 4. a., 4. b., and 4. c. of the FWP draft EA. He then provided recommendations for revegetation of the site.

The one verbal comment was left on a voicemail. The contents were transferred verbatim into a written format. The commenter had a number of comments. First, specific to the size of rock proposed by the county, he stated that rock less than 36-inch diameter would likely be displaced by high flows unless this smaller rock was incorporated into the larger rock. Second, he noted that the riprap placed on the opposite bank immediately downstream of the proposed project has

sagged and will need maintenance in the future. Third, he recommended removing a large piece of wood from the channel that may be directing flow to the bank, causing erosion. Fourth, he didn't like the idea of someone using rock riprap when he felt this was not an option for him. He felt there should be more design work than just dumping rock in. Fifth, he would like to see revegetation of the site upon completion of the project.

### **Response to Comments:**

Comment 1: The site needs to be revegetated following completion of the project.

Response 1: The applicant will be required to immediately grass seed all disturbed areas following completion. The applicant will be required to reestablish woody vegetation on the site.

Comment 2: On the EA in Section 4, Items a, b, and e describe no impact when vegetation was removed during initial placement of rock, and vegetation will be disturbed during placement of the rock.

Response 2: Vegetation has been disturbed at the site. However, upon completion of the project, the site will be revegetated and the diversity, productivity, and abundance of plant species will upon recovery be the same. Following completion, the plant community will reestablish. The county will be responsible for control of noxious weeds if they become established.

Comment 3: Rock less than 36 inches will be displaced by high flows unless incorporated into the larger rock.

Response 3: The county proposed to use the larger rock as a toe for the structure and incorporate the smaller rock into spaces between the larger rocks. The small rock will lock into and fill the spaces between the larger rocks.

Comment 4: Riprap placed on downstream banks have sagged and will need maintenance in the future.

Response 4: Riprap projects may need maintenance over time if rocks move. The county is not proposing to do work on downstream banks in this application. FWP did not inspect the condition of previously completed riprap projects downstream of the proposed site.

Comment 5: A tree located mid-channel is causing bank erosion and should be removed.

Response 5: The county asked to remove the tree during an on-site inspection of the project. As permitted, the county will remove the tree in question.

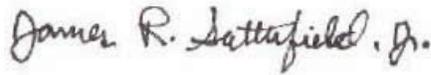
Comment 6: A commenter felt that he would not be able to use riprap and that rock should not just be dumped in.

Response 6: A private citizen may receive a permit to use rock riprap from the Flathead County Conservation District. The use of riprap is permitted on a case-by-case basis dependent on the

conditions of the site. Riprap is a proven technique to stop bank erosion and is commonly used to protect infrastructure such as roads and bridges. The county plans to place the rock with an excavator and not dump it into the stream.

**Finding of No Significant Impact (FONSI):**

Based on the analysis in the draft EA and review of public comment, I recommend that FWP issue a 124 permit to Flathead County for the proposed riprap project on Swift Creek with the stipulation that vegetation be reestablished on the site following construction. I have evaluated the EA and applicable laws, regulations, and policies and have determined that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared. There were no changes to the draft EA; therefore, the draft becomes the final EA.



October 25, 2011

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James R. Satterfield Jr., Ph.D.  
Regional Supervisor

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Date