

Finding of No Significant Impact from Implementation of the Final Restoration Plan/Environmental Assessment for the East Helena Smelter Site in Lewis and Clark County, East Helena, Montana

1. Introduction

The Final Restoration Plan/Environmental (RP/EA) for the East Helena Smelter Site in Lewis and Clark County, East Helena, Montana fulfills requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Environmental Policy Act (NEPA) and their implementing regulations. The RP/EA was prepared by the U.S. Department of the Interior (DOI) to address injuries caused by the East Helena Smelter Site to natural resources and services.

2. Public Participation

On August 22, 2019, the DOI posted a Notice of Availability of a Draft Restoration Plan/Environmental Assessment for the East Helena Smelter Site in Lewis and Clark County, East Helena, Montana in the Helena Independent Record newspaper and on the DOI Office of Restoration and Damage Assessment website (https://www.cerc.usgs.gov/orda_docs/CaseDetails?ID=1271) informing the public that the Draft RP/EA was available for a 30-day public review and comment period. One comment was received: it expressed support for Alternatives B and C, but requested assurances that the Alternative B final design would minimize potential flooding within the floodplain as Prickly Pear Creek flows under the bridge and through the culverts at Wylie Drive. The Trustee considered this comment and described in further detail the best management practices (BMPs) that would be applied to the design and implementation of Alternative B to address this concern.

3. Purpose and Need, Selected and Non-Selected Actions and Alternatives

The Trustee has undertaken its restoration planning effort to meet the purpose of restoring, replacing, or acquiring the equivalent of injured natural resources and their services resulting from the release of hazardous substances from the East Helena Smelter Site by returning the injured natural resources and natural resource services to their “baseline” condition (i.e., the condition that would have existed if the releases had not occurred) and compensating for associated interim losses. The project would restore grassland and riparian habitats with an intact composition, structure, and functionality capable of supporting migratory bird species.

The RP/EA evaluates several alternatives, including a No Action Alternative, as follows:

- **Alternative A: No Action/Natural Recovery** – Under this alternative, the Trustee would rely on natural recovery and would take no direct action to restore injured natural resources or compensate for interim lost natural resource services. This alternative would include the continuance of the response actions but would not include additional activities aimed at enhancing or restoring migratory birds. Under this alternative, no compensation would be provided for interim losses.

- **Alternative B: Native Grassland and Wetland Restoration Project along Prickly Pear Creek (Selected)** – This alternative would involve reshaping and revegetating an 80-acre parcel located along Prickly Pear Creek to the north of Kennedy Park and east of Wylie Drive in Helena, MT, also referred to as Parcel 2. This Alternative would occur after the completion of clean-up activities, which would consist of contaminated soil removal, mixing, and grading. This Alternative enhances wetland, and creates and enhances floodplain and grassland habitats suitable for a variety of migratory bird species. Specifically, this Alternative would expand floodplain near Prickly Pear Creek to increase the area of ephemeral wetlands and to provide a greater diversity of habitat than currently exists for migratory bird use.
- **Alternative C: Native Grassland Restoration Project along Prickly Pear Creek (Selected)** – This alternative would involve the removal of non-native grassland plants and revegetating land located along Prickly Pear Creek to the south of Highway 12 between Highway 518 and South Montana Avenue in East Helena, MT, also referred to as Parcel 17 and part of Parcel 18. This project would replace a crested wheatgrass (*Agropyron cristatum*)-dominated plant community with a native grassland community on up to 50 acres. This project would enhance existing grassland habitat through mechanical and/or chemical means to remove existing plant species for the benefit of migratory bird species.
- **Alternative D: Restoration of Migratory Bird Habitat on Federal Lands near East Helena, MT** – This alternative would involve the removal of non-native and invasive plants, followed by revegetation with native plants on Bureau of Land Management property located approximately eight to 31 miles east of East Helena, MT. This project would enhance existing grassland habitat through mechanical and/or chemical means to remove existing plant species for the benefit of migratory bird species.

4. Decision Made

Through evaluating the alternatives against the CERCLA NRDAR criteria (RP/EA, Table 2), the DOI has determined that implementation of Alternatives B and C best meet the Trustee's purpose over that of Alternatives A and D. The No Action/Natural Recovery Alternative (Alternative A) would not meet the purpose and need for implementing an alternative that addresses lost natural resources and their services as described in the RP/EA, while Alternative D would provide a lower benefit to natural resources than the Alternatives B or C. Accordingly, the DOI has selected Alternatives B and C. Alternative B would first be funded; any remaining funds would be used for Alternative C. The total estimated project cost is \$686,741.00.

5. NEPA Analysis Summary

The reasonable range of alternatives was analyzed under NEPA to determine environmental impacts that could result from implementation, helping to inform the Trustee during their decision-making process. The NEPA analysis of the Selected Actions supports the following conclusions (adapted from the Final Restoration Plan /Environmental for the East Helena Smelter Site in Lewis and Clark County, East Helena, Montana):

- **Vegetation:** Overall beneficial impacts to vegetation are expected from restoration actions for Alternatives B, C, and D. Alternative B would benefit wetland, floodplain, and grassland vegetation. Alternatives C and D would benefit grassland vegetation. No changes in vegetation are expected from Alternative A.
- **Aquatic Resources and Water Quality:** No changes are expected to aquatic resources or water quality from restoration actions for any alternative. Any work completed as part of Alternatives B or C would apply appropriate best management practices (BMPs) to prevent degradation of these resources.
- **Threatened and Endangered Species:** No threatened or endangered species are known in the project area; therefore, no impacts are expected from implementation of restoration actions for any alternative.
- **Cultural and Paleontological:** No cultural or paleontological resources are known in the project area; therefore, no impacts are expected from implementation of restoration actions for any alternative.

The DOI is the lead agency responsible for NEPA analysis for the RP/EA. The DOI has evaluated the environmental consequences of the Selected Actions and found that no long-term adverse effects are likely to occur.

7. Agency Coordination and Consultation Summary

Endangered Species Act Section 7 coordination with the U.S. Fish and Wildlife Service (Service) has been completed for the two restoration projects (see Appendix A of the RP/EA). The proposed projects are expected to have no effect on threatened, endangered, or candidate species under Service jurisdiction and no effect on designated or proposed critical habitat.

Work in waters of the U.S., including wetlands, will be coordinated with the U.S. Army Corps of Engineers (USACE), state of Montana, and municipal governments pursuant to the Clean Water Act Section 404 (CWA). Coordination with the USACE and final authorization pursuant to CWA would be completed prior to construction.

No adverse impacts to cultural and historical resources protected under Section 106 of the National Historic Preservation Act are expected as a result of implementing the Selected Actions. Consultation with the Montana State Historic Preservation Office is ongoing and will be completed prior to construction. If any cultural resources are found during implementation, work will cease, the proper agencies notified, and additional review under Section 106 will be conducted if necessary.

If any further need arises to coordinate and consult with other regulatory authorities, the additional coordination or consultation requirements will be addressed prior to project implementation. The status of federal, state, and/or local regulatory permits/approvals will be maintained and updated as regulatory compliance information changes. The DOI's Finding of No Significant Impact for this project is issued subject to the completion of all outstanding compliance reviews under applicable federal laws. If during

final design the Selected Actions change or information is brought to light as a result of completing such reviews that is potentially relevant to the environmental assessment supporting this Finding of No Significant Impact, that assessment will be updated or supplemented as required by NEPA and a new determination made by the Trustee as to whether the Selected Actions are likely to significantly affect the quality of the human environment.

8. Determination

In view of the information presented in this document and the analysis contained in the RP/EA for implementation of the Native Grassland and Wetland Restoration Project along Prickly Pear Creek and Native Grassland Restoration Project along Prickly Pear Creek Projects, the DOI has determined that the Selected Actions will not significantly impact the quality of the human environment. Accordingly, preparation of an environmental impact statement for this action is not necessary.

Date:

January 17, 2020

Signature:

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