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1400 South 19<sup>th</sup> Avenue  
Bozeman MT 59719-5496

## **SPA 124 PERMIT DECISION NOTICE**

Carbella Bridge Replacement

FWP-FSH-R3-23-014

November 13, 2023

### **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**

The proposed project will replace the bridge that washed out in 2022, with a new single span 210-foot truss bridge. The new bridge will have concrete abutments founded on steel pipe piles that will be armored in riprap placed at a 2:1 slope. The existing abutments will be completely removed with this project. The existing bank has approximately a 3:1 slope and is covered in grasses and brush. Trees around the site will not be impacted with the bridge replacement. Bank heights are approximately 8-12 feet surrounding the bridge. No buildings exist in the vicinity of the bridge project.

#### **PURPOSE AND NEED**

The purpose of the project is to replace the bridge that was lost during the 2022 flood to restore public use of a primary transportation access. The current and only access to Tom Miner Basin is difficult to maintain. The remaining abutments from the previous bridge create a pinch point at this location in the river, which restricts flows during spring runoff and increases flooding potential for surrounding properties. The benefits include installation of a structure that will minimize impacts to the Yellowstone River form and function.

#### **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 a SPA124 permit and the County would need to maintain the alternate route into Tom Miner Basin.

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

Under the Proposed Action, FWP would issue a SPA124 permit and the project would be completed following the special conditions provided in the permit.

1. Riprap shall be placed at a 2:1 slope and kept to the minimum amount necessary to protect the abutments.
2. Existing riprap shall be salvaged or removed from the site.
3. Existing abutments need to be completely removed. No portion of the existing structure is allowed to remain and no concrete from the structure may be used as riprap for the new abutments.
4. Signage of the construction for boater and recreational users shall be placed at Fishing Access Sites from the Forest Service McConnell site to FWP's Grey Owl site.

5. At least 40 feet of the channel width, with 6 feet of clearance, must remain open at all times to allow floater passage.
6. Once a contractor has been secured, an additional SPA124 application will have to be submitted for a temporary work bridge and any other streambed and/or streambank impacts not covered in this application.
7. No work shall occur at any time from May 15 through the end of spring runoff, which usually occurs in early July.

#### **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, appearing to read "Warren Hansen", written in a cursive style.

Warren Hansen  
Acting Region 3 Supervisor  
Montana Fish, Wildlife & Parks

