



DECISION NOTICE

Swinging Bridge Fishing Access Site – 2023 Flood Rehabilitation

5/19/2023

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 as final, with modification and approves Alternative two, 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 April 19, 2023, to May 3, 2023. A

legal Notice was published in [Stillwater County News](#) and in [Billings Gazette](#) and 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 comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

Fishing Access Sites (FAS) are managed by Montana Fish, Wildlife & Parks (FWP) for the public to utilize for a variety of recreational opportunities. The Swinging Bridge FAS provides access to the Stillwater River for outdoor activities such as floating, fishing, birding, camping, and general day use.

Because of impacts created by a significant Stillwater River flooding event that occurred in 2022, the general infrastructure, boat ramp, and overall physical environment at Swinging Bridge FAS are currently unsafe and generally unusable by the affected public. Both the streambank and FAS entrance road were eroded away during the flood events. Further, the parking area and portions of the interior FAS roads had surface gravel washed away during the flood. The existing streambank is cobble with very little to no vegetation at a 2:1 slope or steeper. Large driftwood piles were deposited by the flood and are scattered throughout the site and must be cleaned up to accommodate the objectives of the proposed project. The latrine has not been accessible for maintenance vehicles since the flood. Signs were destroyed and fire rings were filled with silt or lost, and picnic tables were damaged, moved, or lost in the flood.

The proposed improvements would mitigate impacts to the affected road section by rebuilding a portion of the road necessary to provide safe access to the Stillwater River and full use of the Swinging Bridge FAS. The affected section of the riverbank proposed for restoration under the proposed action is smaller than the pre 2022 flood area. Minimizing encroachment back into the river would reduce impacts to the river and still allow for an armored access road. Portions of the road requiring new gravel would be repaired and the site would be cleaned up including debris piles, fire rings, and picnic tables. Access would be restored for maintenance vehicles to service the latrine, and signs would be replaced. See Appendix 1 for more detailed work plans for the proposed project.

All work is anticipated to be completed in a two-week time frame (weather dependent). Project work would require the use of appropriate heavy equipment and the work would be conducted by contracted services, as necessary, or FWP maintenance staff.

PURPOSE AND NEED

Swinging Bridge FAS located north of Absarokee, Montana, was heavily impacted by the Stillwater River flood in June 2022. Currently the FAS is closed and there is no public access due to the damage sustained to the access road, parking area, and a portion of the streambank. Under the proposed action, FWP would rebuild the affected areas to provide the public with safe access and full use of the FAS. The project consists of the following elements:

- Rehabilitating 210 linear feet of streambank located on the southwest side of the FAS.
- The streambank will be rebuilt with class III riprap for a width of 30 feet.

- Vegetation will be incorporated into the constructed streambank to reduce soil erosion and to provide bank stabilization and a more natural appearance.
- The project replaces road mix gravel on the access road (620 linear feet x 14 feet wide) as well as resurfacing the parking area (8,684 square feet) at a thickness of 8 inches.
- The proposed project is designed to meet 100-year flood event standards.

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 Swinging Bridge FAS would remain closed to public access due to safety concerns and a lack of needed infrastructure damage sustained during a significant Stillwater River flood event in 2022.

Alternative 2: Proposed Action

Under the Proposed Action FWP will rehabilitate the access road by rebuilding the streambank, will replace gravel washed from interior roads and parking areas. The modification in the EA will be to establish a small parking area at and near the material staging location to encourage watercraft launch on the south end of the FAS to reduce conflict with the irrigation districts effort to secure the ditch banks at the north end of the FAS.

PUBLIC COMMENT AND FWP RESPONSE

Public comment was received for this project. Support and an issue were provided by the public and through a site visit with the irrigation company and adjoining landowner.

Issues identified describe challenges by the irrigation company and public to access the river in and through the irrigation ditch at the site.

An irrigation ditch runs the length of the fishing access site and has been used by floaters/watercraft to gain access to the main river through a section of ditch at the north end of the access site from approximately 1997 to 2022. The flood of 1997 created the now island between the developed FAS area and the main channel by breaching the ditch at the north end of the FAS. The irrigation company annually has worked to minimize the breach with their efforts often modified by the public. The flood of 2022 increased the challenge to this area, resulting in placement of concrete barriers that will not be removed by FWP. Early Swinging Bridge Fishing Access site plans indicated a primitive launch was anticipated to be developed at the mouth of the irrigation ditch and confluence of the side channel to the main river at the south end of the fishing access site. This area is near the material staging area identified in the project plans. FWP will work within the plans to develop improved access to this area for a primitive launch. A campsite was lost at this area and was not planned to be reestablished and will provide part of the space used for parking for river access.

FWP will work with the irrigation company, FWP design and construction, and the public to look for additional improvements to support better access to the main channel. This project will focus on restoration of access and interior site clean up and road rebuilding and follow permits received.

Issue: The size of campers that had been at the site often restricting access to the river for rafts and watercraft. This issue may in part be remediated by changes in river access, not restoring the most southerly campsite, and in additional action reviewing site use rules to evaluate size of recreational vehicles allowed or recommended at the site.

As part of the project development a survey was conducted, finding the east property fence was as much as 20 feet inside the FAS boundary. The fence will be realigned and placed on or near the surveyed boundary.

DECISION

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), as modified, 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 EIS is unnecessary.

With this DN, FWP hereby adopts the Final EA, with modifications, and approves the proposed action. The modification is to develop a primitive launch at the south end of the FAS with an associated parking area. Additionally, FWP will not remove the ditch company embankment as described in the Overall Site Plan, and the east property fenced boundary will be aligned on or near the surveyed boundary.

Sincerely,



Mike Ruggles
Regional Supervisor, Region 5 Billings
Montana Fish, Wildlife & Parks