



SPA 124 PERMIT DECISION NOTICE
Bozeman Creek Water Intake Infrastructure Improvement
FWP-DN-FSH-R3-24-079

November 19, 2024

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 project goal is to upgrade to existing water intake structure at Sourdough/Bozeman Creek, which serves as the City of Bozeman water supply. Proposed construction activities at the site will include the installation of an infiltration intake to be used as the primary raw water intake, with the existing surface intake being retained as a backup system. The new intake system will collect stream water in 6, 18" diameter well screens placed about 4- 5' under the existing streambed. Water lines and associated air backwash piping for maintenance will connect the well screens to a valve vault located outside the impacted area. The streambed will be excavated and lined with geotextile separation fabric, backfilled with washed rock, and covered with gabions. The existing stream will be reshaped from a wide, shallow pool into a narrower baseflow channel with overbank areas. The existing surface intake and spillway structures will remain undisturbed. A combination air valve will be installed at the high point in the existing water transmission main pipeline located on the western side of Sourdough/Bozeman Creek.

The water transmission pipeline is buried under the Sourdough Creek streambed and crosses the drainage where the valve will be installed. Installation of the valve will involve crossing the stream to access the high point, pot-holing (excavating) to expose the top of the pipe, and installing a tapping tee valve and access manhole. The stream in the vicinity of the intake is characterized by a wide, shallow pool behind a small dam with much of the eastern stream bank containing riprap and concrete. Wetlands were delineated within the project area. Upland vegetation consisted of large leaf avens, smooth brome, Canada thistle, dandelion, and rocky mountain maple. Wetland vegetation consisted of Nebraska sedge, tufted hairgrass, horsetail, mint, reed canary grass and fireweed.

The applicant is Bob Murray of the City of Bozeman. The project is expected to occur between 4/1/2025 and 10/30/2025.

PURPOSE AND NEED

The original intake structure was constructed over 100 years ago and needs updates to improve water quality and conveyance of one of Bozeman's primary water sources.

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, which would threaten the reliability and efficiency of a major water source for Bozeman.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would issue a SPA124 for the project with the following special condition:

1. The bypass channel should be lined during diversion to prevent excess erosion and fine sediment transportation downstream of the project area.

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,



Linnaea Schroeer
Acting Region 3 Supervisor

