



SPA 124 PERMIT DECISION NOTICE

East Gallatin River Riverside Force Main Horizontal Directional Drilling
FWP-DN-FSH-R3-24-078

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 involves constructing a new duplex sewer lift station equipped with two submersible pumps just west of Springhill Road off Elaine Lane. An adjacent building will house the process mechanical piping, controls, and an emergency generator. A six-inch high-density polyethylene (HDPE) force main will also be installed along Springhill Road, extending from the lift station to the City's water reclamation facility. The length of pipeline is approximately 4,300'. To avoid impacting the bed and banks of the East Gallatin River, avoid removing mature trees, and to align the installation outside the current pavement of Springhill Road, several sections of the force main will be installed using HDD, including a small irrigation ditch off Elaine Lane, two crossings of Springhill Road, the East Gallatin River crossing, and the roadway entrance to Riverside Drive. All other sections will employ open-cut construction techniques. For the East Gallatin River crossing, the HDD will begin approximately 141' north of the East Gallatin River and daylight approximately 238' south of the river. The depth under the river for HDD and pipeline installation is 20 feet, as necessary to maintain adequate cover below maximum estimated scour depth.

The project is located at the northern extent of Bozeman, Montana, on Springhill Road and Elaine Lane. The area in the immediate vicinity of the East Gallatin River consists of riparian floodplain. The Riverside Country Club golf course and residential developments adjoin the river to the north. Natural habitat is primarily restricted to the riparian corridor of the East Gallatin River. Upland areas within the survey limits are primarily dominated by grasses, small shrubs, and weeds, including smooth brome (*Bromus inermis*), western wheatgrass (*Elymus smithii*), Woods' rose (*Rosa woodsia*), and common snowberry (*Symphoricarpos albus*). Where present, hydrophytic vegetation is associated with the East Gallatin River and associated floodplain. Common hydrophytic vegetation includes meadow foxtail (*Alopecurus pratensis*), reed canarygrass (*Phalaris arundinacea*), woolly sedge (*Carex pellita*), sandbar willow (*Salix exigua*), and red-osier dogwood (*Cornus sericea*).

The applicant is Kelly Gamradt of the City of Bozeman. The project is expected to occur between 5/1/2025 and 10/31/2025.

PURPOSE AND NEED

The residents of the Riverside Water and Sewer District successfully petitioned the City of Bozeman (City) for annexation into the City in April of 2022. Through this annexation, the city will assume responsibility for the sanitary sewer service to the current users within the Riverside Water and Sewer District. Providing sanitary sewer service will, therefore, require the installation of a new sewer force main beneath the East Gallatin River.

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 force nearby residences to maintain their existing water treatment infrastructure and lead to continued degradation of water quality in the East Gallatin River.

Alternative 2: Proposed Action

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


1. In the event of a frac out, measures must be taken to isolate the frac-out from flowing water as quickly as possible. BMPs should be implemented in the frac out location to isolate the material while the vac truck removes any mud that accumulates.
2. The contractor must contact FWP to notify of the incident.

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 blue ink, appearing to read 'Linnaea Schroeer', with a long horizontal flourish extending to the right.

Linnaea Schroeer
Acting Region 3 Supervisor

