



SPA 124 PERMIT DECISION NOTICE

Head Lane Bridge Replacement (Sevenmile Creek)

FWP-CEA-FSH-R4-24-041

27 November 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 purpose of the project is to issue a SPA 124 permit to allow removal and replacement of an existing bridge on Head Lane in Helena, Montana. This bridge crossing is over Sevenmile Creek. The new bridge will allow for higher flows and weight capacity than the current bridge at the Head Lane Sevenmile Creek crossing.

PURPOSE AND NEED

Lewis and Clark County (Great West Engineering) is planning on replacing a current bridge structure on Head Lane at the Sevenmile Creek crossing. Head Lane is a County maintained gravel local road and is a primary connector from the City of Helena north to the Scratchgravel Hills. The Head Lane Bridge is a single-span timber bridge on a concrete column foundation system that was constructed in 1982. The current bridge has a total span of 24.5 feet, a total clear span of 23.5 feet, a total width of 24.5 feet, and a useable width of 24 feet. The Sevenmile Creek channel base width is approximately 6 feet in the vicinity of the bridge, with a bankfull width of 9 feet and 6 foot bankfull benches. The channel in the bridge vicinity is in fair condition, with relatively steep 1:1 banks present. Banks are vegetated with a combination of riparian thickets and saplings intermixed with emergent grasses and sedges. No bank or abutment protection is currently in place on the bridge. The alignment of the stream is poor, and the channel does a hard 90 degree bend downstream of the bridge and runs along the road fill slope. It is possible that the stream was historically rerouted at some point in the past to facilitate a “square” stream crossing at the Head Lane crossing.

The preferred alternative for the Head Lane Bridge is full bridge replacement with a new, 54-foot single span, prestressed, precast, concrete tri-deck beam superstructure with a driven pile foundation. The replacement structure will be located in essentially the same location as the existing bridge. The useable bridge width will be 28 feet and the overall length will be increased to 54 feet. The increased width will allow for safe two-way travel and meet anticipated future ADT requirements for this roadway. The increased span will allow for the proper placement of riprap and environmentally friendly spill-through channel configuration. Work in the streambed vicinity is anticipated to include removing the existing abutments and keying in new riprap.

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 an SPA 124 permit and Lewis and Clark County would not move forward with the Head Lane bridge replacement.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would issue the SPA 124 Permit with the applicable general and special conditions outlined in both the draft EA and issued permit.

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 cursive script that reads "Jason Rhoten".

Jason Rhoten
Region 4 Supervisor
Montana Fish, Wildlife & Parks