



## SPA 124 PERMIT DECISION NOTICE

FWP-CEA-FSH-R5-24-024

### City of Billings Water Treatment Plant Intake #2 Catwalk, Intake Building, and Intake Pipeline Repair and Improvements Project

07/25/2024

#### **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 City of Billings proposes to repair and improve an existing catwalk bridge structure that provides an operational pathway from the Low Service Pump Station #2 to the Intake #2 structure, improve the existing Intake #2 building located above the river, and repair a damaged section of concrete encasement around the raw water pipelines located on the riverbed, which convey water from the Intake #2 building to the Low Service Pump Station #2 at the City of Billings Water Treatment Plant (WTP).

The catwalk bridge structure has sustained damage multiple times since its initial construction and the June 2022 flood event further damaged the catwalk bridge along with the Intake #2 building. The 2022 flood event along the Yellowstone River was approximately equivalent to a 500-year flood event and resulted in structural damage to the catwalk, intake building flooding, and compromised the guard rail, electrical and gas lines, and process air piping. The 2022 flood event caused the intake structure to be unsafe for City staff to conduct continued operation, as extensive repairs are needed to re-establish this redundant raw water intake system for the WTP.

### **PURPOSE AND NEED**

The purpose of the proposed project is to repair substantial damage caused by the 2022 Yellowstone River flood and improve resiliency associated with future floods and ice scour conditions. The catwalk is a critical piece of infrastructure for the Billings Water Treatment Plant Intake #2 structure. Improving flood resiliency through catwalk repair and improvements will allow for the Billings WTP to continue operation to its highest standard of safety and function. While the Intake #2 structure at the Billings WTP is a redundant intake, it is still an important party of the City's water treatment process because the Intake #2 structure can be activated during lower flow conditions on the river. This infrastructure is critical to the City's overall drought management plan and emergency response.

### **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.

The No Action alternative was not selected because the catwalk would remain unsafe to access the intake building which is needed to provide safe drinking water to the City of Billings residents. Additionally, this alternative would have a higher risk of the river and associated debris damaging the intake pipeline and rendering the facility unable to provide water to the WTP.

**Alternative 2:** Repair catwalk to current elevation.

**Alternative 3:** Replace catwalk at raised elevation.

**Alternative 4:** Replace catwalk at raised elevation and demolish existing intake building with no replacement.

**Alternative 5: Proposed Action.** Replace catwalk at raised elevation, raise intake elevation, build new intake building, and provide interior screening wall.

**Alternative 6:** Replace catwalk at raised elevation with free span bridge, raise intake elevation, build new intake building.

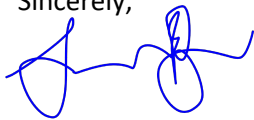
**Alternative 7:** Replace catwalk at raised elevation with free span bridge, raise intake platform, and demolish existing intake building with no replacement.

## **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 5), 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 5, the Proposed Action.

Sincerely,



Shannon Blackburn  
Region 5 Fisheries Program Manager  
Montana Fish, Wildlife & Parks