



SPA 124 PERMIT DECISION NOTICE

W Catron Creek Culvert Extension
FWP-DN-Fisheries-R3-25-017

May 9, 2025

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 extends North 27th Avenue in Bozeman between Baxter Lane and Cattail Street. This work requires installation of stormwater inlets with stabilized outfalls and extension of an existing culvert within W Catron Creek. In total, 0.07 acres of wetlands and 150 linear feet of W Catron Creek will be permanently impacted. The culvert extension design maintains aquatic habitat and fish passage. Morrison-Maierle engineers and environmental scientists consulted with MT FWP during project planning. Stormwater inlets, with stabilized outfalls, will drain stormwater from the newly constructed road to the creek, which is classified as an “urban waterway” by the City of Bozeman. A roundabout will be installed at the intersection of Cattail Creek and North 27th Ave, and the existing culvert beneath Cattail Street within W Catron Creek will be extended 110 feet for a total length of approximately 180 feet. To reduce disturbance, the project will retain an existing 70–90-foot culvert and tie into it rather than replacing the entire structure, which limits in-channel work and reduces costs. The proposed culvert extension will be a 48-inch diameter pipe, set one foot below the existing streambed to allow for a natural substrate and maintain a roughly 3- foot bank flow width, consistent with current conditions. A manhole set halfway through the culvert will allow for fish resting space.

The project site follows Thomas Drive north from Baxter Lane towards Cattail Street, encountering W Catron Creek and its wetland fringe approximately halfway through the project area. At the north end of the project site, W Catron Creek flows northwards to its confluence with the East Gallatin River approximately 1.4 miles downstream. Approximately 1,104 linear feet of W Catron Creek flow through the project area, bordered by 1.41 acres of PEM1Ax/SS wetland. This section of W Catron Creek was rerouted between October 2003 and July 2005. The weedy vegetation within the wetland fringe also evidences this disturbance. The wetland/upland boundary follows the abrupt change in topography from the surrounding upland hay field to W Catron Creek. The upper stream terrace slopes steeply to the creek below and is vegetated with weeds, grasses, and intermittent shrubs and trees. Dominant plant species include smooth brome, Canada thistle, reed canarygrass, and prickly lettuce.

Project sponsor: Bob Murray Jr., City of Bozeman

Timeline: May 5, 2025 – December 2025

PURPOSE AND NEED

The project improves transportation connectivity by extending 27th Avenue between Baxter Lane and Cattail Street and constructing a roundabout at the intersection. These improvements address current and future traffic demands while improving overall traffic flow and efficiency.

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 potentially prevent the road expansion resulting in traffic constraints in a major travel corridor within Bozeman.

Alternative 2: Proposed Action

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

1. Photos of the completed project should be provided as soon as the project is complete.
2. Culvert conditions should be monitored annually for two years following project completion. A 5-year inspection cycle should be established following the first two years.

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 "Kelly Proffitt".

Kelly Proffitt
Region 3 Supervisor