

DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

EA# FWP-CEA-FSH-R4-25-020

**SPA 124 Permit for Cemetery Road Bridge Repair on
Dry Creek – Petroleum County, MT**

May 5, 2025



Table of Contents

I.	Compliance with the Montana Environmental Policy Act	3
II.	Background and Description of Proposed Project	3
III.	Purpose and Need	5
IV.	Other Agency Regulatory Responsibilities	5
V.	List of Mitigations, Stipulations	6
VI.	SPA 124 Permit Action	6
VII.	Alternatives Considered	7
VIII.	Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population ...	7
IX.	Private Property Impact Analysis (Takings)	14
X.	Public Participation	15
XI.	Recommendation for Further Environmental Analysis	15
XII.	EA Preparation and Review	15
	Attachment 1	16
	SPA 124 Permit General Conditions	16
	Attachment 2	17
	Copy of Joint Application for the Proposed Work	17

I. Compliance with the Montana Environmental Policy Act

Before a proposed project may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- *It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
 - (i) a project, program, or activity initiated and directly undertaken by a state agency;
 - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
 - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.*
- *It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));*
- *FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));*
- *Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));*
- *The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or*
- *As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).*

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

II. Background and Description of Proposed Project

Name of Project: Cemetery Road Bridge Repair on Dry Creek - Petroleum County, MT

Petroleum County has proposed bridge repair on the Cemetery Road crossing of Dry Creek in Petroleum County north of Winnett. The bridge structure is compromised, and the proposed work is necessary to ensure the safe traffic crossing of Dry Creek. The proposed work falls under the SPA 124 permitting jurisdiction of FWP found in the Stream Protection Act (§ 87-5-502, MCA).

Dry Creek is a tributary of Buffalo Creek, which is an intermittent tributary of Box Elder Creek. In the project area, Dry Creek is an intermittent stream with generally natural function and poor riparian characteristics.

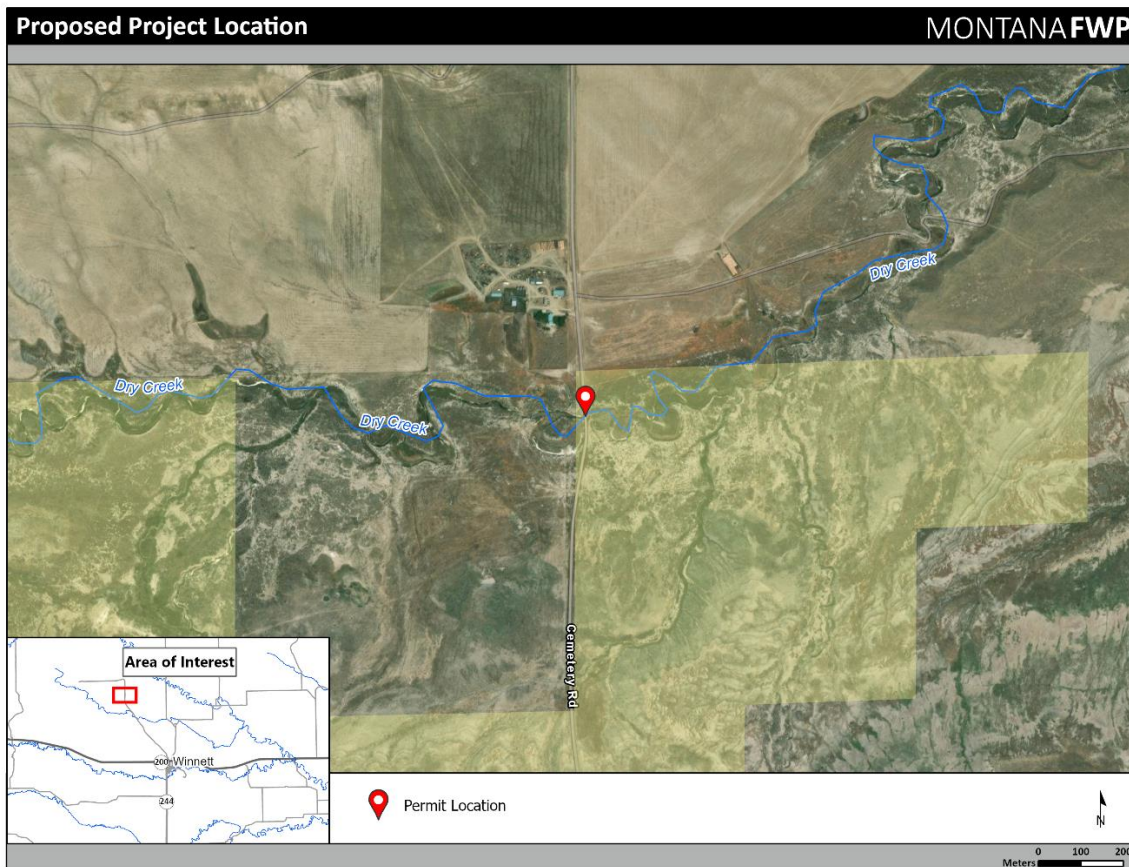
Fisheries survey data in the area is lacking and fish species present are assumed based on nearby surveys of Box Elder Creek, which contains sand shiner, fathead minnow, brassy minnow, white sucker, brook stickleback, and green sunfish. The aquatic and riparian habitats in the project vicinity are in generally poor condition with impairments stemming from channel modifications, dewatering, livestock management, and farming practices.

The bridge on Cemetery Road is more than 60-years old. The existing bridge piles have experienced significant decay and some scour/shifting. The proposed project would address the decay by encapsulating the bridge piles in concrete below the likely scour depth. The project would address the shifting by bracing the piles to provide additional lateral stability. The proposed project would involve excavating the streambed around the piles to a depth of approximately 2-feet. Forms would be fitted to the piles and concrete would be poured. The work site would be dewatered to the extent practicable. Bracing would be added across the piles to increase stability. Excavated areas would be backfilled and all disturbed streambed and banks would be reclaimed to match pre-disturbed conditions.

Petroleum County is the sponsor of the project and has a planned implementation schedule of Summer/Fall 2025.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 47.0825, 108.4192
 - Section, Township, and Range: NW ¼ of Section 10, Township 15N, Range 26E
 - Town/City, County, Montana: Winnett, Petroleum County, Montana
- Location Map



III. Purpose and Need

The EA must include a description of the benefits and purpose of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

The purpose of this project is to issue a Stream Protection Act 124 Permit to Petroleum County for the purpose, by the means, at the location, and in accordance with the timeline identified in the attached *Joint Application*, only after careful review of the potential impacts to Montana fish and wildlife resources stemming from the proposed action.

The purpose of the proposed project is encapsulate existing timber pile on the Cemetery Road bridge over Dry Creek in concrete and to install additional bracing on the piles. The project would also entail some bridge plank replacement on the deck. The goal of the project is to ensure a safe vehicle crossing and to extend the life of the structure.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

IV. Other Agency Regulatory Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

*A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of state requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.*

Table 1: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
Montana Department of Environmental Quality	Permit (318 Authorization)	Montana DEQ regulates water quality in Montana waterways. The 318 Authorization requires certain conditions be met in order to minimize short-term, construction related impacts to water quality standards.
U.S. Army Corps of Engineers	Permit (404 Permit)	USACE, in association with the Environmental Protection Agency (EPA) enforces regulatory conditions established by the Federal Clean Water Act to restore and maintain the chemical, physical, and biological integrity of the nation's waters.

V. List of Mitigations, Stipulations

Mitigations, stipulations, and other enforceable controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

<i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
SPA 124 Permit - General Requirements (see Appendix 1)	FWP	SPA 124	SPA 124 Permit, General Conditions, provide best management practices in the form of enforceable controls to limit potential adverse impacts from the proposed project. Fines may be levied for violating these general requirements and/or corrective action may be required to remedy non-compliance.	
318 Authorization – Short-Term Water Quality Permit	DEQ	318 Authorization	Short-term narrative water quality standards for total suspended sediment and turbidity resulting from stream-related construction activities or stream enhancement projects.	
Limiting Fill in a Water of the U.S.	US COE	Nationwide Permit 14	Linear Transportation Project. Ensures standards are met for activities necessary for transportation projects in waters of the United States.	

VI. SPA 124 Permit Action

Any applicable Montana stream work that is not otherwise excluded from MEPA review under the applicable requirements of ARM 12.2.454, Actions that Qualify for a Categorical Exclusion, and has the potential to alter the stream channel or bank, requires a project-specific 124 Stream Protection Act Permit or SPA 124 Permit prior to the start of work. The SPA 124 permit is issued by FWP's Fisheries Division and includes both the general conditions described in Attachment 1 and any additional Special Conditions deemed necessary to protect and preserve the affected waterway. Additional conditions deemed necessary to protect and preserve the affected stream from potential impacts associated with the proposed project are listed in Table 4 below.

Table 3: SPA 124 Permit Conditions the Department Will Require to Issue Permit.

Activity	Special Condition	Description
Work Activity	Work shall not occur outside the project scope outlined in the permit.	All work shall occur as described in the project application.
Excavation	Minimize excavation in the channel to the extent practical and mitigate.	Excavation in the channel should be minimized and all disturbed areas should be reclaimed and contoured

		to match pre-disturbed conditions to the maximum extent feasible.
Dewatering	Dewater the work zone and excavation area.	The area of excavation and general work area should be dewatered and isolated from active flow.

VII. Alternatives Considered

In addition to the proposed Project, and as required by MEPA, FWP analyzes the "no-action" alternative in this EA. Under the "no-action" alternative, FWP would not do the proposed project.

Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

VIII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** "are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action." ARM 12.2.429(18).
- **Cumulative impacts** "means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures." ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent**, **duration**, **frequency**, and **severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.
- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.

- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

Under the “No Action” alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

See **Table 4** (Impacts on Physical Environment) and **Table 5** (Impacts on Human Population) below.

Table 4 - Potential Impacts of the Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. The proposed work has the potential to disturb terrestrial life and habitat due to workers being present, such impacts would be expected to be short-term and negligible. The proposed work would be expected to have minor, negative impacts to local aquatic life and habitats in the short-term by increased turbidity and active disturbance in the waterway during construction activities. Due to the scale of the proposed project, such impacts would be expected to be negligible.
Water quality, quantity, and distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to water quality, quantity, and distribution would be expected because of the proposed project. The proposed project would not require the use of any additional new water resources. The proposed work has the potential to temporarily reduce water quality, primarily in the form of turbidity, associated with the work process. These impacts would be expected to be short-term and negligible. Additionally, the proposed project would be subject to a Montana Department of Environmental Quality 318 Authorization, which sets minimum conditions the project must abide to minimize and mitigate potential impacts to water quality.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to geology in the affected area because of the proposed project. No impacts would be expected because of the proposed project.
Soil quality, stability, and moisture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to soil quality, stability, and moisture in the affected area because of the proposed project. No impacts would be expected because of the proposed project.

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The proposed project would disturb vegetative cover in the work area. These impacts would be short-term and negligible. All disturbed areas would be reseeded/vegetated.
Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the aesthetic nature of the affected area would be expected because of the proposed project. The proposed project would impact aesthetic values in the affected area due to the presence of workers, equipment, and ground disturbance. Any such impacts would be expected to be short-term and negligible.
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to air quality would be expected because of the proposed project. The proposed project would potentially impact local air quality characteristics due to equipment and exhaust fumes. These impacts would be short-term and negligible.
Unique, endangered, fragile, or limited environmental resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. No impacts would be expected because of the proposed project.
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to historic and archaeological sites would be expected because of the proposed project.
Demands on environmental resources of land, water, air, and energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project.

Table 5 - Potential Impacts of the Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant adverse impacts to social structures and mores in the affected area because of the proposed project. No impact would be expected because of the proposed project.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to cultural uniqueness and diversity in the affected area because of the proposed project. No impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to access to and quality of recreational and wilderness activities in the affected area because of the proposed project. No impacts would be expected because of the proposed project.
Local and state tax base and tax revenues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to local and state tax base and tax revenues in the affected area because of the proposed project. No impacts would be expected because of the proposed project.
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to agricultural or industrial production in the affected area because of the proposed project. No impacts would be expected because of the proposed project.
Human health and safety	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant adverse impacts to human health and safety in the affected area because of the proposed project. The proposed project would be anticipated to provide a benefit in the form of a safe, reliable roadway in the long-term. These impacts would be expected to be minor.
Quantity and distribution of employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the quantity and distribution of employment in the affected area would be

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									expected because of the proposed project. No impacts would be expected because of the proposed project.
Distribution and density of population and housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the distribution and density of population and housing would be expected because of the proposed project. No impacts would be expected because of the proposed project.
Demands for government services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the demands for government services in the affected area would be expected because of the proposed project. No impacts would be expected because of the proposed project.
Industrial, agricultural, and commercial activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. No impacts to industrial, agricultural, or commercial activity would be expected because of the proposed project.
Locally adopted environmental plans and goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. No impacts would be expected.
Other appropriate social and economic circumstances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to any other appropriate social and economic circumstances would be expected because of the proposed project. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project.

Table 6: Determining the Significance of Impacts on the Quality of the Human Environment

If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.

According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.

Criteria Used to Determine Significance

1	<p>The severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <p>"Severity" describes the density of the potential impact, while "extent" describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>"Duration" describes the time period during which an impact may occur, while "frequency" describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

IX. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 7: Private Property Assessment (Takings)

	Yes	No	
Is FWP regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does FWP have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, FWP must determine if there are alternatives that would reduce, minimize, or eliminate the restriction on the use of private property, and analyze such alternatives. Have alternatives been considered and/or analyzed? If so, describe below:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>

Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Taking or damaging implications exist if YES is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to question 4a or 4b.			
If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.			
Alternatives: The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.			

X. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).
- Public notice will be served on the Montana Fish, Wildlife and Parks website at:
<https://fwp.mt.gov/aboutfwp/public-comment-opportunities>

XI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct EIS level review for the proposed action	<input type="checkbox"/>

XII. EA Preparation and Review

	Name	Title
EA prepared by:	Clint Smith	Lewistown Area Fisheries Biologist
EA reviewed by:	Jason Mullen	Region 4 Fisheries Manager

Attachment 1

SPA 124 Permit General Conditions

FWP.MT.GOV



THE **OUTSIDE** IS IN US ALL.

Stream Protection Act 124 Permit General Conditions

1. Complete work affecting a streambed or stream bank in an expeditious manner to avoid unnecessary impacts to the stream.
2. Limit the clearing of vegetation to that which is absolutely necessary for construction of the project. Take precautions to preserve existing riparian vegetation. Salvage and reuse native vegetation where possible.
3. Install and maintain erosion control measures where appropriate to protect aquatic resources. Do not clear and grub land adjacent to streams prior to installing proper erosion and sedimentation controls. Conduct all work in a manner that minimizes turbidity and other disturbances to aquatic resources.
4. Plan temporary construction facilities to:
 - a. Minimize disturbance to stream banks, stream bank vegetation, and the streambed by locating staging or storage facilities at least 50' horizontally from the highest anticipated water level during construction;
 - b. not restrict or impede fish passage in streams; and
 - c. not restrict any flow anticipated during use.
5. Provide sediment controls for drainage from topsoil stockpiles, staging areas, access roads, channel changes, and instream excavations.
6. Isolate work zones from flowing and standing waters to prevent turbid water and sediments from being discharged into streams or other drainages that flow directly into the stream. Divert flowing waters around the work zone.
7. Do not spill or dump material into streams. Store and handle petroleum products, chemicals, cement and other deleterious materials in a manner that will prevent their entering streams.
8. Do not permit wash water from cleaning concrete-related equipment or wet concrete to enter streams.
9. Do not operate mechanized equipment in any stream or flowing water unless special authorization is obtained. If special authorization is granted, the following conditions apply:
 - a. Power-wash all equipment allowed in a stream prior to entering the stream channel.
 - b. Clean and maintain all equipment so that petroleum-based products and hydraulic fluids do not leak or spill into the waterway.
10. Reclaim streambeds and stream banks as closely as possible to their pre-disturbed condition.
11. Restore disturbed stream banks to their natural or pre-disturbed configuration to match adjacent ground contours or as specified in the project plans. Stabilize, reseed, and re-vegetate disturbed areas. Install and maintain long-term biodegradable erosion-control measures to protect these areas until adequate vegetation has been established.
12. Restore temporary access routes and any temporarily disturbed areas to original conditions, including original contours and vegetation.
13. Dispose of any excess material generated from the project above the ordinary high-water mark and in an area not classified as a wetland.

Attachment 2

Copy of Joint Application for the Proposed Work

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies				
CD/Agency Use Only				
Application Number: <input style="width: 150px;" type="text"/>		Date Received: <input style="width: 150px;" type="text"/>		
Stream or Waterbody: <input style="width: 250px;" type="text"/>				
Date Accepted: <input style="width: 100px;" type="text"/>	Initials: <input style="width: 50px;" type="text"/>	Date Forwarded to FWP: <input style="width: 150px;" type="text"/>		
This section is for all Department of Transportation and SPA 124 Permits (government projects)				
Project Name: <input style="width: 250px;" type="text"/>				
Control Number: <input style="width: 150px;" type="text"/>		Contract Letting Date: <input style="width: 150px;" type="text"/>		
MEPA/NEPA Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, #C5 of this application does not apply.				
Applicant Use				
<p>This is a standardized application to apply for one or all local, state, or federal permits listed below. Check the box(s) for each permit being applied for.</p> <ul style="list-style-type: none"> Refer to the instructions to determine which permits apply to your project and submit an application to each applicable agency. Incomplete applications will result in a delay of application processing. The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work. Other laws may apply. 				
	Permit	Agency	Required Application Sections:	Fee
<input type="checkbox"/>	NSLPA 310 Permit	Local Conservation District	A-E and G	No fee
<input checked="" type="checkbox"/>	SPA 124 Permit	Department of Fish, Wildlife & Parks (FWP)	A-E and G	No fee
<input checked="" type="checkbox"/>	318 Authorization 401 Certification	Department of Environmental Quality (DEQ)	A-E and G	\$250 (318); \$400-\$20,000 (401)
<input type="checkbox"/>	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation (DNRC), Trust Lands Management Division	A-E and G	\$50, plus additional fee
<input type="checkbox"/>	Section 404 Permit, Section 10 Permit	U.S. Army Corps of Engineers (USACE)	A-G and F1-10	Varied (\$0-\$100)
<input type="checkbox"/>	Floodplain Permit	Local Floodplain Administrator	A-G	Varied (\$25-\$500+)
<div style="display: flex; justify-content: space-between; font-size: small;"> Version: 11/15/2024 https://dnrc.mt.gov/Licenses-and-Permits/Stream-Permitting/ Page 1 </div>				

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

A. APPLICANT INFORMATION

APPLICANT (party responsible for project) Petroleum County

Has the landowner consented to the project? ☒ Yes ☐ No

Mailing Address: PO Box 226 City, State: Winnett, MT Zip: 59087

Physical Address: 201 E Main St. City, State: Winnett, MT Zip: 59087

Daytime Phone: (406) 429-5231

Email:

LANDOWNER NAME (if different from applicant) NA

Mailing Address: NA City, State: NA Zip: NA

Physical Address: NA City, State: NA Zip: NA

Daytime Phone: NA

Email: NA

CONTRACTOR/COMPANY NAME (if applicable) Stahly Engineering & Associates

Mailing Address: 2223 Montana Ave., Ste. 201 City, State: Billings, MT Zip: 59101

Physical Address: 2223 Montana Ave., Ste. 201 City, State: Billings, MT Zip: 5

Daytime Phone: (406) 601-4055

Email: ahagel@seaeng.com

B. PROJECT SITE INFORMATION

Refer to section B1 of the instructions

1. NAME OF STREAM OR WATERBODY at project location: South Fork of Buffalo Creek

Project Address/Location: Cemetery Road – 6.7mi NW of Winnett Nearest Town: Winnett, MT

County: Petroleum Geocode: 55-2475-10-1-02-01-0000

Township: 15N Range: 26E Section: 10 ¼ Section: NW

Latitude: 47° 4'57.03"N Longitude: 108°25'9.22"W

Driving directions or other instructions needed for finding the site: Head NW of Winnett following Cemetery Road for 6.7 miles until the bridge crossing the South Fork of Buffalo Creek.

Refer to section B2 of the instructions

2. Is the proposed activity within **SAGE GROUSE** areas designated as general, connected, or core habitat?

☒ Yes ☐ No Attach consultation letter if required.

Refer to section B3 of the instructions

3. Is this a **STATE NAVIGABLE WATERWAY**? The state owns the beds of certain navigable waterways.

☐ Yes ☒ No If yes, send a copy of this application to the appropriate DNRC land office.

Refer to section B4 of the instructions

4. **WHAT IS THE CURRENT CONDITION** of the proposed project site? What vegetation is present? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

The existing banks adjacent to the project site are in good condition with approximately 2:1 – 3:1 slopes. The banks are comprised of native grassland and sagebrush. The bridge abutments are armoured with riprap. The creek stays dry most of the year, only experiencing flows during spring runoff and large storm events.

C. PROJECT ACTIVITY INFORMATION

Refer to section C1 of the instructions

1. TYPE OF PROJECT (check all that apply)

- ☐ **Agricultural and Irrigation Projects:** Diversions, Headgates, Flumes, Riparian Fencing, Ditches, etc.
- ☐ **Buildings/Structures:** Accessory Structures, Manufactured Homes, Residential or Commercial Buildings, etc.
- ☐ **Channel/Bank Projects:** Stabilization, Restoration, Alteration, Dredging, Fish Habitat, Vegetation or Tree Removal, or any other work that modifies existing channels or banks.
- ☒ **Crossing/Roads:** Bridge, Culvert, Fords, Road Work, Temporary Access, or any project that crosses over or under a stream or channel.
- ☐ **Mining Projects:** All mining related activities including, Placer Mining, Aggregate Mining, etc.
- ☐ **Recreation Related Projects:** Boat Ramps, Docks, Marinas, etc.
- ☐ **Other Projects:** Cisterns, Debris Removal, Excavation/Pit/Pond, Placement of Fill, Drilling or Directional Boring, Utilities, Wetland Alteration. Any other project type not listed here.

Refer to section C2 of the instructions

2. Is this application for an **ANNUAL MAINTENANCE PERMIT**? ☐ Yes ☒ No

If yes, attach an annual plan of operations to this application

Refer to section C3 of the instructions

3. Why is this project necessary? State the PURPOSE OR GOAL of the proposed project.

The existing timber piles supporting the center pier of the Cemetery Road bridge have experienced significant section loss/decay. Existing timber deck planks have also experienced significant decay. The goal of this project is to repair these deficiencies of the bridge to extend the life of the structure.

Refer to section C4 of the Instructions

4. Provide a brief description of the PROPOSED PROJECT PLAN and how it will be accomplished.

The proposed project plan is to encapsulate the existing timber piles in concrete to prevent further decay, and to install bracing on the piles. Additional improvements include replacing 9 timber planks on the deck of the bridge. Deck plank replacement will have no impact to the creek bed/channel as this work will be completed from the existing roadway.

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

Refer to section C5 of the instructions

5. What **OTHER ALTERNATIVES** were considered to accomplish the stated purpose of the objective? Why was the proposed alternative selected?

Other alternatives were "Do Nothing", which was not an option as the existing center pier piles are a critical component of the bridge, and further decay could lead to a failure of the bridge, causing a threat to the health and safety of the general public. Complete replacement of the structure was not a feasible option due to the other components of the bridge being in "Fair" or "Satisfactory" condition per the MDT Structure Inspection Report.

Refer to section C6 of the instructions

6. What are the **NATURAL RESOURCE BENEFITS** or **POTENTIAL IMPACTS**? Please complete the information requested below to the best of your ability:

6a. Explain any temporary or permanent changes in erosion, sedimentation, turbidity, or increases of potential contaminants. What will be done to minimize impacts?

There may be minor increases in turbidity during normal construction practices. The pile encapsulation (pile wraps) will be installed 2' minimum below the channel bed. Therefore, an increase in potential short-term turbidity should be expected. However, best management practices (BMP's) will be implemented to prevent dust and sedimentation during construction. Furthermore, construction will likely be completed when there is little to no flow in the creek. Project specifications include dewatering of pile wrap forms to prevent concrete free-falling through the water. Concrete shall not free-fall through water in any circumstance.

6b. Will the project cause temporary or permanent impacts to fish and/or aquatic habitat? What will be done to protect the fisheries and habitat?

Construction will be completed when there is little to no flow in the creek, therefore not impacting fisheries.

6c. What will be done to minimize temporary or permanent impacts to the floodplain, wetlands, or riparian habitat?

Wetland and riparian habitat disturbance will be minimized by restricting excavation and construction activities to the existing road right of way, and only disturbing what is necessary for construction.

6d. What efforts will be made to decrease flooding potential upstream and downstream of the project?

While the pile wraps will slightly reduce the conveyance of the channel at the bridge crossing, these impacts will have little to no effect on the flooding potential of the creek as the channel has sufficient capacity to incorporate these changes.

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

6e. Explain any potential temporary or permanent changes to the water flow or to the bed and banks of the waterbody. What will be done to minimize those changes?

The pile wraps will slightly restrict the flow of the water body but these impacts are very minimal and the channel has sufficient capacity to incorporate these changes.

6f. How will existing vegetation be protected and its removal minimized? Explain how the site will be revegetated, including weed control plans.

Vegetation disturbance will be minimized by restricting excavation and construction activities to the existing road right of way, only disturbing what is necessary for construction. All equipment will be weed washed prior to mobilization to the project site.

D. CONSTRUCTION DETAILS

Refer to section D1 of the instructions

1. Proposed **CONSTRUCTION DATES:** Start: 6/1/2025 End: 6/28/2025

Is any portion of the work already completed? ☐ Yes ☒ No If yes, please describe previously completed work:

Refer to section D2 of the instructions

2. **PROJECT DIMENSIONS.** Describe the length and width of the project.

The existing bridge is 36 feet in length and 16.7 feet wide. The pile wraps will be 21" in diameter, encapsulating the existing 12" diameter timber piles.

Refer to section D3 of the instructions

3. **MATERIALS.** Provide the total quantity and source of materials proposed to be used or removed. Note: this may be modified during the permitting process, therefore it is recommended that you do not purchase materials until all permits are issued. List soil/fill type, cubic yards and source, culvert size, rip-rap size, and any other materials to be used or removed on the project.

Cubic yards/ Linear Feet	Size and Type	Source
30 LF 3 Cubic Yards	21" Diameter CMP (Pile Wrap Form) Structural Concrete	Commercial Supply Commercial Supply

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

Refer to section D4 of the Instructions

4. EQUIPMENT. List all equipment that will be used for this project. How will the equipment be used on the bank and/or in the water? Note: all equipment used in the water must be **CLEANED, DRAINED, AND DRY.**

Standard Equipment: Mini Excavator, Skidsteer/Loader. Project documents include special provisions stating that all equipment must be clean and free of weeds prior to mobilizing to the job site.

Will equipment from out of state be used?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Will the equipment cross west over the Continental Divide to the project site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Will equipment enter the Flathead Basin?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

E. REQUIRED ATTACHMENTS

- Plans and/or drawings of the proposed project should include:
 - Plan/Aerial View
 - An elevation or cross-section view
 - Dimensions of the project (height, width, depth in linear feet)
 - Location of storage stockpile materials and location of fill or excavation sites
 - Drainage facilities
 - Location of existing/proposed structures, such as buildings, utilities, roads or, bridges
 - An arrow indicating north
 - Site photos
- Attach a vicinity map or a sketch, which includes: The water body where the project is located, roads, tributaries, and other landmarks. Plan an "X" on the project location. Provide written directions to the site. This is a plan view (looking at the project from above).
- If requesting a Maintenance 310 Permit, attach an Annual Plan of Operation.
- Attach an Aquatic Resource Map, which documents the location and boundary of all waters of the U.S. in the project vicinity and includes wetlands and other special aquatic sites. Show the location of the ordinary high-water mark of streams or waterbodies if requesting a Section 404 or Section 10 Permit. Include the ordinary high-water mark delineation on plans or drawings and/or a separate wetland delineation.

F. ADDITIONAL INFORMATION FOR US ARMY CORPS OF ENGINEERS (USACE) SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS

Refer to section F of the instructions

Section F should only be filled out by those needing Section 404, Section 10, and/or Floodplain permits.

Applicants applying for Section 404 and/or Section 10 permits must complete questions F1-10. For questions on Section 404 and/or Section 10 permits, contact the USACE by telephone at 406-441-1375 or by email at montana.reg@usace.army.mil.

Applicants applying for Floodplain permits must complete all of Section F.

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

Refer to section F1 of the instructions

1. Does the proposed activity and/or property have permitting history with USACE? If yes, and available, provide the USACE project number(s) associated with the previous permits, including no permit required letters and approved jurisdictional determinations.

No

Refer to section F2 of the instructions

2. Identify the specific **Nationwide Permit(s)** that you want to use to authorize the proposed activity.

Nationwide Permit 14, non-reporting

Refer to section F3 of the instructions

3. Provide the footprint of impacts and the quantity of materials proposed to be placed in wetlands and/or below the ordinary high-water mark in waters of the United States. Delineations are required of wetland and other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.

3a. What is the length and width (or square footage/acreage) for each impact occurring within the waters of the United States, including wetlands?

The area of impact will be four (4) individual piles wraps with an outside diameter of 21" surrounding a 10" pile. The total area of impact is 0.0002 acres.

3b. How many cubic yards of fill material will be placed below the ordinary high-water mark, in a wetland, stream, or other waters of the United States?

There will be 1.1 cubic yards of concrete total placed in four separate corrugated metal pile wraps.

Refer to section F4 of the instructions

4. How will the proposed project avoid or minimize **impacts to waters of the United States**? Attach additional sheets if necessary.

The size of the pile wraps was kept to a minimum to minimize impacts to waters of the US.

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

Refer to section F5 of the instructions

5. Will the project impact(s) be equal to or greater than 0.10 acre of wetland and/or 0.03 acre of stream or other waters? If yes, describe how the applicant is going to **compensate (mitigation bank, in-lieu fee program, or permittee responsible)** for these unavoidable impacts to waters of the United States.

There are wetlands in the area according to the IPaC, but the wetlands do not extend underneath the bridge, which is where the work is located. Therefore, there will not be impacts to wetlands and impacts to streams will be less than 0.03 acres.

Refer to section F6 of the instructions

6. Is the proposed activity within any component of the **National Wild and Scenic Rivers System**, or a river that has been officially designated by Congress as a **"study river?"** ☐ Yes ☒ No

Refer to section F7 of the instructions

7. Does this activity require permission from the **USACE because it will alter or temporarily or permanently occupy or use a USACE authorized civil works project?** (Examples include USACE owned levees, Fort Peck Dam, and others). ☐ Yes ☒ No

Refer to section F8 of the instructions

8. List the **ENDANGERED AND THREATENED SPECIES** and **CRITICAL HABITAT(S)** that might be present in the project location.

Proposed Threatened: Monarch Butterfly

Proposed Endangered: Suckley's Cuckoo Bumble Bee

Golden Eagle

Refer to section F9 of the instructions

9. List any **HISTORIC PROPERTY(S)** that are listed, determined to be eligible or are potentially eligible (over 50 years old) for listing on the National Register of Historic Places.

According to the MDT Structure Management System, the bridge was built in 1960 and is 65 years old. According to the correspondence with SHPO on previous projects, any bridge over 50 years old is potentially eligible for listing on the National Register of Historic places. However, the work being performed is required to maintain the integrity and extend the life of the bridge, not removing the bridge.

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

Refer to section F10 of the instructions

10. List the **NAMES AND ADDRESS OF LANDOWNERS** adjacent to the project site. This includes properties to and across from the project site. Note: Some floodplain communities require certified adjoining landowner lists.

NAME/ADDRESS OF **Adjacent Landowner**: HALE RAYMOND A & KAREN K, PO BOX 49, WINNETT, MT 59087

NAME/ADDRESS OF **Adjacent Landowner**: USDI BUREAU OF LAND MANGEMENT, MONTANA STATE OFFICE, BILLINGS, MT 59101

NAME/ADDRESS OF **Adjacent Landowner**:

NAME/ADDRESS OF **Adjacent Landowner**:

Refer to section F11 of the instructions

12. **Floodplain Map Number**: 30069C0625A

Refer to section F11 of the instructions

13. **Does this project comply with local planning or zoning regulations?** ☒ Yes ☐ No

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

G. SIGNATURE REQUIREMENTS

Refer to section G of the instructions

Some agencies require original signatures for an application to be considered complete. After completing the application form, make the required number of copies and sign each copy. Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possesses the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized.

**By signing or typing my name on the signature line below, I hereby swear and affirm that I am the applicant for this project and am responsible for all information contained in this application.*

*APPLICANT (party responsible for project)

LANDOWNER (If different from applicant)

Petroleum County

Print Name **Paul McKenna**

Print Name

Signature of Applicant

Date

Signature of Landowner

Paul McKenna **3/17/25**

CONTRACTOR (If applicable. Contact agency to determine if contractor signature is required)

Adam Hagel, PE

Stahly Engineering & Associates

Print Name of Primary Contract

Company/Entity Name (If applicable)

Adam Hagel

3/17/2025

Signature of Contractor

Date

CEMETERY BRIDGE RAPID REPAIR

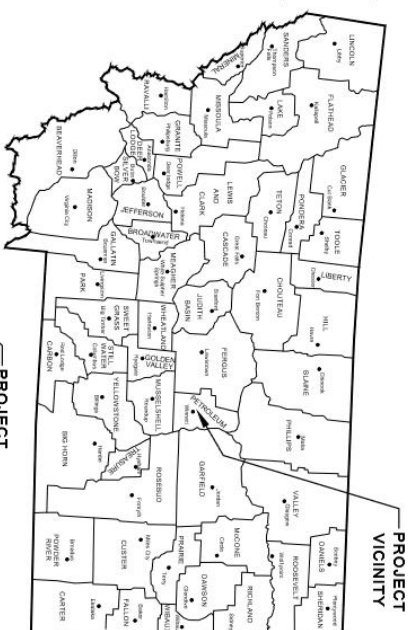
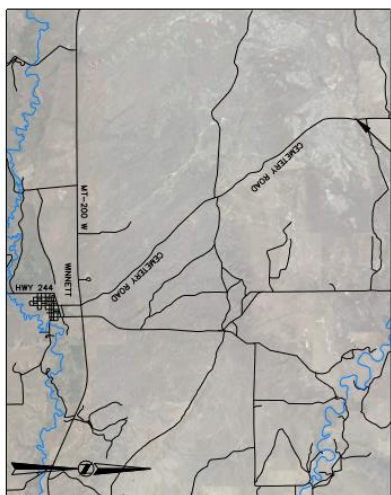
SB 536 FUNDS
BRIDGE ID: 03884

TITLE SHEET _____ T1
GENERAL LAYOUT _____ B1
PILE WRAP SECTION AND DETAILS _____ B2
BRACING DETAILS _____ B3

PETROLEUM COUNTY
COMMISSIONER
CRAG INVERSON
(406) 429-5311

PROJECT ENGINEER
STANLY ENGINEERING & ASSOCIATES
ADAM HAZEL, PE
(406) 601-4070

LOCATION	TIMBER PLANK 16'-0" LONG, 3 1/2" x 12" (EA)	TIMBER PLANK 3 1/2" x 18", 16'-0" LONG (EA)	STRUCTURE CONCRETE (CU/YD)	21" Ø x 7'-6" CMP (EA)	1" Ø x 1'-10" THREADED ROD (EA)	1" Ø x 2'-4" THREADED ROD (EA)	BRACE: C8x11.5 16'-10" LONG (EA)	STEEL PLATE WASHERS (EA)	PULSCAP SPACER (EA)	2" Ø SCH. 40 PIPE, 1'-11" LONG (EA)
BENT NO. 1	-	-	-	-	-	-	-	-	-	-
PIER NO. 2	-	-	3	4	2	3	2	14	2	1
BENT NO. 3	-	-	-	-	-	-	-	-	-	-
SUPERSTRUCTURE	2	7	3	4	2	3	-	14	2	1
TOTAL	2	7	3	4	2	3	-	14	2	1



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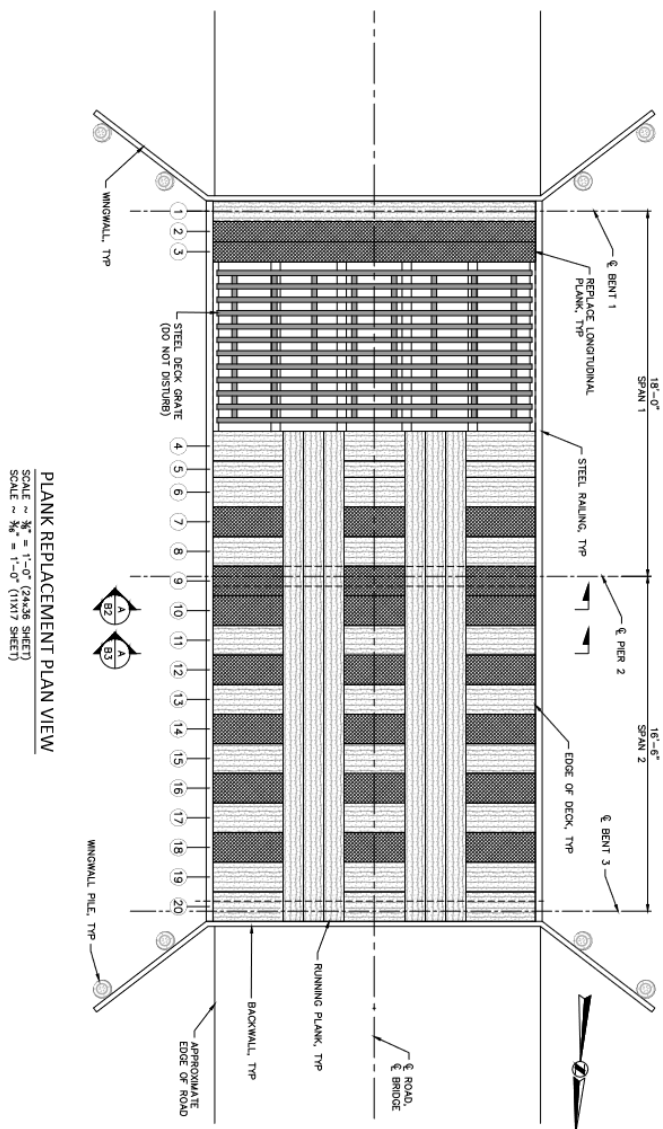
[illegible]

PRELIMINARY

CEMETERY ROAD
BRIDGE RAPID REPAIR
PETROLEUM COUNTY

TITLE SHEET

T1



PLANK REPLACEMENT PLAN VIEW

PLANK	LENGTH	WIDTH	THICKNESS
2	16'-0"	12"	3 3/4"
3	16'-0"	12"	3 1/2"
7	16'-0"	18"	3 3/4"
9	16'-0"	18"	3 3/4"
10	16'-0"	18"	3 3/4"
12	16'-0"	18"	3 3/4"
14	16'-0"	18"	3 3/4"
16	16'-0"	18"	3 3/4"
18	16'-0"	18"	3 3/4"

NOTES

WOOD PLANS: USE DOWDAKS PR-LARCH, NO. 1 OR APPROVED EQUAL CONNECTIONS. EACH LOCATION WHERE A THUNDER PLANK CROSSES A THUNDER WATER, (2) 20" SPACING SHALL BE INSTALLED AT EACH LOCATION WHERE THE THUNDER PLANK CROSSES A THUNDER LAKE. THE SURFACE OF THE THUNDER RUNNER SHALL BE FINISHED TO BELOW UTILITIES. UTILITIES: UTILITIES NOT LOCATED AS PART OF THE DESIGN WORK CONTRACTOR SHALL CALL 1-800-427-9555 FOR UTILITY LOCATES AT LEAST TWO WORKDAYS PRIOR TO STARTING ANY CONSTRUCTION. ADJUST THE WORKDAYS PRIOR TO THE DATE OF THE DESIGN WORK. DO NOT TAKE ANY COSTS FOR THUNDER PLANK REPAIRS. THE THUNDER PLANKS IN THE BIG TURTLE FOR THUNDER PLANK REPAIRMENT, REMOVAL AND REINSTALLING THE RUNNING PLANKS SHALL BE INDIVIDUAL TO THE THUNDER PLANK REPLACEMENT JOB ITEMS.



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Phone (406) 442-8594

ISSUE / REVISION				
No.	DATE	DESCRIPTION	EOR	QCR

PRELIMINARY

CEMETERY ROAD
BRIDGE RAPID REPAIR
PETROLEUM COUNTY

GENERAL LAYOUT

SHEET
B1



REWORKING STEEL. USE NEW DIFORMED TYPE REWORKING STEEL MEETING THE REQUIREMENTS OF AISC 308 LAST REVISED 60. REWORKING STEEL MAY BE HEAT TREATED USING LAG BOLTS TO STRENGTHEN THE REBAR. CLEARANCE OF REBAR SHOULD BE MAINTAINED TO ALLOW FOR THE REBAR TO BE PLACED IN THE REBAR. THE HEAD OF THE LAG BOLT AND THE CAP LAG BOLTS SHALL BE PLAINIZED.

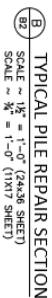
THE REBAR CAGE SHALL BE HEAT TREATED TO ACHIEVE THE REQUIRED CLEAR COVER USING PAC PAPER CENTRALIZERS. ALTERNATE METHODS OF ACHIEVING THE REQUIRED CLEAR COVER SHALL BE APPROVED FOR APPROVAL.

THE SPACERS OF THE STEEL SHALL BE WELDED TOGETHER ONCE THEY ARE PLACED AROUND THE LAG BOLT.

UTILITIES. UTILITIES WERE NOT LOCATED AS PART OF THE DESIGN WORK. CONTRACTOR SHALL CALL 1-800-424-5555 FOR UTILITY LOCATES AT LEAST TWO WORKING DAYS PRIOR TO STARTING ANY CONSTRUCTION. ANY ACTIVITY INVOLVES EXCAVATION OF THE SOIL.

NOTE: INCLUDE GROUT TO FURNISH AND INSTALL LAG BOLTS, REBAR, AND PAC PAPER CENTRALIZERS. CONTRACTOR SHALL PROVIDE MATERIAL, LABOR, AND INCIDENTALS IN THE UNIT PRICE BID FOR PILE EXCAVATION.

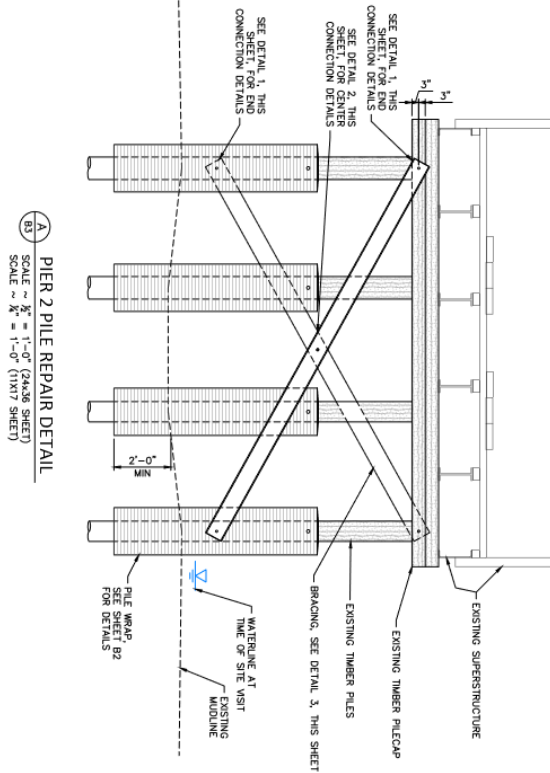
NOTE: EXCAVATION SHALL BE INCIDENTAL TO THE PILE EXCAVATION.



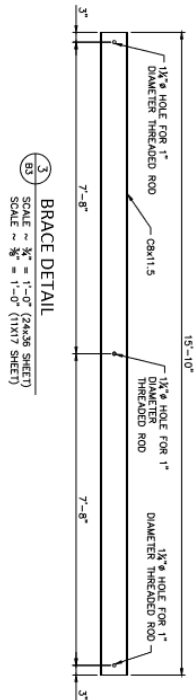
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PRELIMINARY	CEMETERY ROAD BRIDGE RAPID REPAIR	PILE WRAP SECTION AND DETAILS
	PETROLEUM COUNTY	SHEET B2

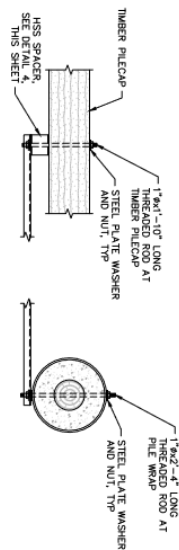


A PIER 2 PILE REPAIR DETAIL
SCALE ~ $\frac{3}{8}" = 1'-0"$ (24x36 SHEET)
SCALE ~ $\frac{1}{8}" = 1'-0"$ (11x17 SHEET)

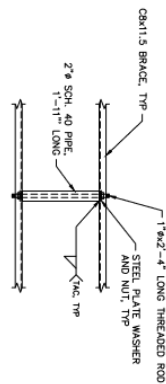


3 BRACE DETAIL
SCALE ~ $\frac{3}{8}" = 1'-0"$ (24x36 SHEET)
SCALE ~ $\frac{1}{8}" = 1'-0"$ (11x17 SHEET)

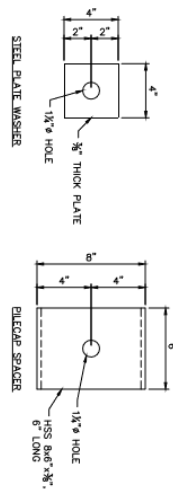
NOTES
NOTE: INCLUDE COSTS TO FURNISH AND INSTALL STEEL BRACING, THREADED RODS, CONNERS, AND NUTS, SPACERS, AND WASHERS IN THE UNIT PRICE BID FOR SUBSTRUCTURE BRACING.



1 BRACING DETAIL - END CONNECTIONS
SCALE ~ $\frac{3}{8}" = 1'-0"$ (24x36 SHEET)
SCALE ~ $\frac{1}{8}" = 1'-0"$ (11x17 SHEET)



2 BRACING DETAIL - CENTER
SCALE ~ $\frac{3}{8}" = 1'-0"$ (24x36 SHEET)
SCALE ~ $\frac{1}{8}" = 1'-0"$ (11x17 SHEET)



4 PLATE WASHER AND SPACER DETAIL
SCALE ~ $\frac{3}{8}" = 1'-0"$ (24x36 SHEET)
SCALE ~ $\frac{1}{8}" = 1'-0"$ (11x17 SHEET)

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ISSUE/REVISION		EOR	QCR
NO.	DATE		

**CEMETERY ROAD
BRIDGE RAPID REPAIR
PETROLEUM COUNTY**

PRELIMINARY

**BRACING
DETAILS**

**SHEET
B3**