

**Stream Protection Act (SPA 124) Permit**

Date: 01/07/2025

Applicant Name: City of Billings

Address: 2251 Belknap Avenue. Billings, MT 59101

Permit #: MI-21-24

Waterbody: Yellowstone River

Project Name: City of Billings Water Treatment Plant Intake #1 Dredging

Project Description:

The purpose of the proposed project is to maintain the main water intake for the City of Billings in the event of future flood events, like the 2022 Yellowstone River flood, and severe ice jams that can create significant deposition near Intake #1. Dredging is required if raw water flow is restricted due to upstream ice jams, extended period of extreme low temperatures, ice and gravel buildup at the intake, as Intake #1 is the main water supply for the City. The City expects the excavation of depositional gravels will be limited to 4ft x 30ft x 200ft (or approximately 900 CY) extending into the main channel of the Yellowstone. The City will use a track hoe working from a gravel bar in the river bottom to remove the excess deposition near the intake and temporarily stockpile at the toe of the riverbank downstream of Intake #1. The City will then remove the stockpiled material from the toe of the riverbank and floodplain.

Maintaining the Intake #1 through dredging excess depositional fines and gravel will help improve resiliency for the Water Treatment Plant and maintain reliable drinking water for the City of Billings.

The City of Billings proposes to only perform the maintenance dredging when necessary (usually under emergency conditions), and expects the work to only take approximately eight (8) hours to complete. The SPA 124 permit would be valid for five (5) years from the date of issuance.

Montana Fish, Wildlife & Parks has reviewed the proposed project. The project is approved provided it is carried out in accordance with the information supplied in the application, all general conditions listed on page 4 of this permit, and any special conditions listed below.

Expiration: This permit is valid for 5 year(s) from the date of issuance.

Timing Restrictions: ☐ No ☒ Yes If yes see below.



Special Conditions:

- Heavy machinery, if used on the bridge deck between the periods of February to April, shall monitor, reduce, & capture any spills from fueling and oiling activities. Heavy machinery shall be promptly removed in event of any risk of ice jams that may cause equipment loss into the river.
- Work shall not occur outside of the project scope outlined in permit. Failure to comply could result in violations.
- FWP reserves the right to revisit, modify, deny, issue an amendment or violation to a previously approved permit.
- Work in the stream shall be minimized to avoid more disturbance and turbidity; prioritize equipment to be operated from the bridge deck rather than in the stream.
- There shall be no additional woody plant or material removal outside of what is blocking the Intake #1 structure.
- Limit the use of heavy machinery to the immediate affected area.
- Submit written notification to FWP prior to beginning any dredging activity.

**318 Authorization Review**

I have reviewed the above project on behalf of the Montana Department of Environmental Quality (DEQ) pursuant to the Montana Water Quality Act Short-term Water Quality Standards for Turbidity 75-5-318 MCA:

- ☐ This project **will not** increase turbidity if completed according to the conditions listed in the 310 or 124 permit. Therefore, application to DEQ for a 318 authorization **is not** required.
- ☐ Impacts to the physical and biological environment from turbidity generated as a result of this project are uncertain. Therefore, the applicant must contact the Montana Department of Environmental Quality, 1520 East Sixth Avenue, Box 200901, Helena, MT 59620-0901, (406 444-3080) to determine project specific narrative conditions required to meet short-term water quality standards and protect aquatic biota.
- ☒ Turbidity generated from this project is expected to be short-term and have only temporary and minor impacts on the physical and biological environment. Therefore, compliance with the conditions stated in the attached letter outlining ***DEQ's Short Term Water Quality Standard for Turbidity Related to Construction Activity***, as well as other conditions listed in 124 permit, are appropriate for this project.

Issuing Biologist: Demi Blythe

Signature: 

**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.