



SPA 124 PERMIT DECISION NOTICE

FWP-CEA-FSH-R5-24-044

City of Billings Water Treatment Plant Intake #1 Dredging

01/07/2025

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 City of Billings (City) is proposing to dredge the water treatment plant (WTP) primary raw water intake, identified as Intake #1. Dredging would be needed if raw water flow (freeboard) is restricted causing the WTP to not meet system demand. This could be due to upstream ice jams, extended periods of extreme low temperatures, ice and gravel buildup on the river side of the WTP intake. These conditions can occur between December and March. The anticipated dredging is divided into two phases. Both phases would typically require a track hoe to work from a gravel sandbar near the toe of the riverbank. Phase one would include dredging within the river bottom along the toe of the westside bank approximately 50 feet upstream and 20 feet downstream of the intake and within the L-structure of Intake #1. The City would perform dredging of the L-structure from the top of the bank. Dredging of the river bottom would extend out a radius of approximately 30 ft into the channel and the City estimates approximately 100 cubic yards of gravel immediately removed from the river bottom. Phase two would include dredging a 4-foot x 30-foot x 200-foot trench from Intake #1 toward the center of the channel. Estimated volume of removed of gravel is 900 cubic yards. This material would be removed from the river bottom in the week of the dredging.

PURPOSE AND NEED

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.

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 intake #1 is the primary water supply for the City and is needed to provide safe drinking water to the City of Billings residents.

Alternative 2: The City is currently constructing a new water treatment plant with a raw water reservoir upstream of the existing water treatment plant site and would likely alleviate the need to conduct emergency dredging at Intake #1. FWP did not analyze this alternative any further.

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 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 the Proposed Action.

Sincerely,



Mike Ruggles
Region 5 Regional Supervisor
Montana Fish, Wildlife & Parks