

FINAL
ENVIRONMENTAL ASSESSMENT
CHECKLIST

**Cushman Bridge Rip Rap Repair on the Musselshell
River**

FWP-CEA-FSH-R5-25-008

02/26/2025



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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.

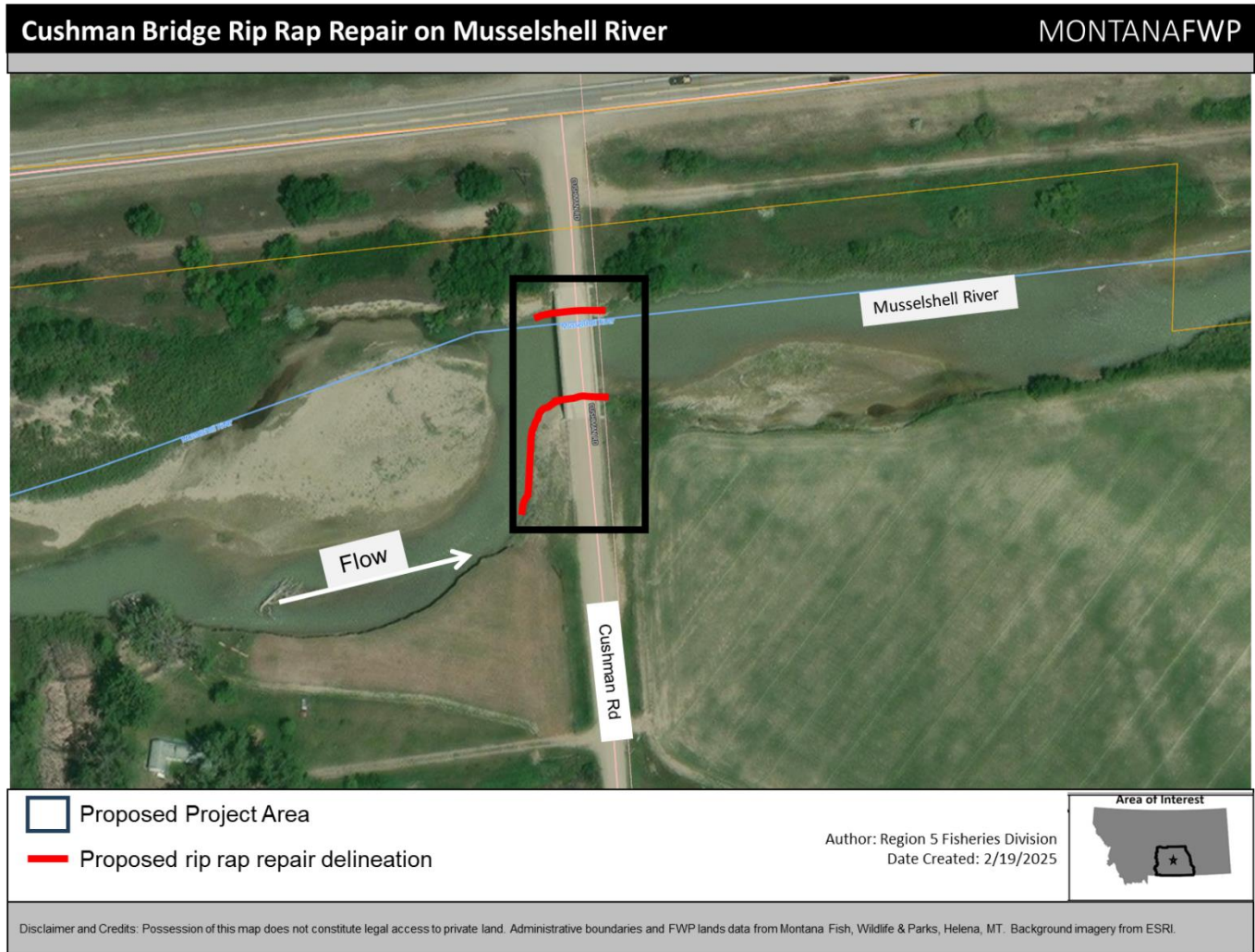
II. Background and Description of Proposed Project

Name of Project: Cushman Bridge Rip Rap Repair on Musselshell River

Golden Valley County (hereafter, the County) is proposing to repair rip rap around the bridge abutments (approximately 60-70 feet at each abutment) and an approximate 100 linear foot section of streambank where rip rap had been placed during re-construction of the bridge in 2018. This accumulates to a total of 700 cubic yards of Class II rip rap material being replaced at the bridge. Construction activities will be limited to areas only necessary for rip rap placement and all disturbances will be seeded after construction. The County anticipates beginning the rip rap repairs in April 2025 and expects the work to last only two weeks.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 46.29922, -109.03589
 - Section, Township, and Range: 01 06N 21E
 - Town/City, County, Montana: Ryegate, Musselshell 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.

High flows in 2023 increased scour around the abutments and eroded portions of rip rap that was previously placed, putting the current bridge structure at risk of failure. The bridge serves as a critical emergency services access route for residents in the southern half of Golden Valley County. The County is proposing to replace rip rap within the previous dimensions to minimize encroachments into the stream.

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 (MDEQ)	318 Authorization Short-Term Water Quality Permit	Short-term narrative water quality standards for total suspended sediment and turbidity resulting from stream-related construction activities or stream enhancement projects.
U.S. Army Corps of Engineers	Section 10 & 404, NWP 3	404 - Regulate the discharge of dredged or fill material into navigable waters of the United States, including wetlands. 10- for all structures and construction work on navigable waters of the U.S. NWP 3 – (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification.
DNRC – Local Floodplain Administrator	Floodplain Permit	For work that will include implementing projects within the 100-year floodplain and what impacts the project may have.
DNRC – Land Office	Land-Use License or Easement on Navigable Waters	The construction, placement, maintenance, or modification of a structure or improvements in, over, below, or above a navigable river.
DNRC – Montana Sage Grouse Habitat Conservation Program/U.S. Fish and Wildlife Service	Consultation	Required for work that may occur in Greater Sage Grouse general and critical habitat.

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.	
Water quality	DEQ	318 Authorization	Reduce the effects of turbidity on the area of impact.	
Discharge of fill material in navigable waters of the United States or wetlands	USCOE	Section 404	Reduce the placement of fill materials into the navigable waters of the United States.	
Construction Activity on within navigable waters of the United States	USCOE	Section 10	Can limit the amount of construction on a navigable waterway.	
Floodplain	DNRC/Local Administrator	Floodplain Permit	Reduce impacts associated with the deposition of fill and/or modification of the streambank that would be within the 100-year floodplain.	
The construction, placement, maintenance, or modification of a structure or improvements in, over, below, or above a navigable river	DNRC/Land Office	Land-Use License or Easement on Navigable Waters	Reduce the impacts of construction activity near a navigable river.	
Impact to Greater Sage Grouse habitat	DNRC – Montana Sage Grouse Conservation Program	Consultation	Reduce impacts to either general or critical, core area habitat for Greater Sage Grouse.	

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 of the project scope outlined in permit. Failure to comply could result in violations.	Clearly defining expectations that work should follow scope established by project proponent in joint application.
FWP Right		Clearly defines expectations in the event an amendment and/or modification is required from either the project proponent or FWP staff.
Erosion Control	BMPS shall be used to reduce sedimentation during the project.	Use appropriate erosion control measures (i.e., straw wattles, catch nets, etc.) to prevent elevated turbidity through increased sedimentation associated with the use of heavy machinery to replace the rip rap.
Cease Work Activity	Timing Restriction	Applicant shall not perform any construction activities between May 1 to May 15 to minimize disturbance during peak spring spawning season for multiple native fish species, including, but not limited to, Northern redbelly dace, channel catfish, sauger.

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.

If the "No Action" alternative is selected, the river may continue to erode along its south bank, resulting in further loss of land and putting the Cushman Bridge at risk of structural failure.

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

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

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

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

Other Alternatives Not Carried Forward for Detailed Analysis

Alternative 3: Channel Realignment

Golden Valley County and partners considered realigning the channel to pre-2011 flood conditions as this would allow the river to more directly approach the bridge. When the Cushman Bridge was installed, the Musselshell River upstream of the crossing was relatively straight and streamflow traveled perpendicular to Cushman Road. Since the 2011 flood event, the south bank has started eroding as the river attempts to lengthen. The river has abandoned the old channel and now flows in a new channel to the south and created a meander bend just west of Cushman Road. The erosion has resulted in loss of land and if continues, may endanger Cushman Road. This alternative was eliminated due to time and economical constraints.

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.

IX. Cumulative Impacts Analysis

For the purposes of MEPA, "cumulative impact" 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 such 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).

"Action" means a project, program or activity directly undertaken by the agency; a project or activity supported through a contract, grant, subsidy, loan or other form of funding assistance from the agency, either singly or in combination with one or more other state agencies; or a project or activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use or permission to act by the agency, either singly or in combination with other state agencies. ARM 12.2.429(1).

Under the “No Action” alternative, the proposed project would not occur. Therefore, no cumulative impacts to the affected human environment would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed project are measured. For the purposes of the proposed project, the cumulative impacts analysis applies to all resources analyzed under Alternative 2, Proposed Project. See Tables 3 and 4 of this Draft EA.

The proposed project would repair and replace rip rap around the bridge abutments and in an approximate 100 linear foot section of streambank where rip rap had been placed during re-construction of the bridge in 2018. High flows in 2023 increased scour around the abutments and eroded portions of rip rap that was previously placed, putting the current bridge structure at risk of failure. The bridge serves as a critical emergency services access route to the southern portion of Golden Valley County. No significant adverse cumulative impacts would be expected because of the proposed project; however, cumulative impacts from the amount of rip rap placed in the Musselshell would occur.

The information below identifies past, present, and future actions (i.e., activities to be considered by the cumulative impacts analysis) related to the proposed action by location or generic type. Actions considered in these analyses were identified by FWP and other subject matter experts. Past and present actions are accounted for as part of the existing, or “baseline,” environmental conditions. MEPA is forward-looking, with analyses focused on the potential impacts of the proposed action with consideration for any past, present, or future related actions.

Related Past, Present, and Future State Actions:

Past, Present, and Future Related MEPA Review

The following list identifies environmental review conducted to assess potential impacts to the affected human environment from past, present, and known future related projects or actions. Past and present actions are accounted for as part of the existing, or “baseline,” environmental conditions of the affected human environment prior to approval and implementation of the proposed project, and any known future related project(s). FWP is unaware of any future related actions that would cumulatively impact the affected human environment with consideration for the proposed project and/or any of the past and present actions listed below:

- Past MDT rip rap bank stabilization upstream of the bridge (approximately 0.21 river miles)

As noted, none of the project-specific environmental review documents cited above identified the potential for significant adverse impacts, including cumulative impacts, to the affected human environment. Therefore, preparation of an Environmental Impact Statement or EIS-level MEPA review was not required, and each project was approved through EA-level MEPA review. With consideration for potential impacts from the proposed project, FWP determined that no significant adverse cumulative impacts would be expected because of the proposed project. For additional information see the resource-specific impacts analyses contained in the section of the Draft EA titled “Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population,” for the proposed action and any alternatives to the proposed action.

Permits, Leases, Licenses, and other Authorizations

- Previous SPA 124 Permit for 2018 Bridge Reconstruction
- SPA 124 permit for original MDT rip rap bank stabilization upstream of the bridge (unknown date of completion)

Memorandums of Understanding and other Formal Agreements

- Unknown

Guiding Documents

Further, several guiding documents inform, have informed, and will continue to inform actions such as the proposed action. These guiding documents outline strategies and considerations for taking management action and addressing any potential impacts from such management actions. These guiding documents, and affected regulatory entities, include the following:

- Pioneer Technical Memorandum - Rowton and Cushman Bridge Preliminary Engineering Report, 2022
- Musselshell Watershed Coalition Watershed Plan 2015
- Musselshell River Flood Rehabilitation River Assessment Triage Team (RATT) Summary Report I & II

Again, the guiding documents identified above outline strategies and considerations for taking management action to address potential adverse impacts from such management actions and thereby ensure the proposed project is conducted in a manner consistent with limiting the potential for adverse cumulative impacts. Therefore, no significant adverse cumulative impacts would be expected because of the proposed project. For additional information see the resource-specific impacts analyses contained in Tables 4 and 5 of this Draft EA.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FWP staff do not expect any significant impacts to the terrestrial, avian, aquatic life, and habitats because of this project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge. These actions would cumulatively add to a loss of natural bank and aquatic life and habitats. Bank stabilization using rock rip rap negatively affects fish communities by increasing floodplain isolation, altering main channel habitats, and reducing the availability of diverse lateral habitats such as side channels and backwaters. Although the impacts would contribute to the long-term loss of terrestrial and aquatic habitats, the area has been previously rip rapped and impacts are likely minor. This project is necessary to protect the existing county road and bridge ¹ .
Water quality, quantity, and distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP staff expects minor impacts to water quality, quantity, or distribution because of the project in the short- and long-term. The replacement and installation of class II rip rap will occur during low flow periods, which would result in a short-term and minor increase in water turbidity lasting only as long as the project; however, turbidity will not exceed what naturally occurs in the river during high flows. Although the project is aimed to mitigate bank erosion, there will be long-term, minor water temperature increases near the rip rapped bank associated with the placement of 700 cubic yards of rock rip rap and lack of natural riparian habitat ¹ . Additionally,

¹Montana Natural Heritage Program. Environmental Summary Report for Latitude 46.28374 to 46.30147 and Longitude -109.02292 to -109.04708. Retrieved on 2/20/2025.

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	
									rip rap is attributed to decreased channel movement and floodplain turnover.
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"/>	There are no unique geologic features in the project location or that would be cumulatively impacted because of this project. FWP staff do not expect any significant impacts to the geology because of this project.
Soil quality, stability, and moisture	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP staff do not expect significant, long-term impacts to the soil quality, stability, and moisture because of the project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge. The surrounding soil is composed of coarse-loamy over sandy and gravely alluvium ² which can lead to rip rap being flanked during high flows. Although soil disturbance would occur with the installation of the rip rap, it would be short-term and limited to the immediate project area. There would be long-term, minor, and beneficial impacts associated with the reduced erosion near the rip rapped riverbank.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does expect significant impacts to vegetation cover, quantity, or quality of vegetation because of this project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge, which is already impacted and lacks native vegetation. Thus, there will be minimal, long-term impacts to vegetation associated with installation of the rip rap material. In addition, rip rap does not provide a suitable environment for vegetation to reestablish, and

²USDA Natural Resources Conservation Service. Custom Soil Resource Report for Golden Valley County Area, Montana. Retrieved on 2/20/2025.

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	
									thus there will be long-term, cumulative impacts associated with the loss of natural riparian area vegetation.
Aesthetics	<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 staff do expect significant impacts to the aesthetics because of this project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge using class II rip rap, which would minimize the occurrence of more natural aesthetics, like woody vegetation and native rock and soil. Although rip rap can be long-lasting material, the County anticipates reseeding and promoting revegetation where possible and thus expects the impacts to aesthetics to be minor.
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to air quality because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge and, when completed, would not result in additional new land, air, or water disturbance in the area. Fugitive dust and vehicle exhaust emissions resulting from the movement of heavy equipment and maintenance materials for the proposed project may directly impact air quality in the area in the short term. Any impacts would be negligible, lasting only as long as the proposed project.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to unique, endangered, fragile, or limited environmental resources in the affected area. There are designated wetlands in the nearby area (just upstream and downstream of project area). However, the proposed activities would be limited

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	
									to the installation of the rip rap material and not extend to the wetland area. Surveys have noted bald eagles and golden eagles in the greater project area. Other threatened species that could occur near the proposed project include the monarch butterfly and the Suckley's Cuckoo Bumblebee, but the project area does not contain any critical habitat for these species. In addition, Northern Redbelly Dace, a Montana Species of Special Concern, has been documented in the Musselshell River near the project site. Thus, there may be short-term, minor impacts to any threatened or Species of Concern with the use of heavy machinery, but there may be long-term impacts, moderate impacts associated with the loss of floodplain connectivity and riparian vegetation associated with the rip rap installation.
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"/>	FWP does not expect any significant impacts to historical or archaeological sites because of this project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge, which is in an already disturbed area associated with the previous rip rap installation project completed by Golden Valley County in 2018. In addition, because the project footprint is minimal and involves only the installation of rip rap material in a small section of riverbank, FWP does not expect any adverse impacts to historical or archaeological sites in the immediately affected area.
Demands on environmental resources of land,	<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"/>	FWP does not expect significant adverse impacts to demand on the environmental resources of land, water, and air because of the proposed project. Fuel would be required to operate heavy machinery and vehicles used

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	
water, air, and energy									for the proposed project. There are no other demands on the environmental resources of land, water, air, and energy because of the proposed project. Therefore, any impacts to demands on environmental resources of land, water, air, and energy in the affected area would be short-term and negligible.

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
Resource	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 impacts to social structures and mores because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge, which would not disrupt land use. Therefore, the proposed project would not impact any pre-project social structures, customs, values, and conventions in the affected area.
Cultural uniqueness and diversity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to culture uniqueness and diversity because of the proposed project. The proposed project rip rap maintenance activities are occurring at an already impacted site, but for the benefit of the road and bridge structure. The bridge is important

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	
									locally for Golden Valley County residents, as it serves as a critical emergency services access route to the southern half of Golden Valley County. Thus, the repairs are culturally important to most Golden Valley County residents. Any impacts to cultural uniqueness and diversity in the affected area would be long-term and negligible.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to the access to and quality of recreational and wilderness activities. The proposed project includes rip rap maintenance activities at an existing bridge and county road. The road right of way provides direct access to the Musselshell River for fishing and recreational activity and are important for many Montana residents and individuals from across the country and world. When completed, the proposed project would prevent high flows from damaging the road and preventing future access to the Musselshell River, which would have long-term and minor beneficial impact. There may be short-term, moderate impacts associated with the potential re-routing needed to complete the rip rap repairs but would only last as long as the proposed project.
Local and state tax base and tax revenues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to the local and state tax base and tax revenues because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge and, when completed, would not result in changes to local or state taxes. The proposed project would be expected to increase state and local tax revenues from the sale of fuel, supplies and/or equipment to complete the project. Any impacts to the local and

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
									state tax base and tax revenue would be short-term and minor, lasting only as long as the proposed project.
Agricultural or Industrial production	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FWP does not expect significant impacts to agricultural or industrial production because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge, which would provide protection to the bridge and road. Thus, there may be long-term, moderate, and beneficial impacts for local producers using the road for agricultural or industrial production.
Human health and safety	<input type="checkbox"/>	<input checked="" 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 impacts to the human health and safety because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge, which would provide protection to the bridge and road. There will be both short-term and long-term, beneficial, and minor effects to human health and safety by repairing the rip rap damage, which would prevent erosion to the road and bridge during high flow events and allowed continued access for residents and emergency services south of the river.
Quantity and distribution of employment	<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"/>	FWP does not expect impacts to the quantity and distribution of employment in the affected area because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge and, when completed, would not impact the quantity and

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
									distribution of employment in the affected area. Short-term and minor impacts to the local quantity and distribution may be realized because of the need for contracted services to complete maintenance activities. Any impacts the quantity and distribution of employment in the affected area would be short-term and negligible.
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"/>	FWP does not expect significant impacts to the distribution and density of population and housing in the affected area because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge and, when completed, would not impact the distribution and density of population and housing in the affected area.
Demands for government services	<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 impacts to the demands for government services in the affected area because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge and, when completed, would not impact demands for government services.
Industrial, agricultural, and commercial activity	<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 impacts to industrial, agricultural, and commercial activity because of the proposed project. The actions of the proposed project include repair and maintenance of rip rap bank armoring at both the Cushman bridge abutments and along an approximately 100 linear foot section along the south bank of the river upstream of the bridge, which when completed, would maintain the road and bridge for

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	
									residents and emergency services. Therefore, there would be long-term, minor and beneficial impacts to industrial, agricultural, or commercial activity 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 is unaware of any locally adopted environmental plans and goals by Golden Valley County that may be impacted by the proposed project. The Musselshell Watershed Coalition does have a watershed plan (2015), which includes recent and ongoing projects that may inform the use of rip rap in certain areas.
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"/>	FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project.

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

<p>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.</p> <p>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.</p>	
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</p>

	<p>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

X. Private Property Impact Analysis (Takings and Damages)

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)

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.

XI. 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:

Under usual circumstances, FWP makes all Draft EAs available for public comment, as 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*. However, in this circumstance, MEPA's public process is impacted by a competing statutory deadline. 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.

- *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/news/public-notices>. Public notice will announce the availability of the Draft EA, summarize its content, and solicit public comment.*
- *Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.*
- *FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the Draft EA to those persons for review and comment (ARM 12.2.433(3)).*
- *FWP issues a biweekly press release containing all FWP public commenting opportunities.*

XII. 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"/>

XIII. EA Preparation and Review

	Name	Title
EA prepared by:	Demi Blythe	R5 Fisheries Biologist
EA reviewed by:	Shannon Blackburn	R5 Fisheries Manager

Attachment 1

SPA 124 Permit General Conditions

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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.