



Montana Fish, Wildlife & Parks

1400 South 19th Avenue
Bozeman, MT 59718

April 6, 2009

To: Governor's Office, Mike Volesky, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601
Montana Fish, Wildlife & Parks:
Director's Office Parks Division Lands Section FWP Commissioners
Fisheries Division Legal Unit Wildlife Division Design & Construction
MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624
George Ochenski, P.O. Box 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923
Jack Jones, 3014 Irene St., Butte, MT 59701
Marty Malone, Park County Commissioners, 414 E. Callender St., Livingston MT 59047
Edwin Meece, City Manager, 414 E. Callender St., Livingston MT 59047

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for the proposed removal of the exiting 9th Street Bridge by Park County. The bridge failed in summer of 2008. The proposed removal is intended to reduce the risk of flood and property damage as well as reduce the threat to health and human safety. The FWP decision is whether to issue a 124 permit under the Stream Protection Act. No public comment was received during a 5-day comment period ending February April 6, 2009.

It is my decision to issue the 124 permit for the proposed action. No changes to the Draft Environmental Assessments will be made.

Questions regarding this Decision Notice should be mailed to:

Scott Opitz
Montana Fish, Wildlife & Parks
1354 Highway 10 West
Livingston, MT 59047
Or e-mailed to: sopitz@mt.gov

Thank you for your interest.

Sincerely,

Patrick J. Flowers
Region Three Supervisor

Attachments

**9th Street Bridge Removal Project
Environmental Assessment Decision Notice**

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
April 2009**

Proposed Action

The Park County Commission is proposing the removal of the existing Ninth Street Bridge. The purpose of the proposed project is to reduce flood risk, allow for increased flow capacity, debris migration and sediment transport while reducing potential damage to property, human health or life by partially or entirely removing the damaged Ninth Street Bridge over the Yellowstone River in Park County. At the same time, the purpose is to allow continued access to the island by residents once the old bridge is removed via the temporary Bailey bridge put in place in June 2008 by the county. As a result of the damage to the bridge during high flow in 2008 including subsidence of one pier and scour of the remaining piers, it is widely felt by Park County personnel and their engineering contractors that the bridge should be removed to avoid further damage and potential catastrophic flooding to the Ninth Street Island and the City of Livingston. In the past, logs and other floating debris were removed mechanically via backhoe and log pickers. Debris can no longer be removed from the old bridge given access limitations. This project will be conducted at South Ninth Street and River Drive in Livingston, Montana. The legal description is Township 2 South, Range 9 East, Section 24 in Park County. The current condition of the river is an urbanized reach consisting of (including the damaged bridge and Bailey bridge), rock riprap on the banks, and a willow (*salix* sp.) complex on the downstream left bank. The decision for Montana Fish, Wildlife & Parks is whether to issue a 124 permit under the Stream Protection Act.

Montana Environmental Policy Act

FWP is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on April 2, 2009.

Public comments on the proposed action were taken through 9:00 a.m. on April 6, 2009. The EA was distributed at a public meeting on April 2 at the City/County Complex in Livingston Montana.

Summary of Public Comment

No public comment was received during the review period.

Final Environmental Assessment

There are no modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment and public comment, it is my decision to issue the 124 permit for the proposed action.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

Patrick J. Flowers
Region Three Supervisor