

1400 South 19th Avenue
Bozeman, MT 59718

August 18, 2010

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
Beaverhead Conservation District, 420 Barrett Street, Dillon, MT 59725
U.S. Army Corp of Engineers, Helena
U.S. Fish and Wildlife Service, Helena
U.S. Fish and Wildlife Service, 420 Barrett Street, Dillon, MT 59725
Big Hole Watershed Committee, P.O. Box 931, Butte, MT 59703
Montana Trout Unlimited, P.O. Box 7186, Missoula, MT 59807
John and Phyllis Erb, 540 Skyline Drive, Dillon, MT 59725
Dan Vermillion, FWP Commissioner, Livingston MT

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for the issuance of a Stream Protection Act permit for the proposed 9th Street Bridge replacement by Park County. The proposal is for the construction of a new permanent bridge, which will cross the Yellowstone River on 9th Street in Livingston, Montana. It also includes the construction of a temporary access bridge with a work platform, removal of remaining portions of the original bridge, and removal of the existing temporary Bailey bridge. Public comment was received from 8 individuals during a 15-day comment period ending at 5:00 pm on February 11, 2010.

It is my decision to proceed with the proposed issuance of a Stream Protection Act permit for the proposed project with only one change in the Draft Environmental Assessment of the proposed construction dates from 2/15/10 -6/15/10 to 9/15/10 – 1/15/11.

Questions regarding these Decision Notices 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 REPLACEMENT ENVIRONMENTAL ASSESSMENT DECISION NOTICE

Montana Fish, Wildlife & Parks
Region Three, Bozeman
August 18, 2010

Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to issue a Stream Protection Act permit for the construction of a new permanent bridge, which will cross the Yellowstone River, on 9th Street in Livingston, Montana. The permit will also cover the construction of a temporary access bridge with a work platform, removal of remaining portions of the original bridge, and removal of the existing temporary Bailey bridge.

Montana Environmental Policy Act

Montana Fish, Wildlife & Parks 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 January 27, 2010.

Public comments on the proposed project were taken for 15 days (through February 11, 2010). The EA was mailed to 19 individuals and groups; legal notices were printed in the *Bozeman Daily Chronicle* and the *Livingston Enterprise* and the Draft EA was posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>

Summary of Public Comment

Comment: “I saw the Chronicle article about the new bridge. I would like to see the design, and I'm wondering where the public can view drawings or images of the proposed bridge design?”

Response: Thank you for your interest. A plan view of the design can be view at the link below, under appendix, or at our Bozeman office at 1400, South 19th Ave.
<http://fwp.mt.gov/news/publicnotices/notice.html?action=getPublicNotice&id=2282>

Comment: “I am interested in getting on the distribution list for any results or determinations you may reach with regard to the EA for 9th Street Island Bridge.”

Response: The requestor was added to the distribution list for this project.

Comment: “I am a Livingston resident who looks forward to being able to cross the 9th Street island bridge in the near future. I loved the old bridge with the "see through" walkway, and my main comment was to say I would like to see a safe-guarded walkway on the bridge.”

Response: Physical design of the bridge is outside the scope of this EA. FWP is only authorized to approve or deny the Stream Protection Act permit based on the design submitted and its direct impacts to the streambed and banks.

Comment: “I am AGAINST using tax payer stimulus money to rebuild the 9th Street Bridge. The bridge only serves a small group of people and does nothing for the general public. I find it hard to believe that us tax payers should be burdened with this debt at a time when the economy is so bad. I feel that the property owners on 9th Street Island be the solely responsible for the cost.”

Response: Funding for the proposed project is outside the scope of this EA. FWP has no authority to determine how the proposed project is funded.

Comment: “no objections with the EA for the 9Th Street Bridge replacement in Livingston, MT.”

Response: Thank you for your interest and comment.

Comment: “I think that no FWP funds, no MT. state funds, no Federal funds should be used on this project. The city of Livingston and the property owners who chose to live there bare the financial responsibility for this situation.”

Response: No FWP funding is being used for this project. Funding for the proposed project is outside the scope of this EA. FWP has no authority to determine how the proposed project is funded.

Comment: “Page 4 states “Stream flow will not be affected by the proposed project”. However it seems stream flow will positively be affected. The bridge is 20 feet wider and there is only one pier. On page 28 under River Hydraulics it states “This bridge will improve the conveyance and lower the existing water surface approximately 0.2 ft, 0.5 ft, and 0.7 ft at the Q2, Q50, and Q100 flow events, respectively”.

As a Governor’s Upper Yellowstone River Task Force member, it is good to see the backwater affect on a bridge to be lessened.

One of the recommendations of the Task Force (II.d) “Bridge design consideration on the upper Yellowstone River should include examination of the cumulative impacts and the cost and benefits of zero backwater standards at any scheduled reconstruction.” This report as indicated above shows a lessening of the backwater on this bridge. However it does not indicate what it would take to be zero backwater design. The recommendation does not say we must meet a zero backwater standard, but we must consider it. It seems it would not take much to determine this standard. In my conversations about this EA I was told by several people making the bridge an additional 20 feet wider would make the price go up greatly.

This EA needs a zero backwater discussion.”

Response: You are correct in your statement that under the proposal stream flow will be affected by reducing the surface elevation at a variety of flows. A zero backwater option was considered by Park County and was determined to be unfeasible option due to cost

and other construction restrictions. Water surface elevations were calculated for the river if no piers were present. Those values were 4494.4 ft., 4496.9 ft., and 4497.1 ft. at Q2, Q50, and Q100, respectively. These elevations are 0.4 ft., 0.5 ft., and 0.5 ft. lower than the elevations that were calculated for the proposed structure.

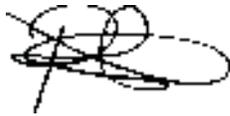
Final Environmental Assessment for the 9th Street Bridge Replacement

There are no modifications necessary to the Draft Environmental Assessment based on public comment. The only modification to the Draft Environmental Assessment is a change in the proposed construction dates from 2/15/10 – 6/15/10 to 9/15/10 – 1/15/11. This change in construction dates will not substantially change the impacts described in the original EA. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment, public comment, and the need for replacement of this bridge, it is my decision to approve and permit the proposed project.

I find there to be no significant impacts on the human and physical environments associated with this project, other than the improvement of the existing situation for both the environment and public safety. 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