

DEPARTMENT OF FISH, WILDLIFE AND PARKS
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ENVIRONMENTAL ASSESSMENT

Project Title: Countryman Creek Road Bridge replacement over Stillwater River

Division/Bureau: Fisheries/Management

Program: Fisheries

Description of Project/Preferred Alternative: Stillwater County is proposing to replace the deficient steel stringer eastern Countryman Creek Bridge over the Stillwater River (T2S R20 E Sec 32) with a new single-span concrete bridge. This bridge spans a side channel of the Stillwater River. The old bridge will be replaced by a larger bridge whose span is 24 ft longer than the existing bridge. The larger bridge should reduce the potential for flooding in this area and reduce the impacts on aquatic habitats in the area. The new bridge will be placed in the same location as the existing bridge and will span the entire channel. Some stream channel alterations will be made at the site, which include the removal of the old bridge and abutments and replacement of the existing riprap. Because of an existing concrete grade control structure immediately upstream of the bridge, there will be very little work done in the stream and therefore there should be very little turbidity created as a result of removing and installing the new bridge. Additional riprap will be installed at the base of the abutments to protect them from scour. A temporary bridge will be installed approximately 50 ft downstream from the existing bridge so traffic will still allowed to pass during construction. Disturbance to the area will be minimal, as the new bridge will be placed in the same location as the existing bridge. Some vegetation will be removed when removing the old bridge and when placing the riprap, but disturbed areas will be reseeded with a reclamation seed mix.

POTENTIAL IMPACT ON PHYSICAL ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
1. Terrestrial & aquatic life and habitats			X			1
2. Water quality, quantity & distribution			X			2
4. Vegetation cover, quantity & quality			X			1
5. Aesthetics				X		
6. Air quality				X		
7. Unique, endangered, fragile, or limited environmental resources				X		
8. Demands on environmental resources of land, water, air & energy				X		
9. Historical & archaeological sites				X		

POTENTIAL IMPACTS ON HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
1. Social structures & mores				X		
2. Cultural uniqueness & diversity				X		
3. Local & state tax base & tax revenue				X		
4. Agricultural or industrial production				X		
5. Human health				X		
6. Quantity & distribution of community & personal income				X		

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
7. Access to & quality of recreational and wilderness activities				X		
8. Quantity & distribution of employment				X		
10. Demands for government services				X		
11. Industrial & commercial activity				X		
12. Demands for energy				X		
13. Locally adopted environmental plans & goals				X		
14. Transportation networks & traffic flows				X		

Other groups or agencies contacted or which may have overlapping jurisdiction Army Corps of Engineers

Individuals or groups contributing to this EA: Montana Department of Fish Wildlife and Parks

Recommendation concerning preparation of EIS: No EIS required

EA prepared by : James Olsen

Date: October 3, 2005

COMMENTS

1. Removal of wetland grasses and other permanent vegetation from the location where the stream work is to be done will have a minor impact on terrestrial habitat. Additionally, work on the stream bed and banks with heavy equipment will disturb the soil and existing grasses and shrubs. Some medium-sized woody vegetation along the stream will need to be removed to accommodate the bridge decommissioning and reconstruction, and the temporary bridge, but the area will be reclaimed when the new bridge is complete. To mitigate these impacts, vegetation will be disturbed as little as possible and disturbed areas will be reseeded.

2. Turbidity may temporarily increase as a result of instream excavation to remove the old bridge and place/replace the riprap around the footings of the new bridge. However, these impacts should be minimal because work will be performed at low flow conditions and the amount of stream bed that will be disturbed is relatively small because of the existing concrete grade control structure in the river. The Stillwater River supports a typical coldwater fishery with rainbow and brown trout and mountain whitefish being the most common game fish. Spawning fish will be protected from the potential turbidity caused from the project requiring that erosion control measures be in place when working in the water to contain any sediment to the construction area.

Review of Alternatives:

Alternative 1: No action

If the old bridge were left it would eventually fail, creating a safety hazard for motorists using the road. Once it failed traffic flows would be interrupted and the failed bridge may cause erosion and degradation of the existing aquatic habitat.

Alternative 2.

Another solution for the County would be to reinforce the existing bridge to extend its life or install culverts for the crossing, but neither of these options is feasible. The current condition of the bridge makes reinforcement an unsafe alternative at this site. Further, the narrowness of the existing bridge has caused erosion and icing problems. The stream side channel is also too large to make culverts a feasible alternative to protect the aquatic and riparian habitats of this section of the river. Culverts are much less fish friendly and given the volume of water and debris that comes down this side channel during high water, a bridge similar to the proposed action is a much more environmentally friendly and cost effective alternative for crossing the stream.

APPENDIX A
PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions 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 actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without 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 agency to assess the impact of a proposed agency action 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 action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

(List any mitigation/stipulations required, or note "None".)

None.

**DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS
 UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?**

YES	NO	
_____	<u> X </u>	1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
_____	<u> X </u>	2. Does the action result in either a permanent or indefinite physical occupation of private property?
_____	<u> X </u>	3. Does the action deprive the owner of all economically viable uses of the property?
_____	<u> X </u>	4. Does the action deny a fundamental attribute of ownership?
_____	<u> X </u>	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO , skip questions 5a and 5b and continue with question 6.]
_____	_____	5a. Is there a reasonable, specific connection between the

government requirement and legitimate state interests?

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|-------|--------------|---|
| _____ | _____ | 5b. Is the government requirement roughly proportional to the impact of the proposed use of the property? |
| _____ | <u> X </u> | 6. Does the action have a severe impact on the value of the property? |
| _____ | <u> X </u> | 7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is NO , do not answer questions 7a-7c.] |
| _____ | _____ | 7a. Is the impact of government action direct, peculiar, and significant? |
| _____ | _____ | 7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded? |
| _____ | _____ | 7c. Has 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? |

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 questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, 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.