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Enterprise photo by Shawn Raecke

Brandon Bailey, with Sime Construction, drives a mini-excavator and moves dirt in Fleshman Creek near the new South E Street culvert as part of the creek restoration project, Friday.

By Natalie Storey - Enterprise Staff Writer

Park County and city of Livingston officials have known about flooding risks along Fleshman Creek on the west side of Livingston at least since 2008, but the cost of coping with the issues and conflicts between city and county government kept a long-term solution from being reached.

In 2008 the environmental engineering firm Oasis, which was bought by Environmental Resources Management in 2011, developed a Fleshman Creek Comprehensive Management Plan at the request of county commissioners and grant writers. The plan was paid for by grant funds obtained in 2007 through a Montana Department of Natural Resources and Conservation grant program to cope with flooding issues. The 100-page document outlines the history of flooding along Fleshman Creek and makes recommendations about what to do about it.

The impetus to cope with flooding along Fleshman Creek came from the U.S. Army Corps of Engineers, which provided the county and the city with recommendations to address the risks, the plan says.

"Several detailed hydrologic studies for Fleshman Creek were completed between 1995 and 2005, all of which concluded that the flood risk on Fleshman Creek is a matter of great concern," the plan says. ([View the Comprehensive Management Plan](#), ⁽³⁾)

The Fleshman Creek project

To deal with flooding and water quality issues, county commissioners asked grant writers to seek funds for the Fleshman Creek project. The Federal Emergency Management Agency granted the county \$2.28 million in 2009. County funding and grant funds from three other agencies made up the difference of the \$3.2 million project. The final plans for the project didn't include the whole area Oasis identified as a flood risk.

Fleshman Creek, a tributary of the Yellowstone River, begins west of Livingston in the Bangtail Mountains. The Fleshman Creek Comprehensive Management Plan studied the 2.7 miles of the creek that are closest to Livingston, starting from 12th Street, and divided it into two reaches.



Oasis called Reach One the section that stretches from where the creek enters Livingston at Park and 12th streets to the confluence of the Yellowstone River and the Sacajawea Lagoon. The section that runs from the lagoon to the Yellowstone River was identified as Reach Two. Reach Two was once a Yellowstone River channel, according to Park County Historian Jerry Brekke.

The county nearly lost the grant from FEMA in 2011 as county commissioners questioned the cost and validity of the project, The Enterprise reported at the time.

The current project restores the stream and does flood mitigation work along the stretch from South Second to South M Street. It doesn't include Reach One of the creek, which flooded last week.

Reach One runs under many streets on the west side of Livingston, including 12th Street near Town and Country Foods, 11th and Geysler, 10th and Crawford. Reach One also crosses Ninth Street and Cambridge Street.

Flooding on the north side of Livingston, which caused the most damage to property in the city last week, was not related to Fleshman Creek.

City Manager Ed Meece said he had heard of no damage to property from Fleshman Creek flooding as of late Tuesday afternoon.

The plan notes that while several floods along the Yellowstone River likely also involved Fleshman Creek, three major floods specific to Fleshman Creek occurred in Livingston's past.

In June 1937, heavy rains in the upstream drainage area caused the creek to overtop its banks and flood the Northern Pacific Railway tracks, the plan says. Flood damage in 1937 was estimated at \$80,000. According to the government's Consumer Price Index calculator, that amount would equal \$1.3 million today.

In June 1950, Fleshman Creek flooding from heavy rains covered nine city blocks. Damages from that flood were estimated at \$60,000 in 1950 or \$582,000 in today's dollars. Fleshman Creek flooded again in May of 1951 after snowpack melted rapidly. Damage was estimated at \$60,000 in 1951 or \$539,800 today.

Expenses

The OASIS plan laid out several options for coping with flooding risks and restoring Fleshman Creek. The first goal listed in the plan is to "mitigate risks to property and life associated with flooding hazards."

Previous ideas to achieve this included construction of a reservoir on Fleshman Creek upstream of Livingston, construction of an earth or concrete-lined channel through Livingston that would require the removal of many homes, placing levees along the creek channel, or diverting the creek into Billman Creek. The plan says all of these options were not economically feasible.

The plan considered several additional options, including taking no action, flood conveyance improvements along Reach One; stream restoration and minimizing annual flooding risk along Reach Two; and stream restoration, minimizing annual flooding risk and increasing conveyance along Reach Two.

Flood conveyance improvements along Reach One was estimated to cost \$5.6 million. The plan says these improvements would "mitigate damage from high probability flood events and decrease the potential of debris blockages. This alternative includes a number of preemptive measures to alleviate annual (localized) flood risks and increases flood relief during a major flooding event." Replacing culverts was included in the price tag. The plan also notes that residential structures would "most likely" have to be acquired by the city or the county.

Restoring the stream and water quality and minimizing flood risks on Reach One wasn't evaluated by Oasis "due to extensive constraints due to urbanization," the plan says.

The report also notes, "A 2005 study by the multihazard mitigation council found that every dollar spent on mitigation today saves the nation about four dollars in future recovery costs."

Questions about the project

After the Oasis study in 2008, the project was revised several times, and the project was held up when county commissioners did not issue requests for bids or submit other paperwork. In May 2011, the commissioners finally determined work would be completed on the section of the creek between South Second and South M Streets. Reach One and the portion that runs near the Livingston City Pool were excluded.

Marty Malone was elected to the county commission in 2008, replacing Larry Lahren, a commissioner who had worked extensively on the Fleshman Creek project. The county had already applied for and received the FEMA grant by the time Malone took office, but once he became commissioner, he started asking questions about how much it cost and whether all the work was necessary.

Malone questioned the need to spend tens of thousands of dollars replacing culverts that "have worked for the past 100 years," the Enterprise reported in 2011.

During county commission meetings in 2011, Kent Atwood, Montana's hazard mitigation officer, began to warn commissioners that if they didn't start work on the project soon, they would lose the federal grant money, according to commission meeting minutes.

Jim Durgan made motions to move forward with the planning for the project, including one in August 2011 to submit a request for bids from contractors, but they weren't supported by commissioners Malone or Randy Taylor. In commission meeting minutes, Durgan repeatedly expresses concern the public would lose more than \$2 million if the commission kept dragging its feet. He said he and other commissioners had been made well aware of flooding issues along Fleshman Creek.

Durgan said it took the commission nearly two years to come to a decision to move forward with the project after the grant funds were issued to Park County. "It was long and tedious, and it was excruciatingly frustrating at times," he said.

Malone said questioning the project was part of his job as an elected official, to make sure the project met specifications and was done in the best possible way.

"We didn't spend time and money dragging our feet," Malone said. "We spent time making it better. I think it's a much better project than the way it was originally designed."

Malone said he eventually had a change of heart about the project because improving more of the city's sewer infrastructure was included. He said the original project was put together too quickly, but added he's happy with the work now.

"We are going to have a nice little waterway," he said.

The cost of completing both reaches of the creek was prohibitive, Durgan said.

Lacking support from the county commission and the city made the task of working on Reach One almost impossible, he said.

"We just couldn't do everything, and particularly everything from the 12th Street culvert on down through all that residential district," he said. "We just didn't have the ability."

Malone said working on Reach One was not feasible because it runs under and through the yards of so many people's homes.

Whose responsibility?

Under state law, counties have responsibility to maintain all bridges and stream crossings. The Montana Supreme Court extended that responsibility to culverts, according to Shannan Piccolo, Park County's civil deputy attorney.

But the city and county have long had disputes over coordinating work on bridges and culverts inside the city. Many culverts run under city streets and are located near city utilities. The city's storm drainage system empties into Fleshman Creek in several locations.

Some say recent friction between county and city government began with a light project on the Sacajawea Park Lagoon bridge in 2005. County commissioners contested the right of the city to hang a public art project of sculptured lights on the bridge, the Enterprise reported. At the time, the county commissioners sent a letter to the city requesting "no further action" be taken on the lights, saying they were responsible for all bridges and crossings.

Lahren, then-county commissioner who contested the light project, said at the beginning of the Fleshman Creek project that he and others at the county understood creek project to be large in scope, encompassing at least all 2.7 miles in the Oasis plan. He and Durgan said the county asked the city to help with the project, but were turned down. There was no way Reach One of the project could have been completed without city involvement because the creek runs under city streets, they said.

Meece said he remembered attending a meeting with county commissioners in which they asked the city to help with the Fleshman Creek project. Meece said he asked county commissioners for more specifics about how they wanted the city to help and what resources the city should commit.

He said when they couldn't provide an answer, he told the county the city would not be a project partner or share the costs of the project.

Meece said the city continues in its coordination efforts regarding the work. As the project got going, he asked then-Public Works Director Clint Tinsley to go to meetings to help with coordination efforts.

Those involved with the Fleshman Creek project say it's going to save both the city and the county millions in maintenance and cleanup costs in the future.

The county contributed about \$600,000 to the project in addition to the grant funds, according to Kristen Galbraith, who works for Nittany Grantworks and helped write the grant.

The new lift station and other new infrastructure would have cost the city more than \$800,000 Galbraith said.

"Community infrastructure does not last forever, and we are fortunate to have it replaced at a fraction of what it would cost," Galbraith said.

As for doing something to mitigate flooding along Reach One of Fleshman Creek and in other parts of the city, Tinsley, who is now a county commissioner, said it's a concern and improving the situation has to involve all the parties.

"It's not something that's going to be easily solved," he said. "Will it happen again? Absolutely. It might happen next week."

Meece said he couldn't speculate about how the city might work with the county along Reach One of the creek.

"If the city identifies that it's something that only we can solve, then we will certainly take on a project," he said. "But the county has assumed responsibility for culverts and bridges, and that is the state law. So first responsibility falls on Park County."

Malone said the city and county have been cooperating well on many large projects lately.

"It's kind of like a family," he said. "Every once and a while the brother and sister or the brother and the brother get in a little squabble, and you have to resolve it and move on."

Tinsley said he's optimistic about the evolving working relationship between the city and the county.

The two relatively new public works directors for the county and city, Parks Frady and Shannon Holmes, work well together and spent last week in close contact, he said.

Perhaps, in the future, the city and county could "get together for long enough to at least talk" about Fleshman Creek, Tinsley said.

"There's always opportunities, if the city and the county are ready to accept those opportunities," Tinsley said. "I would be very surprised if there wasn't more grant money for something like that."

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Attachment	Size
Fleshman Creek Comprehensive Management Plan.pdf ^[3]	13.94 MB

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