



## DECISION NOTICE

# Giant Springs State Park Renewal Of Water Rights Lease, Infrastructure Agreement and Pipeline Easement Agreement

FWP-CEA-ADM-R4-25-050

12/18/2025

### **ACTION**

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final, without, and approves Alternative 2, the proposed action.

### **AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT**

According to the applicable requirements of the Montana Environmental Policy Act or MEPA and its implementing rules and regulations, before a proposed action may be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA)*.

Based on these factors, FWP determined a checklist EA (Draft EA) constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment. See *Public Participation Process* below.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of any

substantive public comments received. See *Public Comment and FWP Response* below.

## **PUBLIC PARTICIPATION PROCESS**

The Draft EA was made available for public review and comment from 12/1/2025 to 12/15/2025. A legal Notice was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP did not receive comments during the public comment period.

## **DESCRIPTION OF PROPOSED ACTION**

FWP is proposing to renew the Agreement originally entered with International Malting Company LLC in 2004 and renewed in 2015 with Malteurop North America Inc. ("Malteurop"), successor in interest to International Malting Company LLC. Under the original and renewed agreements, FWP has leased water to the two companies for use in a malting barley plant north of the Missouri River near Great Falls, MT. The source of the leased water is from Giant Springs and held by FWP under water right Provisional Permit 41Q 55863-00. Twelve hundred gallons per minute (gpm), up to 1,936 acre-feet per year, of the water right has been temporarily changed to industrial use. The remainder of the right continues to be used at the Giant Springs Trout Hatchery. This water use is non-consumptive as it returns to the Missouri River via the City of Great Falls' Wastewater Treatment Plan.

Malteurop also diverts an additional 300 gpm from Giant Springs through the same infrastructure under a water reservation owned by the City of Great Falls. This water is consumptively used at the Malteurop facility. The Agreement also provides for infrastructure and pipeline easements for Malteurop to use the Hatchery wet well and pump building to pump water via a pipeline to the Malteurop facility. The current lease and easement agreements will expire at the end of February 2026. Malteurop wishes to renew the Agreement and continue its operation of the malting plant.

Proceeds from the original and renewed agreements have been deposited into a Fisheries Mitigation Trust Fund and used by FWP to support fisheries-related projects and programs including hatcheries, fish health, fisheries monitoring, water leasing and instream flow enhancement, and fishery restoration. Malteurop currently pays FWP approximately \$500,000 per year with an annual increase of 2.15% which will continue under the new Agreement.

## **PURPOSE AND NEED**

International Malting Company, LLC ("IMC") started a malting barley processing plant on the north side of Great Falls in 2004, and the plant has been in operation ever since. Malteurop eventually succeeded IMC as a party to this contract. Malteurop signed an Amended and Restated Water Rights Lease, Infrastructure Agreement, and Pipeline Easement Agreement in conjunction with a 10-year extension in 2015. Malteurop has complied with all terms of the existing agreement and is now seeking to renew the Agreement under similar terms and conditions.

## **ALTERNATIVES ANALYZED**

### **Alternative 1: No Action**

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional

impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Under the No Action alternative, the extension would not be granted to Malteurop. The lease and associated agreements would end and most likely result in the termination of Malteurop's barley malting operation. A number of steps would need to be undertaken for mitigation and to reconfigure the water usage and distribution, as well as address remaining infrastructure. This would result in additional planning and funding that may not have been accounted for in budgets. The No Action Alternative would also result in a net loss of approximately 50 jobs in the Great Falls area, rendering this result generally undesirable.

**Alternative 2: Proposed Action**

Under the Proposed Action, FWP will renew the Agreement originally entered with International Malting Company LLC in 2004 and renewed in 2015 with Malteurop North America Inc. ("Malteurop"), successor in interest to International Malting Company LLC. Under the original and renewed agreements, FWP has leased water to the two companies for use in a malting barley plant north of the Missouri River near Great Falls, MT.

**PUBLIC COMMENT AND FWP RESPONSE**

No public comments were received during the public comment period.

**DECISION**

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. FWP hereby adopts the Draft EA as final and approves the Alternative 2, the proposed action.

Sincerely,

Jason Rhoten  
Region 4 Supervisor  
Montana Fish, Wildlife & Parks