



Region 2  
3201 Spurgin Road  
Missoula, MT 59804

February 24, 2021

Dear Interested Citizens:

Thank you for your thoughtful reviews and comments on the draft environmental assessment (EA) for a proposal by Montana Fish, Wildlife and Parks (FWP) to implement a site improvement project at its Kohrs Bend Fishing Access Site (FAS) in Powell County, located about 7 miles north of Deer Lodge and just south of Interstate 90. For Phase 1, FWP proposes to improve the FAS gravel roads and parking spaces and to install additional truck/trailer parking spaces, as well as a gravel boat ramp, portable chemical toilet ("porta-potty"), security gate, and fencing with turnstiles and cattleguard. Phase 2 would entail streambank stabilization at the FAS. These improvements would enhance recreational opportunities at the FAS and provide better boat access to the Clark Fork River, as well as improve soil stability and fish habitat.

Enclosed is a decision notice (DN) in which I explain my rationale for approving the proposed action to proceed with the improvements to Kohrs Bend FA. (This DN completes the environmental assessment [EA] process begun in March 2017.) Upon completion of the public involvement process and by including this DN and the updates herein, FWP accepts the draft EA as final. The decision document also includes public comment on the proposed improvements and explains how FWP considered and incorporated this comment in formulating a recommendation.

Please feel free to contact me at 406-542-5500 with any questions you may have. Thank you for your interest and participation.

Sincerely,

Randy Arnold  
Regional Supervisor

RA/sr

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## Decision Notice for the Draft Environmental Assessment: Kohrs Bend Fishing Access Site Improvement Project

Region 2 FWP, 3201 Spurgin Road, Missoula, MT 59804  
February 2021

### PROPOSAL FROM DRAFT EA

Montana Fish, Wildlife & Parks (FWP) has owned the approximately 8.1-acre Kohrs Bend Fishing Access Site (FAS) on the upper Clark Fork River in Powell County since 1975. The FAS is located about 7 miles north of Deer Lodge on the north bank of the Upper Clark Fork River (and along the North Frontage Road about 0.8-mile northwest from the Beck Hill exit 179 on Interstate Highway 90). FWP proposes to improve the FAS to provide enhanced recreational opportunities at the FAS and provide better boat access to the Clark Fork River, as well as improve soil stability and fish habitat.

This FAS currently has a dirt entry road and about 8 parking spaces, but no boat ramp, toilet facilities, or designated areas for use. Recreational users typically park along the frontage road and use the armored bank just south of the FAS entrance for boat access. Soil and vegetation at the site have been disturbed by foot and vehicle traffic, as well as trespass cattle grazing. Lack of toilet facilities at the site is a public health concern.

The *Final Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans*<sup>1</sup> outlines proposed restoration actions. Section 5 of the plan focuses on recreation and states, “that by restoring or replacing the injured natural resources of the [Upper Clark Fork River Basin], some of the recreational services lost due to those injuries will also be restored” (page 5-1). Improvements to the Upper Clark Fork River fishing access sites, including Kohrs Bend FAS, are listed as proposed actions in the plan. Kohrs Bend FAS was selected for improvements because it would help establish reasonable float distances between FAS sites along the river, is an existing site that would benefit from restoration work, and is located in an area where use is expected to increase.

Proposed improvements for Phase I at Kohrs Bend FAS include adding gravel and grading existing gravel surfaces and constructing additional length of road and parking spaces. This would help provide adequate parking, decrease erosion, increase soil stability, and improve the road for wet conditions.

The gravel boat ramp would be installed in the transition zone between where the river erodes the bank and deposits sediment. This would provide safe access for boats and reduce future maintenance costs. Installation of a concrete latrine would provide for the proper disposal of human waste, in accordance with local and state sanitation regulations. Gravel walking paths from the parking areas to the latrine would protect soils and vegetation. A security gate installed at the entrance would allow FWP to close the site during wet periods, avoiding damage to the roads. Trespassing cattle currently graze the interior of the FAS and fencing with turnstiles and a cattle guard would be installed to keep cattle out of the main FAS and away from vegetation, vehicles, and users.

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<sup>1</sup> Natural Resource Damage Program (NRDP). 2016. Final Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plans. MT Department of Justice. <https://media.dojmt.gov/wp-content/uploads/Final-2015-Update-Combined.pdf> Accessed 19 Feb 2021.

There is a section of armored bank along the Upper Clark Fork River just south of the Kohrs Bend Fishing Access Road. As part of Phase II, the proposal would protect the streambank with a more natural method of streambank stabilization.

Besides floating and angling, the public would be able to continue using the FAS for picnicking, wildlife viewing, and other similar activities. The site is and would remain day-use only.

#### **Alternative A: No Action**

If no action is taken, foot, vehicle, and boat traffic, as well as trespass cattle, would continue to degrade soils and vegetation at the site. Without designated areas for specific use, pioneered areas would likely continue to be expanded over time and could increase the spread of noxious weeds. There would continue to be a lack of sanitation facilities. Without the addition of a gravel boat ramp, users would continue to use the armored bank, further eroding the bank and potentially making it unsafe. Vehicles towing trailers often park along North Frontage Road outside the FAS, causing a traffic hazard during times of high use. If no action is taken, the current facilities would not support an increase in users as is anticipated due to the improvement of water quality and fishing opportunity on the upper Clark Fork River. FWP would continue to provide general site maintenance and enforcement patrols at the FAS.

#### **Alternative B: Proposed (Preferred) Action**

FWP proposes to improve Kohrs Bend FAS in two phases using NRDP (Natural Resource Damage Program) funds. For Phase 1, FWP proposes to improve gravel roads and parking spaces and to install additional truck/trailer parking spaces, as well as a gravel boat ramp, concrete latrine, security gate, and fencing with turnstiles and cattle guard. Phase I of the project would benefit users by providing a safer and enhanced site for boat access and fishing. Designated areas for use would decrease soil erosion, increase soil stability, allow vegetation to thrive, decrease the spread of noxious weeds, and provide for the proper disposal of human waste. Phase 2 would provide protection for the riverbank with a design using a more natural method of streambank stabilization. All these improvements would enhance recreational opportunities at the FAS and provide better boat access to the Clark Fork River, as well as improve soil stability and fish habitat.

FWP would continue to provide general site maintenance and enforcement patrols at the FAS. The proposed improvements would be maintained within the existing maintenance budget.

### **PROPOSAL UPDATES**

The following are updates and minor changes to the proposed FAS development compared to the original description in the draft EA and its preliminary concept site plan (Appendix F of the EA). Please see Appendix B in this Decision Notice for an updated concept site plan that includes the following updates.

Latrine: FWP will provide a portable latrine (chemical latrine) instead of a concrete vault latrine. We will install the portable latrine yearly after high-water recedes and remove it in late fall.

A concrete vault latrine is not preferred because it appears that building it in the floodplain would cause a rise in the Base Flood Elevation and may not be permitted (allowed). Pursuing necessary permit(s) and implementing the likely requirements for construction, if it were to be permitted, would be cost prohibitive at this time. An area outside of the floodplain near the FAS is part of the Interstate-90 highway right-of-way and not FWP property. Building in the right-of-way is not feasible as it would compromise safety for motorists. FWP may construct a concrete vault latrine in the future if these circumstances change.

Boat ramp: FWP plans to construct the gravel boat ramp as shown on the updated concept design (Appendix B). This ramp is consistent with the preliminary concept site plan in the EA.

The preliminary site plan in the EA showed a main (preferred) and two alternative ramp locations; the alternative locations are not preferred and are not chosen. Those alternative locations would require more disturbance of the floodplain than the main gravel boat ramp shown in both the preliminary and updated site plans because they are further from the existing road. They are also located where the bank is less stable and more susceptible to flooding.

Parking area: FWP plans to build a single parking area with 13 spaces (all capable of accommodating trucks with trailer) as shown on the updated concept site plan (Appendix B). The preliminary concept design in the EA also had 13 spaces but these were divided between two locations.

The nine spaces originally proposed in the EA are now the location of the 13 shown in the updated plan. The other four spaces (which been attached to the boat ramp circle that included the main boat ramp) are now located with the 13 spaces. FWP prefers the single parking location in the updated concept site plan because it has more stable soils and moves development further from the river.

Road realignment: Road realignment as shown in the preliminary concept site plan in the EA is not planned. The increase in parking spaces in this vicinity from 9 to 13 restricts the space for the realigned road. Realignment that would provide space and vegetation between the river and the road will continue to be considered. Future bank stabilization and improved vegetation management is expected to alleviate erosion of the bank nearest the road.

## **PUBLIC REVIEW PROCESS**

A Draft Environmental Assessment<sup>2</sup> (EA) for the proposed project was made available for public review and comment for a 30-day period from March 8 through April 6, 2017. Legal notices were published twice each in the *Independent Record* (Helena, March 8 & 9), *Missoulian* (March 7 & 9), and *Silver State Post* (Philipsburg, March 8 & 15) newspapers. FWP distributed 25 copies of the EA and 42 email-notifications of the EA's availability to adjacent landowners and interested individuals, groups and agencies. The EA was available for public review on FWP's web site (<http://fwp.mt.gov>), under "Recent Public Notices" beginning March 8, and comments could be made directly on the EA's webpage through April 6, 2017.

## **PUBLIC COMMENT**

### **Summary of Public Comment**

FWP received 4 emailed comments regarding the proposed development proposal for Kohrs Bend FAS (Appendix A). Two comments were from sportsmen's groups (Anaconda Sportsman's Club and Russell Country Sportsmen) and two were from Powell County (Weed Board Coordinator and Planning Department Director). Both sportsmen's groups supported the proposal, and the Powell County comments did not specifically support or oppose the proposal, but had questions, suggestions or comments. No one was in opposition to the proposal.

### **Response to Public Comment**

The following comments and FWP responses encompass specific questions, suggestions or comments received during the public comment period. (The "Commenter #" is the Commenter # in Appendix A, sometimes with paragraph number/s also included.)

*Commenter 1 (para 2, 6, 7): Powell County's Weed Board Coordinator indicated that, "a Vegetation Management Plan . . . will have to be completed and submitted to the Weed Board for approval prior to any work . . ." And, "The management plan should also include reseeding/revegetation of disturbed areas, and a*

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<sup>2</sup> Draft EA available from Region 2 FWP upon request.

*post project commitment to address the potential increased influx of noxious weeds post-disturbance.” “I urge you to plan a comprehensive pre-disturbance herbicide application along the access road right-of-way (The North Frontage Road) in-park roadsides, the parking area, the trails that access the river, the river’s edge, and the surrounding grounds.”*

**FWP Response:** Thank you for this information. FWP will complete the required paperwork and submit it to Powell County.

*Commenter 1 (para 3, 4): Powell County’s Weed Board Coordinator indicated presence of a “serious Canada thistle and leafy spurge infestation” at the FAS, and that the “county has had to supplement herbicide applications there repeatedly as the contract work has been ineffectual, and even undetectable.”*

**FWP Response:** FWP strives to control noxious weeds at all its FASs in Region 2 through consistent application of herbicide treatments via contractual weed management contractors. This site will be monitored for weed presence on a regular basis and treated with herbicide as needed.

*Commenter 1 (para 5): This site lends itself to spreading weed seeds and root wads not only to the rest of Powell County downstream, but Granite county as well, as the county line is in close proximity to the FAS.*

**FWP Response:** The lower portion of the site often floods completely during high-water and is therefore extremely challenging to achieve a near weed-free condition as each flood event brings a host of new weed seed. The annual herbicide treatment is a good-faith attempt at a difficult situation.

*Commenter 2. “Shouldn’t the River be cleaned up before these improvements?” [Comment pertains to the state’s Natural Resource Damage settlement program for the restoration of groundwater, aquatic, and terrestrial resources in the Upper Clark Fork River Basin, damaged by historic mining activities.]*

**FWP Response:** At the time of the EA, a nearby soil test site and visual observation of soils on the FAS suggested that development of the site would not be disrupted by Superfund cleanup. If cleanup did disrupt development, the site would likely be rebuilt. In October 2020, three test pits were sampled that describe soil characteristics on the FAS. Two of these test pits were on the FAS and one nearby. Soil contamination in each of the pits did not meet criteria for removal of soils. This information supports earlier assessments that moving ahead with construction is warranted.

Developing the FAS will support cleanup and restoration because it will reduce erosion of contaminated soils into the river. Vegetation condition is expected to improve and in turn reduce erosion of the bank and soil surface. Specific management actions that will be done to improve vegetation on the site include eliminating or reducing unauthorized cattle grazing, providing a boat ramp so boats are not launched and loaded on erosive riverbank, and stabilizing bank erosion. FWP will continue to work with restoration and cleanup managers to insure compatibility with their programs.

*Commenter 3: Powell County was “wondering if FWP was planning on submitting a non-residential development certificate? . . . [The certificate’s submittal] would be very helpful . . . to coordinate with the Weed Board and road crew.”*

**FWP Response:** Thank you for this suggestion. FWP will complete the recommended paperwork and submit it to Powell County.


## DECISION AND RECOMMENDATION

Based on the analysis in the Draft Environmental Assessment (EA), along with applicable laws, regulations and policies, it is my decision to approve and proceed with the site improvement plans for FWP’s Kohrs Bend Fishing Access Site. We expect work to begin in August 2021.

This proposal received support during the public review period from two sportsmen's groups. One supporter noted that, "these improvements would be beneficial to the public and further along the Clark Fork River restoration." Comments regarding weeds, NRDP restoration, and land use (development) changes helped us refine this development proposal.

I have determined that the decision to proceed with the proposed action will not have a significant negative effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared. By notification of this Decision Notice (DN) and the proposal updates (minor modifications) described herein, the draft EA is hereby made the final EA. FWP will develop Kohrs Bend FAS as proposed. The draft EA with this Decision Notice may be viewed at or obtained from Montana Fish, Wildlife & Parks (address on page 1). The DN is available for review on FWP's web site (<http://fwp.mt.gov>) under "Recent Public Notices."

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, MT Fish, Wildlife & Parks, PO Box 200701, (1420 East 6<sup>th</sup> Avenue,) Helena, MT 59620-0701.

  
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Randy Arnold  
Region 2 Supervisor  
Montana Fish, Wildlife & Parks

2-24-2021  
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Date

## APPENDIX A

Comments received by FWP for the proposed improvement project at Kohrs Bend FAS and its Draft EA during the public comment period of March 8 through April 6, 2017. (Comments received via: E = email, Ph = phone.)

Com- men- ter #	Via	Para- graph	Comment	From
1	E	1	Thanks for the head's up on the proposed Kohrs Bend Fishing Access Site in Powell County.	Karen Laitala, Coordinator, Powell County Weed Board (Deer Lodge)
		2	As the county Weed Board Coordinator, I wanted like to let you know that a Vegetation Management Plan (please see attached) will have to be completed and submitted to the Weed Board for approval prior to any work being done on the site.	
		3	Last year we documented a serious Canada thistle and leafy spurge infestation across approximately 7.5 acres of the 8 acre site.	
		4	While under contract with FWP for regular noxious weed management in the form of herbicide treatment, the county has had to supplement herbicide applications there repeatedly as the contract work has been ineffectual, and even undetectable.	
		5	This site lends itself to spreading weed seeds and root wads not only to the rest of Powell County downstream, but Granite county as well, as the county line is in close proximity to the FAS.	
		6	I urge you to plan a comprehensive pre-disturbance herbicide application along the access road right-of-way (The North Frontage Road) in-park roadsides, the parking area, the trails that access the river, the river's edge, and the surrounding grounds.	
		7	The management plan should also include reseeding/revegetation of disturbed areas, and a post project commitment to address the potential increased influx of noxious weeds post-disturbance.	
		8	Please contact me with any questions and concerns.	
		9	Thanks in advance for your time and attention.	
2	E		I am conveying the Anaconda Sportsmens' Club approval for the upcoming improvement to the FAS. We feel that these improvements would be beneficial to the public and further along the Clark Fork River restoration. However we have a question: Shouldn't the River be cleaned up before these improvements? This is not to imply we are anyway opposed to this effort. Thank You	Gary Ouldhouse, President, Anaconda Sportmens' Club (Anaconda)
3	E		I was talking with the County Commissioners yesterday about the Kohrs Bend work and we were wondering if FWP was planning on submitting a non-residential development certificate? Due to the amount of proposed work, it would be very helpful to have a development certificate submitted to coordinate with the Weed Board and road crew.	Carl Hamming, Planning Director, Powell County Planning Department (Deer Lodge)
4	Ph		Russel Country Sportsmen are "in full support of the Kohr's Bend FAS proposal, as well as all public lands."	David VanKighem, President, Russell Country Sportsmen (Great Falls)



## APPENDIX B. UPDATED CONCEPT SITE PLAN

