



DECISION NOTICE

Confluentus Corner Fishing Access Site Proposed Development

7/14/2023

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 modification 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 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 June 16, 2023 to June 30, 2023. A legal Notice was published in the Sanders County Ledger, FWP also mailed postcards to neighboring landowners and the Draft EA 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 received one comment during the public comment period.

DESCRIPTION OF PROPOSED ACTION

Fish Wildlife & Parks (FWP) is proposing the construction of a 5-6 vehicle gravel parking lot, on the southwestern corner of newly acquired property on the Thompson River. The proposed project location was acquired by FWP in 2020. Based on observational data provided by the Montana Natural Heritage Program, 12 sensitive species are found in the vicinity of the proposed property acquisition including westslope cutthroat trout and bull trout. The purchase of this property prevented residential development, which would preserve sensitive fish and wildlife habitat and allow for continued terrestrial wildlife movement. Additionally, this development allows for public access to the Thompson River.

The public is utilizing the site to access the Thompson River, but they must park either on the shoulder of the Thompson River Road (TRR) or travel north to access through United States Forest Service property. Parking on the road shoulder may degrade the integrity of the road shoulder structure, which creates a potentially hazardous situation.

The location of the proposed parking area would be inside the footprint of the former TRR, adjacent to the current road on the east side. This area was previously disturbed when the TRR was constructed and is relatively level. The old roadbed was rehabilitated with vegetation, but still has remnants of large stones on the old roadbed shoulder and a gradual slope down to the Thompson River.

The proposed action would provide a 5-6 vehicle gravel parking lot, creating a safer location for users to park their vehicles while accessing the river. This project would include regulatory and informational signage.

PURPOSE AND NEED

The primary intent of the proposal is to provide safe and sustainable access to the Confluentus FAS with a 5-6 vehicle, gravel parking area.

Long term goals would be as follows:

- Monitor the use patterns of visitors to the FAS and take corrective action if resource damage is observed.
- Maintain the parking area and surrounding primitive habitat following the current agency standards.
- Educate the public on the importance of the site and which partnering agencies collaborated to secure the facility.

There will be directional signage placed directing people to the river from the parking area. The indicated route will send people down the old road corridor and the rocky terrain will discourage visitors from creating social trails and subsequent erosion issues. This design plan allows for public access to the area, but discourages high use impacts such as overcrowding, excessive trail use, and overfishing, thereby protecting affected resources from further degradation.

These goals are expected to: minimize the impacts to wildlife and fish species habitat and provide a designated area to park vehicles for visitor safety and resource protection.

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 current issues resulting in the proposed project would continue, including no established vehicle parking for users to access the area and associated impacts. Anyone who

wished to use the area would continue to park their vehicle on the side of the state highway, traverse a steep rocky embankment, and access through Forest Service property. This would add to erosion of the road shoulder and continue a potentially hazardous situation for pedestrians and vehicles.

Alternative 2: Proposed Action

Under the Proposed Action, the project would provide a 5-6 vehicle, gravel parking area removed from the shoulder of the county road with the primary intent of habitat preservation for multiple fish and wildlife species, in addition to providing safe day-use public access to the site.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comment on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. The following provides the public comments received and FWP response(s).

"I support the Confluentus Corner FAS Parking Lot Construction, my only concern is that it's not big enough."

FWP Response: The intended size of the parking area was part of the acquisition environmental assessment and public comment. To increase the size of the parking area would require additional public scoping. Also, it will assist in keeping the area primitive by discouraging large groups congregating at this location. Additional parking can be found at existing access points along the Thompson River Road.

DECISION

Adopt as final EA

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.

With this DN, FWP hereby adopts the Final EA, and approves the proposed action.

Sincerely,

Lee Anderson

Lee Anderson
Region 1 Supervisor
Montana Fish, Wildlife & Parks