



DECISION NOTICE

Black Bridge FAS Road Replacement

11/07/2023

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 (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 10/10/2023 to 10/25/2023. A legal Notice was published in the *Glendive Ranger Review*, *Sidney Herald* and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. 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 2 comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

Black Bridge FAS is a popular site along the Lower Yellowstone River in Glendive, Montana. The area receives moderate to heavy use and is visited daily by individuals wanting to hike, fish or relax. There are three separate parking areas connected by an access road for the public to utilize.

FWP proposes to replace 700' of the access road at Black Bridge. A portion of the existing road is situated along the Yellowstone River and was damaged by erosion during spring runoff. With the road now damaged it is unsafe to drive to the upstream parking lot. Currently only pedestrian traffic is permitted in that part of Black Bridge. The project would permanently close the unsafe section of the road and a new 700' section of road would be constructed to restore safe vehicular access to the upstream areas of the site. Due to the limited scope of this project FWP proposes to design the work in October and November of 2023 and complete construction by 12/31/2023.

PURPOSE AND NEED

The purpose of the proposed project is to maintain safe public access to all areas of Black Bridge FAS. Shoreline erosion along the Yellowstone River at Black Bridge FAS damaged the access road to the upstream parking lot, making it unsafe for vehicular traffic. FWP proposes to decommission the portion of the road that is damaged and design and construct 700' of new road that will bypass the damaged portion of road. When complete, safe vehicular access to the upstream parking area will be restored. This project supports access to the Lower Yellowstone River and recreation opportunities and improves public safety.

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, no road improvements would occur and access to the upstream parking area with a vehicle would not be possible.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would replace 700' of access road and restore the connection for vehicles to the upstream parking area. Due to the limited scope of this project FWP could design the work in October and November of 2023 and complete construction by 12/31/2023.

PUBLIC COMMENT AND FWP RESPONSE

Comment #1: "Yes, please make a new access road to replace the 700' that has been undercut by the river. [Maintaining] vehicle access to this beautiful area is vital." *This commenter went on to discuss the history of the site and its importance to residents and visitors for hiking, dog walking, fishing, and public events such as The Corps of Discovery Reenactment.*

FWP Response: Thank you for your comment.

Comment #2: *"I am writing to express my disappointment of FWP's handling of almost everything they have done with the Black Bridge fishing access area, since they have purchased the land." This commenter went on to outline their disagreement with past management decisions and construction projects and provided suggestions for alternative management. This commenter did not address the proposed road project described in the Black Bridge FAS Road Replacement EA and ended their comment by stating, "Please do much better managing this property so it can be used to its full potential."*

FWP Response: Thank you for your comment. It is FWP's goal to provide quality, safe public access at Fishing Access Sites. In some instances, that access is constrained environmental conditions and/or Administrative Rules of Montana ('ARM Rules'). You are welcome to contact the FWP Region 7 Office to discuss past management or future operations at length.

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,

A handwritten signature in black ink, appearing to read 'Brad Schmitz', with a stylized, cursive script.

Brad Schmitz
Region 7 Supervisor