



DECISION NOTICE

Intake Fishing Access Site Management Agreement

FWP-DN-POR-R7-24-008

8/12/2024

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 7/23/2024 to 8/7/2024. 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 did not receive comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

Fish, Wildlife, and Parks proposes to renew a Management Agreement with the US Department of Interior, Bureau of Reclamation. The agreement is for the management and operations of Intake Fishing Access Site (FAS) located 16 miles north of Glendive on Highway 16. The Intake FAS operated on a 50-year agreement that historically included two parcels: (1) The 'Intake Area' north of the river and (2) 'Joe's Island' south of the river. The Intake Area includes a boat ramp, day use area, campground, and potable water system. Joe's Island is a primitive area with no infrastructure. The proposed new Management Agreement would be for 50 years and include the Intake Area. Joe's Island would not be included and would revert to Bureau of Reclamation management.

PURPOSE AND NEED

This Management Agreement would allow FWP to continue daily operations and management of Intake FAS. The site receives 20,000 visits / year, with the heaviest use during paddlefish season (May / June). This agreement would outline the duties and responsibility for each agency and how the area will be managed for the next 50 years.

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 Management Plan would not be renewed, and management of Intake FAS would revert to the Bureau of Reclamation.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would be authorized renew the management agreement with the US Department of Interior, Bureau of Reclamation and continue to operate and maintain Intake FAS, including the campground, boat ramp, picnic area and associated infrastructure that FWP has constructed over the last 50 years. Joe's Island would be excluded from the agreement as it sees very low use, is difficult to access and is in the flood zone.

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,

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

Brad Schmitz
Region 7 Supervisor