



SPA 124 PERMIT DECISION NOTICE
Sportsman's Bridge FAS – Flathead River

FWP-DN-POR-R1-25-011

03/13/2025

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 prepared for the proposed action as final, 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.

PUBLIC PARTICIPATION PROCESS

Under usual circumstances, FWP makes the Draft EA available for public review and comment. However, in this circumstance, MEPA's required public process for projects of this nature is impacted by a competing statutory deadline. MEPA requires FWP to comply with its terms "*to the fullest extent possible*." To fulfill the stated policy of MEPA, the agency shall conform to the applicable rules prior to reaching a final decision on proposed actions covered by MEPA. *ARM 12.2.428, Policy Statement Concerning MEPA Rules*. More specifically, § 87-5-504, *MCA*, states:

"Within 30 days after the receipt of such plans [for a project subject to SPA 124 permitting], the department shall notify the applicant whether or not such construction project or hydraulic project will adversely affect any fish or game habitat. If the department notifies the applicant that such construction will adversely affect any fish or game habitat, it shall accompany such notice with recommendations or alternative plans which will eliminate or diminish such adverse effect."

Effectively, within 30 days after receipt of an application [for an SPA 124 Permit], FWP must make a final decision on the proposed action/project. Within the applicable 30-day timeframe, the MEPA practitioner or author of the Draft EA must conduct a rigorous process, making it difficult or impossible for FWP to accommodate a public comment period for the Draft EA within the required 30-day time-period. § 87-5-504, MCA.

Therefore, for the purposes of achieving compliance with MEPA, *"to the fullest extent possible,"* FWP prepares a Draft EA for file, sans public comment, and issues a DN identifying the agency decision, reasons for the decision, and any special conditions surrounding the decision or its implementation. Conditions applicable to the approved action, including recommendations or alternative plans to eliminate or diminish any adverse effects, are contained in the approved SPA 124 Permit (see attached).

DESCRIPTION OF PROPOSED ACTION

FWP has been tasked with relocation of an existing Fishing Access Site (FAS) found on the eastern bank of the Flathead River south of the existing Sportsman's Bridge on Montana Highway 82 (location 48.092491, -114.113892). This facility includes two boat ramps, parking and pit toilet facilities. It will be demolished by the construction of a new highway bridge on MT-82 beginning this summer.

The newly proposed FAS will be located on the western bank of the Flathead River south of the proposed MT-82 Sportsman's Bridge (location 48.091270, -114.116511). The new facility will include a parking area, pit toilet facilities, riverbank stabilization rip-rap and a boat ramp.

It is the desire of the MDT and MT FWP to begin construction of the new bridge this Summer 2025. FWP is tasked with relocating the FAS prior to the start of the bridge project, so the optimum time of construction will be Spring 2025.

The boat ramp is critical to the FAS because similar ramps will be removed on the other side of the river. Public ramps into the lower Flathead River / Upper Flathead Lake are limited and under increasing pressure from watercraft users. The intent is to install a boat ramp that can be utilized year-around, which necessitates extending beyond the annual low water level into the Flathead River.

PURPOSE AND NEED

The boat ramp is critical to the FAS because similar ramps will be removed on the other side of the river. Public ramps into the lower Flathead River / upper Flathead Lake are limited and under increasing pressure from watercraft users. The intent is to install a boat ramp that can be utilized year-around, which necessitates extending beyond the annual low water level into the Flathead River.

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 FWP would not issue an SPA 124 permit and FWP would not be able to proceed with the construction of the new boat ramp at the Sportsman's Bridge FAS.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would proceed with the construction of the new boat ramp at the Sportsman's Bridge FAS on the Flathead River.

DECISION

Based on the environmental review provided in the Draft EA, and, to the greatest extent possible, 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 environmental impact statement or EIS is unnecessary.

FWP hereby adopts the Draft EA as final and approves Alternative 2, the Proposed Action.

Sincerely,

A handwritten signature in black ink that reads "Amber Steed". The signature is fluid and cursive, with the first name "Amber" and last name "Steed" clearly distinguishable.

Amber Steed
Region 1 Supervisor
Montana Fish, Wildlife & Parks