



DECISION NOTICE

Beavertail Pond Fishing Access Site Utility Easement FWP-DN-POR-R2-25-001

04/17/2025

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 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 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 2/27/2024 to 3/20/2025. A legal Notice was published 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

This proposed easement at Beavertail Pond FAS will establish a utility easement for Missoula Electric Cooperative to bore an underground power connection from an existing utility easement in the FAS to a property north the FAS. The proposed easement will be 20 feet wide and start at an existing Missoula Electric Cooperative easement and to Cramer Creek Road, a total distance of 275 feet.

PURPOSE AND NEED

The purpose of the new Utility Easement is to allow the Missoula Electric Cooperative to expand service in the area. The easement and utility expansion are not anticipated to affect recreation or natural resources at the site. Given the minimal impact, Montana FWP views cooperation with Missoula Electric Cooperative on their minor utility expansion as a prudent course of action.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

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 proposed easement at Beavertail Pond FAS would not be established and Missoula Electric would not be able to expand service in the area.

Alternative 2: Proposed Action

Under the Proposed Action, Beavertail Pond FAS will establish a utility easement for Missoula Electric Cooperative to bore an underground power connection from an existing utility easement in the FAS to a property north the FAS. The proposed easement will be 20 feet wide and start at an existing Missoula Electric Cooperative easement and to Cramer Creek Road, a total distance of 275 feet.

PURPOSE AND NEED

The purpose of the new Utility Easement is to allow the Missoula Electric Cooperative to expand service in the area. The easement and utility expansion are not anticipated to affect recreation or natural resources at the site. With such minimal impact, Montana FWP thinks it will be good practice to cooperate with Missoula Electric Cooperative with their minor utility expansion.

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.

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

Sincerely,



Kendra McKlosky
Region 2 Supervisor
Montana Fish, Wildlife & Parks