



SPA 124 PERMIT DECISION NOTICE

Mountain Palace Fishing Access Site boat ramp repair,
Missouri River – Cascade County, MT – SPA 124 Permit
FWP-CEA-FSH-R4-25-018

April 14, 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

The Montana Department of Fish, Wildlife & Parks (FWP) has proposed to repair the boat ramp at Mountain Palace Fishing Access Site (FAS). The boat ramp is currently in fair condition, however due to erosion from the adjacent drainage and ice jams the base of the concrete block ramp has a scour hole and undermined concrete blocks that have fallen in and scattered in the river. This has made it very difficult on the public that load and unload watercraft at this FAS. The proposed work falls under the SPA 124 permitting jurisdiction of FWP found in the Stream Protection Act (§ 87-5-502, MCA).

The scope of this project includes removing the concrete blocks at the bottom of the ramp, preparing the base, and replacing it with a new 12 ft wide x 20 ft long concrete ramp. Additional work includes removal and reset of an additional 80 square feet of the concrete block to help mitigate any erosion along the bank. A small construction coffer dam is planned for the site area to allow the scour hole to be filled prepped and filled. Temporary erosion control will be placed around the repair area during work. Lastly new riprap berms will be installed in the adjacent drainage to prevent erosion of the new ramp. All work will take place within the footprint of the existing ramp, which will minimize disturbance to the surrounding aquatic and terrestrial habitat. Equipment used will include a mini excavator, wheeled backhoe, and an end dump for material removal. A small dewatering dam with a pump will be used during repair of the scour hole. Work will be completed by a contractor hired by FWP. The project is anticipated to begin in August 2025 and end in October 2025.

PURPOSE AND NEED

The purpose of this project is to issue a Stream Protection Act 124 Permit to FWP for the purpose, by the means, at the location, and in accordance with the timeline identified in the attached *Joint Application*, only after careful review of the potential impacts to State fish and wildlife resources stemming from the proposed action.

The purpose of the proposed project is to repair the boat ramp at Mountain Palace Fishing Access Site on the Missouri River to improve user access and safety. The goal of the project is to ensure the continued function of the ramp.

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 the status quo would continue. The ramp would be at risk of further degradation.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would issue the SPA 124 Permit with the applicable general and special conditions outlined in both the draft EA and issued permit.

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 "Jason Rhoten". The signature is written in a cursive, flowing style.

Jason Rhoten
Region 4 Manager
Montana Fish, Wildlife & Parks