



DECISION NOTICE

Fresno Tailwater Fishing Access Site Management Agreement FWP-DN-POR-R6-25-001

March 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 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 February 21, 2025, through March 7, 2025. 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 (FWP) is proposing to renew a Management Agreement with the US Department of Interior, Bureau of Reclamation (BOR). The agreement is for the management and operations of Fresno Tailwater Fishing Access Site (FAS). Fresno Tailwater FAS is located below the Fresno Dam, 11 miles northwest of Havre. The Fresno Tailwater FAS operated on a 25-year agreement which expired in 2018. Six acres of BOR recreation site combined with 36 acres of FWP property make up the 42-acre FAS. Purpose of the Fresno Tailwater FAS is to provide an ADA accessible fishing site for the public. The FAS has a gravel boat ramp for river watercraft access, primitive campsites, ADA parking and fishing platform, latrine, and gravel parking area. The proposed new Management Agreement would be for 20 years and include the current FAS amenities.

PURPOSE AND NEED

This Management Agreement would allow FWP to continue daily operations and management of Fresno Tailwater FAS. The FAS has a gravel boat ramp for river watercraft access, primitive campsites, ADA parking and fishing platform, latrine, and gravel parking area. For the past 32 years FWP has managed the daily operation of this site and made significant improvements for the benefit of the public. This agreement will outline the duties and responsibilities for each agency and how the area will be managed for the next 20 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 existing Management Plan would remain expired and management of the BOR portion of the Fresno Tailwater FAS would revert to the Bureau of Reclamation.

Alternative 2: Proposed Action

Under the Proposed Action, FWP will continue to manage the BOR and FWP property as the Fresno Tailwater FAS for the next 20-years. The proposed action will allow FWP to continue to provide a ADA fishing site and other recreation opportunities.

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, reading "Drew Henry". The signature is written in a cursive style with a large, stylized "H".

Drew Henry
Regional Supervisor – Region 6
Montana Fish, Wildlife & Parks