

1400 South 19th Ave
Bozeman, MT 59718

February 14, 2006

To: Governor's Office, Mike Volesky, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601

Montana Fish, Wildlife & Parks:

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| Director's Office | FWP Commissioners | Legal Unit | Parks Division |
| Fisheries Division | Wildlife Division | Lands Section | Design & Construction |

MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202

MT State Parks Association, P.O. Box 699, Billings, MT 59103

MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620

James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624

Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624

George Ochenski, P.O. Box 689, Helena, MT 59624

Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771

Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624

Wayne Hurst, P.O. Box 728, Libby, MT 59923

Ladies and Gentlemen:

Attached is the Decision Notice for the Henneberry Fishing Access Site Parking Lot Development Draft Environmental Assessment (EA). There were four comments received on this proposal during the 30-day comment period that ended on March 23, 2005.

It is my decision to proceed with the proposed project, with no changes to the draft EA.

Questions regarding this Decision Notice should be mailed to Tom Greason, Park Manager, 1400 South 19th Avenue, Bozeman, Montana 59718, or e-mailed to tgreason@mt.gov.

Sincerely,

Patrick J. Flowers
Region Three Supervisor

Attachment

**HENNEBERRY BRIDGE FISHING ACCESS SITE WALK-IN
PARKING LOT DEVELOPMENT
ENVIRONMENTAL ASSESSMENT
DECISION NOTICE**

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
February 14, 2006**

Background

On October 7, 2004, Montana Fish, Wildlife & Parks (FWP) distributed an Environmental Assessment (EA) on a proposed project to build two parking lots along the recreational frontage road adjacent to Henneberry Fishing Access Site south of Dillon, Montana. During the comment period, which ran until November 1, 2004, there were four separate comments of concern submitted regarding the Preferred Alternative identified in this EA. Because of these concerns, FWP met with adjacent landowners on-site on October 27 in an effort to discuss the perceived/expressed problems and to search for agreeable solutions. As a result of this meeting, a compromise proposal was discussed and FWP agreed to change the proposed project location and to re-distribute, for public comment, a supplemental EA reflecting these changes.

Description of the Proposed Action

The revised proposed project would provide one constructed parking area for up to six vehicles to accommodate walk-in anglers and waterfowl hunters at the south parcel of Henneberry FAS. The new parking lot and vehicle access approach would be built between the two existing primitive parking areas being used now (and between where the two new ones were initially proposed), and would provide a level, easily accessible and safe place to park (as per a preliminary assessment by FWP's Design and Construction Bureau). Currently, the two primitive parking areas being used along the recreation road right-of-way are not very accommodating for the public, are causing negative resource impacts and compromise driver safety. The components of this proposed project would include a filled/built-up vehicle access ramp off the recreation road, an irrigation ditch culvert for the access ramp crossing, a graveled parking lot with a cul-de-sac/island design, barrier rocks, livestock gate, and signing.

Along with the construction of this one central parking lot, the two existing primitive right-of-way parking areas would be reclaimed and abandoned. These sites would be signed to direct users to the designated new lot, and these old entrances to FWP property would be re-fenced.

The new location and scope of the project outlined above reflects the compromise discussed by the adjacent landowners and FWP and mitigates the concerns of increased visitation, increased trespass, and Bald Eagle disturbance.

Public Comment

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on February 22, 2005.

Public comments on the proposed project were taken for 30 days, ending March 23, 2005. The EA was mailed to 45 individuals and groups; legal notices were printed in the *Bozeman Daily Chronicle*, *The Montana Standard* and the *Dillon Tribune*; and the EA was posted on the FWP webpage: <http://www.fwp.mt.gov/publicnotices>.

Four comments were received on the revised proposal.

1) This same comment was resubmitted from the original EA, in which the concern of potential impacts to the fishery on the Beaverhead River from the proposed action was expressed. "I stand by my original comments. I reiterate, this isn't just a construction project; what are the projected impacts on the river and fish?"

Response: The commenter seems to equate a constructed parking lot with a likelihood of increased pressure and negative impacts to the fishery. Whereas, this could possibly be an accurate scenario if FWP were opening a brand new access to the public for this stretch of river, this is not the case. The public has been parking along the frontage road for 20 years at two primitive "parking spots" and walking to the river. It is felt by FWP's Area Fisheries Biologist, Dick Oswald, that the consolidation of these two lots into one professionally constructed lot will change the use numbers minimally. Oswald also states, "The major threat to the fisheries in this reach is the continuing drought and the uncertainty of sufficient flows out of Clark Canyon Dam, not so much the number of anglers. The department monitors this stretch of the Beaverhead very closely, and has a number of options available to mitigate serious impacts to the fish populations that can and have been implemented rather quickly, including reducing bag limits, shortening the fishing season, and adopting the River Recreation Rules to reduce pressure."

2) A Henneberry FAS neighbor commented that the new proposed location and design was satisfactory, but there needs to be a gate on the frontage road fence where the vehicle access road crosses to control livestock along the frontage road. Also requested/suggested were a boundary- type fence around the parking lot (not barriers) and the keeping of a service gate at the existing north parking lot area, both for livestock control as well.

Response: The gates and fencing will become part of the project. The fencing around the parking lot will replace the barrier rocks initially planned.

3) Another neighbor commented, "I think that the supplemental EA is very good. I would like to commend you for being open to our concerns and being receptive to the suggestions and compromises that resulted from our meeting at the river site last October."

4) The State Historic Preservation Office (SHPO) commented that there would be a low likelihood that cultural properties would be impacted at the new proposed site based on the previous report done for the original project proposal. They also asked that their office be contacted if cultural materials were discovered during the project.

Decision

Based on the analyses in the Draft Supplemental Revision to the Environmental Assessment, public comment and the need for providing parking facilities at Henneberry Fishing Access, it is my decision to proceed with the development project as proposed in the new preferred alternative.

There are no modifications necessary to the to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

I find there to be no significant impacts on the human and physical environments associated with this project, other than the expansion of this facility and the increased accommodation of the recreating public. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

This proposed development project is subject to appeal, which must be submitted to the FWP Director in writing and postmarked within 30 days of the date on this Decision Notice. The appeal must specifically describe the basis for the appeal, explain how the appellant was previously commented to the department or participated in the decision making process, and lay out how FWP may address the concerns in the appeal. Appeals should be addressed to Jeff Hagener, Montana Fish, Wildlife, and Parks, PO Box 200701, Helena, MT 59620-0701.

Patrick J. Flowers
Region Three Supervisor
