ENVIRONMENTAL ASSESSMENT DECISION NOTICE
for the
LAKE FIVE FAS DEVELOPMENT

May 12, 2009

Preface

In 2005 Montana Fish, Wildlife & Parks (FWP) released an environmental assessment (EA) on the acquisition and development of the Paul Taylor Fishing Access Site on Lake Five. The adequacy of that EA was challenged, and in settlement FWP agreed to hire an independent consultant to conduct a new EA.

In 2007 Montana Fish, Wildlife & Parks (FWP) formed a committee charged with identifying a list of potential sites suitable for the Paul Taylor Fishing Access Site (FAS) in Region One. The committee consisted of FWP staff, two representatives from the Lake Five Homeowners Association, and two representatives from a local sportsmen's club. The Paul Taylor FAS committee met on a periodic basis to develop a list of criteria for eligible properties, solicit responses from realtors and others for potential sites, and apply criteria to proposed properties to determine suitability as an FAS. The committee evaluated a total of eight potential properties distributed throughout Region One, and only two of these sites fit the selection criteria. Both properties were located on Lake Five. These properties were evaluated for their suitability as an FAS by an independent contractor who developed the ***Draft Environmental Assessment, Lake Five FAS Development.***

Proposed Action

FWP proposes to establish public motorboat access on Lake Five in Flathead County, Montana. Development would include parking, canoe launch, vault toilet, boat ramp, signs and gates, entrance road improvements, and a host pad. The proposed action would be implemented as early as summer 2009 and may not be completed until fall 2009. These dates are approximate.

Public Process and Comments

Public comment was solicited on the Draft Environmental Assessment from November 21 through December 22, 2008, through news releases, posting on the FWP website, and two public hearings. There were 53 written responses received in the form of letters, e-mails, and agency comment forms. There were 22 verbal testimonies recorded at the public hearings. One petition was received. Public participation is a mechanism for agencies to consider substantive comments on a proposal. The following is a synopsis of public comment and FWP's response to those comments.

Alternative A: No Action

Supportive of Alternative A: The following comments were considered supportive of Alternative A. This alternative would result in FWP taking no action to develop an FAS on Lake Five.

- Lake Five is too small for a public access site.

FWP Response: There is no minimum size requirement for an FAS. In Region One, FWP has fishing accesses on lakes as small as 10 surface acres. Lakes 35 acres or less in the western district are limited to no-wake speed unless otherwise noted in the Montana Boating Laws.

- The public already has access to Lake Five through the Lake Five Resort.

FWP Response: This privately owned access is not guaranteed and can be denied at any time.

- The site would potentially allow uncontrolled and unlimited use, and a limited number of parking spots would not control the use.

FWP Response: Site design, parking limitations, and user regulations have proven to be useful tools in managing use at FASs. FWP would work with area law enforcement agencies to address associated parking issues outside of FWP site boundaries. The site would have a host in place during the busy summer months to monitor use.

- The money could be better spent on a lake that was larger and historically a fishing lake.

FWP Response: Most larger lakes already have assured public access. FWP manages many smaller lakes down to a few acres for fishing. Lake Five historically supported better fishing when it was stocked regularly.

- There needs to be evidence that FWP maintains their existing facilities before building any new ones.

FWP Response: In a survey of 13 Region One state parks, published in March of 2008, a majority of visitors responded favorably to the maintenance of existing facilities. Categories such as perception of overall upkeep and cleanliness were measured, and over 90% of visitors rated conditions acceptable or very acceptable. In 2008 a performance audit was conducted by the Legislative Audit Division to assess FWP's noxious weed management compliance with the Good Neighbor Policy for the state park and fishing access site programs in Western Montana. Audit Report 08P-11, published in December of 2008, concludes that the Parks Division complies with the state law requiring maintenance as a priority at state parks and fishing access sites.

- Lake Five is already overcrowded with boats. There is no analysis of existing usage levels on the lake. Safety concerns are too high with the increased use that would result from a public boat access. Activities like tubing and jet skiing should be controlled and limited. There will be too much noise as a result of increased boating use. A public access site would change the tranquil setting and way of life.

FWP Response: Boat traffic overcrowding is subjective as it pertains to social acceptance. In a 2008 survey of water-based parks in Region One, 60.9% of respondents felt that the amount of overall boaters utilizing the survey sites, including motorized, was acceptable, and

24.1% said that it was very acceptable. Lake Five has had access through the Lake Five Resort site for years, and it is possible that a public access will not add substantial boat use beyond what is provided by the resort. There has never been an established public access at Lake Five, so user data is not available. FWP monitors vehicle traffic in established access sites with electronic counters and visitation surveys. This site would be monitored for visitation upon development. FWP contends that recreation levels on public waterways should not be managed by public exclusion, but rather through regulations and planning. The public may pursue boating regulation changes at Lake Five through an established process with the Fish, Wildlife & Parks Commission.

- The 200-foot no-wake zone that would go into effect if a public access was developed, would nearly eliminate water skiing activities except for a narrow strip in the center of the lake and thus create a hazard for boaters.

FWP Response: An established FAS would facilitate the enforcement of the 200-foot no-wake rule in conjunction with Montana boating regulations. This regulation could potentially be modified on Lake Five through a petition process with the FWP Commission.

- FWP does not possess the manpower or funding to have an FWP law enforcement officer at Lake Five every day. There will be an increase of noise, partying, vandalism, crime, and litter associated with this public site. It is unfair for neighbors to have to clean up after other people, and the quality of life of the residents on the lake would decrease. Safety and security concerns will be amplified with this new FAS, and response time for FWP officers or the Sheriff's Office would be poor.

FWP Response: A public FAS on Lake Five would be covered by routine law enforcement patrols by FWP game wardens and Parks staff. Additionally, a host site will be constructed for the purpose of having an FWP representative on-site through the summer months. FWP permanent and seasonal staff would provide routine site maintenance, including litter collection. A host would be stationed on-site during the summer months to perform routine maintenance and night closure duties.

- Free public access will put the Lake Five Resort out of business by providing the same services at no cost.

FWP Response: The purpose of the FAS Program is to provide permanent public access to high quality rivers, streams, and lakes. The Lake Five Resort may cease to allow public access at any time. The Lake Five Resort offers amenities such as overnight accommodations, which would not be allowed at the FAS.

- The neighbors' property values would diminish. Site will be too close to existing homes.

FWP response: There have been some studies on the impact of parks and open space on the value of nearby property. Some of these studies have documented an increase in nearby property values, while others have shown a neutral or negative impact. A review of literature regarding this topic is inconclusive due to the wide array of variables affecting housing and property values.

- A public boat access will deteriorate water quality in the lake and will ultimately affect the supply of potable drinking water to lake residents.

FWP response: There is currently fee and private boat access to the lake, and motor boating has occurred there for many years. Parking restrictions designed into the FWP site will limit public boating use.

- The lake is unable to support a viable fishing population.

FWP response: Lake Five is capable of supporting a stocked fishery similar to several other lakes in Region One. Catch rates at this lake were much better in the past when the lake was regularly stocked, and stocking capacity is comparable to many NW Montana lakes. Fish growth rates in Lake Five are comparable to other lakes in Region One as well. Lake Five currently supports a popular kokanee salmon fishery based on stocked salmon.

- A public access would lead to a noxious weed problem on the property and in the lake.

FWP Response: Noxious weeds are present in several locations surrounding Lake Five. An FWP FAS would be managed for noxious weeds in accordance with the FWP Statewide Integrated Noxious Weed Management Plan, updated in June of 2008.

- This will negatively impact existing eagles and ducks that use the lake and loons that would likely nest on the lake.

FWP Response: Motorboat uses such as water skiing, tubing, personal watercraft, and angling already occur on this lake. FWP wildlife biologists have indicated that both bald eagles and common loons utilize Lake Five for feeding, but neither currently nest there. Impacts to birds, including other species of waterfowl, would be best addressed through boating regulations for Lake Five. This is one of the benefits of the 200-foot no-wake rule, as it provides some benefit to nesting waterfowl. The boating regulations on Lake Five could be modified to provide greater protection for waterfowl, loons, and eagles through an established petition process with the FWP Commission.

Non-supportive of Alternative A

- FWP has been stocking the lake with fish in Lake Five for many years.

FWP response: FWP stopped regular stocking of Lake Five in 1976 due to concerns about continued public access. Lake Five was stocked experimentally with kokanee in 1986 and 1990 to see if a broodstock could be established for spawn taking. The broodstock did not develop, but it appeared there was enough public use through the Lake Five Resort, permission through private property, and one small piece of right of way to justify some continued limited stocking.

- This jeopardizes the ability of FWP to continue to restock the fishery.

FWP response: Most public access appears to occur through the Lake Five Resort and permission from private property owners. If that level of access is diminished, anglers have indicated they will consider that a violation of FWP stocking policy and demand that fish stocking be halted.

- The public would be denied free access to a lake that is the property of the people of Montana and contains fish that belong to the people of Montana. If the public depended on the resort or neighbors for public access, they could at some point be denied access to the lake.

FWP response: Public access would be assured with a state-owned FAS.

- The additional use on the lake would be from fishermen, not from water skiers.

FWP response: An FAS on Lake Five would be available for all legal recreational boating, including angling.

Site Development Alternatives

Alternatives B and C are site development alternatives, with the difference being the location on Lake Five. The site design is essentially the same for both alternatives. The following is a synopsis of comments regarding these two locations for their potential as an FAS.

Alternative B: Develop Site Currently Owned by FWP

Supportive of Alternative B

- I do not want the land to be sold; I want it to go to the people of the Flathead and Montana. This would fulfill the dreams of two families to have a public access on Lake Five. The public already owns the land.

FWP response: This comment refers to the original land transaction that resulted in FWP ownership on Lake Five.

- The site plan is complete and construction could start this spring.

FWP response: The site plan readiness is the same for both locations. The difference in construction time line would be based on additional public and internal agency processes that would be required if Alternative C were selected.

- It provides for a full build-out of parking spaces.

FWP response: Both alternatives provide adequate space to develop parking.

- If the existing FWP parcel is not developed, the public will still have access to the parcel, which will result in parking issues and headaches for the neighbor that shares the road.

FWP response: In the event that the property remains in FWP hands and is open to the public, it is true that lack of site design and development could lead to parking and shared road issues.

- This is the most desirable long-term plan as ultimately it promotes and protects our valued outdoor heritage.

FWP response: Alternative B or C would serve to protect Montana's outdoor heritage.

Non-supportive of Alternative B

- The current property is in a residential area and the common use had not been residential in nature.

FWP response: The development of an FAS on this location is consistent with existing zoning laws.

- This will result in removing trees for a road, parking lot, and boat ramp.

FWP response: Some trees would require removal to facilitate a parking lot.

- The road will increase dust levels. The existing road cannot handle the additional traffic. The concept plan has a shared road with a homeowner, who now does 90% of the current maintenance and closes the gate during spring break-up to prevent road damage. If this alternative is selected, a second road needs to be provided for public use.

FWP response: FWP would provide dust abatement if needed. FWP would also work with homeowners who share legal access to this road to develop a shared maintenance agreement based on proportional use. FWP would provide the necessary upgrades to make this road capable of handling associated traffic. Upgrades could include widening, resurfacing, and grading.

- There is a discrepancy in the EA on amount of boat trailer parking, as the EA does not consider the increase of boats when people disconnect the boat trailer and use single vehicle parking spaces.

FWP response: Boat trailer parking spaces will be provided to accommodate vehicle-trailer combinations. Parking of trailers or vehicles will not be permitted outside of designated parking spaces. FWP has the ability to adjust the number of parking spaces in the final site design to address this issue.

<u>Alternative C: Acquire and Develop Land Near the Lake Five Resort</u>

Supportive of Alternative C

- If access is deemed appropriate, it seems logical that it should be at the resort where facilities exist and experienced people are.

FWP response: Staffing would be the same for Alternatives B or C. FWP would not ask the owners of the existing resort to operate this site.

- The resort can provide water cheaper than drilling a well. Development will cost less and be easier due to the proximity to the resort. The road is already in.

FWP Response: The estimated construction cost for Alternative C is $244,946 and Alternative B is estimated at $254,633, or 3.8% higher. These cost estimates do not consider the cost associated with the additional public and internal agency processes that would be required to divest of the FWP land associated with Alternative B and invest in lands associated with Alternative C. To accomplish this, FWP would first be required to seek a zoning variance from Flathead County. FWP would also be required to complete an environmental assessment covering this transaction. The associated costs may nullify any development savings found in Alternative C.

- It concentrates motorboat activities together.

FWP response: Public motorboat launching would be limited to a single location on Lake Five under Alternative C. Motorboat activity would likely be dispersed similarly on the lake for Alternatives B and C.

- This greatly reduces the impact on existing owners and users. This will put the access in a developed area and thus will not completely disrupt the relatively pristine site currently owned by the department. The exchange location is much more public and will assist in reducing undesirable or illegal activities.

FWP response: Both Alternatives B and C would require site design and mitigative measures to avoid impacts to neighbors. Both alternatives adjoin private property, and in the case of Alternative C, the site would also adjoin a private campground. Site design, user regulations, law enforcement patrols, and FWP staff presence would be tools utilized to mitigate impacts. Site design in either Alternative B or C would be primitive in nature with the goal of maintaining a relatively natural setting.

Non-supportive of Alternative C

- Gaining access through an existing landowner is too unpredictable. This would take too long and would delay site development. Too many uncertainties and complications due to zoning and subdivision regulations. Switching to a different tract of land would be too time-consuming.

FWP response: The land transaction needed to complete Alternative C would be dependent on the outcome of a new environmental assessment and would be subject to approval from the FWP Commission and the State Land Board. This alternative would also be dependent on the outcome of a zoning variance request to Flathead County.

- There is currently no deeded land, no long-term lease, and there probably isn't going to be dollars available unless the existing site is sold.

FWP Response: In order to implement Alternative C, negotiations would need to take place between the owners of the Lake Five Resort and FWP to obtain approximately three acres of resort property. It is assumed that proceeds from the sale of the FWP parcel on Lake Five would be used for this acquisition.

- This site is too close to the resort.

FWP Response: This alternative would place an FAS closer to the Lake Five Resort.

<u>General Comments Not Associated with an Alternative</u>

This section contains comments that were not associated with a specific alternative.

- General support for a public access.

- Supported public access, but opposed public access for more motorboats.

FWP response: The fishing access site would allow for motorboat use in accordance with current boat regulations for the lake. A portion of the development funding for this access would come from motorboat registration fees.

- Public meetings were scheduled mid-week and during the winter, making it difficult or impossible for people who live and work in other parts of the state to attend, and completely excluding those summer residents.

FWP response: The timing of the two public hearings was based on the completion of site evaluation work by the Paul Taylor Fishing Access Site Committee and the Environmental Assessment (EA) of selected sites by a third party contractor. These processes were dynamic, and FWP released the draft EA for public comment immediately following completion. FWP, in accordance with the Montana Environmental Protection Act, provided ways for

absent parties to review and comment on the draft EA from remote locations. Verbal testimony provided at the public hearings carries no more weight than that received via e-mail or written letters.

- Disappointment and outrage that Kalispell newspaper had notices of meetings and the draft EA a day before it went out to those of us in your e-mail.

FWP Response: State agencies are required by law to publish notice of a public comment period prior to the start of that comment period when EAs involve state parks and FASs. ARM Rule12.8.605 states that notices describing the proposed modification and comment period shall be published twice in local newspapers.

- We do not believe that proper public input was obtained before the Lake 5 property was purchased by FWP several years ago.

*FWP Response**:** It is correct that proper public input was not obtained before the 10-acre site on Lake Five was purchased by FWP several years ago. That was the finding of the District Judge of the Eighth Judicial District who granted an Injunction preventing FWP from developing the Paul Taylor FAS on the 10-acre site. After that Injunction was issued, a Settlement Agreement was entered into between the Petitioners to that action and FWP stipulating that a new public process could be implemented by an outside third party that would not be tainted by the original public process. That is the process that is occurring now. Oasis Environmental is the outside third party that has implemented the second public process. Prior to the engagement of Oasis Environmental, a Committee including the Petitioners to the Injunction lawsuit conducted an exhaustive search for another possible site for the Paul Taylor FAS in northwestern Montana. That search only yielded 2 possible sites for the Paul Taylor FAS, the existing 10-acre site and the site at the Lake Five Resort, both of which are the two alternatives discussed in this EA. The comment is implying that the deficiencies of the first public process can never be overcome. This is not true and is contrary to the letter and spirit of the Settlement Agreement. The question that must be decided is whether sufficient public input was obtained in the second public process. The unequivocal answer to that question is, yes, proper public input was obtained prior to the present Decision Notice being issued.*

- Have seen nothing from FWP's actions to this point to assure us that this project is not intended as a "foot in the door" with the intended end result of drastically altering the historical recreational usage patterns for the lake.

FWP Response: Again, after the Injunction was issued, a Settlement Agreement was entered into between the Petitioners to the Injunction action and FWP stipulating that a new public process could be implemented by an outside third party that would not be tainted by the original public process. That is the process that is occurring now. Oasis Environmental is the outside third party that has implemented the second public process. Prior to the engagement of Oasis Environmental, a Committee including the Petitioners to the Injunction lawsuit conducted an exhaustive search for another possible site for the Paul Taylor FAS in northwestern Montana. That search only yielded 2 possible sites for the Paul Taylor FAS, the existing 10-acre site and the site at the Lake Five Resort, both of which are the two alternatives discussed in this EA. Not only were the Petitioners to the Injunction lawsuit on the Committee to identify possible sites in Northwest Montana, but they were given two opportunities to comment on the Draft EA prior to the time it was made public. It is

submitted that that level of participation establishes that a bona fide public input process resulted in the recommendation contained in this Decision Notice.

- Disregard of the Good Neighbor Policy (as in court case still pending) requiring the Department to maintain existing facilities before developing new ones. The Department is not permitted to develop any new sites in the state because it has failed to evaluate (and therefore remedy) problems with existing sites under the statute.

FWP Response: The overriding reason why the Good Neighbor Policy was complied with in connection with the 10-acre site being proposed as the Paul Taylor FAS is because the 10-acre site was on the list of proposed FASs that was submitted to the 2005 Legislature. Subsection 4 of Section 23-1-126 MCA provides: "Any development in state parks and fishing access sites beyond those defined as maintenance in 23-1-127 must be approved by the legislature." In addition, the present EA adequately analyzes the impacts of the 10-acre site to adjoining lands in the areas of weeds, trespass, litter, noise, erosion, and loss of privacy. Furthermore, maintenance is and continues to be the highest priority for FWP. In the case of the 10-acre site, maintenance was given priority during the early stages of negotiation with Mrs. Taylor. In anticipation of the additional maintenance and operation costs that would be incurred with the development of the Lake Five FAS, the Department worked with Mrs. Taylor to develop a proactive strategy to manage this aspect of the proposed FAS. Ultimately a decision was made to invest a portion of the money Mrs. Taylor wanted to donate to the Department into a long-term trust account that would pay annual dividends, which could then be used to offset the annual operations and maintenance expenses. This was done with the intent of making the proposed Lake Five FAS as self-sufficient as possible. Specifically, the anticipated annual cost for operation and maintenance of this site is anticipated to be $1,600 per year, with an additional $500 per year for travel and per diem costs for enforcement personnel. The current rate of return on long-term investments is 4.5%, which will give the Department an annual rate of return of approximately $2,250. Consequently, no additional funding will be required to operate and maintain this facility nor will it be redirected from other maintenance projects to support the maintenance of the facilities proposed at this site.

- The site was acquired and paid for months before any notice was given to the public about this proposal. Montana law clearly requires public participation before, not after, the money is spent.

FWP Response: It is correct that the 10-acre site was acquired and paid for months before any notice to the public. That was one of the findings of the District Judge of the Eighth Judicial District who granted an Injunction preventing FWP from developing the Paul Taylor FAS on the 10-acre site. After that Injunction was issued, a Settlement Agreement was entered into between the Petitioners to that action and FWP stipulating that a new public process could be implemented by an outside third party that would not be tainted by the original public process. That is the process that is occurring now. Oasis Environmental is the outside third party that has implemented the second public process. Prior to the engagement of Oasis Environmental, a Committee including the Petitioners to the Injunction lawsuit conducted an exhaustive search for another possible site for the Paul Taylor FAS in northwestern Montana. That search only yielded two possible sites for the Paul Taylor FAS, the existing 10-acre site and the site at the Lake Five Resort, both of which are the two alternatives discussed in this EA. The comment is implying that the deficiencies of the first public process can never be overcome. This is not true and is contrary to the letter and spirit

of the Settlement Agreement. The question that must be decided is whether sufficient public input was obtained in the second public process. The unequivocal answer to that question is, yes, proper public input was obtained prior to the present Decision Notice being issued.

- Previously the Department was clearly and clandestinely opposed to the potential land exchange for improper reasons. I am concerned that this opposition still exists, and that there has effectively been a decision made against the exchange.

FWP Response: There is no evidence to support this comment. Even if it were true that FWP clearly and clandestinely was opposed to the land exchange for improper reasons and that was a part of the findings of the District Judge of the Eighth Judicial District who granted an Injunction preventing FWP from developing the Paul Taylor FAS on the 10-acre site, after the Injunction was issued a Settlement Agreement was entered into between the Petitioners to that action and FWP stipulating that a new public process could be implemented by an outside third party that would not be tainted by the original public process. That is the process that is occurring now.

- Constant stocking in order to sustain a naturally unsustainable fishery raises questions about proper resource management…fishing pressure generated from the practice is purely artificial.

FWP response: Although natural reproduction is usually desirable, it is not always adequate or possible. Region 1 stocks over 200 lakes; all of those lakes require some supplemental stocking and many are entirely dependent on stocked fish to provide fishing.

- If your intent is to provide access primarily for public lands, for fishing and so forth, I think it is completely unrealistic to expect anybody to be out there in July and August…too busy already.

FWP response: It is not a certainty that boating use will increase dramatically from that which already occurs on Lake Five with access through the Lake Five Resort. Fishing commonly slows in summer and is better early and late in the day and in other seasons. Many lakes similar to Lake Five provide good fishing year round. While heavy boat use can disrupt fishing, it is not mutually exclusive. There are several lakes with much higher boat use (Echo and Foy's Lakes, for example) that are considered good fishing.

- Horsepower of boats on Lake Five should be restricted down or be only fishing motors or less. Lake Five is a jet ski magnet…limiting jet ski access to certain days or hours does nothing but schedule the chaos…vast majority of owners and public users would be in favor of a complete ban. During the 2005 proceedings, FWP director addressed both no wake and water ski issue in meeting...my understanding was that he dispensed with the no wake rule in the event the project had gone forward, and instituted a complete ban on PWC; however Satterfield seems to think he only agreed to recommend these changes to the Commission.

FWP response: FWP regional staff do not have the authority to alter boating regulations. A variance to existing Montana Boating Laws must be pursued through an established process with the FWP Commission. Regional staff are willing to be involved in a subsequent public process to study Lake Five boating issues and explore solutions.

- Has not been adequate explanation as to why Lake Five was targeted as the "highest priority" for access to begin with…"Angler demand" is a farce and was only generated after the initial public hearings through inflammatory editorials and petitions.

FWP response: Lake Five was identified by FWP more than 20 years ago as a priority due to angler demand and the fact that it was one of the two largest lakes (including Lake Blaine) in Region One without assured public access.

- Consider having a program like Block Management Program for FAS. Pay the resort per fishing person, just like block management pays landowners for hunting.

FWP Response: FWP administers a program for fishing access that is similar to the Block Management Program. This program is helpful in situations where permanent access is not available or is being pursued. It is however a temporary solution and does not provide guaranteed permanent public access.

- Consider leasing the property long term to someone…combine that with the $250,000 you have to help people access Lake Five through the Lake Five Resort…could be a system like Block Management.

FWP response: The Fishing Access Program is not designed to administer land leases to private parties. The goal of proposing the development of a fishing access site on Lake Five is to provide permanent public access.

- Sell your property and find property on a larger lake. You could also lease it long term. If the Lake Five Resort is unable to provide access in the future, FWP parcel could come back on line.

FWP response: The Paul Taylor FAS committee was tasked with finding available and necessary access needs within Region One to consider for this proposal. No other sites emerged from that process that fit the search criteria or remained on the market long enough to evaluate. It is assumed that FWP would have needed to sell the existing state-owned parcel to fund an acquisition elsewhere had one been identified and selected.

- Current proposal calls for 23 parking spaces…way too many spaces. I had previously been told the number was reduced to eight, which is much more appropriate for a lake of this size.

FWP response: Under Alternatives B or C, FWP could reduce the number of parking spaces from the current design as a mitigative measure.

Final Environmental Assessment and Decision

Based on the Environmental Assessment and public comment, I find Alternative B to be the preferred alternative. The draft Environmental Assessment together with this decision notice, which addresses comments submitted during the public comment period, will become the final document for this proposal. Specifically, FWP will alter site development plans to address concerns regarding boating pressures on Lake Five by reducing the number of vehicle parking spaces to eight truck and trailer spaces and four vehicle parking spaces. Finally, I will commit to assisting interested parties with exploring boating conflict on Lake Five and developing potential solutions.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the environmental assessment is the appropriate level of analysis, and that an environmental impact statement is not required.

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East 6th Avenue, Helena, MT 59620.

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David Landstrom Date
Regional Parks Manager