DRAFT
ENVIRONMENTAL ASSESSMENT

PINE GROVE POND FISHING ACCESS SITE
PROPOSED ACQUISITION

SEPTEMBER 2010

Montana Fish, Wildlife & Parks

Pine Grove Pond Fishing Access Site
Proposed Acquisition
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Montana Fish, Wildlife & Parks (FWP) proposes to accept the donation of 13 acres of land with improvements northeast of Kalispell, Montana, near the Whitefish River for the purpose of establishing a fishing access site (FAS). The improvements would include a 5-acre pond, access and service roads, an entrance security gate, parking lot, picnic area, vault latrine, and perimeter fencing. A cash contribution of $20,000 from the Montana Fish and Wildlife Conservation Trust would be made to the landowner on behalf of FWP towards the property's donated value.

2. Agency authority for the proposed action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs Montana Fish Wildlife & Parks (FWP) to acquire, develop, and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Sections 23-1-105, 23-1-106, 15-1-122, 61-3-321, and 87-1-303, MCA, authorize the collection of fees and charges for the use of state park system units and fishing access sites, and contain rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guide public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of users and the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features, and impacts on tourism, as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the proposed project in relation to this rule. See Appendix A for HB 495 qualification.

3. Name of project:

Pine Grove Pond Fishing Access Site Proposed Acquisition

4. Project sponsor:

Montana Fish, Wildlife & Parks, Region 1
490 North Meridian Road
Kalispell, MT 59901
(406) 752-5501

5. Anticipated Schedule:

Estimated Public Comment Period: September-October 2010
Estimated Decision Notice: October 2010
FWP Commission and Land Board Consideration: November 2010

6. Location:

The Pine Grove Pond Fishing Access Site Proposed Acquisition is located approximately three miles northeast of Kalispell, Montana, near the Whitefish River, two miles east of Highway 93 and ½ mile west of Highway 2 in Flathead County. The land is located in Section 29, Township 29 North, Range 21 West.

Figure 1. Pine Grove Pond Fishing Access Site Proposed Acquisition General Location

Figure 2. Pine Grove Pond Fishing Access Site Proposed Acquisition Overall Site Plan

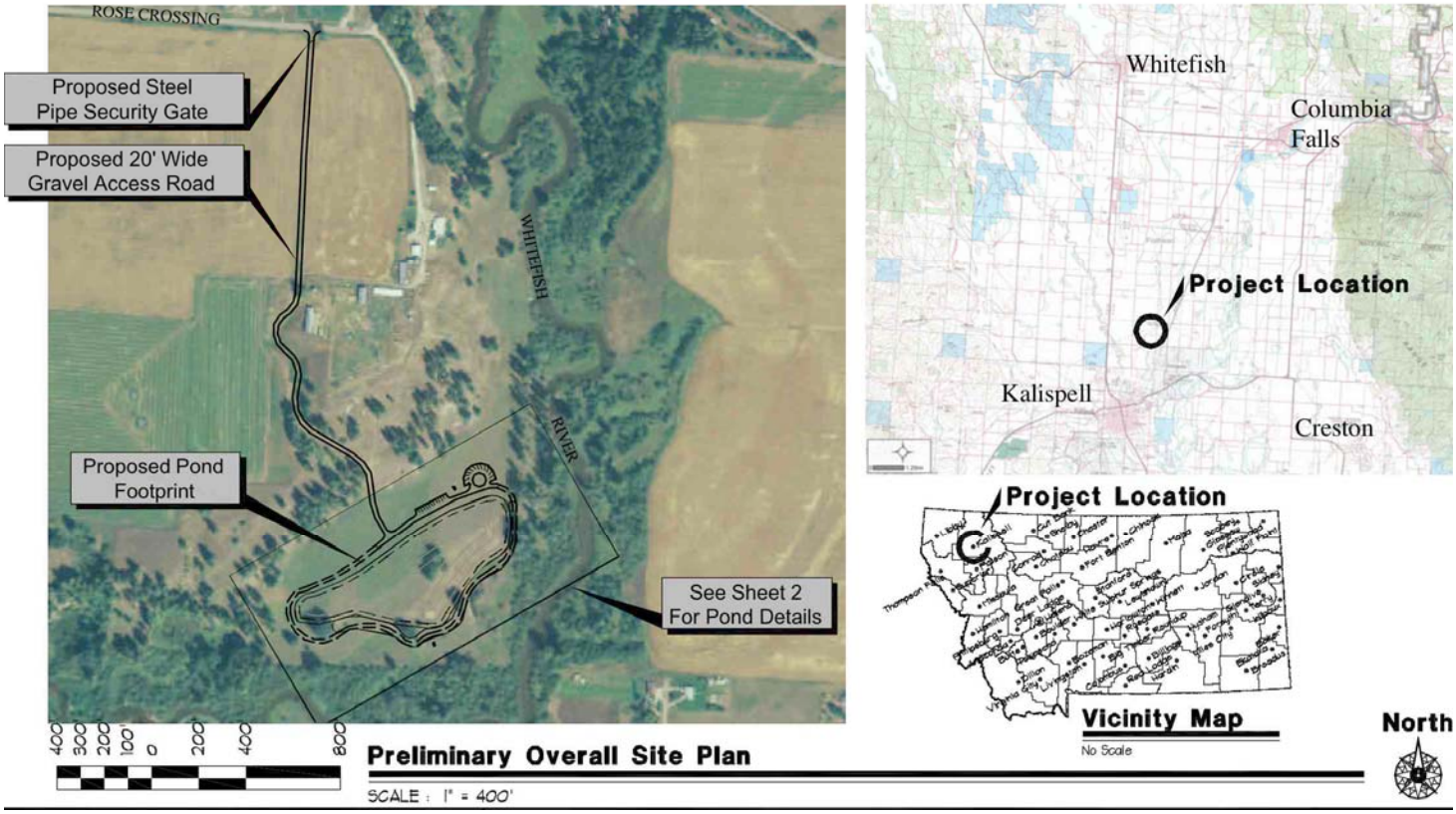
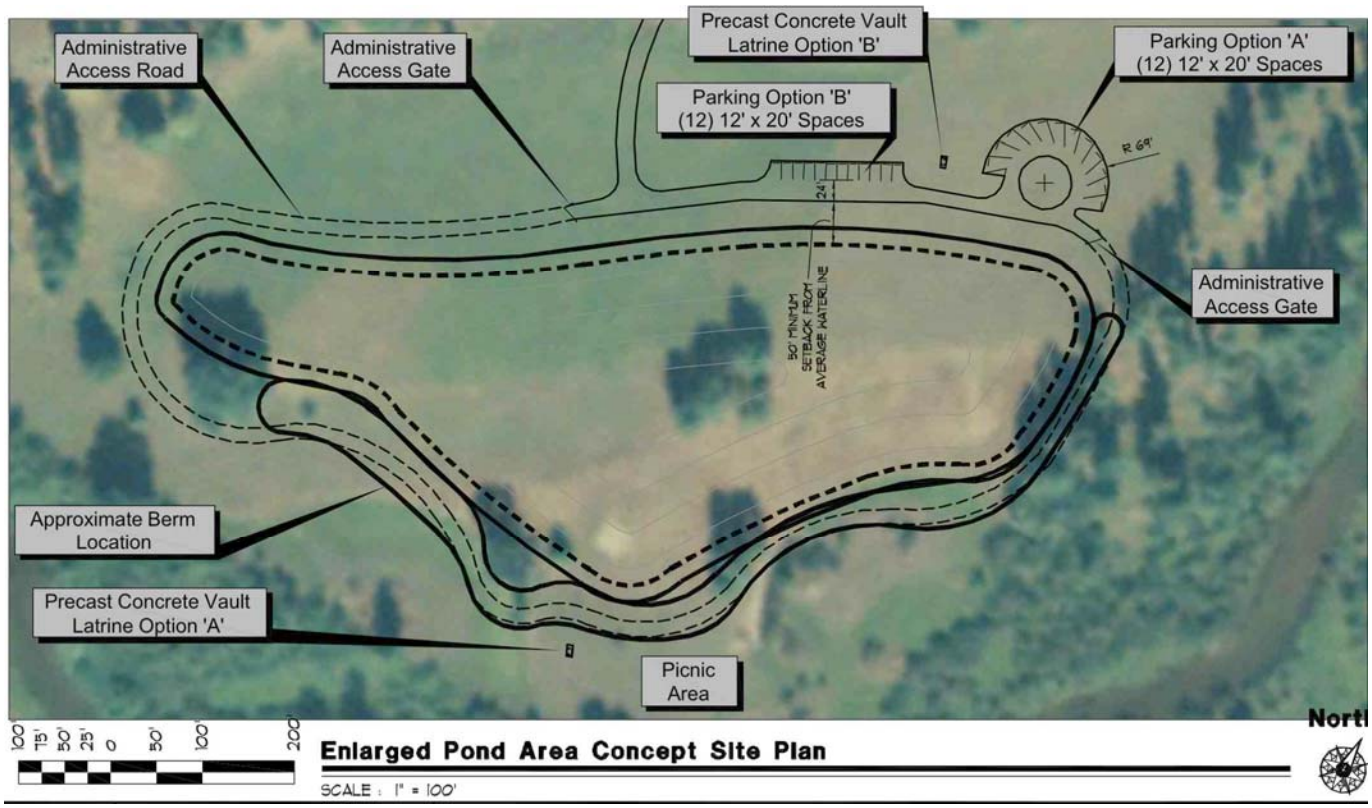


Figure 3. Pine Grove Pond Fishing Access Site Proposed Acquisition Preliminary Concept Plan



7. Project size:

	Acres		Acres
(a) Developed:		(d) Floodplain	0
Residential	0		
Industrial	0	(e) Productive:	
		Irrigated cropland	0
(b) Open Space/ Woodlands/Recreation	5.2*	Dry cropland	7*
		Forestry	0
(c) Wetlands/Riparian Areas	.5*	Rangeland	0
		Other	0

* Approximate acreages.

8. Local, state, or federal agencies with overlapping or additional jurisdiction:

(a) Permits: FWP is applying for a zoning exemption from Flathead County to acquire approximately 13 acres for public use, which is smaller than the current 80-acre zoning minimum allows.

(b) Funding: Montana Fish and Wildlife Conservation Trust - $20,000 with the remaining land cost and improvements being donated by the landowner.

(c) Other Overlapping or Additional Jurisdictional Responsibilities: Section 7-22-2154 (2), MCA, requires a weed inspection by the county weed district before acquiring new land. The weed inspection has been completed by Flathead County Weed District (Appendix D Weed Inventory).

9. Narrative summary of the proposed action:

The proposed Pine Grove Pond FAS is located on 13 acres approximately 300 feet from the Whitefish River and three miles northeast of Kalispell. In 2007, Montana Department of Environmental Quality granted approval for an opencut mining operation for sand and gravel to remove up to 120,000 cubic yards of material to be used for highway construction. The material was hauled to another location for processing. Once the gravel mining operation neared completion, the pit was contoured to meet DEQ and FWP pond guidelines with the goal of creating a recreational fishing pond for children and families to be later managed for public use. DEQ guidelines require a 4:1 slope to a depth of three feet for safety, with one point being flatter than that above the water. FWP recommends as much depth as possible to prevent nuisance aquatic weed growth and to provide cool water in summer and adequate oxygen in water to overwinter fish. Upon completion, the surface area of the pond will cover 5 acres and is projected to be18-20 feet deep during spring high water and 15-18 feet deep during the rest of the year. The pond will be stocked with rainbow trout and westslope cutthroat trout.

In addition to the pond, the landowner is in the process of developing the site to be used as a fishing access site. The site improvements (as shown in Figure 2 Site Plan and Figure 3 Concept Plan) include: an access road to the site from Rose Crossing Road; a security gate on the access road at Rose Crossing Road; a service road and trail around the entire pond for nonmotorized use, with the exception of service vehicles; a parking lot for 15 vehicles with additional parking for school busses (final parking lot design will be a combination of Options A and B shown on Figure 3); a picnic area with picnic tables near the pine grove south of the pond; a vault latrine near the parking lot; and perimeter fencing. Directional, regulatory, and informational signs would be provided and installed by FWP.

The vegetation found on the proposed acquisition property consists of abandoned dryland hay and pasture, upland grassland, and riparian shrub and woodland. The hay and pasture vegetation consists primarily of orchardgrass and alfalfa. Upland grasses consist of smooth brome, Kentucky bluegrass, needle-and-thread grass, cheatgrass, and Japanese brome. Riparian shrub and woodland vegetation consist of snowberry, chokecherry, hawthorn, black cottonwood, Douglas fir, ponderosa pine, and Rocky Mountain juniper. Common introduced species found on the property include smooth brome, Kentucky bluegrass, orchardgrass, cheatgrass, Japanese brome, alfalfa, and mustard. The most common noxious weeds found on the property include spotted knapweed, Canada thistle, and houndstongue. Weed control has been ongoing.

Wildlife species whose habitat distribution overlaps the proposed acquisition area include white-tailed deer, mountain lion, moose, black bear, beaver, river otter, muskrats, small mammals (voles, shrews, and mice), bald eagles, osprey, pheasant, Hungarian partridge, raptors, waterfowl, and migratory and neotropical song birds.

Five FWP fishing access sites are located near the Pine Grove Pond Proposed FAS: Whitefish River FAS, an undeveloped FAS three miles upstream on the Whitefish River; and four sites on the Flathead River: Old Steel Bridge/Shady Lane FAS, downstream 3.3 miles; Pressentine FAS, upstream 4.2 miles; Kokanee Bend FAS, upstream 7.6 miles; and Teakettle FAS, upstream 9.6 miles. The proposed Pine Grove Pond FAS would be the closest fishing access site to the city of Kalispell, providing a close, accessible, and much needed recreational site for children and families near Kalispell.

This environmental analysis focuses solely on the acquisition of the property and existing developments. If FWP were to initiate any additional development of the property, a separate environmental assessment would be completed and the public would have the opportunity to comment on proposed improvements.

The acquisition of the 13-acre parcel and the associated improvements, which would include a 5-acre pond, access and service roads, an entrance security gate, parking lot, picnic area, vault latrine, and boundary fencing, would allow FWP to provide public access for fishing, wildlife viewing, and picnicking for families close to the rapidly growing city of Kalispell. The land, if acquired, would be open to the general public. FWP is applying for a zoning exemption from Flathead County to acquire a parcel for public use smaller than the current 80-acre zoning minimum allows. The FAS would be for day use only and no camping would be allowed. Noxious weeds would be controlled using the Statewide Integrated Management Plan. If acquired, regulation and informational signs would be installed.

PART II. ENVIRONMENTAL REVIEW

1. Description and analysis of reasonable alternatives:

Alternative A: No Action

If no action were taken, the landowner could retain or dispose of the property and the associated development, at his option, but FWP would lose the opportunity to accept the proposed land donation and to provide family fishing opportunities at this site.

Alternative B: Proposed Action

FWP would accept the donation of the 13-acre tract of land, which would include a 5-acre pond and associated improvements, in order to establish a fishing access site (FAS) and provide public access to the pond and associated land for family fishing, wildlife viewing, and picnicking.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

There are no mitigations, stipulations, or other controls associated with the actions. Therefore, no evaluation is necessary.

PART III. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action, including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering, or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition, or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X			.	

The proposed acquisition would have no effect on existing soil patterns, structures, productivity, fertility, erosion, compaction, or instability because no additional soil-disturbing activities are planned for the property by FWP. All soil disturbing improvement would be completed by the landowner prior to donation to FWP.

2. AIR Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13c.)			X		Yes	2a.
b. Creation of objectionable odors?			X		Yes	2b.
c. Alteration of air movement, moisture, or temperature patterns, or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		NA				

2a. There could be minor, localized increases to the existing particulate levels as a result of increased traffic to the site.

2b. The latrine would be maintained to prevent objectionable odors.

3. WATER Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		Yes	3d.
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				3f.
g. Changes in the quantity of groundwater?			X		Yes	3g.
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		NA				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		NA				

The proposed acquisition would have no effect on surface water, drainage patterns, or groundwater and would not affect flood potential.

3d & 3g. The pond is in a gravel deposition zone with a high rate of groundwater flow. The pond is closely linked to surface and groundwater levels associated with the Whitefish River floodplain, located approximately 300 feet from the pond, and the pond surface level rises and falls with the river level. The pond should have no impact on water levels or water quality of the Whitefish River. There may be some minor water evaporation from the pond surface that will slightly diminish groundwater volume.

3f. Groundwater quality is generally very good and transmissivity through these gravels is high enough to prevent excessive algal growth and warming.

3f & 3g. If approved, the property's facilities, including the vault latrine, would be routinely serviced and maintained to ensure there is no chance for groundwater contamination to the pond or river.

4. VEGETATION Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				4a.
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?			X		Yes	4d.
e. Establishment or spread of noxious weeds?		X				4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		NA				

The proposed acquisition will have no negative impact on the vegetation found on the proposed FAS property and could positively impact the site by reducing the incidence of noxious weeds through the implementation of the Statewide Integrated Weed Management Plan. In addition, the pond is set well back from the Whitefish River riparian corridor and therefore will have no impact on the river's riparian vegetation.

4a. The vegetation found on the proposed acquisition property consists of abandoned dryland hay and pasture, upland grassland, and riparian shrub and woodland. The hay and pasture vegetation consists primarily of orchardgrass and alfalfa. Upland grasses consist of smooth brome, Kentucky bluegrass, needle-and-thread grass, cheatgrass, and Japanese brome. Riparian shrub and woodland vegetation consists of snowberry, chokecherry, hawthorn, black cottonwood, Douglas fir, ponderosa pine, and Rocky Mountain juniper. Common introduced species found on the property include smooth brome, Kentucky bluegrass, orchardgrass, cheatgrass, Japanese brome, alfalfa, and mustard.

4c. A search of the Montana Natural Heritage Program's (MNHP) Species of Concern database found no vascular or nonvascular plants of significance within the boundaries of the proposed acquisition property.

4d. Approximately seven acres of dryland hay and pasture have been removed from agricultural production for the development of the 5-acre pond and associated service road, parking area, and picnic area.

4e. The primary noxious weeds found on the property include spotted knapweed, houndstongue, field bindweed, and Canada thistle. The landowner has sprayed the weeds on the property regularly before and during construction of the pond, access and service roads, and parking lot. Upon completion of construction, the berms around the pond and other disturbed soils will be seeded with a native sedge, grass, and shrub mix to minimize soil erosion and the spread of weeds. If the acquisition were approved, FWP would initiate the Statewide Integrated Weed Management Plan using chemical, biological, and mechanical methods. Weed management would facilitate the restoration of native vegetation and prevent the spread of weeds. Vehicles would be restricted to the parking area and roadway, which would be maintained as weed-free, and vehicles would not be allowed on undisturbed areas of the site.

5. FISH/WILDLIFE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
d. Introduction of new species into an area?			X		Yes	5d.
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				5g.
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		NA				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		NA				

5b/5c. According to FWP game and nongame wildlife biologists John Vore, Kent Laudon, and Chris Hammond, and a review of Natural Resource Program Mapper, wildlife species whose habitat distribution overlaps the proposed acquisition area include white-tailed deer, mountain lion, moose, black bear, beaver, river otter, muskrats, small mammals (voles, shrews, and mice), bald eagles, ospreys, kingfishers, pheasant, Hungarian partridge, raptors, waterfowl, and migratory and neotropical song birds. According to FWP Wildlife Biologist Chris Hammond, the acquisition of the 13-acre parcel with pond and associated development near the Whitefish River three miles northeast of Kalispell would have no negative impact on wildlife or wildlife habitat.

Common game fish species found in the Whitefish River, located approximately 300 feet or more from the acquisition property, include rainbow trout and mountain whitefish. Species present, but in low numbers, include brook trout, bull trout, westslope cutthroat trout, largescale sucker, longnose sucker, pearmouth, northern pike minnow, redside shiner, and slimy sculpin. Northern pike are found in the lower river. According to recent surveys by FWP, the number of angler days per year in the Whitefish River between 1999 and 2007 averaged 1691, with a low of 582 in 2005 and a high of 3,342 in 1999. The state ranking for this stretch of river ranged from 143 to 365 during this same period. The proposed acquisition is not expected to have any impact on the aquatic habitat or species of the Whitefish River. The proposed acquisition property is separated from the Whitefish River by 300 feet or more, and natural contours and berms in two spots will keep the pond out of the 100-year floodplain. Therefore, the pond should have no impact on the fish or aquatic habitat of the Whitefish River.

5d. According to Fisheries Manager Jim Vashro, the pond would initially be planted with 1,000 catchable (8-inch) westslope cutthroat trout, 2,500 catchable rainbow trout, 1,000 fingerling (4-inch) rainbow trout, and a limited number of retired brood rainbow trout. FWP would also stock the pond annually, which would be adjusted in the future based upon fishing pressure and harvest and fish survival.

5f. NRIS identified that the bull trout, a federally threatened species, and the westslope cutthroat trout, a sensitive species, are occasionally found in the Stillwater River. Bull trout and westslope cutthroat trout are

rare in the stretch of the Whitefish River that is near the acquisition property. The pond should have no impact on their distribution or movement. (Appendix B – Native Species Report)

A search of the Natural Resources Information System (NRIS) provided by the Montana Natural Heritage Program showed that the bald eagle, a species listed as DM by the U.S. Fish and Wildlife Service (recovered, delisted, and being monitored), is found within two miles of the proposed acquisition property. The Montana Bald Eagle Management Guidelines (2010) recommend a buffer of at least ½ mile for construction of access sites. According to Chris Hammond, FWP wildlife biologist, the proposed acquisition property falls outside of these recommended buffers for all bald eagle nests in the area and therefore is not likely to have a negative impact. In fact, the pond may provide additional habitat for bald eagles. Bald eagles use the Whitefish River as a corridor for feeding and, judging from the use of nearby Shady Lane Pond, they may use Pine Grove Pond for an additional food source.

Judge Donald Molloy relisted gray wolves as endangered under federal protection of the Endangered Species Act on August 6, 2010. According to Kent Laudon, FWP wolf specialist, and Chris Hammond, FWP wildlife biologist, the proposed acquisition property occurs within the known distribution of gray wolves, but there are no known wolf packs in the area or the immediate surrounding area. Ashley is the closest known pack with its eastern territory edge about 13 miles to the east. Gray wolves are highly mobile, with large home ranges and extensive dispersal capabilities. Because Montana's wolf population is healthy, dispersing wolves could pass through just about anywhere and any activity of gray wolves in the project area would be transient in nature. Therefore, the proposed acquisition would not significantly impact gray wolves or pose a human safety concern (Appendix B- Native Species Report).

5g. The proposed acquisition and associated improvements are unlikely to stress or impact fish or wildlife populations in the future since the project is small in scope and is not near critical wildlife habitat for any species. In fact, the project may provide additional habitat for wildlife with a new water source and protected habitat near the Whitefish River.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X		Yes	6a.
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

The proposed acquisition would not affect electrical levels and would not interfere with radio or television reception or operation. Adjacent neighbors would be notified and should not be affected.

6a. Visitor use and increased traffic could increase noise levels and disturb neighbors. However, no camping or nighttime use would be allowed, and a noise buffer created by the riparian vegetation along the Whitefish River would minimize noise to the neighbors, all of whom are located ¼ mile or more from the property.

7. LAND USE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use, the presence of which would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

The property is currently developed, with a 5-acre pond, access and service roads, parking lot, and picnic area. The landowner also plans to install an entrance security gate, vault latrine, and boundary fencing prior to donating the property to FWP. The two parking lot design options shown in Figure 3 would be combined to have a long, rectangular area for straight in parking of vehicles and lengthwise parking for school buses. The property is not currently used for commercial or agricultural purposes, though it was cultivated for dryland hay prior to gravel removal and pond development. The proposed acquisition would not take land out of agricultural production and would not alter or interfere with the productivity or profitability of the existing land use of the property.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		NA				

8a. If acquired, FWP would address the noxious weeds on the property (Appendix D - Weed Inventory). The Statewide Integrated Weed Management Plan calls for an integrated method of managing weeds. The use of herbicides would be in compliance with application guidelines and applied by trained applicators. Weeds would also be controlled using mechanical or biological means to reduce the risk of chemical spills or water contamination.

9. COMMUNITY IMPACT Will the proposed action result in:						
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?			X		Positive	9c.
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X		Yes	9e.

9c. The proposed project is likely to improve tourism in the area by increasing the number of visitors to the site, which would benefit local retail and service businesses (Appendix C - Tourism Report).

9e. Establishing public access to the property would likely increase vehicle trips per day on Rose Crossing Road, which could increase traffic hazards. Directional signs and any other measures deemed necessary would be implemented to minimize safety hazards.

Acquisition of the proposed FAS could increase the incidence of trespass onto the slivers of private land located between the pond and the Whitefish River by people attempting to access the river. Informational and regulatory signs, FWP staff presence, and law enforcement patrols would reduce the potential for trespass.

10. PUBLIC SERVICES/TAXES/UTILITIES **Will the proposed action result in:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. An effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. An effect upon the local or state tax base and revenues?		X				10b.
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Increased use of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.		X				10f.

The proposed project would have no impact on public services, taxes or utilities.

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10b. There would be no change in the tax base since FWP would pay property taxes in an amount equal to that of a private individual.

10f. Annual maintenance costs are expected to average $4,450 per year, including latrine pumping and cleaning, litter removal, caretaker work, weed control, and Parks and Enforcement staff time. Maintenance costs are part of the Parks Operations and Maintenance budget.

Creston National Fish Hatchery or Murray Springs State Fish Hatchery would likely supply the westslope cutthroat trout and Jocko River State Hatchery would likely supply rainbow trout for pond stocking. The initial cost for planting is estimated to be approximately $1,500. The size and quantity of fish stocked annually would be based upon fishing pressure, harvest, and fish survival.

The cost for informational and directional signs and their installation would be approximately $1,000.

11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Positive	11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails, or wilderness areas be impacted? (Also see 11a, 11c.)		NA				

11a. The pond would be constructed and landscaped to look natural and blend with the adjacent open fields and river corridor.

11c. Acquisition of this property would allow for public use for fishing, wildlife viewing, and picnicking, improving recreational opportunities and providing open space for families near the rapidly growing city of Kalispell. Nearby family fishing ponds such as Dry Bridge, Shady Lane, and Buffalohead have shown heavy seasonal use.

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure, or object of prehistoric, historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		NA				

No additional groundbreaking activities that could disturb cultural resources would be initiated as part of the proposed acquisition. A clearance from the State Historic Preservation Office (SHPO) for this property was obtained as part of the gravel removal operation, with no cultural sites identified. An additional clearance from SHPO would be obtained before any additional groundbreaking activity was initiated in the future.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE **Will the proposed action, considered as a whole:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		NA				
g. For P-R/D-J, list any federal or state permits required.		NA				

The proposed action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the proposed Pine Grove Pond FAS would positively affect the community by providing open space and much needed recreational opportunities for family fishing, wildlife viewing, and picnicking close to the rapidly growing city of Kalispell.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the proposed Pine Grove Pond FAS would positively affect the community by providing open space and much needed recreational opportunities for family fishing, wildlife viewing, and picnicking close to the rapidly growing city of Kalispell.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment will continue to provide habitat to transient and permanent wildlife species and will be open to the public for access to the pond and adjacent land.

Based upon the weed inventory conducted by the Flathead County Weed Control District, the proposed FAS property is relatively weed free, with small amounts of spotted knapweed, Canada thistle, and houndstongue on the property. If acquired, FWP would initiate the Statewide Integrated Weed Management Plan using biological, chemical, and physical methods of weed control.

The proposed alternative will have no negative impact on the local wildlife species that frequent the property, will not increase negative conditions that stress wildlife populations, and is not considered critical habitat for any species. Even though the area is within the habitat of bald eagles, the proposed project is unlikely to impact this species. The Montana Bald Eagle Management Guidelines (2010) recommend a buffer of at least ½ mile for construction of access sites. The proposed acquisition property falls outside of these recommended buffers for all bald eagle nests in the area and therefore is not likely to have a negative impact on bald eagles. In fact, the pond may provide additional habitat for bald eagles as an additional food source.

While it is possible for wolves to travel through the project area, there are no known wolf packs in the surrounding area, none have been sighted in the area, and any wolf activity in the project area would be transient in nature. Therefore, it is unlikely that the proposed acquisition would impact gray wolves.

Five FWP Fishing Access Sites are located near the Pine Grove Pond Proposed FAS: Whitefish River FAS, an undeveloped FAS three miles upstream on the Whitefish River; and four sites on the Flathead River: Old Steel Bridge/Shady Lane FAS, downstream 3.3 miles; Pressentine FAS, upstream 4.2 miles; Kokanee Bend FAS, upstream 7.6 miles; and Teakettle FAS, upstream 9.6 miles. The Pine Grove Pond Proposed FAS would be the closest fishing access site to the city of Kalispell, providing a close, accessible, and much needed recreational site for children and families near Kalispell.

This environmental analysis focuses solely on the acquisition of the property and existing development. If FWP were to initiate any additional development of the property, a separate environmental assessment would be completed and the public would have the opportunity to comment on proposed improvements.

The landowner plans to construct a 5-acre pond, access and service roads, parking lot, and picnic area and install an entrance security gate, vault latrine, and boundary fencing prior to donating the property to FWP. FWP has received preliminary approval from the FWP commission to accept the donation upon

completion of the pond construction and associated improvements. Final approval will be contingent upon public scoping and receiving final FWP Commission approval. Acquisition of the 13-acre parcel and associated improvements would allow FWP to provide public access for fishing, wildlife viewing, and picnicking for families close to the rapidly growing city of Kalispell. The land, if acquired, would be open to the general public for day use only. If acquired, regulation and informational signs would be posted.

PART IV. PUBLIC PARTICIPATION

1. Describe the level of public involvement for this project, if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

The public will be notified in the following manners to comment on the Pine Grove Pond FAS Proposed Acquisition:

- Two public notices in each of these papers: the *Daily Inter Lake, the Whitefish Pilot,* and the *Helena Independent Record*
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.mt.gov.*
- Direct notice will be given to adjacent landowners.
- Draft EAs will be available at the FWP Region 1 Headquarters in Kalispell and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 1 issues.
- Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope, having limited impacts, many of which can be mitigated.

If requested within the comment period, FWP will schedule and conduct a public meeting on this proposed project.

2. Duration of comment period:

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., Wednesday, October 27, 2010, and can be e-mailed to dlandstrom@mt.gov or mailed to the address below:

Pine Grove Pond Fishing Access Site Proposed Acquisition
Montana Fish, Wildlife & Parks, Region 1
490 North Meridian Road
Kalispell, MT 59901
(406) 752-5501

PART V. EA PREPARATION

1. **Based on the significance criteria evaluated in this EA, is an EIS required?** No
If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action; therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, Fish, Wildlife & Parks assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur, or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions, and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. **Persons responsible for preparing the EA:**

Dave Landstrom
Region 1 Parks Manager
490 North Meridian Road
Kalispell, MT 59901
dlandstrom@mt.gov
(406) 752-5501

Andrea Darling
FWP EA Contractor
39 Big Dipper Drive
Montana City, MT 59634
apdarling@gmail.com

Jim Vashro
Regional 1 Fisheries Manager
490 North Meridian Road
Kalispell, MT 59901
jvashro@mt.gov
(406) 752-5501

3. **List of agencies consulted during preparation of the EA:**

Flathead County Weed District
Montana Department of Commerce – Tourism
Montana Fish, Wildlife & Parks
- Parks Division
  - Design and Construction Section
- Fish and Wildlife Division
  - Fisheries Bureau
  - Wildlife Bureau
- Lands Unit
- Legal Unit

Montana Natural Heritage Program – Natural Resources Information System (NRIS)

APPENDICES

A. MCA 23-1-110 Qualification Checklist
B. Native Species Report - Montana Natural Heritage Program (MNHP)
C. Tourism Report - Department of Commerce

APPENDIX A

23-1-110 MCA PROJECT QUALIFICATION CHECKLIST

Date: August 12, 2010 **Person Reviewing:** Andrea Darling

Project Location: Pine Grove Pond Fishing Access Site Proposed Acquisition is three miles northeast of Kalispell, Montana and two miles east of Highway 93 approximately 300 feet from the Whitefish River in Section 29 T29N R21W.

Description of Proposed Work: Montana Fish, Wildlife & Parks (FWP) proposes to acquire 13 acres of land with improvements, which would include a 5-acre pond, access and service roads, an entrance security gate, parking lot, picnic area, vault latrine, and perimeter fencing, northeast of Kalispell, Montana, near the Whitefish River for the purpose of establishing a fishing access site (FAS).

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under 23-1-110 rules. (Please check ✓ all that apply and comment as necessary.)

[ ] A. New roadway or trail built over undisturbed land?
Comments: No roadways or trails.

[ ] B. New building construction (buildings <100 sf and vault latrines exempt)?
Comments: No new construction.

[ ] C. Any excavation of 20 c.y. or greater?
Comments: No excavation.

[ ] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?
Comments: No new parking lots.

[ ] E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?
Comments: No shoreline alteration.

[ ] F. Any new construction into lakes, reservoirs, or streams?
Comments: No new construction.

[ ] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?
Comments: No construction.

[ ] H. Any new above ground utility lines?
Comments: No new utility lines.

[ ] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?
Comments: No camping.

[ ] J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?
Comments: No.

If any of the above is checked, 23-1-110 MCA rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX B

NATIVE SPECIES REPORT – MONTANA NATURAL HERITAGE PROGRAM

Sensitive Plants and Animals in the Pine Grove Pond Fishing Access Site Proposed Acquisition Area

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (http://nris.mt.gov) indicates occurrences of the federally listed threatened bull trout within two miles of the acquisition site in the Stillwater River. No other occurrences of federally listed endangered or threatened animal or plant species have been found within the vicinity of the proposed acquisition site. The search indicated that the project area is within the habitat for the westslope cutthroat trout, listed as sensitive by the U.S. Forest Service and U.S. Bureau of Land Management. MNHP has also recorded occurrences of bald eagles within two miles of the acquisition site on the Stillwater River. The bald eagle has been listed as DM (recovered, delisted, and being monitored) by the U.S. Fish and Wildlife Service. More information on these species is included below.

Montana Species of Concern. The term **"Species of Concern"** includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific pollinator).

Status Ranks	
Code	**Definition**
G1 **S1**	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 **S2**	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 **S3**	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 **S4**	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 **S5**	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

MFWP Conservation Need. Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need as follows:

Tier I. Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.

Tier II. Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.

Tier III. Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.

Tier IV. Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

SENSITIVE PLANTS AND ANIMALS IN THE VICINITY OF POWERHOUSE FAS

1. **Haliaeetus leucocephalus (Bald Eagle)**

Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service: **DM**
Global: **G5**	U.S. Forest Service**: Threatened**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of bald eagle within two miles of the project area. Last observation date was 2005.

2. **Oncorhynchus clarkii lewisi (Westslope cutthroat trout)**

Natural Heritage Ranks	Federal Agency Status:
State: **S2**	U.S. Fish and Wildlife Service:
Global: **G4T3**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of westslope cutthroat trout within two miles of the project area on the Stillwater River. No observation dates were recorded and, according to

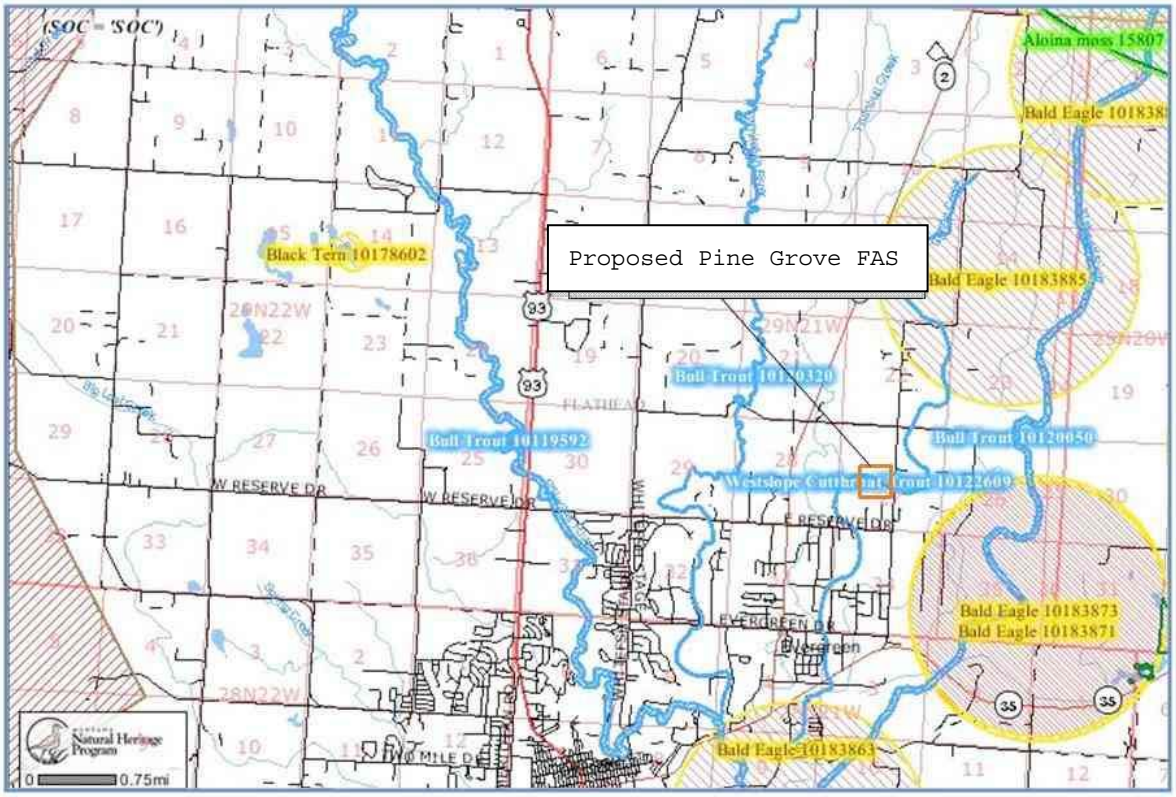
3. **Salvelinus confluentus (Bull trout)**

Natural Heritage Ranks	Federal Agency Status:
State: **S2**	U.S. Fish and Wildlife Service: **LT**
Global: **G3**	U.S. Forest Service: **Threatened**
	U.S. Bureau of Land Management: **Special Status**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of bull trout within two miles of the project area on the Stillwater River, approximately two miles west of the proposed FAS. No observation dates were recorded and, according to Jim Vashro of FWP, occurrence of bull trout in the Stillwater River is very rare.

PINE GROVE POND SPECIES OF CONCERN MAP



APPENDIX C

TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife & Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Carol Crockett, Visitor Services Manager
Travel Montana-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Pine Grove Pond Fishing Access Site Proposed Acquisition

Project Description: Montana Fish, Wildlife & Parks (FWP) proposes to acquire 13 acres of land with improvements, which would include a 5-acre pond, access and service roads, an entrance security gate, parking lot, picnic area, vault latrine, and perimeter fencing, northeast of Kalispell, Montana near the Whitefish River for the purpose of establishing a fishing access site (FAS).

1. Would this site development project have an impact on the tourism economy?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy. We are assuming that the agency has determined it has the necessary funding for the on-going operations and maintenance once this project is complete.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to improve the quality and quantity of tourism and recreational opportunities. We are assuming that the agency has determined it has the necessary funding for the on-going operations and maintenance once this project is complete.

Signature Carol Crockett, Visitor Services Manager Date: July 28, 2010