



Region One 490 North Meridian Road Kalispell, MT 59901

DECISION NOTICE

And

Finding of No Significant Impact

for the

Somers Beach State Park Interim Development Proposal

Thank you for your thoughtful review and comments on the Draft Environmental Assessment (EA) for the Montana Fish, Wildlife and Parks (FWP) proposal to develop interim visitor amenities at Somers Beach State Park. These amenities are intended to meet basic safety and sanitation needs while a long-term development plan is drafted through public involvement. This proposal further provides for boundary marking and establishes basic guidance for public use of the park during the interim period.

Enclosed is a decision notice (DN) in which FWP responds to comments within the scope of this proposal. Upon completion of the public involvement process and by including this DN, FWP accepts the draft EA as final.

Sincerely,



James Williams

Region 1 Supervisor

Montana Fish, Wildlife & Parks

Description of Proposed Project

The acquisition of Somers Beach State Park (SBSP) perpetuates public access and open space that was provided by the previous owner for decades along the northwest shore of Flathead Lake. FWP proposes to provide basic interim visitor amenities to address safety and sanitation needs, and to deter trespass onto private property.

Parking and Access Road FWP would develop an access road and parking area using crushed gravel over landscape fabric to facilitate the ability to relocate those materials at a future date if necessary. The parking lot would accommodate between 50 and 75 cars and would provide an alternative to parking along Somers Road.

Sanitation Interim sanitation needs would be met by the placement of portable toilets in the vicinity of the parking lot. Portable toilet maintenance is accomplished through contract with a third-party vendor. Pet waste “Mutt Mitt” dispensers would be installed, and a bear resistant trash receptacle would be provided for disposal.

Trails FWP would develop pedestrian trails to provide visitor access from the parking lot to other areas within the state park. These trails would be as lightly developed as possible pending the outcome of a formalized vision and development plan for the park.

Signage During the interim management period, FWP staff would install regulatory and informational signage to guide visitor use. FWP may provide additional signage if needed to address specific topics such as, but not limited to, trespass, wildlife disturbance, park news, or other important public information. Much of this informational signage would be located in the vicinity of the parking lot, while other signage would be strategically placed as needed.

Boundary Marking Boundary signage would be placed along the shared boundary as well to clearly delineate the extent of state park property.

Montana Environmental Policy Act (MEPA) Process and Public Involvement

FWP released a draft environmental assessment (EA) for public review on October 7, 2021 and asked for public comment through 5:00 p.m. on November 6, 2021. FWP held a virtual public hearing on October 21, 2021, at 6:00 p.m. FWP ran legal ads describing the proposed project, the availability of the draft EA, and the public hearing information in the Flathead Beacon, Daily Inter Lake, The Hungry Horse News, and Helena Independent Record. FWP also mailed postcards to neighboring landowners. The draft EA was posted on FWP’s official website and was also available at the Region One headquarters in Kalispell and online for people with internet access or through internet service at public libraries.

The EA evaluated the potential impacts of the following alternatives:

Alternative A: No Action

Under the no action alternative, FWP would not develop any interim visitor amenities until a formal, long-term vision and development process has been completed. Under this scenario, parking would likely occur along Somers Road and pedestrian access would occur randomly along the road. FWP staff would patrol the park for litter, but a pack-in, pack-out policy would be in place during the interim. FWP staff would be routinely present to inform visitors of user regulations.

Preferred Alternative B:

In the preferred alternative, FWP would develop basic interim visitor amenities to accommodate public use on the northern parcel of BNSF while FWP develops a long-term vision and development plan for the park. Interim visitor amenities include a gravel access road and parking lot of approximately 1.2 acres. Additional improvements and amenities would include road and

parking perimeter fencing, portable toilets, waste receptacles, and signage. The access road and parking lot would be developed using a geotextile fabric and crushed gravel that could be removed or relocated, and vegetation reestablished, once a final location is determined.

Under this alternative FWP would enter into a lease agreement with BNSF that would allow for the development of a parking lot and placement of portable toilets and entry signage to the park. A non-motorized walking trail would be provided that directs park visitors from the parking lot to parklands. This alternative would utilize portions of pre-existing roadways, thus reducing construction costs.

Alternative C: Alternate Parking Lot Placement

Under alternative C, FWP would develop basic interim visitor amenities to accommodate public use on Somers Beach State Park land to the North of BNSF property while FWP develops a long-term vision and development plan for the park. Interim visitor amenities include a gravel access road and parking lot of approximately 0.9 acres. Additional improvements and amenities would include road and parking perimeter fencing, portable toilets, waste receptacles, and signage. The access road and parking lot would be developed using geotextile fabric and crushed gravel that could be removed or relocated, and vegetation reestablished, once a final location is determined.

Summary of Public Comment

FWP received 28 comments via email and through the online survey on the proposed project, and FWP staff reviewed the submissions to identify comments. A comment was defined as a specific issue or impact. In many cases, multiple people listed the same or similar comments; these comments are summarized and listed once, and one response is provided.

The following is a synopsis of public input received during the comment period and FWP's response to those comments organized by subject matter:

I. Support voiced for specific alternatives listed within the Environmental Assessment

Alternative A (No Action): no comments received in support of Alternative A (No Action)

Preferred Alternative B (Proposed Action):

- We do not see any advantage to locating the parking lot some distance from Somers Road. In either of the two proposed locations the parking lot appears to be out in the middle of what is now pasture. The access road appears to be unnecessarily long. The impact on our view could be mitigated by locating the parking lot closer to Somers Road. The location of Alternative B seems preferable, but we prefer the smaller size of Alternative C, given that this is just an "interim" parking lot.

FWP Response: The proposed parking lot locations in Alternatives B and C are intended to take advantage of existing vegetation and topography to reduce visual impacts to neighbors. The proposed action (Alternative B) utilizes some pre-existing road, thus reducing the amount of road construction necessary.

- There certainly are safety factors that need to be in place as well as bathroom facilities, adequate parking and waste disposal. I am for all of all the necessary improvements required to make the beach access and waterfront a safe daytime family destination.
- Alternative B appears to address the significant concerns regarding off-street parking and clustered maintenance activities (sanitation, access, etc.).
- I think it is important to have some parking and toilet facilities during the transition to the formal park. I think either B or C are good options. I think B would be better since it is using land that is not suitable for many other activities. It would also provide more parking spaces.
- Flathead Wildlife supports Alternative B, the preferred option, utilizing a lease with BNSF to construct a temporary entrance road and parking lot. The parking layout in Alt. B appears to be preferable to Alt. C in providing more parking and a better traffic flow. Hopefully parking can be situated to match long term goals. In the meantime, this interim plan will help study vehicle and human use towards a long-term plan. Increasing use will bring increasing human waste problems. Porta-potties are adequate until a permanent site design is established. The site is a little isolated, vandalism could be a problem. The interim plan mentions bear-resistant trash receptacles. Trash receptacles can be abused, it would be preferable to manage the site as “Pack In – Pack Out”.

FWP Response: Somers Beach State Park will in part utilize a pack in-pack out protocol, but believes the placement of bear-resistant trash receptacles in the vicinity of the parking lot will result in less litter and provide a convenience for visitors. This is particularly true given the intended placement of a “Mutt Mitt” dispenser for pet waste. At other park sites this has proven to be an effective way to reduce pet waste issues.

- Alternative B appears reasonable and would not impact the remedy at the BNSF Superfund site. (Comment from Dick Sloan, MT DEQ project officer for Somers Superfund site)
- We support the action alternative and believe it will provide a positive economic boost to the local community while enhancing access to Flathead Lake, a gem in the Crown of the Continent.
- I am writing to support the implementation of interim access Alternative B (first preference) or Alternative C (second preference). I very much appreciate the sensitivity of FWP towards the public's continued desire to access this site during park development.
- I find the ideas and evaluation of concerns well thought through. I am hopeful option B will be selected. This option definitely reduces the impediments to the viewshed from Somers Road (there is a large rock riprap / outcropping along the south of the fence line on BNSF property). It also appears to have the largest number of parking spaces which can be important in seasons of high use. I also appreciate the ability to preserve the property now owned by FWP (Farmland) for other possible uses. The proposed fenced trail can direct foot traffic as desired to the lake. Either Option B or C are preferable to doing nothing and looks like an efficient usage of the corner of the current

pasture/farmland. The safety concerns of parking along Somers Road are addressed. Sanitation and pet improvements are in place. As it relates to Somers Road, concerned residents may petition MDT and Flathead County for no parking signs. Otherwise, parking along Somers Road is legal as long as if the shoulder is large enough to safely accommodate the vehicle. In either scenario B or C, I am grateful for the acknowledgment that sanitation, safety, signage, and on-site presence that is needed for the park to be the success we envision!

Alternative C (Alternate Parking Lot Placement):

- Alternative C was referenced in 5 comments that also support Alternative B.

The following is a summary of common themes supporting the interim development of the site, but do not specify a preferred alternative:

- Upon reviewing this project, I find the planning and proposals to be professional, thorough and inclusive to all concerns.
- Parking, restrooms, trash containment and mutt mitts are essential. The site should be monitored with regularity.
- I am in 100% agreement with moving forward with all the ideas listed. Parking is needed as it can get jammed up there.
- We highly favor this proposal and hope MFWP pushes forward so the Sliter family generous offer can be fully developed to provide appropriate public use.
- I am the DEQ project officer for the Somers Superfund site. We have worked closely with EPA and BNSF on remediating this site. We support the development of the proposed State Park on the Sliter property.
- While I selfishly am enjoying the lack of people this year, I do support an interim plan.
- I first want to say how AWESOME this is, I am very excited about this.

II. Opposition voiced against specific alternatives listed within the Environmental Assessment

Alternative A (No Action):

No Action (Alternative A) is not an option (Flathead Wildlife, Inc). Preferred Alternative B (Proposed Action):

- With all this land, WHY are you even suggesting asking Private Property (BNSF) to host the Parking Lot?! That is Rude and Absurd!! (Is it to use the existing gated road right up against our back yards?!)

FWP Response: BNSF has been open to discussions regarding recreational access to state park land in a fashion that is respectful of private property concerns.

Alternative C (Alternate Parking Lot Placement):

- Concerning Plan 3 proposing a Parking Lot, Gravel Road, etc. ... Why does this have to be so close to the Residential end of the Park?!

FWP Response: The placement of the road and parking lot in Alternative C is intended to take advantage of existing vegetation and topography to reduce visual impacts to neighbors.

III. Impacts to Neighbors and the Community from the Proposed Action

- We are particularly concerned about traffic, noise, and the viewshed.
- Page 17, Noise, a, and b. I believe there will be potentially significant noise impact. People do not realize how sound carries up the hill to our homes. Car alarms, dogs barking, voice level conversations (even on the shore or in the field) are loud and clear and are disruptive to sleep, morning coffee, reading, napping, work, and quiet meals. Increased road traffic will also significantly contribute to noise impact.
- Page 17, 6a comment states the property has "historically seen heavy use". The property for the first twenty years I lived here was used only by a very few Somers townsite residents. After Dylan Tabish twice put photos and captions in the Flathead Beach to "come to the North Shore", visitor use markedly increased. In the last several years, until 2021, use has become out of control, especially in April and May. This year, with Sliters closing it off, use is like the old days...back to just a few Somers locals.
- My greatest concern is noise and hours of park use. I would hope reasonable hours, i.e. 8 a.m. to 8 p.m. would be implemented and enforced. I am also concerned about light pollution. I did not see any comments lights in the draft EA. Ideally, directing trails and the proposed hand carry boat launch to the east side of the "swamp pond" would help to alleviate some of the noise and privacy concerns the adjacent residents have expressed.
- Dusk to Dawn ONLY, Pack-It-In/Pack-It-Out, No Fireworks, No Fires... Will the Whole acreage be Open Range to "whatever"? Kite flying, group activities (volleyball, football, BBQ parties, etc.?!)

FWP Response: Although Somers Beach was previously private, there was public use for many years prior to becoming a state park. During the interim management period, the site will remain as a day use only site, and FWP staff will monitor compliance and work with law enforcement staff to address any problems that arise. Fires and fireworks will not be permitted. There are no lights or boat launches included in this proposal, and future design proposals will be developed with public involvement.

- With a potential parking lot of 50-75 spaces, will there be controls/patrols of parking congestion along our narrow roads with blind curves?!

FWP Response: This proposal is intended to provide an alternative to parking along the shoulder of Somers Road, and will hopefully alleviate the congestion that has occurred there in recent years. FWP does not have jurisdictional authority to enforce parking restrictions outside of park boundaries.

- Regarding proposed fencing, personally, I would prefer to see rock or boulder delineators with bollard type gates similar to like those seen at other FWP fishing access sites. Keeping the park as 'natural' as possible verses chain link would be preferred.

- You talked of taking old fencing out. Some of that I believe defines RR Property Lines, does it not? Barbed wire fencing should be installed along State Park boundaries on metal T Posts, that allows Animal migration yet deters Trespass. The Posts to potentially be placed on the Low water Lakebed need to be driven down 4-5' and rise 4-5' above Full Pool, with signage 1/2 way up and at top. All previously posted signs have as water comes up.
- As I live on Pavillion Hill, at the southern end of the area, I have concerns about encroachment/trespassing from the south tip of my property and the entire east side of my property. I would appreciate being a part of the conversation regarding sign placement for the park boundary signs. Is there any chance that additional signage could be placed at the bottom of the bluff to let folks know not to be hiking up the hill?
- Another concern is the "alley" that leads to the southwestern tip of the state park boundary. It will be very problematic if that becomes an access point to the public...will there be signage on Pavillion Hill Ave?
- ...a removable fence along the WPA directing walkers south so they may walk long stretches of beach without disturbing the nesting habitat.

FWP Response: Comments were received regarding the removal of existing fencing, and the establishment of new fencing withing SBSP. This proposal calls for marking park boundaries clearly to deter trespass. This proposal does not include boundary fencing, as that is a topic that will be addressed in a comprehensive long-term development plan for the park. There is a significant amount of old fencing within the park boundaries that is in poor condition and no longer serves a function. To improve viewsheds, mitigate hazards to visitors, and improve wildlife movement, FWP proposes removal of these fences. The fencing along the eastern side of the park that delineates SBSP from the Flathead Lake Waterfowl Management Area will remain in place and be clearly marked as a park boundary.

- Page 7, last paragraph, regarding the "swamp pond". I quote: "This area has never been open to public access (formal or informal) and is completely fenced." In fact, this area was only recently fenced by BN (less than two years ago). Prior to that, the trail/road immediately west of the pond was the main public access to Somers Beach. The pond itself was often used for ice skating by local residents.

IV. Positive and Negative Impacts to Birds and other Wildlife from the Proposed Action

- We are also concerned about access to the WPA during the closure period. Policing the border 24 hours a day does not seem likely to occur even with your "routine and frequent coverage and staff presence." Without some physical barrier such as temporary fencing, people and their dogs will continue to access the WPA and disturb the nesting waterfowl. It does not seem likely that the impact on wildlife could possibly be "neutral or positive."

FWP Response: Public use has occurred at this location for many years, and FWP believes that inclusion into the state park system will provide tools for mitigating wildlife impacts that were not previously available at the site. FWP will work with the US Fish and Wildlife Service to address the pre-existing concerns about public entry into the Flathead Lake Waterfowl Production Area during periods of closure through placement of signage, boundary marking, and staff presence.

- Please be sure during your planning to use bear proof trash cans at the site.
- There are wetlands on the Park property, Flathead Wildlife does not know how existing wildlife use will hold up with increasing human use. If nothing else, the wetlands are fragile and need to be protected from increased human use.

FWP Response: FWP agrees that the wetlands within Somers Beach State Park are a valuable resource and best management practices will be implemented during any development of visitor amenities.

- The BNSF property NW of Somers Road (former LTU area and drip rack) has been remediated and revegetated and is covered by ICs for soil excavation. It has been reported that there is significant growth of milk weed in this area and in adjacent areas. The areas of milk weed growth need to be maintained as sanctuary for Monarch butterflies, which are critical pollinators in the NW Montana area. Please avoid any weed control overspray into these areas. MTFWP may want to work closely with USDA, USFWS, and the Pollinator Partnership to optimize the milk weed in the area.

FWP Response: FWP will implement the recommendations in this response prior to implementing noxious weed control at Somers Beach State Park.

- There is a lot of fragile marsh/wetlands which house vast quantities of mosquitoes Spring thru Fall, which a lot of insects, birds, bats, snakes, etc. rely on. WHY is there no Impact of/on these creatures being considered?! Has anyone considered that this historically undeveloped North Shoreline of Flathead Lake is an Animal Habitat and Migration route, feeding grounds, nesting sites?! Displacements of their needs? Trash will need to be removed Every evening, as otherwise it will attract wildlife/human food sources. We traditionally have migrating bear, mountain lions, occasional wolves, year-round fox, coyotes, etc. then there are Seagulls, known beggars. Raccoon, skunk, mice, packrats..... More signage Please Do Not Feed Wildlife/ Fed Is Dead.

FWP Response: FWP recognizes the valuable wildlife habitat contained within SBSP. Public use has occurred at this site for many years, and inclusion into the state park system will provide tools for mitigating wildlife impacts that were not previously available at the site. These tools include but are not limited to signage, trash receptacles, defined trails, parking areas, and staff presence.

- Page 16, Fish and Wildlife, a. and e. Deterioration of Fish/Wildlife habitat and Creation of a barrier to the movement of animals - both of which state "none" for impact. Please be advised the fields house both fox and coyote dens. I have seen and heard them for years. Development of parking, trails, and fencing will have an impact, as will increased road traffic.

FWP response: FWP does not believe that this proposal will increase impacts to red fox or coyotes, both of which are abundant in this area, and are particularly adept at inhabiting areas in the urban wildland interface. Public use has been present at this site for many years, and careful development of visitor amenities and implementing public use rules is expected to reduce wildlife impacts overall.

V. Input on Type and Level of Development at the Park for consideration in a future Environmental Assessment regarding the long-term development of the site.

The following is a summary of suggestions for how the property should be developed, amenities desired and undesired, and regulated.

- Dogs
 - It would be great to see a modest dog park in the initial phase.
 - If our canine friends will be required to be on a lead (while in the park), please consider & approve an offleash beach area for dogs similar to like the one at Les Mason state park in Whitefish. There are so few public areas where our "pups" can play in the water without being on a lead.
 - Have a dog park area were dogs can be off leash and running to the lake.
 - Dog poo bag stations - I would LOVE to be able to take my dog here
- Trails/Boardwalk
 - We would ask that a trail to the Lake for walk in launching would be added to the proposal.
 - Walking Trails would be awesome!
 - Perhaps some kind of boardwalk area close to the waterfront with benches, tables, etc
 - One thing I think that would also be a benefit to this purchase of land would be to try and turn it into a kind of boardwalk area similar to like what many ocean front areas do by allowing vendors (food and merchandise) access for providing services, along with ensuring adequate restroom facilities for the public.
- There has been equestrian access in the spring (low water period). Will this continue to be possible?
- I would like the consideration of all bike activity be very minimized. I would like the west side of the park, west of the swamp pond to be off limits to bikes....i.e. no bikes on trails, Burnett Ave, the bluff of Pavilion Hill.....for purposes of erosion control, animal habitat and refuge, privacy . I'm not a fan of bikes on the beach, or horses. And definitely nomotorized bikes.

- I got a little bogged down with the fine print, so might have missed mention of electronic surveillance. I think it is a worthwhile proactive tool in preventing misuse of the area and vandalism.
- This park should be managed for the beach and swimming. Hand launched watercraft only and a very large no wake area for motorized craft. Although Flathead could use more motorized watercraft launch areas, the shallow water at Somers beach does not support good access.
- There is a tremendous need for fully serviced campsites in NW Montana. If the design would allow, a 30-50 unit campground primarily for modern 40' RVs would be desirable. A group picnic area or two, capable of accommodating 50+ person groups would also be a big plus. Think the pavilions at Lawrence Park in Kalispell. They should be reservable and a nominal (\$20?) fee would be appropriate. Several fully serviced RV sites should be included for park hosts.
- Day Use only. At least for the first 5 years... to establish stable usage, trail patterns, traffic, etc.
- All public usage to be east of the "Swamp Pond". I know the EPA Superfund status is going to be ended in the near future Yet this BNSF land should be off limits to the public.
- The "bluff" on the western boundary be off limits to public access for purposes of conservation, wildlife transition zones, erosion control, noise pollution (for the current residents of Pavillion Hill), privacy (for the current residents of Pavillion Hill).
- A nice big Playground for kiddos - I have several friends with kids and we are always looking for parks with playgrounds (and dog friendly) as a friend group.
- Fire pit areas - for all season usage
- Our roads were not built to sustain the traffic which this State Park will bring, who will be liable for necessary turn lanes and shoulders?

FWP Response: Several very thoughtful comments were received that are beyond the scope of the interim development proposal but are germane to the subsequent long-range design planning effort that will follow. FWP intends to conduct a public process following the interim development proposal to gather public input on the long-term development and function of the park. These comments will be included for consideration at that time.

VI. Comments received outside the scope of this Environmental Assessment.

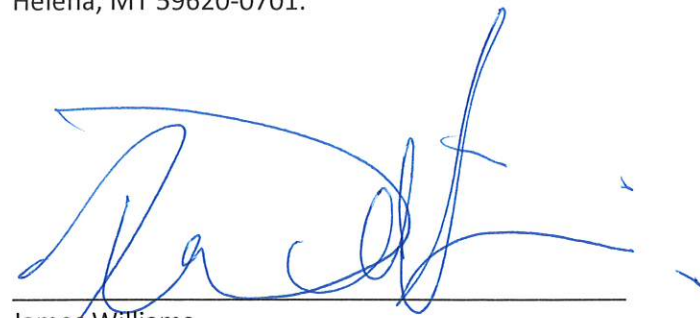
- I am speaking for myself and many, many neighbors who plead to please keep Sandy Beach the way it is.... please let's keep little Somers a quiet little town. We do not need a state park in our little town. PLEASE!!!

DECISION AND RECOMMENDATION

Based upon the Draft EA and the applicable laws, regulations, and policies, I have determined that the proposed action will not have negative effects on the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis, and the preparation of an Environmental Impact Statement is unnecessary.

FWP and BNSF have been unable to reach mutually agreeable terms for the use of BNSF property for the interim visitor amenities, and I have decided to implement Alternative C for the placement of the parking lot and associated features. With this modification, and by notification of this Decision Notice (DN), the draft EA is hereby made the final EA. FWP will develop interim visitor amenities at Somers Beach State Park, with work expected to begin in 2022.

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, MT Fish, Wildlife & Parks, PO Box 200701, (1420 East 6th Avenue,) Helena, MT 59620-0701.



James Williams
Region 1 Supervisor
Montana Fish, Wildlife & Parks

12/15/2021
Date