

DRAFT ENVIRONMENTAL ASSESSMENT CHECKLIST

Bad Rock Canyon WMA Access and Parking Area Development

June 12, 2023



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I. Compliance with the Montana Environmental Policy Act

Before a proposed *project* may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
 - (i) a project, program, or activity initiated and directly undertaken by a state agency;
 - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
 - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.
- It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));
- FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));
- Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));
- The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or
- As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

II. Background and Description of Proposed Project

Name of Project: Bad Rock Canyon WMA Access and Parking Area Development

Montana Fish, Wildlife & Parks (FWP) proposes to construct a gravel parking lot along Montana Highway 2 in Columbia Falls, Montana to provide parking and pedestrian access to the Bad Rock Canyon Wildlife Management Area (WMA). The proposed project would provide a formal public access point to the WMA. Since the WMA’s acquisition in the fall of 2021, FWP has worked to develop a trail system and associated designated parking access. In lieu of a formal access point, WMA visitors have been accessing the property from the west, walking in via River Road after parking along the Montana Highway 2 right-of-way.

To address this issue and provide formal access, FWP proposes to construct a gravel parking area (150' x 50') to accommodate up to 12-vehicles. The parking area would be delineated by boulders to prevent vehicle access beyond lot boundaries, and the entrance would be gated during the winter closures. A small information kiosk would be installed and provide information to orient visitors. The WMA is administered by FWP and provides wildlife habitat for a variety of wildlife, including winter range for white-tailed deer and elk. The property is open to the public from the end of the winter wildlife closure (May 15th) to the start of the general hunting season in late October. The property also provides hunting opportunities for youth and disabled hunters through the general rifle season (end of November). The WMA was acquired in the fall of 2021 and since then, FWP has worked to develop a recreational trail system and designated parking access to the WMA.

Pending project approval, construction of the parking area and associated infrastructure would commence in the fall of 2023 with an anticipated completion date of September 30, 2023

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 48.3739 N, 114.1350 W
 - Section, Township, and Range: S10, T30N, R20W
 - Town/City, County, Montana: Columbia Falls, Flathead County, Montana

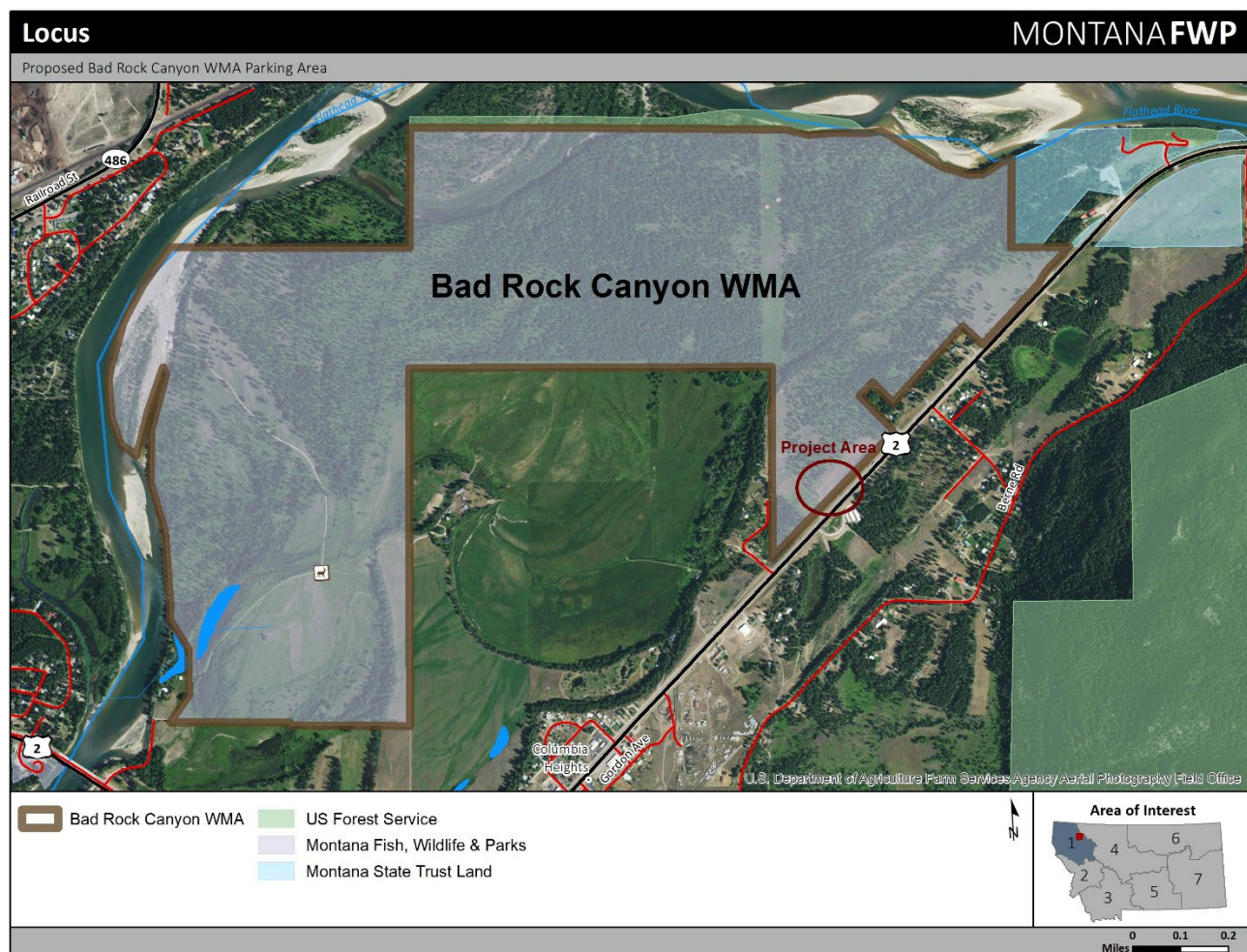


Figure 1: Location of proposed Bad Rock Canyon WMA Parking Area



Figure 2: Proposed Parking area (blue rectangle) and approach from Highway 2.

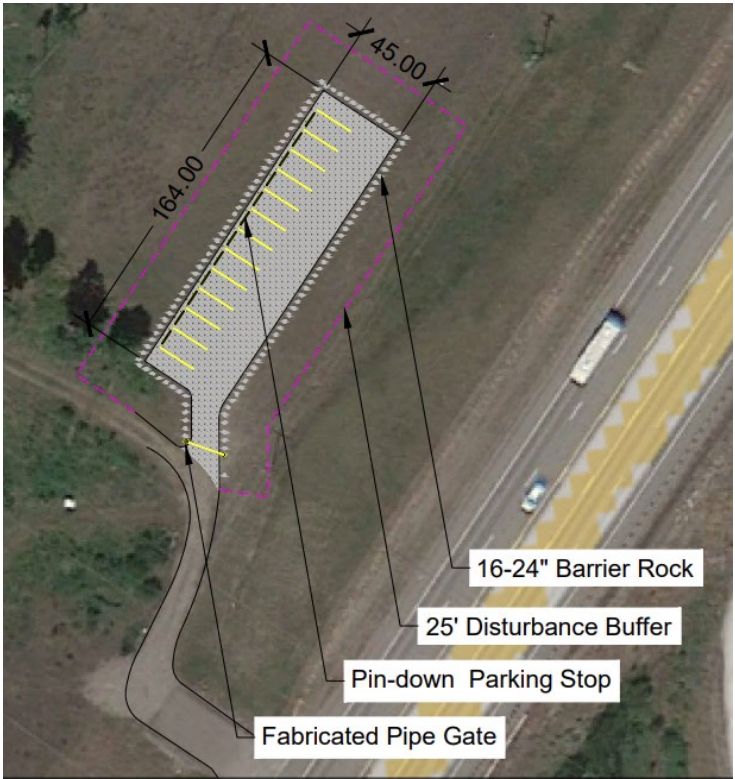


Figure 3: Parking Area Layout.

III. Purpose and Need

The EA must include a description of the purpose and need or benefits of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

The proposed project would construct a 12-vehcile, gravel parking area along Montana Highway 2 to provide day-use parking and public access to the WMA. The parking area would be delineated with boulders and gated during the winter closure period (December 1 – May 15th). A small information kiosk and WMA sign would be constructed and used to orient visitors to the property. An existing asphalt apron with dirt two-track would provide access from the highway to the parking area. Highway 2 is a four-lane highway with center turning lane and long sight-distances in either direction from the proposed access point. The parking area and information kiosk would provide a gateway to the WMA as well as to prevent the ongoing creation of informal access points that could create confusion, safety concerns, and lead to conflicts with neighboring property owners.

Pending project approval, construction of the parking area and associated infrastructure would commence in the fall of 2023 with an anticipated completion date of September 30, 2023.

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

IV. Other Agency Regulatory Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.

Table 1: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
Montana Department of Transportation	Access Permit	MDT must review and approve FWP's request to access Highway 2 at this Location
FWP Heritage Program; Montana State Historic Preservation Office; Tribal Historic Preservation Office(s)	Cultural Assessment	By Montana law (22-3-433, MCA), all state agencies are required to consult with the State Historic Preservation Office (SHPO) to identify heritage properties on land owned by the state that may be adversely impacted by a proposed action or development project. FWP's Heritage Program staffs a qualified archaeologist(s) and/or historian(s) to facilitate the required consultation and associated activities. FWP's Heritage Program also consults with all Tribal Historic Preservation

		Offices (THPO) affiliated with each affected property in accordance with FWP's Tribal Consultation Guidelines. Construction of parking areas and other ground disturbing activities would require consultation with the SHPO/THPO to ensure adequate protection of such resources.
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V. List of Mitigations, Stipulations

Mitigations, stipulations, and other *enforceable* controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

<i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
FWP Public Use Regulations	Montana FWP	Fish and Wildlife Commission Rules for Public Use of Montana's Wildlife Management Areas	Allows FWP to manage public use of FWP's Bad Rock Canyon WMA including prohibitions on overnight camping, fires, shooting, seasonal closures and disorderly conduct.	
Noxious Weed Management Plan	Montana FWP, Flathead County	Montana FWP Statewide Integrated Weed Management Plan.	Requires FWP to monitor and control the spread of noxious weeds at the site.	
Cultural Resource Protection	SHPO, THPO, FWP Heritage Program	Cultural Assessment and Inventory	A cultural resource inventory will be completed prior to any construction of the project. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program for further evaluation.	

VI. Alternatives Considered

In addition to the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative in this EA. Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

Under the no action alternative, FWP would not develop a visitor parking area, and there would be no formal access to the WMA. Under this scenario, parking would likely continue along the Highway 2 right-of-way adjacent to River Road, just northeast of the Highway 2 crossing of the Flathead River. Pedestrians would continue to access the WMA via River Road and across a disputed access route.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** “are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action.” ARM 12.2.429(18).
- **Cumulative impacts** “means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures.” ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent**, **duration**, **frequency**, and **severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.
- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls, or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

Under the “No Action” alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below.

Table 3 - Potential Impacts of Alternative 2: Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to terrestrial, avian, and aquatic life and habitats from the proposed project. The parking area would be approximately 0.5 acres and located within a borrow area created in 2004. The project area is adjacent to the highway and does not contain any critical wildlife habitat. The proposed project area is a reclaimed gravel area with sparse cover of planted warm season grasses. There are anticipated short-term negligible impacts to the abundance and movement of terrestrial and avian species during hours when users are actively engaged at the site. Approximately 0.25 acres of the site would be gravel covered, of which the long-term impact to habitat is expected to be minor given the current condition of the site and its proximity to the highway. Any impacts would be short- and long-term, consistent with existing impacts, and be negligible and minor
Water quality, quantity, and distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to water quality, quantity, and distribution from the proposed project. The proposed project constitutes development of a parking area and access point to the Bad Rock Canyon WMA and would not require the use of any additional new water resources, nor would it affect the distribution or quality of any existing water resources. The proposed project site is a former borrow area dominated by gravel and adjacent to the highway travel corridor. The addition of a gravel surface parking area would cause negligible, long-term controlled changes to area drainage patterns. Therefore, any impacts to water quality, quantity and distribution would be long-term, and negligible.

Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed action would have no significant adverse impacts to the geology of the proposed project location. The proposed project constitutes development of a parking area for the WMA within a reclaimed borrow pit and would not affect any geologic features in the project area; therefore, no impacts to geology would be expected because of the proposed project.
Soil quality, stability, and moisture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to soil quality, stability, and moisture from the proposed project. The project area is within a reclaimed borrow pit and surrounding soils include Mires gravelly loam, consistent with deep, well drained soils according to the Natural Resources Conservation Service Web Soil Survey Map. Construction of the project would result in long-term, minor, and adverse impacts to soil compaction in the area where the parking lot is developed. Any impacts would be long-term, minor, and consistent with site use as a borrow area.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the vegetation cover, quantity, and quality from the proposed project. The project area is dominated by gravels and is sparsely vegetated by grasses planted during the 2004 reclamation of a borrow pit. The construction of the parking area would have short- and long-term, minor, and adverse impacts to existing and future vegetation cover by disturbing and covering approximately 0.5 acres of existing vegetation. Public use of the site and motor vehicle traffic would lead to increased opportunity for noxious weeds to take root. FWP would manage noxious weeds at the affected site according to its Noxious Weed Management Plan for State Lands, which would inform the most effective means, depending on species and location, to eradicate identified noxious weeds. Therefore, any impacts associated with noxious weeds would be long-term and minor. The parking area would be delineated with boulders to prevent motorized vehicles from disturbing the soil surface outside of the established

									parking thereby mitigating further impacts to existing vegetation cover, quantity, and quality in the affected area.
Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the aesthetics of the project area because of the proposed project. Short-term and minor adverse aesthetic impacts would likely result from construction of the parking lot due to increased levels of noise, fugitive dust, and the presence of equipment and staged construction materials along the highway. Long-term and minor adverse impacts may also result from the development of currently open land to support the proposed project. The area is a reclaimed borrow pit along the Montana Highway 2 corridor. Any long-term aesthetic impacts would be consistent with the area's current use.
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to air quality from the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable National and Montana ambient air quality standards (NAAQS/MAAQS). The proposed project constitutes development of a gravel parking area with capacity for 12-vehicles, and when completed, would not result in additional new air quality impacts in the affected area. Further, no significant point-sources of air pollution exist in the area affected by the proposed project. Existing sources of air pollution in the area are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust). Fugitive dust and vehicle exhaust emissions resulting from the movement of heavy equipment and materials for the proposed project may adversely impact air quality. However, any impacts to air quality would be short-term, mitigated by dust control practices, consistent with existing impacts within the highway corridor, and negligible.

Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There would be no significant adverse impacts to any unique, endangered, fragile, or limited environmental resources because of the proposed project. The presence of any animal and/or plant Species of Concern, Species of Special Status, and any land classified as Important Animal Habitat located within or near the affected area were assessed through the Montana Natural Heritage Program. Several Species of Concern have been observed within or near the affected area including Grizzly Bear (<i>Ursus arctos horribilis</i>) and Bald Eagle (<i>Haliaeetus leucocephalus</i>). Because the proposed area is highly modified -- a recently reclaimed borrow area adjacent to the state highway -- any impacts to Species of Concern, Species of Special Status, and areas meeting Important Animal Habitat status would be short- and long-term, consistent with existing impacts within the existing highway corridor, and negligible.</p>
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse effects to historic and archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office. FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded that are eligible for the National Register of Historic Places, they will be protected from adverse effects through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, FWP will cease</p>

									implementation, and contact FWP's Heritage Program for further evaluation. Therefore, no impacts would be expected because of the proposed project.
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the demands on environmental resources of land, water, air, and energy from the proposed project. Fuel would be required to operate equipment and vehicles used to develop the proposed project. Any impacts would be short-term and negligible as the proposed parking area is relatively small and as such the construction phase would be relatively short. As identified previously through the analyses of potential impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some adverse impacts to the environmental resources of water, land, and air may occur because of the proposed project. Any such impacts would be short and long-term, minor and/or negligible, and adequately mitigated (see cited impacts analyses above). No other demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project.

Table 4 - Potential Impacts of Alternative 2: Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to pre-project social structures and mores in the affected area because of the proposed project. Highway 2 is a travel corridor with commercial and residential development along either side. Recreation areas, including river access, tourist attractions, and commercial businesses front the highway. As such, recreation and related services support existing social structure, customs, values, and conventions in an around the city of Columbia Falls and the Highway 2

									travel corridor. The proposed project constitutes development of a 12-car gravel parking area to provide public access to the recently created WMA. Parking area development would further support existing social structures and mores in the affected area. Any impacts would be long-term, consistent with existing impacts, beneficial, and minor.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to cultural uniqueness and diversity in the affected area because of the proposed project. The proposed project constitutes development of a parking area within the footprint of a recently reclaimed highway borrow area and it is not expected this action would result in the relocation of people into or out of the affected area. Therefore, no impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the access and quality of recreational activities from the proposed project. No Wilderness areas exist in the affected area; therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. Any impacts would be moderate and beneficial in providing parking and access to the recently created WMA. Any impacts to access and the quality of recreational and wilderness activities in the affected area would be long-term, beneficial, and moderate.
Local and state tax base and tax revenues	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the local and state tax base and tax revenues from the proposed project. The affected community economy is recreation-based; therefore, the proposed project would support the existing local economy, including local tax base and tax revenues. The proposed project would be expected to increase local tax revenues from the local sale of fuel, supplies, services, and/or equipment to conduct and complete the project. Any such impacts would be minor,

									short-term, consistent with existing impacts, and beneficial.
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to agricultural or industrial production would be expected because of the proposed project. The proposed project constitutes development of a small gravel parking area within the confines of a reclaimed borrow area. Because the affected land is not currently used for, or classified as, agricultural, no impacts to agricultural production would occur because of the proposed project. Further, no existing industrial operations would be displaced by the proposed project. Therefore, no impacts to agricultural or industrial production would be expected because of the proposed project.
Human health and safety	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the human health and safety from the proposed project. Contractors hired to develop the proposed project may realize increased risk to human health and safety associated with construction and development activities. However, affected contractors would operate in a safe manner using best management practices, including the use of safety precautions. Designating a formal parking area would improve human health and safety by creating a defined access point to the WMA where visitors can receive pertinent information about the property and its uses. Although the proposed project would be located off Highway 2, an existing center turning lane and long sight distances exceed highway standards for access. Overall, impacts to human health and safety would be short-term, minor, and adverse; long-term, minor, and adverse; and long-term, minor and beneficial.
Quantity and distribution of employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the quantity and distribution of employment because of the proposed project. The proposed project constitutes development of a gravel parking area for the WMA. Some impacts may be realized because contracted services would be used to develop the proposed project. The

									proposed project is not expected to attract additional visitors to the area or create additional, long-term new employment opportunities in the affected area. Therefore, any impacts to the quantity and distribution of employment would be short-term and negligible.
Distribution and density of population and housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the distribution and density of population and housing because of the proposed project. The proposed project constitutes development of a small parking area to serve the WMA using contractors to conduct the work. Because the proposed project timeline would be short, it is not expected to result in the movement of existing or new population in need of housing or permanent residence in the affected area. Therefore, the proposed project would not impact distribution and density of population and housing in the affected area.
Demands for government services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts on the demands for government services from the proposed project. The development of a parking area would result in a need for governmental services in the following areas: Flathead County Sherriff's office and FWP Law Enforcement presence to patrol and respond to calls initiated from the site that may increase slightly due to the area being opened for public use. EMS and Fire response to calls initiated from the site may increase as there will be a greater concentration of the public using the proposed parking area. Noxious weed control services would occur on an annual basis or as needed. Further, there would be demands for FWP Parks and Outdoor Recreation Division staff to maintain and monitor the site for changing, unsafe, or undesirable conditions, including, but not limited to, cleaning up litter, maintaining signs, and fixing barriers and communicating and answering questions from visitors. Maintenance staff currently drive from Kalispell to maintain the existing and nearby Teakettle and Paul's Memorial FAS. After project completion, affected staff would include the proposed

									parking area into their existing maintenance responsibilities. Therefore, any impacts to government services would be long-term, consistent with existing impacts, and minor.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed project area is within the WMA and is not used for the purposes of industrial, agricultural, or commercial activity. Access would utilize an existing highway turnout on the WMA located within the powerline easement held by Bonneville Power Administration (BPA). FWP would secure any required Land Use Agreements from BPA to route the public across the powerline easement and ensure that traffic does not impede BPA access to their powerline corridor. Therefore, any impacts to industrial, agricultural and commercial activity would long-term and negligible.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. The proposed project is compatible with the recreational planning priorities of FWP and the city of Columbia Falls and would support user experience at the existing WMA. A primary goal of WMA's is to emphasize the occurrence of highly productive, diverse plant communities that will provide high quality forage and cover for native wildlife species and associated recreational opportunities. The proposed project would further such goals on the WMA. FWP is unaware of any other locally adopted plans and goals that may be impacted by the proposed project. Therefore, any impacts would be long-term, beneficial, and minor.
Other appropriate social and economic circumstances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to any other appropriate social and economic circumstances would be expected because of the proposed project. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no

									additional social and economic impacts would be expected because of the proposed project.
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Table 6: Determining the Significance of Impacts on the Quality of the Human Environment

<p>If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement.</p> <p>According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.</p>	
Criteria Used to Determine Significance	
1	<p>The severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <p>"Severity" describes the density of the potential impact, while "extent" describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>"Duration" describes the time period during which an impact may occur, while "frequency" describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

VIII. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 7: Private Property Assessment (Takings)

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.

If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

Alternatives:

The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.

IX. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).
- Public notice will be served on the Montana Fish, Wildlife and Parks website at:
<https://fwp.mt.gov/news/public-notice>
- Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.
- FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the EA to those persons for review and comment (ARM 12.2.433(3)).
- FWP will issue public notice in the following newspaper periodical(s) on the date(s) indicated.

Newspaper / Periodical	Date(s) Public Notice Issued
Daily Interlake	June 15, 2023
Helena independent Record	June 15, 2023

- Public notice will announce the availability of the EA, summarize its content, and solicit public comment.
 - **Duration of Public Comment Period:** The public comment period begins on the date of publication of legal notice in area newspapers (see above). Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment, as listed below:

Length of Public Comment Period: 15 days

Public Comment Period Begins: June 12, 2023

Public Comment Period Ends: June 27, 2023

Comments must be addressed to the FWP contact, as listed below.

- **Where to Mail or Email Comments on the Draft EA:**
Name: FRANZ INGELFINGER
Email: fingelfinger@mt.gov

Mailing Address:
Montana Fish, Wildlife & Parks
490 North Meridian Rd
Kalispell, MT 59901

X. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct EIS level review for the proposed action	<input type="checkbox"/>

XI. EA Preparation and Review

	Name	Title
EA prepared by:	Franz Ingelfinger	Area Wildlife Biologist
EA reviewed by:	Eric Merchant	MEPA Coordinator