



## DECISION NOTICE

### WMA Access and Parking Development

### Bad Rock Canyon Wildlife Management Area Decision Notice

July 13, 2023

#### **ACTION**

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final, without modification, and approves Alternative A, the proposed action.

#### **AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT**

According to the applicable requirements of the Montana Environmental Policy Act or MEPA and its implementing rules and regulations, before a proposed action may be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA)*.

Based on these factors, FWP determined a checklist EA (Draft EA) constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment. See *Public Participation Process* below.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of any substantive public comments received. See *Public Comment and FWP Response* below.

## **PUBLIC PARTICIPATION PROCESS**

The Draft EA was made available for public review and comment from June 12 – June 27. A legal Notice was published in *Helena Independent Record*, and *Daily Inter Lake* and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received 17 comments during the public comment period.

## **DESCRIPTION OF PROPOSED ACTION**

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. FWP proposes to construct a gravel parking area (150' x 50') to accommodate up to 12-vehicles and information kiosk to orient visitors to the property. Construction of the parking area and associated infrastructure would commence in the fall of 2023 with an anticipated completion date of September 30, 2023.

## **PURPOSE AND NEED**

The proposed project would construct a 12-vehicle, 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 15<sup>th</sup>). 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.

## **ALTERNATIVES ANALYZED**

### **Alternative 1: No Action**

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

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 Action**

Under the Proposed Action, FWP would create a visitor access point to the Bad Rock Canyon WMA located adjacent to Highway 2 and the Bonneville Powerline Corridor in Columbia Falls inclusive of an information kiosk and gravel parking lot with capacity for 12-vehicles. The parking area would be delineated with large rocks and include an entrance gate that would be locked during the winter wildlife closure (December 1 – May 15<sup>th</sup>).

## **PUBLIC COMMENT AND FWP RESPONSE**

FWP Received 17 public comments on the proposed action. Comments fell into one of three categories: support for the preferred alternative which would create a 12-vehicle parking lot; support for the parking area location but request that it be larger; and opposition to parking area creation. All comments, in their original form, are included in Appendix A of this Decision Notice. The following is a summary of questions and issues raised by commenters and FWP's responses.

- Thirteen comments were received in support of the preferred alternative – creation of a 12-vehicle parking area and small information kiosk.
- Two comments were received that expressed opposition to parking area construction on the grounds that human use should be minimized on the WMA, and the concern that the location would usurp important wildlife habitat.

**FWP Response:** Under the Wildlife Commission Rules for Public Use of Montana's Wildlife Management Areas, WMAs are open to public entry outside of Big Game winter closures. Developing a public access point is in keeping with management objectives of the property and the intent for which it was purchased. The proposed location, within a reclaimed borrow area adjacent to Highway 2, is within a highly modified area with limited wildlife value. Vegetation is dominated by reclamation grasses included smooth brome, orchard grass, sheep fescue and cheatgrass. Although the borrow area creates a small depression, it is insufficient to buffer wildlife from the highway and does not serve as a movement corridor.

- Three comments were received that the proposed parking area should be larger to accommodate more vehicles and easier entry and egress. An additional comment questioned whether the proposed design would accommodate a school bus e.g.: for use by school groups and other educational programs.

**FWP Response:** FWP recognizes that congestion and overcrowding is an increasing issue at many recreational access points in the Flathead Valley. As a new Wildlife Management Area with a limited trail network, FWP has proposed a parking area commensurate with anticipated demand. However, both the selected location and parking area design afford the ability to expand the area to meet future demand. Regardless, given the proportion of comments that expressed concern about parking area size, FWP will amend the design to include space for three additional vehicles, increasing the lot's capacity from 12 to 15 vehicles. This nominal 25% expansion of the proposed parking area footprint is in keeping with the project's intent and does not change our impact analysis.

Regarding larger vehicles and school busses, we believe there is room within the improved apron and shoulder, just west of the parking entrance, for larger vehicles and school busses to drop off students, turn around, and stage while education groups tour the property. We do not see the need currently

to dramatically increase the size of the proposed parking area to include a dedicated loop navigable by busses and vehicles with trailers.

- One comment encouraged consideration of stormwater management for the site.

**FWP Response:** The gravel soils surrounding the proposed parking area are well drained and water infiltrates quickly. A berm along the highway creates a natural infiltration basin and the parking area will be minimally sloped to shed water.

- One commenter asked whether a trail would be constructed from the parking area.

**FWP Response:** Shortly, FWP will initiate a public process to develop a recreational trail plan for the property. Our intent is to develop trail access from the parking area to the existing trail established by Gateway to Glacier Trail.

- One commenter asked whether the public would still be able to access the WMA at River Road.

**FWP Response:** FWP is working to resolve disputed access at River Road. Our desire is that WMA access at River Road remain walk-in only. Currently, pedestrians accessing the WMA at River Road are parking within the Montana Department of Transportation's Highway 2 right-of-way. FWP does not have management authority over that right-of-way.

- One comment encouraged expansion of recreational opportunities to include portions of the fall hunting season as well as cross country skiing during the winter wildlife closure.

**FWP Response:** Though outside the scope of this Environmental Assessment for parking area development, FWP recognizes the tension that exists between the established management goals for the WMA, and members of the public that would like to see broader recreational access. Montana's Wildlife Management Areas (WMA) are lands managed by Montana Fish, Wildlife and Parks (FWP) to benefit a diversity of wildlife species and their habitats on behalf of the public and provide compatible public access for fish- and wildlife-related recreation. All other uses are secondary and must be in accord with the primary goals and objectives of the WMA. During property acquisition, FWP received over 200 public comments in support of acquisition as a WMA inclusive of winter closures to protect wintering wildlife.

Shortly, FWP will initiate a public process to develop a recreational trail plan for the property. We look forward to working with the public and our partners on developing a trail system that provides ample opportunity for the community to enjoy this magnificent 772-acre WMA. However, regardless of the plans developed, winter closures, and recreational exclusions during the general hunting season remain immutable.

## **DECISION**

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. In response to public comment about parking capacity, FWP will increase the size of the lot by three vehicle spaces to accommodate a maximum of 15 vehicles. This nominal 25% expansion of the proposed parking area footprint is in keeping with the project's intent and neither changes our evaluation of environmental impacts nor our determination of no negative effect. FWP hereby adopts the Draft EA as final and approves the Alternative 2, the proposed action.

By notification of this Decision Notice (DN) the draft EA is hereby made the final EA. FWP will proceed with the development of a parking area and information kiosk, with capacity for 15-vehicles, at our Bad Rock Canyon Wildlife Management Area, with work expected to begin in September 2023.

In accordance with FWP policy, an appeal may be made by any person who has either recommended in writing to the department on the proposed project, or who has registered or 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 6<sup>th</sup> Avenue,) Helena, MT 59620-0701.

Sincerely,

A handwritten signature in black ink that reads "Lee Anderson". The script is cursive and fluid.

Lee Anderson  
Regional supervisor  
Montana Fish, Wildlife & Parks

## APPENDIX A

### Bad Rock Canyon Wildlife Management Area WMA Access and Parking Area Development

PUBLIC COMMENTS RECEIVED DURING THE COMMENT PERIOD

**From:** Bert Otis <otisranch@wispwest.net>  
**Sent:** Monday, June 12, 2023 3:02 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock Canyon WMA Access and Parking Area Development

Dear Fish Wildlife & Parks Commission,

I support the Bad Rock Canyon WMA Access and Parking Area Development..  
This project should help, by keeping the public from parking along side the road where it's not safe.

Looks like a easy fix.

Thanks Bert Otis

PO Box 60

Emigrant, MT 59027

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**From:** Molly Miller <whitefishmmm@gmail.com>  
**Sent:** Monday, June 12, 2023 3:02 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock Canyon parking proposal

I approve of the proposed parking plan for Bad Rock Canyon WMA access. Parking will enable easy access and control visitor population size

Thanks.

--mmm

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**From:** Norwood Nedom <bronco60@comcast.net>  
**Sent:** Monday, June 12, 2023 3:29 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Proposed parking lot at Black Rock Canyon

I support this construction as described in the email notice requesting public comments.

Sent from my iPhone

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**From:** Frederick Erick Robbins <mterick@hotmail.com>  
**Sent:** Monday, June 12, 2023 6:59 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] BAD ROCK CANYON WMA ACCESS AND PARKING DEVELOPMENT DRAFT ENVIRONMENTAL ASSESSMENT

To whom it may concern:

I am writing today to relay my strong support of the proposed parking plan for the Bad Rock Canyon WMA. Additionally, at some point in the near future it would be wonderful to see a bear proof garbage can and a dog waste bag dispenser at either the parking area or entrance gate. Thank you for your time.

Regards,  
Frederick "Erick" Robbins  
Columbia Falls, MT

Sent from my iPhone

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**From:** Gael Bissell <gbissell535@gmail.com>  
**Sent:** Tuesday, June 13, 2023 9:44 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock parking

Hi Franz,  
Just wondering if this parking design would accommodate a school bus? Is group use by schools not allowed or could it be permitted? If so, maybe ensure this design could accommodate a bus so they could back out onto driveway to wait. Bad Rock might be a great place for a couple of conservation educational programs or school birding trips, boys and girls clubs, FWP tours, etc. I think many of us were thinking that conservation education might be a strong possibility given its proximity to Cfalls. But let me know how that would look. Thanks. Gael

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**From:** Joan Schmidt <2018jschmidt@gmail.com>  
**Sent:** Wednesday, June 14, 2023 2:32 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] WMA Parking area

I have walked on the site a few times and say yes to the proposed parking area off of Hwy 2.

A concern is if there is a turning lane headed east on hwy 2? There are a lot of cars, trucks breaking the speed limit in this area.

I also wish that hunting could have limited dates, so hikers could enjoy the fall colors of the area in late September/O

Please consider designated days for hunting... weekends and maybe 2 weekdays for hikers? It would be a lovely place to cross country ski, too.

Thanks for the opportunity to express my opinion.

Keep up the good works,

Joan Schmidt

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**From:** Beth Gardner <cutthroat@montanasky.net>  
**Sent:** Thursday, June 15, 2023 11:46 AM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock WMA parking lot

Hello Franz. I reviewed the draft EA and I support the proposed action. My only comment is some consideration should be given in regard to stormwater runoff. The location of the lot seems fine but I was unclear if the proposed action will include a slight slope in order to move stormwater into a settling area. I don't anticipate the runoff to be substantial enough to affect groundwater. The runoff just needs to avoid running into the highway or any seasonal channels. Thanks for your work on this WMA.

Beth Gardner

124 Lupine Ridge Road, Kalispell MT 59901

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**From:** Jeff LaPlume <ski\_die@yahoo.com>  
**Sent:** Friday, June 16, 2023 9:10 AM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock Canyon WMA parking EAP

I am not in favor of any parking lot for the WMA. The proposed area is on a very busy highway, will be in a (man made) 800' depression that can be used for a wildlife corridor safe from the highway. And I believe despite signs, there will be heavy overnight use in the summer.

As a wildlife area, I believe the less human interaction the better.

Jeff LaPlume  
Columbia Falls

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**From:** Fritz Royer <fritzandamy@hotmail.com>  
**Sent:** Thursday, June 22, 2023 9:38 AM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Re: Parking access to new wildlife management area east of Columbia Falls

Franz,

Thank you for your prompt reply. The furnished information shows the incredible amount of work that went into this project and the placement of the parking area within the transmission corridor shows common sense concentration of human disturbance within the transmission corridor.

Hopefully more than 12 cars will use it at one time but it can always be expanded.

Thank you, Fritz Royer

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**From:** James Raymond <jraymond@lakemt.gov>  
**Sent:** Friday, June 23, 2023 7:32 AM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock Canyon public input

I am in FAVOR of the proposed WMA access point as proposed.

To be honest I'd recommend it be larger than 12 vehicles, otherwise in ten years you'll be back for an expansion approval.

Thank you. James Raymond, Polson



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**From:** Lori Linton <LoriLinton@msn.com>  
**Sent:** Friday, June 23, 2023 5:16 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock WMA

Hello Franz Ingelfinger,

I am a Columbia Falls resident who has just started birding in earnest this year. This week my husband and I were excited to explore the Bad Rock WMA. I had heard about it in my continuing education class at a FVCC on bird identification, taught by Denny Olsen of Flathead Audubon.

We had intended to park by the bridge on River Road but decided to drive down first to get the lay of the land. From what we could tell by all of the signage... it appeared there was NO access from that area onto the Bad Rock WMA.

We were disappointed.

I was very excited to read the article about the planned parking spaces. I think that would be such a wonderful idea and such a great asset for not just our community but for all nature enthusiasts.

Hoping to be able to access this wonderful resource.

Lori Linton

168 Reeds Lane

Columbia Falls, MT 59912

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**From:** Denise VanArtsdale <denise@oldsunproperties.com>  
**Sent:** Saturday, June 24, 2023 7:19 AM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock parking area

Thank you for the opportunity to comment on the proposed parking area for the Bad Rock Canyon trails area. The current situation of people parking along Hwy 2 is extremely dangerous. The parking area would be a minimally impacting solution. Please consider me a vote "for" the proposed area.

Warm regards,

Denise VanArtsdale

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**From:** Sarah Dakin <sarahbow.sgd@gmail.com>  
**Sent:** Saturday, June 24, 2023 4:03 PM  
**To:** Ingelfinger, Franz  
**Cc:** coordinator@gatewaytoglaciertrail.com; Powell, Tony; Landstrom, David; Jeremiah Martin  
**Subject:** [EXTERNAL] Badrock WMA

Dear Franz,

We at Gateway to Glacier Trails (G2GT) fully support Montana Fish, Wildlife & Parks (FWP) proposed formal access site to the Bad Rock Canyon Wildlife Management Area (WMA) along Highway 2 between Columbia Falls and Bad Rock Canyon.

While the proposed project is distant from Columbia Falls, it offers much-needed public parking and pedestrian access to the WMA. The location is easily accessible, offers good line of sight access to the Management Area and already has paved access from the highway.

G2GT supports and is grateful for FWP in their efforts and management as landowners of the WMA. We look forward to continuing to work with FWP to improve public access to the Bad Rock Canyon Wildlife Management Area and the existing River Trail.

Sincerely and on behalf of the Gateway to Glacier Trails Board and Program Coordinator,

Sarah Dakin  
River Trail Committee Chair

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**From:** mikeburr <burrhead@bresnan.net>  
**Sent:** Monday, June 26, 2023 9:03 AM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock Canyon WMA Access and Parking Development Draft Environmental Assessment  
**Importance:** High

Greetings Franz,

I offer the following comments on this proposal. The parking area proposed is too small which will lead to overflow, conflict issues and damage to the area. The design does not allow ease of ingress and egress. A looped parking design would be far better. A huge amount of fundraising and effort went into the acquisition of this property. Local residents, like me, have been anxiously awaiting access to this delightful area. I read about the request for comments in the 6/25 Sunday Daily Interlake and comments are due by 5PM on 6/27. Seriously! Why is FWP so determined to restrict this area from public use? The access period is very short from May to October. Why has a river access point not been determined? Many of us who float by this area would love to stop and take a short hike about the property. Please open up your parameters and thought process when offering parking and access to this site. Flathead County has experienced a huge influx of people, many who like to recreate, and I believe you are grossly underestimating use. Yes, it is a Wildlife Management Area but is also of significant size to accept visitors. Please allow more time for comments, do a better job of advertising for comments and involve some local residents who live in Columbia Falls and surrounding areas for opinions.

I ask you please respond to the points I raise in the email. Thank you.

Michael Burr

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**From:** Mary Kuennen <mrkuennen@icloud.com>  
**Sent:** Monday, June 26, 2023 4:46 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Badrock WMA

I fully support construction of trails and a parking lot. I also support the annual winter closure for elk and other wildlife. Monitoring should be conducted to determine whether the dates should remain the same over time or be changed. Please partner with local trail groups to install bear resistant garbage containers and regular pickup as needed.

Sent from my iPhone

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**From:** Jim Vashro <jsvash@montanasky.us>  
**Sent:** Tuesday, June 27, 2023 4:59 PM  
**To:** Ingelfinger, Franz  
**Subject:** [EXTERNAL] Bad Rock WMA Access and Parking Draft EA

Flathead Wildlife, Inc. has reviewed the draft EA relative to the proposed parking area development on the Columbia Heights area on Highway 2. We are familiar with both this proposed parking area and the existing parking area commonly used for access at the US Highway 2 bridge across the Flathead River and River Road. Flathead Wildlife supports the proposed action to develop a parking area. That stretch of Highway 2 offers a center turn lane and long sight distances along with a 55 mph speed limit which should make for safe ingress and egress. We assume the parking area would have a kiosk to post WMA rules and notices and that the site will also have a gate for seasonal closures. Flathead Wildlife has some questions relative to this proposed development:

- Will a trail be constructed from the proposed parking area to the internal trail system? Otherwise, user built trails may multiply and also impinge on neighboring properties.
- Will the current access of parking next to the Highway 2 bridge across the Flathead River/River Road still be available for parking and walk-in access? Some people may prefer to still access the WMA from the south.
- Pertinent to that access, the area is open to hunters with disabilities with a PTHV permit to hunt from a vehicle. Will the access from the bridge be available for drive-in access or will a new drive-in access be required?

Bad Rock WMA is a real asset to the area both for wildlife and youth hunting. Flathead Wildlife endorses the proposed parking area as an improvement for public access and to maintain neighbor relations.

Jim Vashro, president  
Flathead Wildlife, Inc.

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**Josh Robertson**  
**Columbia Falls MT**

**Via Telephone Call:** "I am opposed to the proposal to construct a parking area and access at the Bad Rock Canyon WMA on the grounds that the area was a Wildlife Management Area and public access should therefore be limited, and on the grounds that there is already ample parking along the Bad Rock Canyon Corridor."