

DRAFT

ENVIRONMENTAL ASSESSMENT

Flathead Lake State Park -Yellow Bay Road and Tent Camping Improvements

(FWP-SEA-POR-R1-23-007)

October 27, 2023



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Environmental Assessment

The Montana Department of Fish, Wildlife and Parks (FWP) has prepared this Draft Environmental Assessment (EA) in accordance with the requirements of the Montana Environmental Policy Act (MEPA). The purpose of an EA is to identify, analyze, and disclose the impacts of a proposed state action. This document may disclose impacts that have no required mitigation measures, or over which FWP, more broadly, has no regulatory authority.

Local governments and other state agencies may have authority over different resources and activities under separate regulations. FWP actions will only be approved if the proposed action complies with applicable regulations. FWP has a separate obligation to comply with any federal, state, or local laws and to obtain any other permits, licenses, or approvals required for any part of the proposed action.

This EA was prepared for the following action:

PROJECT NAME: FHLSP-Yellow Bay Road and Tent Camping Improvements.	
LOCATION: Sec.4,T.24N,R.19W	COUNTY: Lake
PROPERTY OWNERSHIP: <input type="checkbox"/> FEDERAL <input checked="" type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input type="checkbox"/> PRIVATE	
EA PREPARER: David Landstrom	DATE ISSUED: 10/27/2023

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. 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), MCA, 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

This section includes a short description of the proposed project including the responsible party, the type of proposed action and the anticipated schedule of the proposed project.

Name of Project: FHLSP-Yellow Bay Road and Tent Camping Improvements (FHLSP-YB)

FHLSP-YB is one of six units that comprise Flathead Lake State Park, and is managed by FWP. FHLSP-YB is a subset of the University of Montana's Flathead Lake Biological Station (FHLBS), and was designated by the Montana legislature in 1941. The FHLBS is a year-round facility that conducts ecological research and education, with an emphasis on fresh water, particularly Flathead Lake and the Flathead River watershed. FHLBS also provides field ecology courses for college students, natural resource professionals and educators from around the state and nation; trains graduate students for professional and teaching careers; and provides scientific data, interpretation and outreach to help resolve environmental problems and inform public policy.¹

FHLSP-YB's current footprint is approximately 14.26 acres within the 80-acre FHLBS campus. The FHLBS is located on the east shore of Flathead Lake in Lake County and lies within the exterior boundaries of the Flathead Indian Reservation.

FWP proposes to reconstruct FHLSP-YB's main entrance and interior road system. FHLSP-YB's internal road system is gravel which results in severe fugitive road dust during periods of high use (i.e., dust generated by vehicle travel over gravel roads). In addition, the existing park entrance onto US Highway 35 poses a challenge for FHLSP-YB users and other motorists due to its gravel surface and angle of approach onto US Highway 35. The existing FHLSP-YB access road merges with the highway at an angle that is nearly parallel to the highway; therefore, departing motorists have a difficult time gaining an adequate view of highway traffic approaching from the south. Additionally, this entrance angle does not provide an adequate turning radius for vehicles towing trailers. Finally, the existing gravel road surface can reduce traction and thus the ability for vehicles exiting FHLSP-YB to enter the highway safely.

The proposed project would reconfigure and pave FHLSP-YB's entrance and internal road system, and would create 5 to 7 additional parking spaces designed to accommodate vehicle-boat trailer combinations. A cul-de-sac would be incorporated near the entrance to FHLSP-YB to provide a space for park visitors to turn around and to control traffic flow during peak use periods. The cul-de-sac would also function as a location for a small visitor contact station providing information about FHLSP-YB and for fee collection.

To accommodate the proposed project, one of the two existing park host sites and five existing tent campsites would be relocated. The proposed project would also result in a more attractive and appealing tent camping location within the FHLSP-YB. An existing non-functional shower-house would be removed, and the existing wooden vault latrine would be replaced with a new concrete vault latrine. Further, six passenger vehicle parking

¹ Flathead Lake Biological Station, University of Montana Flathead Lake Facts.

spaces would be added at this location. Finally, FWP proposes to refurbish the existing flush toilet restroom and a small maintenance shed would be added in proximity to the refurbished restroom. See Figure 2.

Affected Area / Location of Proposed Project

- Legal Description
 - Latitude/Longitude: 47.87547,-114.02854
 - Section, Township, and Range: 24N19W4
 - Town/City, County, Montana: Yellow Bay, Lake County
- Location Map



Figure 1. Location Map

III. Purpose and Benefits of Proposed Project

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 purpose of the proposed project is to improve existing FHLSP-YB infrastructure and add new infrastructure to improve safety conditions and the overall FYLSP-YB user experience, as follows:

Safety

A primary goal of the proposed project is to enhance safety for people exiting and entering FHLSP-YB by improving sight distances, road surface conditions, and turning radius. The proposed project would re-orient FHLSP-YB's entrance to US Highway 35 to a 90-degree angle, thus improving visibility of oncoming traffic as vehicles leave the park. FWP expects a paved road surface would improve traction for exiting vehicles as they accelerate onto the highway, and a realigned entrance would improve the turning radius for vehicles towing trailers. Internal pedestrian safety would be improved by separating day-use traffic from overnight camping pedestrian use.

Air Quality

Another goal of the proposed project is to reduce fugitive dust created by vehicles traveling over the existing gravel road surfaces, particularly during the summer months. The creation of fugitive dust can cause air quality concerns for park users and adversely impact park infrastructure. More specifically, this airborne dust results in vehicles, equipment, buildings, and vegetation being coated with a visible layer of dust. Under the proposed action, FWP would pave the park's internal road system, which would mitigate fugitive road dust emissions from vehicle travel. Air quality would also be improved by replacing an existing wooden latrine with a new precast concrete unit that would mitigate associated odors.

Accessibility

FWP expects visitor accessibility to improve because of paving FHLSP-YB's roads. In addition to accommodating FHLSP-YB vehicle traffic, the existing gravel road surfaces function as pedestrian walkways to the park's day use area and tent camping sites. Paving the roads would improve access for visitors who utilize wheelchairs or other mobility devices. Access to tent camping sites would be improved through relocation and redesign.

Visitor Experience

The proposed improvements would be expected to improve the visitor experience by improving safety, limiting road dust, improving traffic flow, providing better parking for visitors with boat trailers and improving tent camping amenities. Further, aging restrooms would be replaced or updated thereby mitigating the potential for odors resulting from old and dilapidated restroom infrastructure.

Aesthetics

The proposed improvements would be expected to enhance the park's aesthetic appeal through the removal of old buildings, and reduction of road dust accumulation throughout the park. The proposed tent site relocation would provide a direct view of Flathead Lake, thereby improving the view, and would be further removed from highway 35, thus reducing noise disturbances for those camping within FHLSP-YB.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	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 state requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed. Rather, **Table 1** lists the primary state agencies with regulatory responsibilities, the applicable regulation(s) and the purpose of the regulation(s). 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
University of Montana	MOU/MOA	Specific to this project for construction, operations, and maintenance of proposed park enhancements.
Montana Department of Environmental Quality (DEQ)	SWPPP DEQ PWS Approval	Stormwater pollution prevention for construction activity over 1-acre. Permit to be obtained by general contractor prior to construction. Sanitary sewer: If an alternative is chosen that results in a new or increased source of wastewater, DEQ PWS will review plans for compliance. Drinking water: If PWS MT0042409 (FHLSP-YB) or MT0003724 (FLBS) are altered by the project DEQ PWS will review plans for compliance.
Montana Department of Transportation (MDT)	Approach Permit Encroachment Permit	MDOT will issue a permit for a new or revised vehicle approach onto Highway 35. This will ensure traveling public safety. MDOT will issue a permit for any other encroachments including but not limited to power line installation or relocation, signage installation or fencing within Hwy 35 ROW. Permit will ensure public safety and compliance with MDT standards.
Montana Department of Labor and Industry (DOLI)	Electrical Permit	Electrical improvements including but not limited to moving of power lines or relocating host camping risers will be reviewed and approved by DOLI.

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. **Table 2** 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	
Permit Issuance, Enforcement Action, Fines	Montana Department of Environmental Quality	Stormwater Construction Permit	To promote pollution prevention associated with stormwater runoff during construction.	
Plans and Specifications Approval, Enforcement Action, Fines	Montana Department of Environmental Quality	Public Drinking Water Regulations	To ensure public safety when constructing or altering existing public drinking water systems.	
Plans and Specifications Approval, Enforcement Action, Fines	Montana Department of Environmental Quality	Public Drinking Water Regulations	To ensure groundwater quality and public safety when constructing or otherwise affecting public wastewater systems.	
Permit Issuance	Montana Department of Transportation	MDT Approach Permit, Highway Construction Regulations	To ensure public safety when constructing or reconfiguring highway approaches.	
Permit Issuance	Montana Department of Transportation	MDT Encroachment Permit, Highway Construction Regulations	To ensure public safety when encroaching into highway right of way with utilities or signage.	

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.

Alternative A: No Action

Under the no action alternative, FWP would not implement the proposed improvements to FHLSP-YB's entrance, internal roadways, and visitor amenities. The existing ingress/egress would remain in its current state, and the park's roadways would remain gravel. Tent campsites would remain in their current location, as would the existing FHLSP-YB buildings, including the existing and non-functional flush restroom/washroom and dilapidated latrine. Finally, no changes would be made to the existing parking lots or camp host sites. Fugitive dust and pedestrian and vehicle safety would continue to be a concern for FHLSP-YB users and would continue to adversely impact facility infrastructure. Further, visitor satisfaction related to the proposed project would not be improved.

Alternative B: Proposed Project

Under Alternative B, the proposed project, FWP would reconstruct the FHLSP-YB’s main entrance and interior road system to enhance safety and improve visitor satisfaction. The proposal would reconfigure and pave FHLSP-YB’s internal road system and parking lots and create up to 7 new parking spaces designed to accommodate vehicle-boat trailer combinations and up to six additional passenger vehicle parking spaces. A cul-de-sac and visitor contact station would be incorporated to provide visitor information and to manage traffic flow, while facilitating an improved turn-around area for FHLSP-YB visitors. Also, the existing FHLSP-YB host site and five tent campsites would be relocated. Further, an existing, non-functional shower-house would be removed, and the existing vault latrine would be replaced with a new concrete latrine. The existing flush-restroom would be refurbished, and a small maintenance shed would be developed to replace storage space that had been provided by the decommissioned shower house. Fugitive dust and pedestrian safety would be mitigated, and FHLSP-YB visitor satisfaction would likely improve.

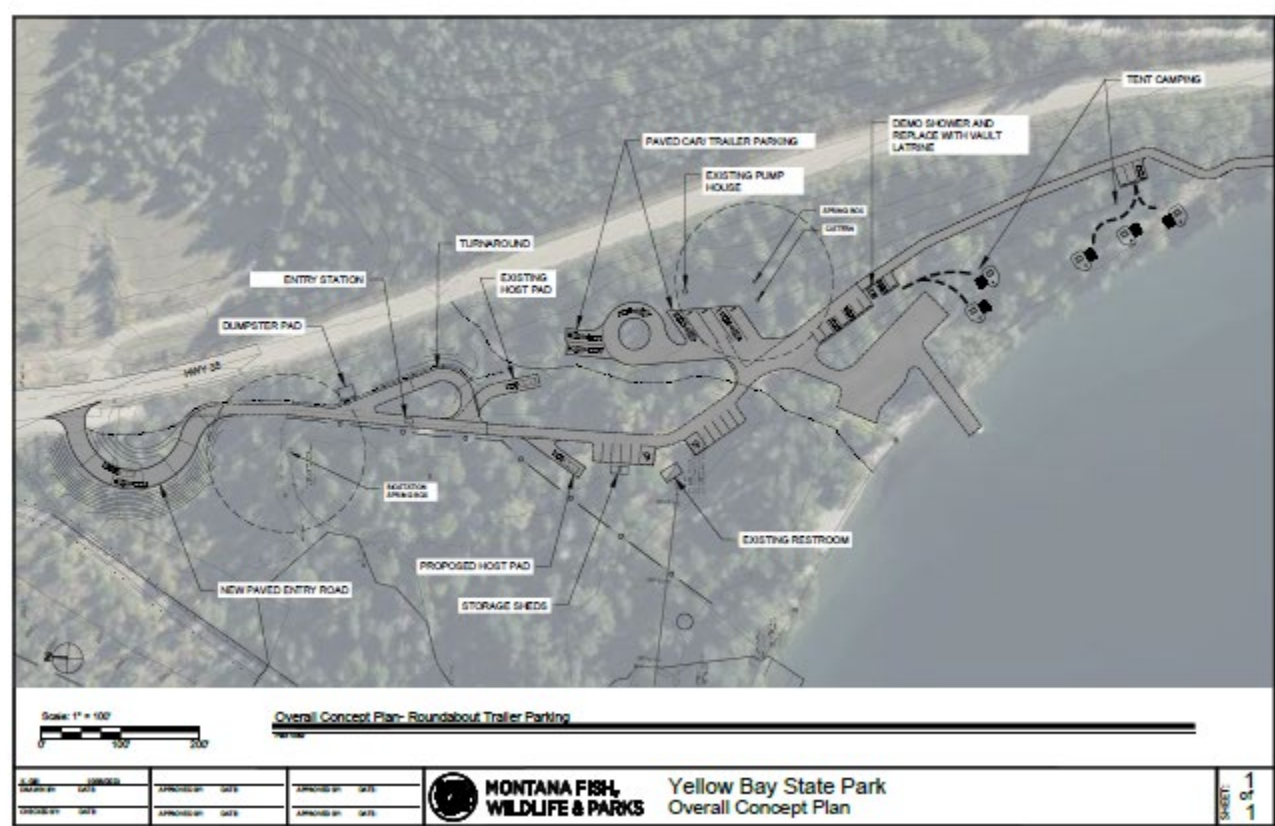


Figure 2– Aerial view of proposed improvements FHLSP-YB

	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. Terms Used to Describe Potential Impacts 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.

FWP may, as an alternative to preparing an EIS, prepare an EA whenever the action 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 action 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).

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 V, Table 2**, 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
- Alternative 2: Proposed Project

VIII. General Setting of the Affected Environment

The analysis area for direct, secondary, and cumulative impacts on the physical environment and human population resources analyzed by this Draft EA includes FHLSP-YB, FHLBS, and more broadly Lake County. Lake County covers approximately 1,654 square miles (4,280 km²), of which ~ 1490 square miles (~ 3,900 km²) is land and 164 square miles (420 km²) (9.9%) is water with the largest water body, being Flathead Lake. (Wikipedia, Lake County, MT). The footprint of FHLSP-YB is approximately 14.26 acres within the 80-acre FHLBS campus. The FHLBS is located on the east side of Flathead Lake in Lake County and lies within the exterior boundaries of the Flathead Indian Reservation.

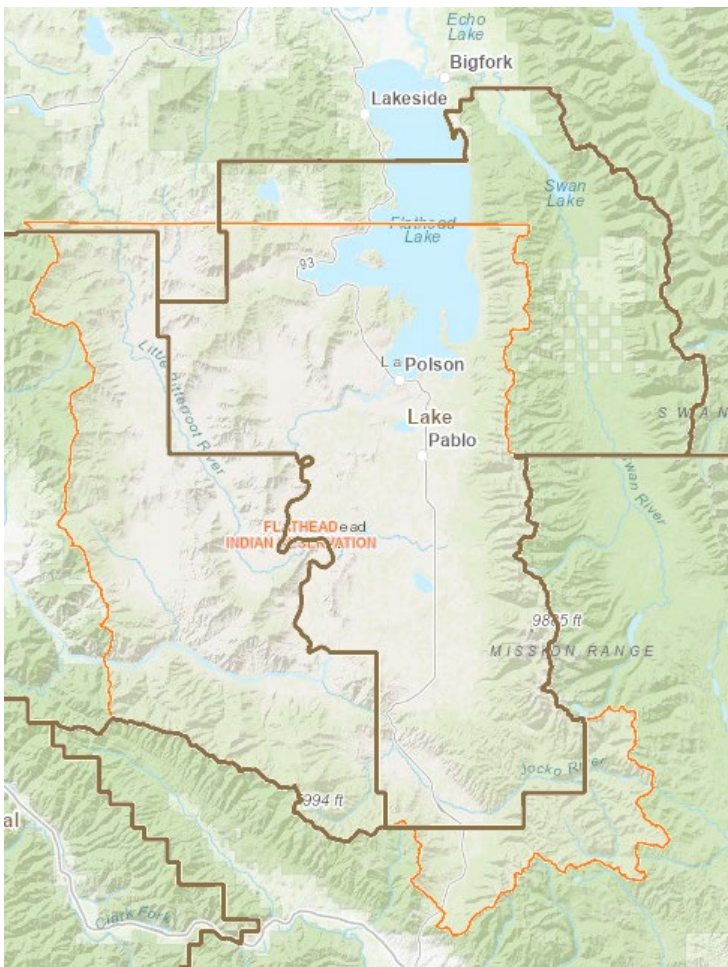


Figure 3. Lake County and Flathead Indian Reservation Boundaries.

Lake County, like most counties in western Montana, is characterized by river valleys divided by rugged mountain ranges. Major drainages include the Flathead River, which forms Flathead Lake and ultimately flows into the Clark Fork River and the Swan River which flows into Flathead Lake near Bigfork. A multitude of smaller drainages characterized as creeks are also present. Lower elevation habitats (below 6,000 ft., 1,829 m) vary greatly and include large areas of

shortgrass/sagebrush prairie, mountain foothills, intensively cultivated areas (grain and hay field agriculture), natural wetlands/lakes, riparian plant communities ranging from narrow stream bank zones to extensive cottonwood river bottoms, man-made reservoirs, and small communities to moderately sized towns.

The mountainous portion of Lake County (above 6,000 ft., 1,829 m) contain all, or portions of, 2 mountain ranges including the Rattlesnake Mountains and the Mission Mountains range. Mountainous habitats are dominated by coniferous forest (Douglas fir, lodgepole pine, Engelman spruce, western cedar, hemlock, whitebark pine, limber pine, ponderosa pine, juniper), and rocky sub-alpine/alpine communities found above timberline.

Human Population:

As of 2022, an estimated 1,122,867 people lived in Montana of which an estimated 32,853 resided in Lake County. The 2022 population estimate for Lake County reflects greater than a 2.4% annual growth rate since 2021, which surpasses the statewide growth rate of 1.5% for the same time period (Montana.gov; People and Housing, <https://ceic.mt.gov/People-and-Housing/Population>).

Over two-thirds of Lake County’s land lies within the Flathead Indian Reservation; therefore, the human population of Lake County includes a large percentage of Native Americans. The demographic make-up of Lake County is identified in **Table 3** below.

Race	Percent of Total (%)
White	67.9
Native American	29.8
Other	2.3

Table 3 Lake County Demographics

Economics:

In 2021, the median household income in the United States was \$69,717. In Montana, median per household income was somewhat lower, at \$63,357. For comparison, in 2021, the median per household income for Lake County was \$53,154 (US Census 2021, ACS 5-Year Survey).

Table 4 Lake County Land Ownership

Lake County total is 1,651 square miles in size and is comprised of the following: Tribal Land 1,124 square miles or 68%, Federal Land 361 square miles or 22%, State Land 102 square miles or 6%. The majority of remaining land is privately owned.

Agriculture:

Montana supports a large agricultural economy and Lake County is no different. In 2017, there were an estimated 27,048 farms and ranches across Montana. The most common agricultural activities of these farms and ranches include raising beef cattle, growing forage (hay) for cattle, and growing grain crops (wheat, oats, barley). Sheep, hogs, and dairy cattle were also raised in smaller numbers.

Timber/Wood Products:

Most of Montana's forested lands (23 million acres) are located within the western part of the state. Nearly four million acres of these forest lands are permanently reserved as either wilderness areas or national parks. Eleven million acres of the remaining forested land is administered by the USFS, with 5.2 million acres of this public estate designated by current forest plans as suitable for timber production. Private forest lands occupy approximately 6 million acres, with 2 million owned and managed by large timber companies. Another four million acres of private forest lands are owned by some 11,000-plus individuals. Timber production across Montana and in Lake County has declined since the late 1980s (http://www.bber.umont.edu/fir/s_mt.asp). In 1988, an estimated 1,163 million board feet (MMBF) were produced state-wide; this declined to approximately 352 MMBF in 2009, before recovering slightly to 367 MMBF in 2018 (Figure12).

Mining:

Large mineral deposits, ranging from talc to gold, are located throughout western Montana. Of these, metallic minerals provide the largest share of Montana's non-fuel mining income, with copper, palladium, and platinum leading the list of important metals (these latter two being mined nowhere else in the United States). In 2012, there were a total of 53 mines in production, development, standby permitting, or reclamation status, all but seven of which were located within the western half of the state.

Recreation:

Outdoor recreation and tourism are major components of Montana's economy, particularly in the mountainous western part of the state. Western Montana is nationally renowned for its high-quality fishing, hunting, camping, hiking, river floating, skiing, snowmobiling, wildlife viewing, and sightseeing opportunities. Many of these outdoor activities are made possible by public ownership of large tracts of land and public access provided by land management agencies and private landowners.

IX. Cumulative Impacts Analysis

For the purposes of MEPA, "cumulative impact" 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 such 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).

Under the “No Action” alternative, the proposed project would not occur. Therefore, no cumulative impacts to the physical or human environment in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed project are measured. For the purposes of the proposed project, the cumulative impacts analysis below applies to all resources analyzed under Alternative 2, Proposed Project (Section X.A and B).

No significant adverse cumulative impacts would be expected because of the proposed project. However, under the proposed action, cumulative impacts would occur. The information below identifies past, present, and related future actions (i.e., activities to be considered under the cumulative impacts analysis). Actions considered in these analyses were identified by FWP and other subject matter experts. Past and present actions are accounted for as part of the existing, or “baseline,” environmental conditions. MEPA is forward-looking, with analyses focused on the potential impacts of the proposed action with consideration for any past, present, or future related actions.

Related Past, Present, and Future Actions:

The FHLSP-YB is one of six units that comprise Flathead Lake State Park. The FHLSP-YB is a subset of the University of Montana’s FHLBS, which was created by the Montana legislature in 1941. Cumulative impacts from past state actions at FHLBS, and more specifically FHLSP-YB, have occurred over time and impacts to the ecology, conservation, and recreational value of the affected landscape and actions from other related programs are, have been, and will continue to be considered prior to any actions that may impact the affected human environment, such as the proposed project. The base-intent of the proposed project and all past, present, and future actions associated with the creation, development, maintenance, and improvement of FHLSP-YB is to provide high quality and safe recreational opportunities for visitors. Therefore, FWP expects that any cumulative impacts associated with the proposed project would be long-term, negligible to moderate, and beneficial.

Further, several guiding documents inform, have informed, and will continue to inform actions at state parks across Montana, including FHLSP-YB. These guiding documents outline strategies and considerations for taking management action and addressing any potential impacts from such management actions. These guiding documents, and affected regulatory entities, include the following:

- FWP – Enhancing Montana’s Outdoor Recreation Legacy – 2020-2024 Statewide Comprehensive Outdoor Recreation Plan
- FWP – Montana State Parks Strategic Plan 2018
- FWP – Parks in Focus Commission Final Recommendations 2018
- FWP – Montana State Parks Heritage Resources Strategic Plan 2017-2024
- FWP – Montana FWP Noxious Weed Management Plan.

The proposed project would be conducted according to guidance and requirements provided by the documents and affected agencies listed above. These guiding documents and affected agencies would ensure the proposed project is conducted in a manner that is consistent with similar past, present and future actions at the affected site and would limit the potential for any adverse cumulative impacts to the affected physical environment and human population affected by the proposed project. Therefore, FWP expects that any cumulative impacts associated with the proposed project would be long-term, negligible to moderate, and beneficial. FWP is unaware of any other past, present, or future relevant/related projects occurring within, or in the vicinity of, FHLSP-YB, which would be cumulatively impacted by the proposed project.

X. 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 or human environment 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.

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

A. Evaluation and Summary of Potential Impacts on the Physical Environment

1. Terrestrial, Avian, and Aquatic Life and Habitats

Existing Environment/Baseline Conditions (No Action Alternative):

FHLS-PYB is predominantly Rocky Mountain Dry-Mesic Montane Mixed Conifer Forest with riparian habitat associated with Yellow Bay Creek and Alpine-Montane Wet Meadow in the park’s southeastern corner associated with seasonal seepage. A broad array of terrestrial and avian animals may utilize the park or surrounding habitats either continuously or sporadically. Twenty-two species of mammals, 4 species of reptile, and 2 species of amphibians have been documented in the vicinity, several species of native and non-native fish have been documented in or adjacent to the park in Yellow Bay Creek and Flathead Lake.² Thirteen species of mammals and birds that are listed as species of concern have been observed in the vicinity of FLSP-PYB and are listed in part 8 of this impacts analysis. Numerous avian species occur routinely or sporadically in the vicinity of FLSP-PYB, including 4 species of concern, as highlighted in part 8 of this impacts analysis.

Direct Impacts:

No significant adverse direct impacts to terrestrial and avian life and habitats would be expected because of the proposed project. Construction activities associated with the proposed project may adversely impact some wildlife species. More specifically, the operation of heavy equipment, road and campsite construction, road paving, and the removal of buildings may result in the temporary displacement of terrestrial and avian wildlife beyond what occurs at the site prior to implementation of the proposed project. However, any adverse impacts would be short-term and minor, lasting only as long as the construction phase of the proposed project. No direct impacts to Aquatic Life and Habitats are expected as a result of the proposed project.

Secondary Impacts:

No significant adverse secondary impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. FWP anticipates long-term, negligible to minor, adverse secondary impacts to terrestrial and avian life and habitats associated with the proposed action. The removal of vegetation associated with the relocation of camp host sites and tenting campsites, and redesigned parking and entry amenities would eliminate approximately 0.35 acres of mixed conifer forest, which may currently provide habitat for various terrestrial and avian species including,

² Montana Natural Heritage Program – Montana Field Guide.

potentially, the 13 species of mammals and birds identified or listed as species of concern that have been observed in the vicinity of FHLSP-YB.

A broad array of terrestrial and avian wildlife species may utilize the park or surrounding habitats either continuously or sporadically. The area surrounding FHLSP-YB is largely forested, consisting of the same or similar habitat as the habitat adversely impacted by the proposed project (i.e., 0.35 acres of mixed conifer forest). Therefore, FWP expects any long-term, adverse impacts from the loss of existing wildlife habitat within the FHLSP-YB, as proposed, to be negligible to minor, as affected wildlife species would be expected to use nearby and available habitat in lieu of the habitat lost. Further, stormwater runoff associated with paved roads may impact nearby water resources and associated aquatic life and habitats. However, potential impacts from increased stormwater however, run off occurring as a result of paved surfaces would be mitigated by a stormwater retention pond, specifically designed by the project engineer to keep pollutants associated with stormwater runoff from entering nearby Yellow Bay Creek or Flathead Lake. These requirements would be enforceable as regulatory elements of the MPDES permit, as required by DEQ for the proposed project.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

2. Water Quality, Quantity, and Distribution

Existing Environment/Baseline Conditions (No Action Alternative):

FLBS describes Flathead Lake as follows: Flathead Lake is the largest natural freshwater lake in the western US (by surface area) outside of Alaska. Flathead Lake is currently described as oligotrophic which means lacking in plant nutrients, but FLBS monitoring indicates that nutrient inputs are increasing. Flathead Lake's biological community is much different today than when FLBS was founded. The Lake originally had 11 native fish species, notably westslope cutthroat trout and bull trout. Today, the fish community is more similar to the Great Lakes than rocky mountain lakes, as it is dominated by nonnatives, particularly lake trout, lake whitefish and yellow perch. Decreases in water quality have led federal and state agencies to classify Flathead Lake as "Impaired" due to human caused increases in nutrient and sediments, and to work on creating a long-term plan for water quality protection. Yellow Bay Creek flows through the state park into Flathead Lake.

Direct Impacts:

No significant adverse direct impacts to water quality, quantity, and distribution would be expected because of the proposed project. If heavy precipitation coincides with the construction phase of the proposed project it may result in short-term, adverse direct impacts from stormwater runoff. Therefore, to mitigate such potential adverse impacts, FWP would require standard measures to control stormwater and filter runoff during the construction phase. These mitigation measures may include the use of straw wattles, siltation fencing, or other approved erosion control techniques, as deemed appropriate and effective for the proposed project. Further, the accidental spillage of fuel or other fluids associated with the operation of heavy equipment within proximity to Flathead Lake or Yellow Bay Creek could result in adverse impacts to water quality. FWP would require the contractor to have a spill prevention, control and countermeasures plan and associated infrastructure in place prior to

implementation of the proposed project. Therefore, any potential adverse direct impacts would be short-term, negligible to minor, and mitigated by standard erosion control practices.

Secondary Impacts:

No significant adverse secondary impacts to water quality, quantity, and distribution would be expected because of the proposed project. Stormwater runoff associated with paved roads may adversely impact nearby water resources and associated aquatic life and habitats. However, such potential impacts would be mitigated by a stormwater retention pond, specifically designed by the project engineer to keep pollutants associated with stormwater runoff from entering nearby Yellow Bay Creek or Flathead Lake. These requirements would be enforceable as regulatory elements of the MPDES permit, as required by DEQ for the proposed project. Also, the FHLBS, including FHLSP-YB, utilize spring boxes for public drinking water collection and distribution. Spring boxes and associated isolation zones would be carefully protected from any construction activities and from future runoff associated with paved roads. Therefore, and adverse secondary impacts would be long-term, negligible to minor, and mitigated by standard erosion control practices and drinking water quality control strategies.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

3. Geology

Existing Environment/Baseline Conditions (No Action Alternative):

Geology in the affected area is mapped by the Montana Bureau of Mines and Geology. The 2004 report describes surficial geology as roughly 50-100 feet of till overlying bedrock. In this general area, located along the east side of Flathead Lake, the till can be intermixed with glacial lake deposits and alluvium, but the local well logs indicate glacial till is predominant in the Yellow Bay State Park area. The bedrock underlying the till is associated with the Piegan Group which consists of dolomite (slightly altered limestone), limestone and argillite (shale).

Direct Impacts:

No significant adverse direct impacts to geology would be expected because of the proposed project. No important or unique geologic features exist within FHLSP-YB. Construction of the road approach and roadway into FHLSP-YB may cause short- and long term, minor, adverse impacts to local geology. It is currently unknown if subsurface limiting layers (rock) would be encountered during construction of the reconfigured parking area. The new approach and road construction activities would consist primarily of the addition of fill to the existing slope and roadbed. Design phase geotechnical investigation will determine the specific subsurface conditions and contracted civil designers will incorporate required methods to ensure any impacts to area geology are limited.

Secondary Impacts:

No significant adverse secondary impacts to geology would be expected because of the proposed project. No important or unique geologic features exist within FHLSP-YB. Beyond the potential for adverse direct impacts, as identified above, no additional impacts to geology would be expected because of the proposed project.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. No important or unique geologic features exist within FHLSP-YB. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

4. Soil Quality, Stability, and Moisture**Existing Environment/Baseline Conditions (No Action Alternative):**

Existing soils are described by the USDA as Courville gravelly silt loam ranging from 4% to 15% slopes. The soils are moderately to well drained and have moderate infiltration rates when thoroughly wet. Mucky peat can be found in the first few inches, and gravelly or ashy silt loam is generally found to a depth of 15". Soils at 15-33" contains very gravelly loam, very gravelly fine sandy loam, and very gravelly sandy loam. Soils from 33-60" are listed as very gravelly loam, very gravelly, silt loam and very gravelly, fine sandy loam. Soil chemistry is slightly acidic with an average pH of 5.6-7.3. There are no apparent signs of instability such as slides or depressions. The area is heavily vegetated.

Direct Impacts:

No significant adverse direct impacts to soil quality, stability, and moisture would be expected because of the proposed project. However, some construction activities would directly and adversely impact soils in the affected area due to soil compaction. Any such adverse impacts would be short- and long-term, minor, and consistent with impacts from the existing and similar infrastructure within the FHLSP-YB. Further, installation of the new latrine may result in a limited amount of ground disturbance where placed. However, because installation would occur within the existing FHLSP-YB footprint, , any adverse direct impacts would be minor and consistent with existing impacts. Overall, any adverse direct impacts would be short- and long-term, minor, and consistent with impacts associated with existing infrastructure within FHLSP-YB.

Secondary Impacts:

No significant adverse secondary impacts to soil quality, stability, and moisture would be expected because of the proposed project. Approximately 3100 cubic yards of fill would be required to facilitate development of the improved entrance to FHLSP-YB and its interior roads. The downhill side (south) of the entrance would be constructed at approximately a 45-degree slope and revegetated to mitigate run-off. The contracted project engineer would be required to develop a slope that promotes stability and revegetation. This may also include a stabilizing feature such as retaining wall or retaining contours. This aspect of the proposed project may improve water drainage at the new entrance and would be expected to improve soil quality, stability, and moisture content in the affected areas. Water drainage would also be improved along the shoulder of affected interior FHLSP-YB roads, which may also improve soil quality, stability, and moisture content in the affected areas. Construction activities that disturb existing vegetation and expose a limited amount of bare ground would be re-seeded with native vegetation, which would likely improve soil stability and moisture of the affected areas. Therefore, any anticipated secondary impacts associated with the proposed project would be long-term, minor, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

5. Vegetation Cover, Quantity, and Quality

Existing Environment/Baseline Conditions (No Action Alternative):

Vegetation at FHLSP-YB is predominantly Rocky Mountain dry-mesic montane mixed conifer forest and riparian habitat associated with Yellow Bay Creek. Additionally alpine-montane wet meadow occurs in FHLSP-YB's southeastern corner associated with seasonal seepage.

Direct Impacts:

No significant adverse direct impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The proposed project would have short- and long-term, minor, adverse direct impacts to existing FHLSP-YB vegetation because removal of existing vegetation would be necessary to accommodate the proposed cul-de-sac, vehicle-boat trailer combination parking, and the relocated tent camping spaces. The affected area is largely free of deciduous and coniferous vegetation, but approximately 8 to 12 existing mature Douglas fir and grand fir trees, as well as a limited amount of non-woody ground cover vegetation would necessarily be removed. Approximately 0.25 acres of existing FHLSP-YB vegetation would be disturbed or removed to accommodate the upgraded park entrance. The relocated tent camping sites would require removal of approximately 0.10 acres of understory vegetation. The total amount of disturbed vegetated area within FHLSP-YB would be approximately 0.35 acres. Therefore, any adverse direct impacts because of the proposed project would be long-term and minor.

Secondary Impacts:

No significant adverse secondary impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. Removal of existing vegetation would be necessary to accommodate the upgraded FHLSP-YB entrance, interior FHLSP-YB roads, the proposed cul-de-sac, vehicle-boat trailer combination parking, and the relocated tent camping spaces. All areas disturbed to accommodate the proposed project would be replanted with native vegetation. Therefore, any adverse secondary impacts would be long-term and minor.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

6. Aesthetics

Existing Environment/Baseline Conditions (No Action Alternative):

The initial development of visitor amenities at FHLSP-YB were developed between the early 1960s and late 1970s. These developments included the park's gravel roadways, campsites, boat launch, day use shelter and comfort station. While improvements have subsequently been made to the park's drinking water, septic systems and boat ramp, the original installations remain largely unchanged. As a result, the park is in general disrepair. The shower house was decommissioned and closed in 1990, and the

remaining latrine and flush restrooms are worn and unsightly. The park's entrance, roadways, and parking lots are gravel and frequently potholed and dusty. Heavy road dust coats the surrounding buildings, foliage and park signs contributing to an overall poor appearance.



Figure 4 - Dated and worn buildings proposed for replacement and/or removal.

Direct Impacts:

No significant adverse direct impacts to aesthetics would be expected because of the proposed project. Some adverse direct impacts may result from construction activities to accommodate the proposed project due to increased levels of noise, odors, fugitive dust, and the presence of equipment and construction materials. Any such impacts would be short-term and minor, lasting only as long as the construction phase of the proposed project.

Secondary Impacts:

No significant adverse secondary impacts to aesthetics would be expected because of the proposed project. The proposed project would improve existing infrastructure thereby improving the visual experience for FHLSP-YB visitors. Further, the proposed project would occur within an existing state park with the same or similar infrastructure already in place. Therefore, any adverse secondary impacts would be long-term, minor, and consistent with existing impacts at FHLSP-YB.

Cumulative Impacts:

No significant adverse cumulative impacts to aesthetics would be expected because of the proposed project. The FHLSP-YB is managed by FWP and is a subset of the University of Montana's FHLBS, which was created by the Montana legislature in 1941. FWP anticipates the proposed FHLSP-YB improvements would have long term, moderate, and beneficial cumulative impact to the established FHLSP-YB and adjoining FHLBS campus. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

7. Air Quality

Existing Environment/Baseline Conditions (No Action Alternative):

No significant adverse impacts would be expected because of the proposed project. According to the Department of Environmental Quality (DEQ), air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable national ambient air quality standards (NAAQS).

Existing sources of air pollution in the area are limited and generally include fugitive dust associated with high wind events and exposed ground, vehicle travel on unpaved roads and vehicle exhaust emissions. No significant point-sources of air pollution exist in the area affected by the proposed project. No air quality restrictions exist for the affected area.

Direct Impacts:

No significant adverse direct impacts to air quality would be expected because of the proposed project. During the construction phase, removal of existing vegetation would be necessary to accommodate the upgraded FHLSP-YB entrance, interior FHLSP-YB roads, the proposed cul-de-sac, vehicle-boat trailer combination parking, and the relocated tent camping spaces. The removal of existing vegetation would expose bare ground, which may result in adverse direct impacts to air quality during construction activities. More specifically, the movement of heavy machinery and materials over exposed ground during the construction phase would generate fugitive dust emissions, which may directly and adversely impact air quality. Further, vehicle exhaust emissions resulting from the operation of heavy equipment may directly and adversely impact air quality. However, because the construction phase of the proposed project would be short-term and no significant point-sources of air pollution currently exist within or in the vicinity of FHLSP-YB, any direct adverse impacts to air quality would be short-term, negligible to minor, mitigated by dust control practices, as necessary, and consistent with existing impacts from vehicle travel over existing gravel roads within FHLSP-YB.

Secondary Impacts:

No significant adverse secondary impacts to air quality would be expected because of the proposed project. Following the completion of construction activities, the proposed project would not be expected to result in any additional adverse air quality impacts to the affected area. In fact, as a stated goal of the proposed project, FWP anticipates long-term, moderate, and beneficial impacts to air quality associated with the paving of FHLSP-YB roads and the resulting reduction of potential fugitive road dust emissions generated by visitor and staff vehicle traffic.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

8. Unique, Endangered, Fragile, or Limited Environmental Resources

Existing Environment/Baseline Conditions (No Action Alternative):

According to a search of the Montana Natural Heritage Program database, 13 wildlife species of concern have been identified within or within the vicinity of FHLSP-YB, including the following: fisher, grizzly bear, long-eared myotis, little brown myotis, long-legged myotis, western pygmy shrew, pileated woodpecker, Lewis's woodpecker, yellow billed cuckoo, westslope cutthroat trout, bull trout, and pygmy whitefish. Bald eagles, which are listed as a special status species have also been observed within and nearby FHLSP-YB. Grizzly bear and bull trout are listed as "threatened" under the federal endangered species act. While grizzly bears may pass through FHLSP-YB, the park does not include critical habitat; therefore, grizzly bears would not be expected to occupy or otherwise routinely use the affected area. The proposed project would not impact adjacent streams or Flathead Lake and would have negligible impacts on bull trout and their habitat.

According to a search of the Montana Natural Heritage Program database, 6 plant species of concern have been identified within or within the vicinity of FHLSP-YB, including the following: Clustered Lady Slipper, Giant Helleborine, Adder's Tongue, Desert Groundsel, Giant Golden Moss, and Douglas' Neckera Moss

Direct Impacts:

No significant adverse direct impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. The presence of any animal and/or plant species of concern, species of special status, species federally listed as threatened or endangered, or any lands classified as important or critical habitat located within or near the affected area were assessed through the Montana Natural Heritage Program. As noted above under the section titled "Existing Environment/Baseline Conditions (No Action Alternative)," 13 wildlife "species of concern," including two species listed as "threatened" under the federal ESA, and a single species listed as a "species of special concern," have been identified within or within the vicinity of FHLSP-YB. Also, 6 plant "species of concern" have been identified within or within the vicinity of FHLSP-YB.

Because the proposed project would occur within an existing state park, any adverse impacts to identified species would be expected to occur primarily during the construction phase of the proposed project. Following construction, some adverse direct impacts may occur due to the loss of approximately 0.35 acres of previously undisturbed habitat; however, any such long-term impacts would be negligible and consistent with impacts associated with existing FHLSP-YB infrastructure. Therefore, any adverse impacts to affected plant and animal species would be short-term, consistent with existing impacts within the existing state park, and negligible to minor.

Secondary Impacts:

No significant adverse secondary impacts to unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. Because the proposed project would occur within an existing state park, any adverse secondary impacts to identified species would be negligible and consistent with impacts associated with existing FHLSP-YB infrastructure. Overall habitat loss as result of road system and campground reconfiguration would result in less than one half acre of converted upland habitat. Therefore, any adverse secondary impacts would be negligible.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

9. Historical and Archaeological Sites

Existing Environment/Baseline Conditions (No Action Alternative):

In keeping with the Montana Antiquities Act and related regulations, all undertakings within State Parks are assessed for their potential to affect cultural resources. Any temporary or permanent developments within FHLSP-YB will require prior cultural resource assessment. Where indicated, cultural resource inventories including pedestrian survey and/or subsurface testing will occur through consultation with the State Historic Preservation Office. The process for cultural resource inventory and consultation is outlined in Administrative Rules 12.8.501-12.8.510. FWP also consults with all Tribal Historic Preservation Offices affiliated with each park in accordance with FWP's tribal consultation guidelines.

The cultural resource inventory and consultation with the SHPO and relevant Tribal Historic Preservation Offices will determine whether cultural resource monitoring is required during implementation. In addition, FWP is committed to working with the Kootenai Culture Committee and Selis-Qlispe Culture Committee to develop educational and interpretive material regarding the cultural significance of FHLSP-YB.

Direct Impacts:

No significant adverse direct impacts 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 (SHPO). FWP also consults with all Tribal Historic Preservation Offices (THPO) affiliated with each affected 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 implementation, and contact FWP's Heritage Program and/or SHPO and affected THPOs for further evaluation. Therefore, no adverse direct impacts would be expected because of the proposed project.

Secondary Impacts of the Proposed Action

No significant adverse secondary impacts 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 or historian 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 SHPO. FWP also consults with all THPOs affiliated with each affected 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 implementation, and contact FWP's Heritage Program and/or SHPO and affected THPOs for further evaluation. Therefore, no adverse secondary impacts would be expected because of the proposed project.

Cumulative Impacts of the Proposed Action

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

10.Demands on Environmental Resources of Land, Water, Air, and Energy

Existing Environment/Baseline Conditions (No Action Alternative):

FHLSP-YB is available for day use year-round, and overnight use from April 1 to October 31 of each year. During the camping season, the park provides public drinking water. The park utilizes two RV campsites to accommodate seasonal park hosts. The RV sites provide electrical service, drinking water and sewage connection to the FHLBS sewage treatment facility. There is one restroom with flushing toilets available for public use approximately May 1- October 1 of each year. Total Park electrical consumption has seen a three-year average of 600-kilowatt hour per month for the camping season, with peak usage in August. The August three-year average is 1,200 kilowatt hours for the month. Water usage at the park in 2022 was approximately 136,000 gallons.

Direct Impacts:

No significant adverse direct impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. Fuel would be required to operate equipment and vehicles used to develop the proposed project. However, any adverse direct impacts to energy resources would be short-term and negligible, as the proposed project and associated construction activities are relatively small and the construction phase would be relatively short; therefore, the amount of fuel necessary to complete the proposed project would be minimal. As identified previously through the analyses of potential direct 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. However, as noted previously, any such impacts would be short- and long-term, negligible to minor, 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.

Secondary Impacts:

No significant adverse secondary impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. No secondary impacts to energy would be expected because of the proposed project. As identified previously through the analyses of potential secondary impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some adverse and some beneficial secondary impacts to the environmental resources of water, land, and air may occur because of the proposed project. However, as noted previously, any such secondary impacts would be short- and long-term, negligible to minor, 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.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

B. Evaluation and Summary of Potential Impacts of the Proposed Project on the Human Environment

1. Social Structures and Mores

Existing Environment/Baseline Conditions (No Action Alternative):

FHLSP – YB is located within the FLBS campus, and within the interior boundaries of the Flathead Indian Reservation. The most recent visitation data for this park unit indicates a three-year average of 30,158 visits per year.³ The park currently provides 5 tent camping sites; therefore, the preponderance of visitation is day use associated with swimming, picnicking, and boating. Non-resident visitation primarily occurs during the peak summer season of Memorial Day through Labor Day, while shoulder season visitation is primarily local traffic.

Direct Impacts:

No significant adverse direct impacts to pre-project social structures and mores would be expected because of the proposed project. FHLSP-YB is an existing state park managed by FWP and located within the larger FHLBS managed by the University of Montana. As such, recreation, and related services support the existing social structure, customs, values, and conventions of the affected human population in an around FHLBS and FHLSP-YB as well as any visitors to the affected area. Some adverse impacts to pre-project social structure and mores may occur because of the construction phase of the proposed project. More specifically, during the construction phase, nearby residents, and visitors to FHLSP-YB alike may realize adverse impacts to access and the general enjoyment of the park. However, because the construction phase would occur over a relatively short period of time, any adverse direct impacts would be short-term and negligible to minor.

Secondary Impacts:

No significant adverse secondary impacts to pre-project social structures and mores would be expected because of the proposed project. FHLSP-YB is an existing state park managed by FWP and located within the larger FHLBS managed by the University of Montana. As such, recreation and related services in the affected area support the existing social structure, customs, values, and conventions in an around FHLBS and FHLSP-YB. The proposed project would upgrade/improve the FHLSP-YB entrance and interior FHLSP-YB roads, add a proposed cul-de-sac to facilitate vehicle-trailer combination turn-around, improve the existing parking area to better accommodate vehicle-boat trailer combination parking, replace the existing and dilapidated latrine, improve the currently non-functional flush washroom, and relocate and add tent camping sites. These improvements would further support existing social structures and mores in the affected area. Therefore, any direct impacts would be short- and long-term, minor to moderate, consistent with existing impacts, and beneficial to pre-project social structures and mores.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

³ Based on 2021 Montana State Parks Annual Visitation Report.

2. Cultural Uniqueness and Diversity

Existing Environment/Baseline Conditions (No Action Alternative):

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis. FHLSP-YB is located adjacent to FLBS. The station has been located on Yellow Bay since 1908. FLBS is an internationally renowned center for limnology, ecology, and environmental science research and education, which researches and monitors water quality in Flathead Lake. In 1941, the Montana legislature authorized the Montana State Park Commission to establish and maintain a state scientific and recreational park on approximately 15 acres of the FLBS campus. FHLSP-YB is located within the exterior boundaries of Flathead Indian Reservation which is administered by the Confederated Salish and Kootenai Tribes (CSKT).

Direct Impacts:

No significant adverse direct impacts to cultural uniqueness and diversity would be expected because of the proposed project. The proposed project would improve various existing infrastructure associated with the existing state park. No land use changes would occur because of the proposed project. Therefore, no direct impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.

Secondary Impacts:

No significant adverse secondary impacts to cultural uniqueness and diversity would be expected because of the proposed project. The proposed project would improve various existing infrastructure associated with the existing FHLSP-YB and, while the proposed project would be expected to improve the existing state park experience, it would not be expected to appreciably result in the immigration or emigration of people to or from the affected area or otherwise change the social make-up of the affected area. Therefore, no secondary impacts to the pre-project cultural uniqueness and diversity of the affected area would be expected because of the proposed project.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

3. Access to and Quality of Recreational and Wilderness Activities

Existing Environment (No Action Alternative):

FHLSP-YB is one of five mainland units of FHLSP that provides public access to the nationally significant Flathead Lake for public recreation. Approximately 89% of the lake's shoreline is in private ownership, and public access locations are very important. Additional public access is provided by FWP, USFS, CSKT, MT Dept of Natural Resources and Conservation (DNRC) Lake County, and local municipalities.

Direct Impacts:

No significant adverse direct impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed project. No congressionally designated Wilderness Areas would be affected by the proposed action. The proposed project would result in short-term loss of access to Flathead Lake via the FHLSP-YB facility during the construction phase of the proposed project and more specifically to accommodate construction and paving of FHLSP-YB's entrance and roadways. FWP would minimize these impacts to the degree possible by scheduling work outside of the peak visitation season. Further, FWP and Flathead Lake State Park provide multiple additional access facilities to accommodate recreational use of Flathead Lake, including the Big Arm Unit, Finley Point Unit, Wayfarers Unit, and West Shore Unit of Flathead Lake State Park. The Wildhorse Island unit also provides recreational facilities but must be accessed by boat. Multiple other public and private access points to Flathead Lake are also available to accommodate the short-term closure of FHLSP-YB during the construction phase. Therefore, any adverse direct impacts would be short-term, minor, and mitigated by the public's ability to use other Flathead Lake access points.

Secondary Impacts:

No significant adverse secondary impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed project. FWP expects that recreational opportunities at FHLSP-YB would be improved because of the proposed project. Following completion of the proposed project the affected facilities would be open to the public with improved safety conditions and would result in enhanced visitor experience associated with improved roadways, parking, tent campsites, and latrines. Therefore, FWP expects that any secondary impacts would be long term, moderate, and beneficial. .

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. A general improvement of public facilities would complement the FHLBS campus and surrounding residential properties. Public recreational access to Flathead Lake would be perpetuated, and visitor amenities would be updated to better accommodate current use levels. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

4. Local and State Tax Base and Tax Revenue

Existing Environment/Baseline Conditions (No Action Alternative):

FWP is required to pay accommodation taxes based on annual camping revenue generation. Estimates for fiscal year 2023 accommodation tax due is \$520.00.

Direct Impacts:

No significant adverse direct impacts to local and state tax base and tax revenues would be expected because of the proposed project. Funding to support the proposed project would be sourced from FWP funding sources. A temporary drop in camping revenue would be expected as a result of the short-term closure needed to accommodate the construction phase of the proposed project. The amount of lost revenue associated with lost state park fees, and associated impacts to local and state tax revenue would depend on the timing of construction and related closures (i.e., more impactful during typical high use seasons).

Secondary Impacts:

No significant adverse secondary impacts to local and state tax base and tax revenues would be expected because of the proposed project. Funding to support the proposed project would be sourced

from FWP funding sources. Increased use of the improved FHLSP-YB facilities may result in an increase in recreational spending in affected nearby communities, which would beneficially impact local tax revenue. Any impacts would be long-term, minor, and beneficial. FWP does not expect any secondary impacts to local and state tax base revenues as a result of the proposed action.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

5. Industrial, Commercial, and Agricultural Activities and Production

Existing Environment/Baseline Conditions (No Action Alternative):

No industrial or agricultural activities occur within FSHLSP-YB or the immediate vicinity. Commercial fruit production is common in the general vicinity of FHLSP-YB, with cherries being the predominant crop.

Direct Impacts:

No significant adverse direct impacts to industrial, commercial, and agricultural activities and production would be expected because of the proposed project. FHLSP-YB is an existing state park established primarily for the purposes of public recreation, thus the area affected by the proposed project does not support agricultural or industrial activities and/or production. Because the affected area is not used for such purposes, no direct impacts to agricultural or industrial activities or production within or near FHLSP-YB would be expected because of the proposed project. However, FHLSP-YB does periodically facilitate commercial activity for varied interests in accordance with the FWP commercial use permitting policy and associated administrative rules 12.14.101 through 12.14.170. Further, FWP would hire a local/in-state contractor(s) for the construction phase of the proposed project, thereby directly and beneficially impacting local and/or state commercial activity and production. Any direct impacts to commercial activity and production in the affected area would be short-term, minor, and beneficial. There would be a short-term minor beneficial impact to commercial and industrial production associated with the proposed construction activities. FWP does not anticipate any impact to surrounding agricultural production.

Secondary Impacts:

No significant adverse secondary impacts to industrial, commercial, and agricultural activities and production would be expected because of the proposed project. FHLSP-YB is an existing state park established primarily for the purposes of public recreation, thus the area affected by the proposed project does not support agricultural or industrial activities and/or production. Because the affected area is not used for such purposes, no secondary impacts to agricultural or industrial activities or production within or near FHLSP-YB would be expected because of the proposed project. The proposed FHLSP-YB improvements would be intended to facilitate improved state park resources and thereby potentially increase participation and enjoyment of commercial activities within FHLSP-YB, which may beneficially impact (i.e., increase) future participation in such events at FHLSP-YB. Any direct impacts to commercial activity and production in the affected area would be long-term, minor, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a

more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

6. Human Health and Safety

Existing Environment/Baseline Conditions (No Action Alternative):

FHLSP-YB is the oldest unit of FHLSP, and the existing development footprint has been in place for several decades. The existing park entrance onto US Highway 35 has a gravel surface and a steep angle of approach onto the highway. The existing park roadway merges with the highway at an angle that is nearly parallel to the highway, making viewing approaching traffic from the south less than optimal. Additionally, this angle does not provide an ideal turning radius for vehicles towing trailers. Finally, the gravel surface can reduce traction diminishing the ability of vehicles to efficiently enter the highway.



Figure 5. Vehicles exiting FHLSP-YB onto Hwy. 35

Direct Impacts:

No significant adverse direct impacts to human health and safety would be expected because of the proposed project. The proposed action would result in short-term, altered conditions for FHLSP-YB visitors resulting from construction activities necessary to accommodate the proposed project. These conditions would be mitigated through temporary, partial, or total closure of FHLSP-YB to ensure safety. Therefore, no direct impacts to human health and safety would be expected because of the proposed project.

Secondary Impacts:

No significant adverse secondary impacts to human health and safety would be expected because of the proposed project. A primary goal of the proposed project is to enhance safety for FHLSP-YB visitors exiting and entering FHLSP-YB by improving sight distances, road surface conditions and turning radius. Further, the proposed project would re-orient FHLSP-YB's entrance to Highway 35 to a 90-degree angle, thus improving visibility of oncoming traffic as vehicles leave the park. Also, FWP expects that paved road surfaces, as proposed, will improve traction for exiting vehicles as they accelerate on to Highway 35, and a realigned entrance will improve the turning radius for vehicles towing trailers. Internal pedestrian safety would also be improved by separating day-use traffic from overnight camping pedestrian use. FWP expects any secondary impacts to human health and safety would be long-term, moderate, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

7. Quantity and Distribution of Employment

Existing Environment/Baseline Conditions (No Action Alternative):

The staffing model for FHLSP – YB includes allocated time from the park’s administrative and maintenance personnel who provide year-round oversight and operation of the park. During the peak operating season of May 1 through October 1, two volunteer campground hosts are stationed at the park to provide customer service and operational assistance. In accordance with the FWP commercial use policy and administrative rules, commercial use permits are issued to provide economic opportunities and visitor services at the units of FHLSP. These permits are typically associated with recreational equipment rentals or guided fishing trips on Flathead Lake.

Direct Impacts:

No significant adverse direct impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed project. Some of the FHLSP-YB improvements proposed would be accomplished by existing FWP staff currently responsible for management of FHLSP-YB, which would not impact the quantity and distribution of employment in the affected area. However, most of the necessary construction work would be accomplished by a private sector contractor(s). Contracted work would likely include upgrades/improvements to the existing FHLSP-YB entrance and interior roads, addition of the proposed cul-de-sac to facilitate vehicle-trailer combination turn-around, improvement of the existing parking area to better accommodate vehicle-boat trailer combination parking, replacement of the existing and dilapidated latrine, improvement of the currently non-functional flush washroom, and the relocation and addition of tent camping sites. Commercial permit holders may be adversely and directly impacted by the construction phase of the proposed project as FHLSP-YB would be closed during this time to ensure public health and safety and commercial activities would not be allowed at this time. To mitigate potential direct impacts to contractors that use FHLSP-YB, commercial permittees would be notified well in advance of the initiation of construction activities to facilitate their ability to plan for alternative facilities to accommodate their commercial activities, including the use of different Flathead Lake access locations. Any direct impacts to commercial activities would be short-term, minor, and mitigated by other similar facilities on Flathead Lake including the Big Arm Unit, Finley Point Unit, Wayfarers Unit, and West Shore Unit of Flathead Lake State Park.

Secondary Impacts:

No significant adverse secondary impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed project. FWP expects that recreational opportunities at FHLSP-YB would be improved because of the proposed project. The majority of commercial activities that take place at FHLSP constitute permitted recreational pursuits and more specifically recreational equipment rentals and/or guided fishing trips on Flathead Lake. Following completion of the proposed project the affected facilities would re-open to the public with improved recreational facilities and would therefore likely result in enhanced visitor experience, including commercial opportunities, which may beneficially impact such services. Therefore, FWP expects that any secondary impacts would be long term, moderate, and beneficial.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

8. Density and Distribution of Human Population and Housing

Existing Environment/Baseline Conditions (No Action Alternative):

FLBS staff include approximately 125-150 combined staff, students and visiting researchers who either commuted to, or resided on campus during the summer of 2023. Lands surrounding the FHLSP-YB are rural and lightly populated. The park averages an estimated 31,000 annual visits, the bulk of which occur during the peak summer season.

Direct Impacts:

No significant adverse direct impacts to the density and distribution of human population and housing in the affected area would be expected because of the proposed project. Some short-term, minor, adverse direct impacts to camping at FHLSP-YB would occur during the construction phase of the proposed project, which may adversely impact persons in need of short-term housing in the affected area. However, given existing camping limits at FHLSP-YB (i.e., no longer than 14 continuous days), FWP believes it is unlikely FHLSP-YB is relied upon to support many people in need of local short-term housing. In fact, the majority of those that visit and use FHLSP-YB do so for recreational purposes, including short-term recreational camping. Further, to mitigate any potential adverse impacts to the local need for short-term housing, other Flathead Lake State Park facilities would be available during the period FHLSP-YB is closed to accommodate the construction phase of the proposed project. These facilities include the Big Arm Unit, Finley Point Unit, Wayfarers Unit, and West Shore Unit. In addition, and if possible, the construction phase of the proposed project would be scheduled outside of peak FHLSP-YB visitation periods. Therefore, any adverse direct impacts would be short-term, minor, and mitigated by the availability of other similar facilities located within Flathead Lake State Park.

Secondary Impacts:

No significant adverse secondary impacts to the density and distribution of human population and housing in the affected area would be expected because of the proposed project. The amount of time needed to complete the construction phase of the proposed project would be relatively limited. Further, the proposed project would use existing government staff and/or local contractors to accomplish the proposed infrastructure improvements and thus would not require or likely result in the immigration or emigration of long-term residents to or from the affected area. Also, existing FWP staff currently responsible for managing FHLSP-YB would continue to manage the improved facilities once the proposed project is completed. Therefore, no long-term adverse secondary impacts would be expected because of the proposed project.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

9. Demands for Government Services

Existing Environment/Baseline Conditions (No Action Alternative):

FHLSP-YB is served by Yellow Bay Volunteer Fire Department for first response to wildfire or structural fire. The park is located within the jurisdiction of the CSKT police department and the Lake County Sheriff's Office. FWP game wardens conduct routine patrols of the park and provide the majority of law enforcement coverage. The Montana Department of Environmental Quality (DEQ) regulates public drinking water and septic systems. FWP staff manage FHLSP-YB facilities, year-round.

Direct Impacts:

No significant adverse direct impacts to demands for government services would be expected because of the proposed project. FWP expects most of the work necessary to complete the proposed project

would be accomplished by private contractors rather than existing FWP staff. However, some short-term and minor adverse direct impacts to government services and financial resources would be realized because the privately contracted work would be funded by FWP. Any adverse direct impacts to existing government staff and/or financial resources would be short-term, minor, and consistent with pre-project duties and expenditures. Also, some short term, minor, adverse direct impacts to DEQ staff may occur associated with required review and permitting to ensure no unacceptable adverse impacts to potable and natural surface and groundwater resources in the affected area do not occur because of the proposed project. No additional demands for government services would be expected because of the proposed project. Therefore, any adverse direct impacts would be short-term, minor, and consistent with pre-project impacts.

Secondary Impacts:

No significant adverse secondary impacts to demands for government services would be expected because of the proposed project. Long-term, following completion of the proposed project, FWP staff would continue to manage routine maintenance costs associated with the operation of FHLSP-YB, including monitoring and control of noxious weeds and day-to-day operations, such as regularly monitoring the area for any resource damage, litter, etc. All new and existing facilities at FHLSP-YB would continue to be maintained to state park standards following completion of the proposed project. Therefore, no adverse secondary impacts would be expected because of the proposed project.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

10. Locally Adopted Environmental Plans and Goals

Existing Environment/Baseline Conditions (No Action Alternative):

FHLSP-YB constitutes an existing state park. The role of Montana State Parks is to create and maintain opportunities for a wide range of outdoor recreation for the enjoyment of current and future generations of Montanans and visitors to the state. FHLSP-YB currently provides remarkable opportunities for residents and visitors alike to get outside and enjoy Flathead Lake and the forest landscape that surrounds the lake. FHLSP-YB is comprised of Rocky Mountain Dry-Mesic Montane Mixed Conifer Forest with riparian habitat associated with Yellow Bay Creek and Alpine-Montane Wet Meadow in the park's southeastern corner associated with seasonal seepage.

In addition, 13 wildlife species that are listed as "species of concern" have been observed within or in the vicinity of FHLSP-YB. These species include bull trout and grizzly bears, which are listed as "threatened" under the federal ESA, and the following: fisher, long-eared myotis, little brown myotis, long-legged myotis, western pygmy shrew, pileated woodpecker, Lewis's woodpecker, yellow billed cuckoo, westslope cutthroat trout, and pygmy whitefish. Bald eagles, which are listed as a "special status species" have also been observed within and nearby FHLSP-YB. 6 plant species of concern have been identified within or within the vicinity of FHLSP-YB, including the following: Clustered Lady Slipper, Giant Helleborine, Adder's Tongue, Desert Groundsel, Giant Golden Moss, and Douglas' Neckera Moss.

Direct Impacts:

No significant adverse direct impacts to locally adopted environmental plans and goals would be expected because of the proposed project. Construction activities associated with the proposed project

would adversely impact recreational opportunities associated with FHLSP-YB, as the park would be closed to public recreation during this time. However, any adverse direct impacts to local recreation would be short-term, minor, and mitigated by the ongoing availability of similar recreational opportunities provided by Flathead Lake State Park including the nearby Big Arm Unit, Finley Point Unit, Wayfarers Unit, and West Shore Unit.

Further, construction activities associated with the proposed project may adversely impact some wildlife species, including the 13 species of concern that have been observed within or in the vicinity of FHLSP-YB, and 6 plant species of concern. These affected species include bull trout and grizzly bears, which are also listed as “threatened” under the federal ESA, and the following: fisher, long-eared myotis, little brown myotis, long-legged myotis, western pygmy shrew, pileated woodpecker, Lewis’s woodpecker, yellow billed cuckoo, westslope cutthroat trout, and pygmy whitefish. Plant species include: Clustered Lady Slipper, Giant Helleborine, Adder’s Tongue, Desert Groundsel, Giant Golden Moss, and Douglas’ Neckera Moss

Bald eagles, which are listed as a “special status species” have also been observed within and nearby FHLSP-YB. It is FWP’s objective to re-establish habitats and species-specific populations to a condition and level that would allow for the de-listing of bull trout and grizzly bears from the ESA as well as de-listing of all “species of concern” and/or “species of special concern.”

The operation of heavy equipment, road and campsite construction, road paving, and the removal of buildings may result in the temporary displacement of these affected species of concern. However, again, any adverse direct impacts would be short-term and minor, lasting only as long as the construction phase of the proposed project. FWP is unaware of any other locally adopted environmental plans or goals that would be impacted by the proposed project.

Secondary Impacts:

No significant adverse secondary impacts to locally adopted environmental plans and goals would be expected because of the proposed project. FHLSP-YB was established to provide Montanans and those visiting the state with varied, high quality recreational opportunities in a remote setting, relatively unspoiled by human impacts to the environment. Following completion of the proposed project, FHLSP-YB would continue to be managed to support this objective. Therefore, FWP expects any secondary impacts associated with Montana State Park recreational objectives, and more specifically those objectives applied to the local setting, to improve because of the proposed project. Therefore, any impacts to local recreational plans and goals associated with recreating in FHLSP-YB would be long-term and beneficial.

Once completed, FWP does not expect the proposed project would result in any additional adverse impacts to the species of concern that have been observed within or in the vicinity of FHLSP-YB. Therefore, in-line with federal, state, and local plans and goals related to wildlife and wildlife protections, no adverse secondary impacts to such wildlife resources would be expected because of the proposed project.

Cumulative Impacts:

No significant adverse cumulative impacts would be expected because of the proposed project. For a more detailed discussion of potential cumulative impacts see Section VIII, Cumulative Impacts Analysis.

XII. Determining the Significance of Impacts

If the EA identifies impacts associated with the proposed action FWP must determine the significance of the impacts. This determination forms the basis for FWP’s decision as to whether it is necessary to prepare an environmental impact statement. FWP considered the criteria identified in **Table 6** below to determine the significance of each impact on the quality of the physical and human environment. ARM 12.2.431.

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.

Table 6: Determining the Significance of Impacts

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

XIII. 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 4: Private Property Assessment Act (Taking and Damaging Assessment)

PRIVATE PROPERTY ASSESMENT CHECKLIST			
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 5a and 5b and continue with question 6.)	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, §§ 2-10-101-112, 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.			

XIV. Public Participation

Scoping

Scope is the full range of issues that may be affected if an agency implements a proposed action or alternatives to the proposed action. The scope of the environmental review is described through a definition of those issues, a reasonable range of alternatives considered, a description of the impacts to the physical and human environments, and a description of reasonable mitigation measures that would ameliorate the impacts. Scoping is the process used to identify all issues that are relevant to the proposed action.

Depending on the level of impact associated with a proposed action, the scoping process may include a request for public participation in the identification of issues.

Because FWP determined the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determined the proposed project did not meet the criteria for a public scoping meeting. Therefore, a public scoping meeting was not held for the proposed action.

Scoping also includes efforts to engage internal and affected external agencies. For the proposed project, these scoping efforts included queries to the following websites/databases/personnel:

AGENCIES CONSULTED

- Montana State Historic Preservation Office (SHPO)
- Montana Department of Environmental Quality (DEQ)
- Montana Department of Transportation (DOT)
- County Jurisdiction
- USGS National Hydrography Data
- Montana Natural Heritage Program
- Montana Cadastral
- Confederated Salish and Kootenai Tribes (CSKT)

Public Review of Environmental Assessments

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)). For the proposed project, FWP determined 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.
- Public notice will be served on the Montana Fish, Wildlife and Parks website at: <https://fwp.mt.gov/public-notices>.
- Public notice will be served on the Montana Environmental Quality Council's MEPA Document List website at: <https://leg.mt.gov/mepa/search/>.
- As applicable, 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.

Table 5: Public Notice – Newspaper/Periodical and Date Published

Newspaper / Periodical	Date(s) Public Notice Issued
Daily Inter Lake	November 2, 2023
Lake County Leader	November 2, 2023

Public notice announces availability of the Draft EA for public review, summarizes the proposed project, identifies the time-period available for public comment, and provides direction for submitting comments.

- **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., Mountain Time, on the last day of public comment, as listed below:

Length of Public Comment Period: 30 days

Public Comment Period Begins: October 27, 2023

Public Comment Period Ends: November 25, 2023

Comments must be addressed to the FWP contact listed below.

- **Where to Mail or Email Comments on the Draft EA:**

Name: DAVE LANDSTROM

Email: dlandstrom@mt.gov

Mailing Address:

490 N Meridian Rd

Kalispell, MT 59901

XV. 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"/>

XVI. EA Preparation and Review

	Name	Title
EA prepared by:	David Landstrom	Regional Recreation Manager
EA reviewed by:	Eric Merchant	MEPA Coordinator