



## **Environmental Assessment Decision Notice**

### **Sportsman's Bridge FAS land transfer to MDT and permanent easement for the new FAS access road off Hanging Rock Drive as part of MDT HWY 82 Bridge Replacement project (PR#: BR 82-1(5)5).**

**April 11, 2023**

#### **Description of Proposed Project**

The proposed action, and the subject of this Draft EA, is 1) the transfer of approximately 1.5 acres of FWP land to MDT to accommodate bridge replacement and 2) MDT securing a permanent and approximate 3.32-acre easement from the Hanging Rock Homeowner's Association (HOA) and transferring the easement to FWP. The easement would be required to accommodate the new and safer access to the Sportsman's Bridge Fishing Access Site (FAS) under MDT project number BR 82-1(5)5. The land to be transferred from FWP to MDT is located along the north side of the FAS. The FAS was purchased and maintained in part with federal Land and Water Conservation Funds (LWCF) as well as Dingell-Johnson funds (DJ), which require mitigation per the United States Fish and Wildlife Service (USFWS) before any transfer of ownership can occur. The LWCF encumbrance on the FAS was mitigated in the early 2000's; however, the DJ encumbrances still exist. FWP is in discussions with the USFWS on the land-disposal process. Final transfer of ownership (fee or easement) to MDT and the easement may be subject to USFWS approval.

Sportsman's Bridge Fishing Access Site has been accessed by the public since 1959 and the MDT replacement project is not expected to change the historic use of the FAS. However, because the replacement of Sportsman's Bridge encroaches on the existing FAS footprint, modification of the existing FAS would be required. While the proposed changes to the site occur in roughly the same developed footprint it would be necessary to add several new parking spaces, replace the existing boat ramp, and pave the new entrance road and parking area. The proposed changes would maintain the same amenities including the vault toilet. The new entrance road would be accessed from Hanging Rock Road instead of the much busier existing access from HWY 82. This modification of the FAS would provide long-term safety benefits to the public, as the existing Sportsman's Bridge constitutes a safety hazard due to narrow lanes, lack of shoulders and turn lanes, and increasing traffic volumes in the area affected by the project.

#### **Montana Environmental Policy Act (MEPA) Process and Public Involvement**

In 2009, the Montana Department of Transportation (MDT) began a robust planning process and detailed analysis for the replacement of the Sportsman's Bridge, located over the Flathead River on Highway 82 between Bigfork and Kalispell. MDT's analysis of the project is contained in the MDT Environmental Services Bureau Categorical Exclusion Documentation (Control Number 6850000) and in a letter dated March 28, 2019, from MDT to Montana Fish, Wildlife & Parks (FWP) that details the history of the project and agreed upon mitigation measures.

FWP released a draft environmental assessment (EA) for a 15-day public review period on March 24th, 2023, with comment closing April 4th, 2023. The EA was posted on the FWP website and copies of the EA were available from the Kalispell FWP office.

## **Purpose and Need**

As part of MDT's bridge replacement project number BR 82-1(5)5 ownership of, or an easement upon, approximately 1.5 acres of FWP lands at the existing Sportsman's Bridge FAS must be transferred to MDT and MDT must acquire a permanent easement for FWP on approximately 3.32 acres owned by the Hanging Rock HOA. The easement is necessary to complete MDT's bridge replacement project and would accommodate a new and safer access road into the FAS off Hanging Rock Drive. Failing to complete the proposed action would result in the project not being completed at this time and the potential loss of significant federal funds necessary for MDT to complete the larger bridge replacement project. The project increases safety for highway users and FAS users, upgrades the facilities at the FAS within the same general developed footprint, and minimizes impacts to the natural resources and the affected public. Final transfer of land ownership to MDT may be contingent upon USFWS approval because of the DJ encumbrances that exist on the land.

## **Alternatives Analyzed**

In addition to the proposed Project, and as required by MEPA, FWP analyzed the "no-action" alternative in this EA. Under the "no-action" alternative, FWP would not do the proposed project. The "no-action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

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

FWP would not transfer the lands needed by MDT to complete the bridge replacement project (Project Number: BR 82-1(5)5) and the Hanging Rock HOA would not grant the necessary easement to FWP. The existing Sportsman's Bridge and FAS would remain, as is, and the bridge would continue to be a safety hazard due to narrow lanes, lack of shoulders and turn lanes, and increasing traffic volumes.

### **Alternative 2: Proposed Action**

FWP would transfer 1.5 acres of land at Sportsman's Bridge FAS to MDT (fee or easement) to accommodate the construction of a new bridge over the Flathead River on Highway 82 near Bigfork, MT. Additionally, MDT would secure an easement of 3.32 acres to be transferred to FWP to accommodate an improved access road to the FAS and to mitigate for the loss of FWP property.

## **Public Review Process**

FWP received four correspondences via email on the EA during the 15-day public comment period. FWP staff reviewed the submissions to identify substantive comments within them. A comment was defined as a perceived beneficial or adverse impact that would result from an alternative or a component of an alternative. In some cases, multiple people listed the same or similar comments; these comments are summarized and listed once, and one response is provided from FWP. Some written correspondences spoke to a single element of the proposal, while others offered extensive feedback on multiple elements

within the proposal. Some correspondences simply stated a preference for one of the alternatives without providing a reason for their preference.

The following is a synopsis of public input received during the comment period. FWP has carefully considered each comment and has developed responses to them organized by subject matter. Some comments have been paraphrased or combined to provide a response to multiple comments of similar nature.

## **Summary of Public Comment:**

**Comment:** *It is critically important that the new FAS be operational before the old FAS is removed to ensure no break in public access the lower Flathead River and Flathead Lake. With only 3 public boat launches in the lower 21 miles of the Flathead River, the of Sportsman's Bridge FAS would be disruptive to boaters and anglers. Temporary closures to ensure safety are acceptable but should be well advertised in advance.*

**Response:** FWP recognizes the importance of maintaining access at Sportsman's Bridge FAS throughout the bridge construction process. Construction of the new parking area and boat ramp would occur while sufficient parking and boat launch facilities are maintained equivalent to the old FAS resulting in no significant loss of function and use of the FAS except during paving. Some temporary closures may be necessary during construction and FWP and MDT would make every reasonable effort to inform the public in advance of any anticipated closure.

**Comment:** *The current approach from Highway 82 into Sportsman's Bridge FAS is dangerous due to high speeds and a sharp 180-degree turn. The proposed new FAS approach from Hanging Rock Rd. is preferable with slower speeds and a 90-degree turn and will be much safer.*

**Response:** FWP agrees.

**Comment:** *The existing gravel FAS access road has a steep grade and is often potholed. The proposed new access road would be paved and have less grade which would be an improvement.*

**Response:** FWP agrees.

**Comment:** *The newly designed FAS may actually have a positive impact on water quality. The existing site has a high-water boat launch lagoon. While the sheltered lagoon is popular with boaters, the lagoon tends to trap sediment, requiring periodic dredging, and the lagoon can create poor water circulation, leading to increased levels of petroleum products, increased water temperature and increased algae growth. Due to these problems, new boat lagoons are not allowed on the Flathead River. The presence of the lagoon at the FAS is often cited by landowners, stating they should have the same accommodation.*

**Response:** FWP agrees.

**Comment:** *Some wetland will be impacted by construction of a new access road requiring mitigation by MDT.*

**Response:** FWP are aware of the impact to wetland and requirement to mitigate the impacts. Approximately 1.34 acres of permanent wetland impacts would be mitigated by MDT at an existing wetland reserve approved by the US Army Corps of Engineers.

**Comment:** *There would be no room left for future expansion of the FAS as currently exists.*

**Response:** FWP acknowledges that there would be limited possibility to expand parking at the FAS in the future.

**Comment:** *An easement would have to be negotiated with the homeowner's association for the new FAS access road.*

**Response:** MDT would negotiate an easement to be transferred to FWP for the new access road. If MDT was unable to reach an agreement with the homeowner's association, the project would not go forward at this time.

**Comment:** *The intersection at 82 and 35 will need to be expanded to include additional turn lanes and as a state-of-the-art traffic-controlled intersection before the project is completed. It is currently very congested especially during the summer months. The speed limit prior to and after the bridge in both directions needs to be reduced to a maximum of 45 MPH. There is a new paddle ball facility, as well as the bowling alley to the east. Traffic to and from these entities will significantly increase over time. Not to mention the rodeo grounds just to the south of 82, which is not only active during rodeo season but for other events in the Summer and Fall. HWY 35 will be home to a new firehall within a few years very near the Highway 82 and Highway 83 intersections, and Logan Health is planning on a location just off the green box site adjacent to that same aforementioned intersection. There are other commercial ventures going to be placed around Logan Health. If the bridge is going to be built for decades to come so, do the adjacent feeder routes. Holt Road speed limit will need to be reduced and the intersection with Hanging Rock will need to be controlled at the very least with a 4 way stop.*

**Response:** These suggestions regarding speed limits, turn lanes and traffic control devices in the Bigfork area are outside of the scope of actions being considered in this EA.

**Comment:** *I support the land transfer to the MDT and the new easement to the Sportsman's Bridge FAS.*

**Response:** FWP Agrees

**Comment:** *The Bigfork Outdoor Recreation Alliance (BORA) has initiated a community led outdoor recreation planning process that included extensive public comment. Public comment indicated a concern that population growth and increased visitation is creating added pressure to recreation sites in the area. The rebuilding of the Sportsman's Bridge FAS is an opportunity to address this growth by expanding, enhancing and connecting recreation sites in the area.*

**Response:** The proposed land exchange is intended to mitigate the impacts of bridge construction on existing recreational opportunities at the site and not to expand them.

**Comment:** *The proposed land exchange would reduce shoreline frontage by 70 feet and reduce the number of boat ramps from two to one decreasing capacity and adding to congestion at the site. The proposed mitigation to pave the site and construct a new vault latrine is not adequate. We request that FWP examine alternatives for expanding the FAS to rebuild at a minimum the current level of service and preferably increase capacity to accommodate future growth pressures. Added amenities such as picnic tables and a shelter should be considered.*

**Response:** Adding amenities is outside the scope of this EA. The new FAS design maintains current capacity and increases functionality and safety of the site. The paved parking surface would have striped parking spaces which would facilitate more efficient use of available space and allow for more active management and enforcement of parking regulations. The new boat ramp is designed to accommodate boat launching at all water levels and allows for two boats to launch at once.

**Comment:** *The MDT project page indicates that the new Sportsman's Bridge is designed to add a future pedestrian/bike path. The pedestrian/bike path should be constructed as part of the bridge build and the FAS design should include a concept for a walking path to connect to the bridge.*

**Response:** The suggestion is outside of the scope of actions being considered by this EA.

## **FWP Recommended Alternative and Final Decision**

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

Based on the analysis in the Final EA FWP has selected the "Proposed Action" (Alternative 2). FWP will recommend to the Fish and Wildlife Commission that it approve the transfer of 1.5 acres of property at Sportsman's Bridge FAS to MDT and the transfer of approximately 3.32-acre easement to FWP to accommodate the replacement of the Highway 82 bridge over the Flathead River near Bigfork, MT.

The final EA may be viewed at or obtained from Montana Fish, Wildlife & Parks, Region One, 490 N. Meridian Road, Kalispell, MT 59901. Please direct requests and questions to Dillon Tabish, Region 1 Information and Education Program Manager, at (406) 751-4564 or [Dillon.Tabish@mt.gov](mailto:Dillon.Tabish@mt.gov).

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Lee Anderson  
Region 1 Supervisor

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Date