



## **DECISION NOTICE**

### **Ackley Lake State Park Boat Exclusion Area**

05/09/2023

#### **ACTION**

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

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final, without modification, and approves Alternative 2, the proposed action.

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

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

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

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

#### **PUBLIC PARTICIPATION PROCESS**

The Draft EA was made available for public review and comment from April 19<sup>th</sup>, 2023 – May 3<sup>rd</sup>, 2023. A legal Notice was published in the Lewistown News-Argus and the Draft EA was posted on FWP's Public

Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP did not receive comments during the public comment period.

### **DESCRIPTION OF PROPOSED ACTION**

Montana Fish, Wildlife & Parks (FWP) and the Ackley Lake Club (ALC) propose the development of a boat exclusion area at Ackley Lake State Park. Visitation at Ackley Lake has increased over the last 10 years, averaging 39,273 visitors annually with visitation doubling between 2012 and 2021. A by-product of this increased visitation is conflicting use between boaters and swimmers at the park's only dock. This conflicting use has become a safety concern because boaters and individuals backing trailers into the water often can't see swimmers. The goal of this proposed project is to alleviate the conflict between boaters and swimmers and mitigate the safety concern by developing a boat exclusion area, separate from this dock, to provide space for swimmers to recreate.

The proposed strategies include sectioning off a 100 foot by 120 foot area for swimmers with buoys and rope on the eastern side of the lake, installing a swim dock in the boat exclusion area, and developing a 70 foot by 20 foot parking area to the east of the boat exclusion area. The boat exclusion buoys, rope and the swim dock would be installed early every summer (near the maximum reservoir water elevation), adjusted with dropping water levels and removed in the fall. The anchors associated with the proposed infrastructure would not be permanent. The parking area would accommodate 6 vehicles, be improved with a proper road base, and have barriers to define the boundaries. It is also proposed that FWP would install signage near the park entrance that directs swimmers to the boat exclusion area and swimming dock and install signs at the ramp/dock on the northwestern side of the lake, discouraging swimming.

### **PURPOSE AND NEED**

The proposed project is intended to alleviate conflicting use between boaters and swimmers and mitigate safety concerns at Ackley Lake State Park's current dock area. The proposed project would establish a boat exclusion area and install a swim dock, while maintaining a designated place for boaters to launch and trailer their watercraft. A parking area is proposed to be developed to accommodate the increased use at this site in the park.

The benefits of the proposed project include the following:

- Alleviate conflicting use between boaters and swimmers
- Mitigate safety concerns of swimmers in a high boat traffic location
- Provide improved boater launch and trailer space
- Provide swimmers improved recreational opportunity
- Prevent resource damage by developing a parking area to accommodate the increased use of this site within the park's footprint

### **ALTERNATIVES ANALYZED**

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

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional

impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Visitation at Ackley Lake has increased over the last 10 years, averaging 39,273 visitors annually with visitation doubling between 2012 and 2021. A by-product of this increased visitation is conflicting use between boaters and swimmers at the park's only dock. The proposed project is intended to alleviate conflicting use between boaters and swimmers and mitigate safety concerns at Ackley Lake State Park's current dock area. If the "No Action" alternative were selected, these existing conditions would continue at Ackley Lake.

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

Under the Proposed Action, FWP would develop a 100 foot by 120 foot area for swimmers with buoys and rope on the eastern side of the lake, install a swim dock in the boat exclusion area, and develop a 70 foot by 20 foot parking area to the east of the boat exclusion area. The boat exclusion buoys, rope and the swim dock would be installed early every summer (near the maximum reservoir water elevation), adjusted with dropping water levels and removed in the fall. The parking area would accommodate 6 vehicles, be improved with a proper road base, and have barriers to define the boundaries. It is also proposed that FWP would install signage near the park entrance that directs swimmers to the boat exclusion area and swimming dock and install signs at the ramp/dock on the northwestern side of the lake, discouraging swimming.

#### **PUBLIC COMMENT AND FWP RESPONSE**

No public comments were received during the public comment period.

#### **DECISION**

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. FWP hereby adopts the Draft EA as final and approves the Alternative 2, the proposed action.

Sincerely,



Jason Rhoten  
R4 Fisheries Manager/Acting R4 Supervisor  
Montana Fish, Wildlife & Parks