



## DECISION NOTICE

### Craig Fishing Access Site Overflow Parking Lot

[7/6/2023]

#### **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 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 May 5, 2023 to June 3, 2023. A legal Notice was published in The Great Falls Tribune and Helena Independent Record and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received 29 comments during the public comment period.

## **DESCRIPTION OF PROPOSED ACTION**

Montana Fish, Wildlife and Parks proposes to construct an approximately 2-acre gravel parking lot on a 3.4-acre parcel of land with 50 delineated parking spaces, 26 of which will be large enough to accommodate vehicles with boat trailers and 23 will be single vehicle parking spaces with 1 ADA approved single vehicle concrete parking space with ADA approved concrete latrine. The proposed project is intended to alleviate parking issues associated with the Craig Fishing Access Site (FAS). The existing Craig FAS has a day use parking lot capacity of 33 vehicles, 20 of those parking spaces can accommodate vehicles with boat trailers. The Craig FAS is a popular put-in and takeout location for watercraft on the Missouri River that can become congested at times, and often exceeds the parking capacity during the spring, summer, and early fall. Visitation to the existing Craig FAS has increased year to year, with peak use in 2020. The peak season parking demand that exceeds the current parking capacity at Craig FAS leads to parking off site and congestion throughout the streets of Craig and conflict with vehicles parking on private property. This project is intended to provide additional public parking and preparation area in Craig. The project location exists on privately owned BNSF property that Lewis and Clark County leases for a term of 20 years beginning in 2023 for the purpose of providing additional public parking space. Montana Fish, Wildlife and Parks intends to enter into an agreement with Lewis and Clark County to design, construct and then manage the overflow parking site.

## **PURPOSE AND NEED**

The purpose and benefits of the proposed action include establishing an additional public parking area to be used as overflow parking when the existing Craig FAS reaches its parking capacity. The proposed project would alleviate issues associated with the Craig FAS exceeding parking capacity by establishing an additional public parking area to be used as overflow parking for the Craig FAS. The proposed overflow parking lot would provide an established public parking area with 24 single vehicle spaces and 26 vehicles with trailer spaces, with the ability to provide some additional overflow parking in the future if deemed necessary and funding allowed.

Benefits of the proposed project:

- Alleviate parking and congestion along the streets within Craig
- Reduce conflicts with vehicles parking on private property
- Provide a parking area and additional boat preparation area to reduce congestion within the existing Craig FAS and along the community roads of Craig

## **ALTERNATIVES ANALYZED**

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

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

Under the No Action alternative, vehicles would continue to park along the community roads of Craig as the existing fishing access site reaches parking capacity of 33 vehicles. Congestion along the county roads and conflicts from people parking on private property would continue.

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

Under the Proposed Action, FWP would enter into a management agreement with Lewis and Clark County to manage the property that is leased by Lewis and Clark County. FWP would construct and manage a parking lot to be used as additional parking spaces, especially when the existing Craig FAS parking lot exceeds its capacity of 33 vehicles.

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

FWP received substantive public comment on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. In some cases, multiple individuals provided the same or similar comment; these comments were summarized, categorized, listed once, and a single FWP response is provided below. The following constitutes a synopsis of public input received and FWP's response to those comments.

1 Comment: *I like the idea proposed and can't wait until it becomes a reality*

FWP Response: Thank you for submitting your comment.

2 Comment: *In closing I will state that I am not a proponent for this new parking facility in Craig.*

FWP Response: Thank you for submitting your comment.

3 Comment: *Moving the latrines to the north end would eliminate a nuisance for the nearby homeowner.*

FWP Response: FWP proposes to install one latrine, also known as a vault toilet, at the new overflow lot. The proposed location may change throughout the design process, however siting criteria does need to account for accessibility and functionality. Accessibility takes pedestrian traffic into consideration, which also includes potential site users with mobility restrictions. Functional siting also considers solar and wind exposure, which facilitate air exchange in the vault toilet and limit the emission foul smells. During the design development phase of the project an alternative location may be selected based on functional criteria.

4 Comment: *The time between the May 4 public meeting and the May 19 comment deadline is not a fair nor adequate amount of time for the public to comment.*

FWP Response: FWP received comments requesting the comment period be extended. FWP initiated a comment period extension for an additional 15-day comment period from the time the original 15-day comment period ended (5/19/23).

5 Comment: *Copies of the draft environmental assessment were not sent to adjacent landowners as listed.*

FWP Response: FWP received comments regarding the lack of notification sent via mail to adjacent landowners. FWP mailed notification of the draft EA to residents of Craig, north of Bridge Road near the proposed overflow parking lot location. This mailing corresponded with FWP implementing an extended 15-day comment period that followed the mailing of the draft EA to residents.

6 Comment: *How were residents notified of public meetings? Are more planned?*

FWP Response: FWP has conducted one public meeting on May 4<sup>th</sup>, 2023, related to FWP entering into a management agreement and constructing an overflow parking lot on land leased by Lewis and Clark County. FWP released a press release on April 17<sup>th</sup>, 2023 regarding the May 4<sup>th</sup> meeting. The proposed project would be constructed during the fall of 2024. If more public meetings were to be scheduled, they would be planned in 2024. There are no additional public meetings planned for this project at this time.

7 Comment: *Please post the letter of concurrence from the Montana SHPO to the project website (or provide to project mailing list) and include it in the final EA. Craig, MT is a historic town, adding a paved parking lot lessens cultural significance.*

FWP Response: According to the applicable requirements of 22-3-433, MCA, construction of parking areas and other ground disturbing activities would require consultation with the State Historical Preservation Office or SHPO. In keeping with the Montana Antiquities Act and related regulations (ARM 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. These steps will be completed once the EA decision notice has been posted and the project is ready to move forward. One point of clarification, the current parking lot design does not include a paved surface.

8 Comment: *There are no mitigations listed for providing signs to attempt to prevent and mitigate the parking on private residences. What are the mitigations for congested parking by the railroad tracks and parking of boat trailers? What about mitigations, fences and street signs for walking traffic from parking lot to the river, and not taking short cuts via private residences.*

FWP Response: The draft EA evaluates impacts from the construction of an overflow parking lot on land leased by the Lewis and Clark County. FWP would enter into a management agreement for the constructed parking lot. The purpose and benefits of the proposed overflow parking lot is to alleviate parking and congestion along the streets within Craig, reduce conflicts with vehicles parking on private property, and provide an overflow parking area to reduce congestion within the existing Craig FAS and along community roads throughout Craig. FWP signage will be installed within the project area to inform the public how to legally navigate to and access the river from the overflow parking lot. Management outside of the project area, such as street signs along county roadways, fences outside of the project area, or signage on private lands are outside the scope of the draft EA.

9 Comment: *Are you going to manage for dust abatement during implementation for nearby residences or not because it's a rural town?*

FWP Response: Management and maintenance of county roadways outside of the project area, are outside the scope of this draft EA. The county roadway management and maintenance responsibilities such as dust abatement are the responsibility of the county, and fall outside of FWP's financial authority.

10 Comment: *This project has violated the public participation right, which violates both the National Environmental Policy Act (NEPA) and Montana Environmental Policy Act (MEPA).*

FWP Response: A checklist EA was deemed an appropriate level of analysis for the proposed project. A checklist EA requires a 15-day public comment period. The Draft EA was made available for public review and comment from May 5, 2023 to June 3, 2023. A legal Notice was published in The Great Falls Tribune and Helena Independent Record 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, at a public meeting hosted in Craig, and through notice to identified interested parties. FWP complied with MEPA requirements and even exceeded those requirements with the extended comment period. NEPA is inapplicable.

11 Comment: *I'm concerned to see that trash receptacles are not part of the plan for this overflow parking lot. I have no doubt that litter will become an increasing problem, and it will be left to the residents to clean it up as it blows onto neighboring properties and ultimately, into our beloved rivers.*

FWP Response: Garbage receptacles are not utilized at most FWP fishing access sites for a variety of reasons ranging from maintenance capacity to misuse of the receptacles. Fishing access sites in Region 4, including the Craig FAS, are pack-in/pack-out and do not have trash receptacles. FWP staff routinely visit fishing access sites, and if litter is observed, the litter is picked up. The current Craig FAS does not include a trash receptacle because of the capacity, potential odors, and history of misuse observed at other sites.

12 Comment: *Is there really a need for another latrine if this is just meant to be overflow parking? If so, it will need maintenance more often than once or twice a year.*

FWP Response: The proposed overflow parking lot will hold approximately 50 vehicles and FWP believes a latrine is necessary. Providing a latrine at this site will also reduce the use of the existing latrines at Craig Fishing Access site or the public using bathrooms at nearby businesses. The latrine will be maintained routinely however will be pumped, when necessary, which is typically twice annually.

13 Comment: *Yes, I understand that pavement is the best option to avoid erosion, pot holes and for dust control, but the residents of Craig don't live here for that stuff.*

FWP Response: The proposed overflow parking lot will consist of using an aggregate surfacing material for the overflow parking lot. Paving the overflow parking lot is not being proposed in this project. If the

comment is referring to paving the county roads within Craig, that is not within the scope of the draft EA or FWP authority.

*14 Comment: Drivers do not observe the 25mph speed limit crossing over the bridge east to west. How will you slow the traffic down to protect the pedestrians? Which law enforcement agency will be responsible for speeding violations in Craig? Will there be someone on patrol on the weekends in Craig to slow the speeders down?*

FWP Response: Speed limits and enforcement of speed limits on county roads, as well as mitigation to slow speeding traffic on county roads within Craig is not within the scope of the draft EA for the proposed overflow parking area construction project. Speed limit enforcement on roadways outside of FWP managed property is outside of FWP's jurisdiction.

*15 Comment: How will emergency vehicles get through the narrow streets of Craig? Will people use your overflow parking or continue to park on the street or along the tracks, because it is closer and more convenient for them when unloading equipment or parking. People are lazy and will take the shortest route available to them.*

FWP Response: The proposed overflow parking lot will provide additional parking when the existing Craig FAS exceeds capacity. The project intent is that the additional parking will alleviate the current congestion along the county roads within Craig, and subsequently will provide improved access for emergency vehicles on the county roads.

*16 Comment: I also like the idea of a walkway down the alley.*

FWP Response: Walkways and other developments on county roadways by county government is outside the scope of the draft EA prepared by FWP, and FWP authority.

*18 Comment: The overflow parking is only going to compound the issues of crowding and in the town of Craig people will still park on the streets of Craig at peak times. Does Lewis and Clark county and FWP have the resources and time to post all of the streets and to enforce no parking along the streets?*

FWP Response: The overflow parking lot is intended to provide designated parking space when the existing Craig FAS reaches its parking capacity of 33 vehicles and is intended to alleviate congestion on county roadways throughout Craig and reduce conflicts from people parking on private land. The existing Craig FAS and the proposed overflow parking lot may reach capacity at peak times. FWP does not have the jurisdiction to enforce vehicle traffic laws related to county roadways. Posting of county roadways with signage and county law enforcement actions are not within the scope of the Draft EA prepared by FWP or FWP authority.

*19 Comment: This parking facility will lower the value of these properties.*

FWP Response: It is unclear what properties are being referenced, however the property where the project is proposed is currently unoccupied and owned by Burlington Northern. The proposed development would seem contrary to lowering the value of the property.

*20 Comment: Has a lease been signed with Burlington Northern already? If the lease has been signed why is that being done prior to all public comment and sentiment? What happens to that lease if some concerned resident or a collection of residents were to start some sort of legal proceedings against this proposed project?*

FWP Response: The draft EA is for FWP entering into a management agreement with Lewis and Clark County to construct and maintain an overflow parking lot on land that Lewis and Clark County leased from Burlington Northern. The lease agreement between Lewis and Clark County and Burlington Northern is outside the scope of the Draft EA prepared by FWP.

*21 Comment: Has FWP even considered alleviating the congestion problem in Craig by looking into leasing land across the river and creating a new ramp and a large parking facility with restroom facilities?*

FWP Response: FWP seeks to enter into an agreement with Lewis and Clark County on land that is already leased by the county. FWP has not recently reached out to the private landowners across from the Craig FAS about the possibility of entering into a lease agreement for the development a new ramp and a large parking facility with restroom facilities. The concept of leasing additional land across the river was discussed, however was dismissed for various reasons. The intent of the overflow parking lot is to alleviate the seasonal congestion in Craig while minimizing impacts. The concept of additional development would require landowner agreement for a lease and would also negatively impact riparian habitat across the river. The existing agreement with Lewis and Clark County on land leased by Lewis and Clark County is a no-cost agreement to FWP.

*22 Comment: As you provide more spaces for these trailers, it will only invite more to squeeze their way into the struggling town. More often than not, I would come home from work and not even be able to get to our driveway because there were vehicles scattered all over, and somehow I was the one being yelled at. This parking area will only encourage this behavior and inspire even more creative and obstructive parking. The more space you open up to them, the more they will overfill it.*

FWP Response: The overflow parking is intended to provide designated parking space when the existing Craig FAS reaches its parking capacity of 33 vehicles, which will alleviate congestion on county roadways throughout Craig and reduce conflicts from people parking on private land.

*23 Comment: The river is bordered by miles of state land that is better fit for this kind of traffic and even better, already, existing fishing access points that are just underutilized.*

FWP Response: The Missouri River between Wolf Creek Bridge and Cascade can be accessed by 12 fishing access sites, 9 of which have boat ramps. These 9 existing fishing access sites with boat ramps frequently reach or exceed parking capacity during the spring, summer, and early fall months.

24 Comment: *Did you consider converting the camp sites already at the FAS to parking?*

FWP Response: Converting the camping sites at the Craig FAS to additional parking spaces was not considered at this time. FWP believes limited camping opportunity at Craig FAS provides public value at this time. Converting camping sites into additional parking would be a separate action, and outside the scope of this EA.

25 Comment: *Non-fishing river recreationists equally, if not exceedingly, add to the problem especially on the weekends. Fishing Access sites should be renamed to Public Access Sites because that is what they have turned into over the recent past. Anglers and non-anglers regularly use the public boat ramps. Both should either pay or not pay to use the ramps.*

FWP Response: The data provided in the draft EA for the proposed overflow parking lot project does not distinguish between anglers and non-anglers in visitation numbers. The project is intended to provide additional parking spaces when visitor parking exceeds the capacity at the existing Craig FAS. On May 18<sup>th</sup>, 2023 Governor Gianforte signed HB 521 into law. It addresses the equity mechanism in non-angler payment to utilize Fishing Access Sites. Re-naming of Fishing Access Sites is outside the scope of the draft EA.

26 Comment: *The proposed overflow parking lot should not supplement private business; only river access should be considered.*

FWP Response: The purpose and benefits of the proposed action includes establishing an additional public parking area to be used as overflow parking when the existing Craig FAS reaches its parking capacity. The proposed project would alleviate issues associated with the current Craig FAS exceeding parking capacity by establishing an additional public parking area to be used as overflow parking for the Craig FAS. The proposed project, as outlined in the draft EA, is not intended to supplement private business parking, but instead address conflicts that occur on private property from unwanted overflow parking from the existing Craig FAS.

27 Comment: *By adding river resources in the manner that FWP proposes, a clear understanding of how traffic flows from river use needs to be reached.*

FWP Response: According to the proposed project design, vehicles would enter the overflow parking area from Front Street and exit the overflow parking area on to Leonard Street. Changes to county roadway planning and/or traffic regulations would be outside the scope and authority of the EA.

28 Comment: *This is much needed to alleviate congestion in the town of Craig.*

FWP Response: Thank you for your comment.

29 Comment: *Don't forget to fund enforcement to deal with those who can't follow boat ramp rules and parking etiquette.*



FWP Response: FWP Game Wardens will continue to enforce the laws pertaining to fishing access sites and FWP managed property in Craig and along the Missouri River.

30 Comment: *The problem is mainly guides, cut back on fishing guides and nonresidents using this section of water enough is enough if you weren't born in Mt you don't belong here give Mt lifers preference to all state affairs.*

FWP Response: Comments on visitor type or allocation of visitor use based on visitor type is outside of the scope of the EA.

31 Comment: *I feel there is plenty of parking now.*

FWP Response: The existing Craig FAS has a parking lot capacity of 33 vehicles, 20 of those parking spaces can accommodate vehicles with boat trailers. The existing fishing access site parking lot regularly exceeds capacity.

32 Comment: *I think the proposal is nice, but, more parking spots for vehicles with trailers will be needed at peak times. To me the whole point of making a busy FAS site more efficient would be to keep things as localized as possible regarding vehicles and boat ramp traffic. Having to wander the streets of Craig to hopefully find your vehicle in an acceptable amount of time to clear the boat is currently a stressful situation during peak use. I hope peak times have been thoroughly considered in this proposal.*

FWP Response: The existing parking lot has a capacity of 33 vehicles, 20 of which can accommodate vehicles with trailers. The overflow parking lot has a capacity of 50 vehicles, 26 of which can accommodate vehicles with trailers. While use may exceed both parking lot capacities during peak days, the additional overflow parking lot will help reduce congestion on the county roads throughout Craig and reduce conflicts from people parking on private lands.

33 Comment: *My only comment has to do with the proposed flow of traffic through the new lot. I may be wrong about this, but I feel it is better to back the trailer into the space and pull forward to exit the parking space rather than park forward and back out of the space into the lane of circulation as it is difficult to see both vehicle and pedestrian conflicts as you back out into the circulation lane.*

FWP Response: Pedestrian and vehicular conflicts are regularly a point of potential concern with layout of a parking area, especially where there is an expectation of high turnover and trailers. The layout included with the EA is a preliminary concept design that emphasized one-way traffic routing, and is expected to go through review stages with a design consultant before arriving at a final layout.

34 Comment: *Why install ADA parking and facilities at the new site. Disabled individuals will not be able to traverse the path to the current FAS site. Instead, enhance the ADA parking and facilities at the current FAS site, which is practical and provides the parking at the services. This will allow one additional parking stall in the newly constructed site.*

FWP Response: As a state agency FWP includes ADA title II parking accessibility, which determines a minimum number of accessible spaces within categories of total parking capacity. The required number of accessible parking spaces, including van spaces, are calculated for each site. The layout included with the EA is a preliminary concept design that emphasized one-way traffic routing and is expected to go through review stages with a design consultant before arriving at a final layout. The new parking area, depending on total number of parking spaces in the final design, will require 1-2 standard accessible spaces, and one van-accessible space.

#### **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 Regional Supervisor  
Montana Fish, Wildlife & Parks