

# **DRAFT ENVIRONMENTAL ASSESSMENT CHECKLIST**

## **Bad Rock Canyon WMA Trail Development and Fencing Improvements**

**FWP-CEA-POR-R1-24-009**

**April 25, 2024**



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## 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 affected by the project. The Montana Environmental Policy Act (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) 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

**Name of Project:** Bad Rock Canyon WMA Trail Development and Fencing Improvements

Montana Fish, Wildlife, and Parks (FWP) is proposing to construct trails, improve existing trails, and install boundary fencing at Bad Rock Canyon Wildlife Management Area (WMA) near Columbia Falls, MT. The proposed project includes improvements to the existing 2.6-mile trail constructed by Gateway to Glacier Trail prior to FWP ownership, construction of approximately 0.4 miles of new trail, incorporation of 1.5 miles of existing two-track roads (two-tracks) into the WMA trail network, and installation of 0.5 miles of wildlife-friendly fencing on the property boundary. The new trail would connect the existing parking area on Hwy 2 in Columbia Heights to an existing trail within the WMA. Incorporation of existing two-tracks to the trail network would provide for a loop

trail within the property without expanding the footprint of the existing tread. The existing Gateway to Glacier trail would be improved where it crosses four wet areas using structures such as turnpikes and bridges. Wildlife-friendly fencing would be installed along the property boundary where none exists, and where trespass is likely.

Since acquiring the property for Bad Rock Canyon WMA in 2021, FWP has worked to improve public access to the site by installing a parking lot off of Hwy 2 in Columbia Heights and managing an existing trail. The 772-acre WMA is administered by FWP and provides wildlife habitat for a variety of wildlife, including winter range for white-tailed deer and elk. The property is closed to public entry from December 1 through May 15 each year to provide secure habitat for wintering wildlife. The property is open to public recreation from noon on May 15<sup>th</sup> to December 1<sup>st</sup> each year. The WMA provides limited youth and disabled hunters opportunity to hunt during the general hunting season and spring turkey season. The property also provides hunting opportunities during the fall archery season.

During the open season from May 15<sup>th</sup> to December 1<sup>st</sup>, Bad Rock Canyon WMA provides recreational opportunities including hiking, biking, horseback riding, wildlife viewing. Additionally, the Flathead River forms the northern boundary of the WMA, where water-based recreational activities such as fishing, swimming, and floating are available. Overnight camping and fires are prohibited within the WMA and motorized vehicles are prohibited to provide wildlife security and prevent user conflicts. Pets are permitted and must remain on leash except for lawful hunting purposes. FWP recreation staff, biologists and game wardens periodically monitor the property for regulation compliance and resource damage.

#### Improvements to the Existing Gateway to Glacier Trail:

Gateway to Glacier Trail is a local non-profit that worked with the previous landowner to install 2.6 miles of trail on the property. The trail is open to non-motorized use only and traverses the property from River Road, near the Flathead River east of Columbia Falls to the Bonneville Power Administration (BPA) powerline corridor. Along the way, the trail crosses several low-lying areas that are flooded seasonally. With this project, FWP proposes to partner with Gateway to Glacier Trail to install structures such as turnpikes and bridges on the existing trail to improve public access and reduce resource damage when the trail is flooded. Trail improvements would occur in a phased approach over several years as funding and conditions allow.

#### **Photo 1- Seasonally-wet, area in existing trail**



**Photo 2- Example of a turnpike that would be used installed in wet areas.**



**New Trail Construction:**

FWP proposes to construct 0.4 miles of new trail to provide a trail connection between the newly constructed parking area off Hwy 2, near Columbia Heights, with the existing Gateway to Glacier trail. A combination of mechanical and hand construction techniques will be used to create a trail connection. The trail will be suitable for non-motorized use including walking, running, biking and horseback riding.

**Loop Trail Addition:**

With this project FWP proposes to formally incorporate an existing forest two-track into the trail network, providing a loop opportunity within the property. The two-track is well established, and foot traffic will be permitted to further establish the tread. Wayfinding signs and maps will be installed at trail intersections to help orient visitors.

**Photo 3- Existing forest-two-track**



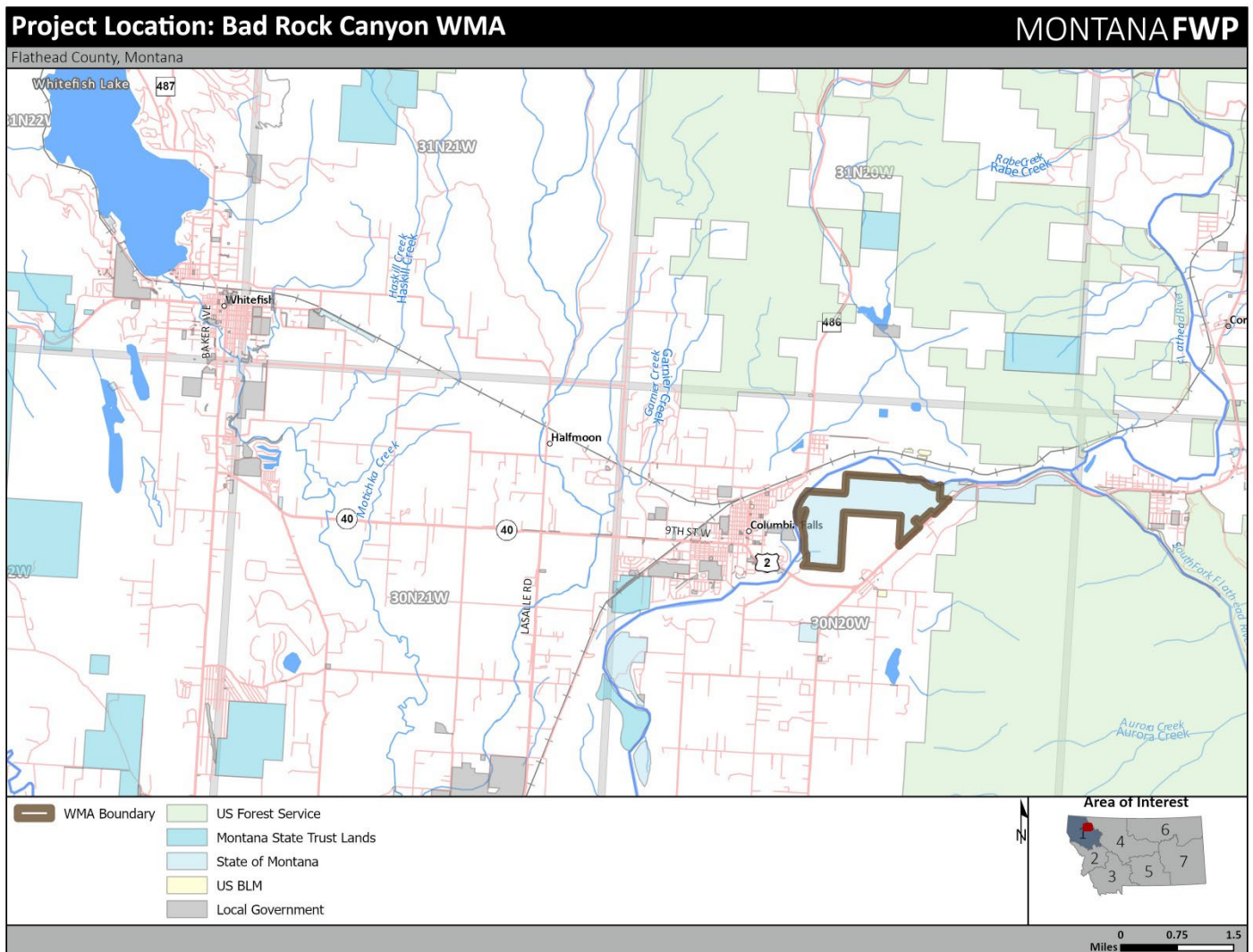


### Property Boundary Delineation with Wildlife-Friendly Fencing:

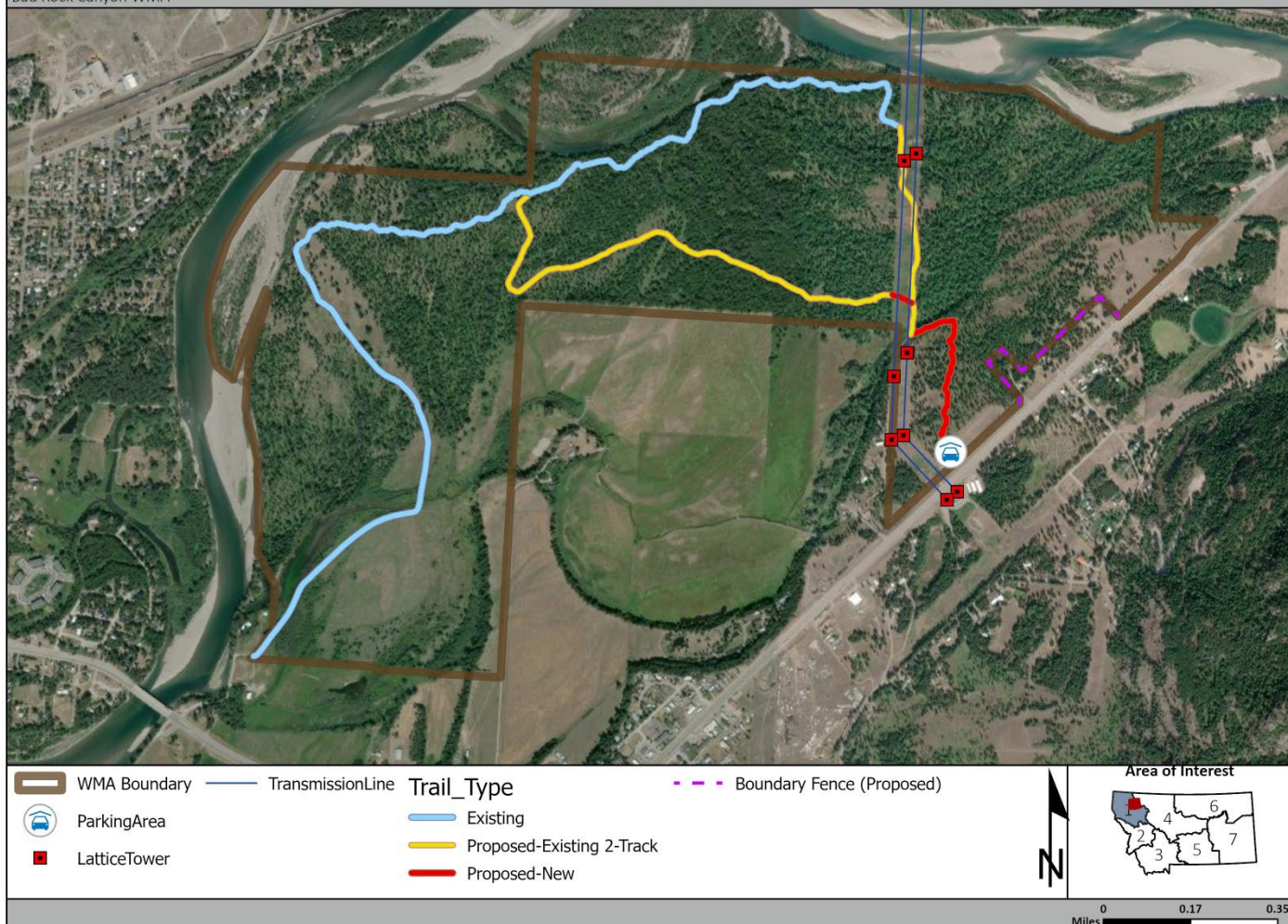
The WMA is bordered by private property along much of its border. Some of the property boundaries are fenced and many are not, resulting in the possibility of trespass issues and conflict with private property owners. To reduce the possibility of WMA users trespassing on private property and to reduce the possibility of property owners entering the WMA when closed, FWP would construct approximately half a mile of fencing in key areas where the possibility of trespass is highest. The fence would be wildlife-friendly three-strand smooth wire fencing .. The total amount of fencing installed would depend on cost and funding availability.

### **Affected Area / Location of Proposed Project:**

- Legal Description
  - Latitude/Longitude: 48.3739N 114.1350W
  - Section, Township, and Range: S10 T30N R20W
  - Town/City, County, Montana: Columbia Falls, Flathead County, Montana
- Location Map



Bad Rock Canyon WMA



### III. Purpose and Need

*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.*

FWP is proposing to construct new trails, improve existing trails, and install boundary fencing at Bad Rock Canyon WMA to improve visitor experiences, prevent resource damage, and minimize conflict with neighboring private property owners. FWP will construct a new trail connection between the existing trail network and the recently installed parking area in Columbia Heights, add exiting forest two-track to the trail network to create a formal trail loop, in-part to prevent the creation of unofficial user-generated trails that could lead to resource damage. To improve visitor access to the WMA in the early summer and reduce erosion and siltation, FWP would install turnpikes and bridges on seasonally wet areas on the existing Gateway-to-Glacier trail. Finally, to prevent conflicts with neighboring landowners, FWP would install fencing on the property boundary where none currently exists and where risk of conflict is highest.

Pending project approval, trail construction and fencing would commence in spring of 2024 with an anticipated completion date of October 15, 2024. Trail improvements would be constructed over time pending funding availability.

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 requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. 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
FWP Heritage Program; Montana State Historic Preservation Office; Tribal Historic Preservation Office(s)	Cultural Assessment	By Montana law (22-3-433, MCA), all state agencies are required to consult with the State Historic Preservation Office (SHPO) to identify heritage properties on land owned by the state that may be adversely impacted by a proposed action or development project. FWP's Heritage Program staffs a qualified archaeologist(s) and/or historian(s) to facilitate the required consultation and associated activities. FWP's Heritage Program also consults with all Tribal Historic Preservation Offices (THPO) affiliated with each affected property in accordance with FWP's Tribal Consultation Guidelines. Construction of parking areas and other ground disturbing activities would require consultation with the SHPO/THPO to ensure adequate protection of such resources.



## 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. The table 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>			<b>Yes <input checked="" type="checkbox"/></b>	<b>No <input type="checkbox"/></b>
<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>			<b>Yes <input checked="" type="checkbox"/></b>	<b>No <input type="checkbox"/></b>
<b>Enforceable Control</b>	<b>Responsible Agency</b>	<b>Authority (Rule, Permit, Stipulation, Other)</b>	<b>Effect of Enforceable Control on Proposed Project</b>	
FWP Public Use Regulations	Montana FWP	Fish and Wildlife Commission Rules for Public Use of Montana's Wildlife Management Areas	Allows FWP to manage public use of FWP's Bad Rock Canyon WMA including prohibitions on overnight camping, fires, shooting, seasonal closures, and motorized vehicle use.	
FWP Statewide Integrated Noxious Weed Management Plan	Montana FWP	Montana FWP Statewide Integrated Weed Management Plan.	Requires FWP to monitor and control the spread of noxious weeds at the site.	
Cultural Resource Protection	SHPO, THPO, FWP Heritage Program	Cultural Assessment and Inventory	A cultural resource inventory will be completed prior to any construction of the project. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program for further evaluation.	

## 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.*

In the No Action Alternative, FWP would not build new trails, improve the existing trail nor install boundary fencing. There would be no official trail connection from the parking area to the existing trail. Users would likely pioneer multiple trails resulting in resource damage. The existing trail would continue to be inaccessible and muddy during the spring and early summer if turnpikes and a bridge are not built. Conflict with neighboring landowners would be likely if boundary fencing is not installed.

	<b>Yes*</b>	<b>No</b>
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. Summary of Potential Impacts of the Proposed Project 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.*

*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 VI** 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. 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 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.

In the No Action Alternative, FWP would not build new trails, improve the existing trail nor install boundary fencing. There would be no official trail connection from the parking area to the existing trail. Users would likely pioneer multiple trails resulting in resource damage. The existing trail would continue to be inaccessible and muddy during the spring and early summer if turnpikes and a bridge are not built. Conflict with neighboring landowners would be likely if boundary fencing is not installed.

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

See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below.

**Table 3 - Potential Impacts of Proposed Project on the Physical Environment**

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The construction of trails and fencing and public use of those trails would result in limited wildlife disturbance during the recreation season when the WMA is open to the public (May 15 – mid-October). The proposed trail system leaves much of the property including several large contiguous areas un-trammeled, providing a level of wildlife security. This managed use of designated trails is preferred over the proliferation of user-developed trails throughout the WMA. FWP would maintain the authority to close trails or areas where unacceptable impacts to wildlife are observed. The WMA is closed to all public access annually from December 1 through May 15 <sup>th</sup> . Boundary fencing would be built to wildlife-friendly specifications with smooth wire, providing minimal hinderance to wildlife crossing. FWP expects the proposed project to result in minor seasonal impacts to terrestrial and avian species and their habitats. Those impacts would be limited to time period between May 15 <sup>th</sup> and November 30 <sup>th</sup> annually and the trail locations when the property is open to the public and/or hunters.
Water quality, quantity, and distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to water quality, quantity, and distribution from the proposed project. The proposed project constitutes the construction of new trails, improvement of an existing trail, and installation of boundary fencing and would not require the use of any additional new water resources, nor would it affect the distribution or quality of any existing water resources. The new trail would be designed to provide adequate and controlled drainage pattern. The improvement of the existing trail with turnpikes and a bridge where it crosses wet areas would result in a long-



PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									term minor improvement in water quality from current conditions by decreasing trail users contact with wet and muddy trail surfaces and standing water.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed action would have no significant adverse impacts to the geology of the proposed project location. The proposed project constitutes the construction of new trails, improvement of an existing trail, and installation of boundary fencing and would not affect any geologic features in the project area; therefore, no impacts to geology would be expected because of the proposed project.
Soil quality, stability, and moisture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to soil quality, stability, and moisture from the proposed project. The proposed project constitutes the construction of new trails, improvement of an existing trail, and installation of boundary fencing and would have long-term minor impacts to soil quality, stability and moisture. In some areas, trail construction would require the removal of vegetation and organic matter at the soil surface to expose bare mineral soil. In other areas the grasses would be mowed to identify the trail but not removed. The trail would be designed to allow adequate drainage and controlled drainage to minimize erosion and promote long-term soil stability. By designating and building an official trail system, FWP intends to minimize the proliferation of user trails that are not built to the same standard and could negatively impact soil over a broader area of the WMA. Trail improvements including turnpikes and a bridge where the trail crosses wet spots are designed to reduce erosion and expected to have long-term, minor beneficial impacts to soil stability, quality and moisture and would result in an improvement from current conditions.

PHYSICAL ENVIRONMENT		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Vegetation cover, quantity, and quality		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to vegetation cover, quantity and quality as a result of the proposed project. The trail would be designed and routed to minimize the removal of desirable vegetation. In some areas, trail construction will require the removal of vegetation including grasses, shrubs and small trees resulting in a long-term minor impact to vegetation cover and quantity and vegetation. This impact would be limited to the immediate trail corridor. In other areas grasses would be mowed to identify the trail but not removed. By designating and constructing an official trail loop, FWP intends to minimize the proliferation of user trails that would negatively impact vegetation across a broader area of the WMA. Some vegetation would be removed to install boundary fencing. This removal would be limited to the immediate area of the property boundaries. Property boundaries that cross densely vegetated areas would not be fenced to keep vegetation removal to a minimum. Trail construction, fencing installation and public use could lead to the spread of noxious weeds. The affected areas would be monitored and managed according to FWPs Statewide Integrated Noxious Weed Management Plan. Overall, impacts to vegetation cover, quantity and quality are expected to be long-term and minor.
Aesthetics		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the aesthetics of the project area because of the proposed project. New trails, trail improvements and fencing would be visible on the landscape but would be designed to blend into the surroundings as much as possible. The impact to aesthetics would be limited to the immediate area of the trails, improvement and fencing and would not affect the overall scenic quality of the WMA landscape. The project is intended to facilitate enjoyment of the

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									scenery found at the WMA and to prevent the proliferation of un-official user trails which would negatively affect aesthetics. Overall, long-term minor impacts to aesthetics are expected as a result of the proposed project.
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There would be no significant adverse impacts to air quality from the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable National and Montana ambient air quality standards (NAAQS/MAAQS)</p> <p>Further, no significant point-sources of air pollution exist in the area affected by the proposed project. Existing sources of air pollution in the area are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust). Fugitive dust and vehicle exhaust emissions resulting from the use of equipment and materials for the proposed project may adversely impact air quality. However, any impacts to air quality would be short-term, mitigated by dust control practices, consistent with existing impacts within the highway corridor, and negligible.</p>
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There would be no significant adverse impacts to any unique, endangered, fragile, or limited environmental resources because of the proposed project. The presence of any animal and/or plant Species of Concern, Species of Special Status, and any land classified as Important Animal Habitat located within or near the affected area were assessed through the Montana Natural Heritage Program (MNHP). Several Species of Concern have been observed within or near the affected area including Grizzly Bear (<i>Ursus arctos horribilis</i>) and Bald Eagle (<i>Haliaeetus</i></p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<i>leucocephalus</i> ). The property is also within the general species range of Canada Lynx ( <i>Lynx canadensis</i> ) and Wolverine ( <i>Gulo gulo</i> ) as identified by MNHP, although neither species have been observed on the property.
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse effects 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. FWP also consults with all Tribal Historic Preservation Offices affiliated with each 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 for further evaluation. Therefore, no impacts would be expected because of the proposed project.
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the demands on environmental resources of land, water, air, and energy from the proposed project. Fuel would be required to operate equipment and vehicles used to develop the proposed project. Any impacts would be short-term and negligible as the proposed project area is



PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<p>relatively small and as such the construction phase would be relatively short. As identified previously through the analyses of potential 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. Any such impacts would be short and long-term, minor and/or negligible, 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.</p>

**Table 4 - Potential Impacts of Proposed Project on the Human Population**

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There would be no significant adverse impacts to pre-project social structures and mores in the affected area because of the proposed project. Highway 2 is a travel corridor with commercial and residential development along either side. Recreation areas, including river access, tourist attractions, and commercial businesses front the highway. As such, recreation and related services support existing social structure, customs, values, and conventions in an around the city of Columbia Falls and the Highway 2</p>

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									travel corridor. The proposed project constitutes construction and improvement of trails and fencing intended to improve public access to the recently created WMA. Any impacts would be long-term, consistent with existing impacts, beneficial and minor.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to cultural uniqueness and diversity in the affected area because of the proposed project. The proposed project constitutes construction and improvement of trails and fencing, and it is not expected that this action would result in the relocation of people into or out of the affected area. Therefore, no impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the access and quality of recreational activities from the proposed project. No Wilderness areas exist in the affected area; therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. Any impacts would be moderate and beneficial in providing improved public access to the WMA. Any impacts to access and the quality of recreational and wilderness activities in the affected area would be long-term, beneficial, and moderate.
Local and state tax base and tax revenues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the local and state tax base and tax revenues from the proposed project. The affected community economy is recreation-based; therefore, the proposed project would support the existing local economy, including local tax base and tax revenues. The proposed project would be expected to increase local tax revenues from the local sale of fuel, supplies, services, and/or equipment to conduct and

HUMAN POPULATION		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										complete the project. Any such impacts would be minor, short-term and beneficial.
Agricultural or Industrial production		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to agricultural or industrial production would be expected because of the proposed project. The proposed project constitutes construction and improvement of trails and fencing at Bad Rock Canyon WMA. Because the affected land is not currently used for, or classified as, agricultural, no impacts to agricultural production would occur because of the proposed project. Further, no existing industrial operations would be displaced by the proposed project. Therefore, no impacts to agricultural or industrial production would be expected because of the proposed project.
Human health and safety		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the human health and safety from the proposed project. Contractors hired to develop the proposed project may realize increased risk to human health and safety associated with construction and development activities. However, affected contractors would operate in a safe manner using best management practices, including the use of safety precautions. The recreational use of trails does come with certain inherent risks. The trail would be designed, built and maintained in a fashion that minimizes those risks, including the use of adequate grades and sight distances. The use of designated, maintained and managed trails would be safer than use of user-developed un-designated and un-maintained trails. Overall, impacts to human health and safety would be short-term, minor, and adverse; long-term, minor, and adverse; and long-term, minor and beneficial.
Quantity and distribution of employment		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the quantity and distribution of employment because of the proposed project. The proposed project constitutes

HUMAN POPULATION		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										construction and improvement of trails and fencing for the WMA. Some impacts may be realized because contracted services would be used to develop the proposed project. The proposed project is not expected to attract additional visitors to the area or create additional, long-term new employment opportunities in the affected area. Therefore, any impacts to the quantity and distribution of employment would be short-term and negligible.
Distribution and density of population and housing		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the distribution and density of population and housing because of the proposed project. The proposed project constitutes the construction and improvement of trails and fencing at the WMA. Because the proposed project timeline would be short, it is not expected to result in the movement of existing or new population in need of housing or permanent residence in the affected area. Therefore, the proposed project would not impact distribution and density of population and housing in the area.
Demands for government services		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts on the demands for government services from the proposed project. The public use of trails would result in a need for governmental services in the following areas: Flathead County Sherriff's office and FWP Law Enforcement presence to patrol and respond to calls initiated from the site that may increase slightly due to the area being opened for public use. EMS and Fire response to calls initiated from the site may increase as there will be a greater concentration of the public using the proposed trails. Noxious weed control services would occur on an annual basis or as needed. Further, there would be demands for FWP Parks and Outdoor Recreation Division



HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									staff to maintain and monitor the site for changing, unsafe, or undesirable conditions, including, but not limited to, cleaning up litter, maintaining signs, and fixing barriers and communicating and answering questions from visitors. FWP staff currently drive from Kalispell to maintain and monitor the existing and nearby Teakettle and Paul's Memorial FAS. After project completion, affected staff would include the proposed trails and fencing in their existing duties. Therefore, any impacts to government services would be long-term, consistent with existing impacts, and minor.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed project area is within the WMA and is not used for the purposes of industrial, agricultural, or commercial activity. Portions of the proposed trail are located within the powerline easement held by Bonneville Power Administration (BPA). FWP would secure any required Land Use Agreements from BPA to route the public across the powerline easement and ensure that traffic does not impede BPA access to their powerline corridor. Therefore, any impacts to industrial, agricultural and commercial activity would be long term and negligible.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. The proposed project is compatible with the recreational planning priorities of FWP and the city of Columbia Falls and would support user experience at the existing WMA. A primary goal of WMA's is to emphasize the occurrence of highly productive, diverse plant communities that will provide high quality forage and cover for native wildlife species

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									and associated recreational opportunities. The proposed project would further such goals on the WMA. FWP is unaware of any other locally adopted plans and goals that may be impacted by the proposed project. Therefore, any impacts would be long-term, beneficial, and minor.
Other appropriate social and economic circumstances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to any other appropriate social and economic circumstances would be expected because of the proposed project. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project. Therefore, no additional social and economic impacts would be expected because of the proposed project.

**Table 6: Determining the Significance of Impacts on the Quality of the Human Environment**

<p>If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.</p> <p>According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. 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.</p>	
Criteria Used to Determine Significance	
1	<p>The <b>severity, duration, geographic extent, and frequency</b> of the occurrence of the impact</p> <p><b>“Severity”</b> describes the density of the potential impact, while <b>“extent”</b> 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>

	<b>“Duration”</b> describes the time period during which an impact may occur, while <b>“frequency”</b> 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).
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

## VIII. Private Property Impact Analysis (Takings)

*The 54<sup>th</sup> 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 7: Private Property Assessment (Takings)**

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
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 4a and 4b and continue with question 5)	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 checked="" type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
<b>Does the proposed action result in taking or damaging implications?</b>		<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 through -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.

## IX. Public Participation

*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)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines 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. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).*
  - *Public notice will be served on the Montana Fish, Wildlife and Parks website at: <https://fwp.mt.gov/news/public-notices>*
  - *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.*
  - *Public notice will announce the availability of the EA, summarize its content, and solicit public comment.*
- ***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., MST, on the last day of public comment, as listed below:*

**Length of Public Comment Period:** 15 days

**Public Comment Period Begins:** April 25, 2024

**Public Comment Period Ends:** May 9, 2024

Comments must be addressed to the FWP contact, as listed below.

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

Name: Tony Powell

Email: [tpowell@mt.gov](mailto:tpowell@mt.gov)

Mailing Address:

Montana Fish, Wildlife and Parks

490 N Meridian Rd

Kalispell, MT 59901

## X. Recommendation for Further Environmental Analysis

<b>NO</b> further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct <b>EIS</b> level review for the proposed action	<input type="checkbox"/>

## XI. EA Preparation and Review

	<b>Name</b>	<b>Title</b>
<b>EA prepared by:</b>	Tony Powell	Recreation Manager, Columbia Falls District, FWP Region One
	Franz Ingelfinger	Wildlife Biologist, Flathead District, FWP Region One
<b>EA reviewed by:</b>	Lee Anderson	Regional Supervisor, FWP Region One