

DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

Wayfarers Unit of Flathead Lake State Park

Boat Storage

September 23, 2024

FWP-CEA-POR-R1-24-029



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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: Wayfarers Boat Storage

Montana Fish, Wildlife and Parks (FWP) proposes the construction of a fully enclosed heated, two-bay boat storage unit at the Wayfarers Unit of Flathead Lake State Park (FHLSP). The proposed project would provide Flathead Lake State Park and the Bigfork Area Game Warden a safe and accessible place to store their boats. Currently, FHLSP is paying to store its boat at an off-site location that is not heated. During the fall through spring months, to prevent damage to the boat, FHLSP staff need to drive the boat to the Region 1 (R1) headquarters in Kalispell to store it overnight in a heated shop. This results in an additional hour and a half of drive time plus fuel expenditure. The Bigfork Area Game Warden currently is storing their boat at the Kalispell headquarters office as well. Retrieval time greatly reduces response time on Flathead Lake.

The proposed project area is in the Harry Horn Day Use Area at the Wayfarers Unit of FHLSP. This location is visually buffered by vegetation and could take advantage of pre-existing electrical service. This proposed project would reduce travel time, eliminate boat storage costs, and significantly improve response time for the FHLSP and the Bigfork Game Warden boat.

Pending project approval, construction on the two-bay boat storage garage would commence in the fall of 2024 with an anticipated 60-day construction window for the contractor.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 48.05387 N, -114.07448 W
 - Section, Township, and Range: Section 36, Township 27 North, Range 20 West
 - Town/City, County, Montana: Bigfork, Flathead County Montana
- Location Map

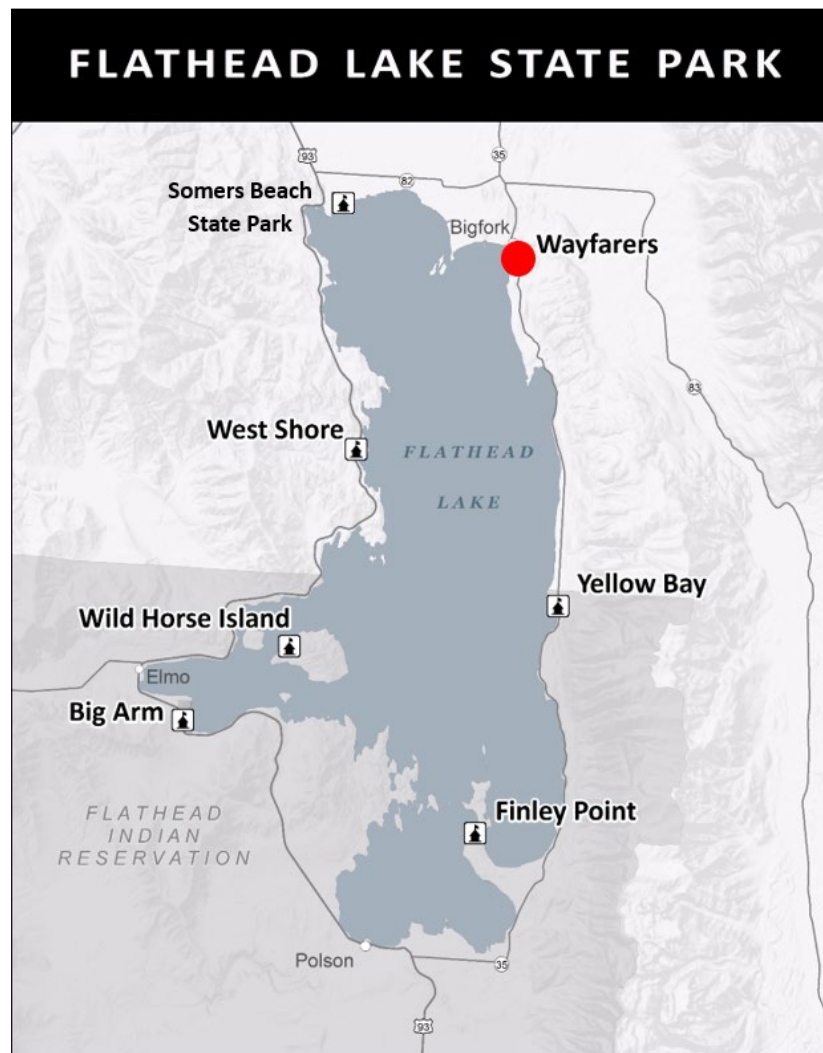


Figure 1: Aerial view of Flathead Lake with the six park units in bold. The proposed project area is the Wayfarers unit of FHLSP (highlighted with a red dot).



Figure 2: Park Map for the Wayfarers unit of FHLSP. The proposed project area is highlighted with a yellow dot.

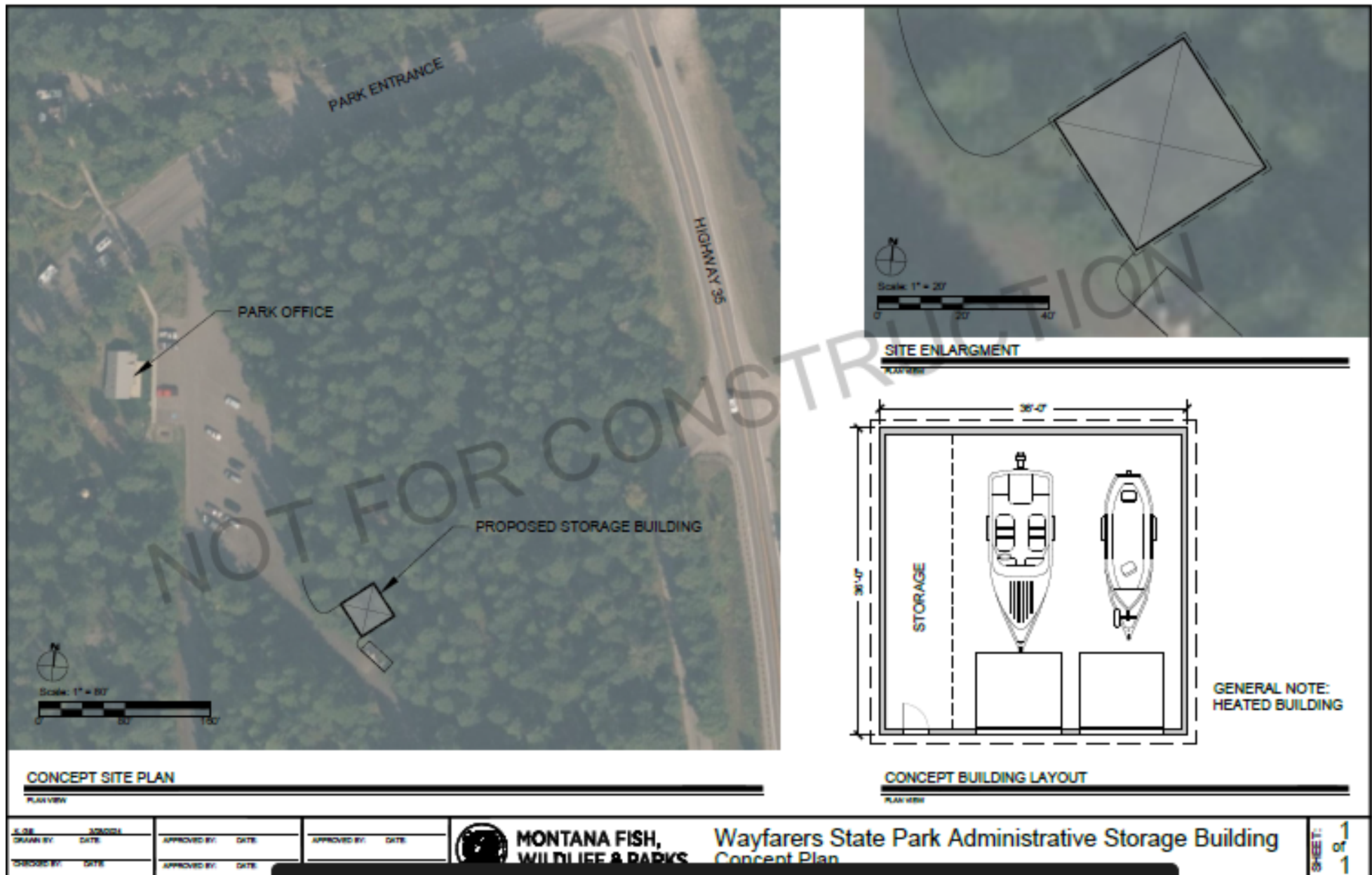


Figure 3: Concept plan for the proposed storage building at Wayfarers unit of FHLSP.



Photo 1: This photo is taken from the road facing east towards the proposed project area.



Photo 2: This photo is taken from the forest facing the southwest, towards the proposed project area.

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.

The proposed project is to construct a heated two-bay boat storage facility for the use by the Parks and Outdoor Recreation Division and the Enforcement Division duty boats. This storage facility would provide both divisions with a more efficient way to retrieve and store their boats when completing their work duties. This is especially important in the fall through spring months when a heated facility is needed to store the boat to prevent damage from freezing temperatures. The proposed boat storage location is across the parking lot from the Flathead Lake Ranger Station in the Wayfarers Unit of FHLSP.

Pending project approval, construction of the heated two-bay boat storage garage would commence in the fall of 2024 with an anticipated 60-day construction contract.

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
State of Montana	State Building Permit	Ensures the building is to code
Flathead County	Electrical Permit	Ensures the electrical service is adequate and to code

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

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below			Yes <input type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	

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.

Under the no-action alternative, FWP would not develop a heated two-bay boat storage garage. Under this scenario, both the Bigfork Area Game Warden and FHLSP's staff would have reduced response time and higher monthly costs due to the continued rental of a storage unit.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

1. The Big Arm unit of Flathead Lake State Park would not be a viable option for this project. The proposed building would eliminate boat trailer parking spaces for the public. In addition, the Big Arm unit of FHLSP is a 45-minute drive from the Wayfarers Unit of FHLSP, reducing response times to emergencies for management and area wardens.
2. The Finley Point, Yellow Bay, and West Shore units of FHLSP would also not be viable options. These locations lack an area that is ready to be built upon, increasing the cost of this project. All three locations would also reduce response times for FHLSP management and area wardens.
3. Other areas within the Wayfarers Unit, namely on the campground side of the hill, were considered and dismissed due to the lack of space, lack of buildable area, and extreme busy nature of the area during summer months.

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.

- **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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to the terrestrial, avian, and aquatic life and habitats from the proposed project. The boat storage garage would have a 36'x36' footprint and is located within a developed area of the park. FWP anticipates short-term minor impacts to the abundance and movement of terrestrial and avian species during the construction.
Water quality, quantity, and distribution	<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"/>	There would be no significant adverse impacts to water quality, quantity, and distribution from the proposed project. The proposed project constitutes the development of a two-bay boat storage garage 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 proposed action may cause negligible, long-term controlled changes to area drainage patterns. Therefore, any impacts on water quality, quantity, and distribution would be long-term, and negligible.
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 on the geology of the proposed project location. The proposed project constitutes a development of a two-bay storage garage and an adjacent buried propane tank, 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 project area would utilize a pre-existing paved road and parking area, and the soil is silty loam providing moderate drainage and moderate water holding capabilities according to the Natural Resources

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	
									Conservation Service Soil Survey Map. Construction of the project would result in long-term, minor adverse impacts on soil compaction in the area where the storage garage is developed.
Vegetation cover, quantity, and quality	<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 on the vegetation cover, quantity, and quality of the proposed project. The project area is dominated by Western Larch and Douglas Fir trees along with shrubs common to coniferous forests. The construction of the storage garage would have short- and long-term, minor, and adverse impacts on existing and future vegetation cover by disturbing and converting approximately 36 ' by 36 ' of existing vegetation. A sub-grade propane tank would result in short-term and minor impacts on vegetation. Construction of the site and motor vehicle traffic may lead to increased opportunities for noxious weeds to become established. FWP would manage noxious weeds following the FWP Noxious Weed Management Plan. Any impacts associated with noxious weeds would be short-term, long-term, and minor.
Aesthetics	<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 aesthetics of the project area because of the proposed project. Short-term and minor adverse aesthetic impacts would likely result from the construction of the storage garage due to the presence of equipment and staged construction materials in the Harry Horn Parking Lot. Long-term and minor adverse impacts may also result from the development of the building. The project area is well-screened, minimizing visual impacts. Any short-term and long-term aesthetic impacts would be consistent with the area's current use and minor.

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	
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"/>	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). The proposed project would not result in additional new air quality impacts in the affected area. 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), and vehicle exhaust emissions. Fugitive vehicle exhaust emissions resulting from the movement of heavy equipment and materials for the proposed project may adversely impact air quality. However, any impacts to air quality would be short-term, consistent with existing impacts within the park, and negligible.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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 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. 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 leucocephalus</i>). Because the proposed area is highly developed, any impacts to species of concern, species of special status, and areas meeting Important animal habitat status would be short- and long-term, consistent with existing impacts in the project area, and negligible.

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	
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 on 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 checked="" 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 storage garage is relatively small and as such the construction phase would be relatively short. The building will have electricity

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	
									and propane heat but will be kept at a low temperature. The demand for energy to operate this building would be long-term, negligible and consistent with existing demands. 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.

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 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 on pre-project social structures and mores in the affected area because of the proposed project. Wayfarers Unit of FHLSP is a recreation hub along with the entirety of Flathead Lake.

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	
									The Harry Horn Picnic Shelter is a popular spot for families, businesses, and others to gather. As such, recreation and related services that support existing social structures, customs, values, and conventions around the Flathead Lake and the Harry Horn parking lot will have minor impacts on the proposed project. The proposed project constitutes the development of a two-bay storage garage to provide FHLSP staff and enforcement with a more efficient place to access their boats to perform daily duties. This proposed project development would further support existing social structures and mores in the affected area. Any impacts would be short and 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 on cultural uniqueness and diversity in the affected area because of the proposed project. It is not expected 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 checked="" 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 on wilderness recreation activities would occur because of the proposed project. Any impacts would be moderate and beneficial as the proposed project would add a building between the Harry Horn Picnic Shelter and the trash enclosure, but the proposed building would block the view of the trash enclosure. During the construction of the proposed project, there may be higher than normal human-made

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									noises that could impede on the quality of recreation. There would be minor impacts to access and the quality of recreational and wilderness activities in the affected area would be short and long-term, beneficial, and moderate.
Local and state tax base and tax revenues	<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 local and state tax base and tax revenues from the proposed project.
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 on agricultural or industrial production would be expected because of the proposed project. Because the affected land is not currently used for, or classified as agricultural no impacts on agricultural production would occur. No existing industrial operations would be displaced by the proposed project, so 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 checked="" type="checkbox"/>	<input type="checkbox"/>	There would be no significant adverse impacts to human health and safety from the proposed project. Contractors hired to develop the proposed project may realize the 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. Designating a formal parking area would improve human health and safety by creating a defined safety zone around the project area where visitors can avoid the construction. Upon completion of the proposed project, both enforcement and FHLSP's staff boats will be more readily accessible and convenient to Flathead Lake and surrounding waterways. This proposed project would significantly improve response times during emergencies,

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	
									resulting in beneficial minor to moderate impact in the short and long term.
Quantity and distribution of employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed project would have no significant adverse impacts on the quantity and distribution of employment. Some short-term, beneficial impacts would be realized because contracted services would be used to develop the storage facility. Any impacts on the quantity and distribution of employment would be short-term, minor, and beneficial.
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 on the distribution and density of population and housing because of the proposed project. Because the proposed project timeline would be short, it is not expected to result in the movement of existing or new populations in need of housing or permanent residence in the affected area. Therefore, the proposed project would not impact the distribution and density of population and housing in the affected area.
Demands for government services	<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 on the demands for government services from the proposed project. The proposal would result in faster response times from the Bigfork Area Game Warden for water-related incidents. This would also increase the efficiency of FHLSP's staff's time when conducting lake-based work. This project will increase the demand on FWP's Region 1 maintenance staff, by adding another building they would need to maintain. Therefore, any impacts to government services would be short and long-term, consistent with existing impacts, and minor.

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	
Industrial, agricultural, and commercial activity		<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 industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed project area is within a Montana State Park and is not used for industrial or agricultural activities. There are commercial activities that happen within the park, but the project area would have no impact on those activities. Therefore, no impacts will occur on industrial, agricultural, or commercial activity.
Locally adopted environmental plans and goals		<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"/>	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, the town of Bigfork, and Flathead Lake as a whole; and would support user experience on Flathead Lake and surrounding waterways. A primary goal of Montana State Parks and FWP is to provide public safety and recreational opportunities. The proposed project would provide staff quicker access to their boats in case of emergencies on Flathead Lake and nearby waterways, while also providing more efficient use of staff times for transporting boats for work duties. Therefore, any impacts would be short and 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

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.

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.

Criteria Used to Determine Significance

1	<p>The severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <p>"Severity" describes the density of the potential impact, while "extent" describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>"Duration" describes the time period during which an impact may occur, while "frequency" describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

VIII. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 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 type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.

If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

Alternatives:

The analysis under the Private Property Assessment Act, §§ 2-10-101 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-notice>*
 - *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)).*
 - *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. 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: September 23, 2024

Public Comment Period Ends: October 7, 2024

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

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

Name: Derrick Rathe

Email: derrick.rathe@mt.gov

Mailing Address:

Flathead Lake Ranger Station

Attn: Wayfarers Boat Storage EA

8600 MT Hwy 35

Bigfork MT 59911

X. Recommendation for Further Environmental Analysis

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

XI. EA Preparation and Review

	Name	Title
EA prepared by:	Derrick Rathe	Assistant Recreation Manager
EA reviewed by:	Amy Grout	Recreation Manager