



DECISION NOTICE

Bad Rock Canyon WMA Trails and Fencing Improvements FWP-DN-POR-R1-24-009

May 17th, 2024

ACTION

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

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

AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT

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

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

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

PUBLIC PARTICIPATION PROCESS

The Draft EA was made available for public review and comment from April 25th to May 9th. A legal Notice was published in *Helena Independent Record and Daily Interlake* and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice>. The Draft EA was also made available for

public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received 10 comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

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.

PURPOSE AND NEED

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 help 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.

ALTERNATIVES ANALYZED

Alternative 1: No Action

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

Under the No Action Alternative, 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 Action

Under the Proposed Action, FWP would construct trails, improve existing trails, and install boundary fencing at Bad Rock Canyon Wildlife Management Area. Specifically, the Proposed Action 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.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comments on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. The following provides the public comments received in the order they were received and FWP response(s).

Comment: *I believe there should be no further improvements in the Badrock WMA. Human, you should be limited. The parking area that was just constructed is way out of line with use. It seems much bigger than initially proposed and will only invite travelers to illegally spend the night in the parking lot. Why would you want to put up more fencing to confined wildlife? Why do you need more trails when there are already several in the area? No further development should be done.*

FWP Response: Under the Fish and Wildlife Commission Rules for Public Use of Montana's Wildlife Manage Areas, WMAs are open to public entry outside of Big Game winter closures. Developing designated recreational trails is consistent with management objectives for the property and the intent for which it was purchased. The parking lot is intended for 15 vehicles and includes a turnaround for larger vehicles to prevent congestion. WMA regulations, which include a prohibition on overnight camping, will be posted at the entrance and FWP staff and law enforcement will periodically monitor the site for illegal use. The fencing would be installed to wildlife friendly standards with smooth top and bottom wires at heights that allow wildlife to pass over and under.

Comment: *I fully support and encourage proposed development and fencing improvements in the Bad Rock Canyon WMA. These improvements will benefit the property by designating appropriate locations for human interaction with the WMA. The improvements will also discourage the creation of social trails throughout the property benefitting the flora and fauna.*

FWP Response: By developing designated trails, FWP intends to limit the proliferation of social trails and to proactively determine where trails are appropriate and where they are not.

Comment: *I am delighted to learn that there is a plan to make trail and boundary improvements at Badrock Canyon WMA. I wholeheartedly support this venture.*

FWP Response: Thank you for your letter of support.

Comment: Please accept the following comment on the proposed trail work and fencing at Bad Rock WMA. I am in full support of the proposed trail work etc. .In particular, I really liked seeing that there will not be trail construction on the 2-track loop trail addition and instead leaving it up to the users to create the tread. In the past, some agencies have dug tread into these types of 'troads' only to realize a few years later that they established the tread on the wrong side of the two-track - for a variety of reasons - seeps, rocks, etc.. The public will establish the tread just fine.

FWP Response: Some mowing and weed whipping would likely be necessary to delineate the trail corridor in those areas, but otherwise no trail construction would occur there.

Comment: *I hope you would include some boundary markers on the Flathead River boarder of the Badrock WMA. It would be nice to let floaters know where the area begins and ends. Floaters are now accessing the area from the river. Camping along this section of the river below the normal high water mark may be allowed by Montana Stream access laws. Thank you.*

FWP Response: Some users do access the property from the Flathead River. FWP may consider marking the property boundary in those high use areas. Stream access does permit certain recreational use below the highwater mark regardless of property ownership.

Comment: *I live on --- Windy Ridge, some of my property is under the power lines. People come through with their dogs unleashed. Also, they like using the road which is on my land, because it is easier to get down in the bottom and cross the slough.*

FWP Response: By constructing a designated trail away from the property boundaries, FWP intends to reduce trespass onto adjoining private property. FWP would also consider improved fencing and signs in this area.

Comment *My name is ----- . I live at -- Windy Ridge in Columbia Heights, which is a short distance to the west of the Bad Rock Canyon WMA Trail Development. I feel that it is essential that FWP install boundary fencing of the WMA immediately to prevent people and dogs from crossing over into private property. I feel that without proper boundary fencing there will be many conflicts and lawsuits. It would also be helpful if there were a person to make sure that those individuals entering the area were also checked out by the appropriate time. I thank you for your assistance with this project.*

FWP Response: The proposed fencing combined with the proposed trail layout are intended to keep people away from adjoining private properties and reduce trespass and conflict with neighbors. While FWP is unable to provide full-time dedicated staff at this property, FWP staff and law enforcement will periodically monitor the site for illegal use.

Comment: *I am in support of the NO ACTION Alternative in the proposed developments within the Badrock WMA. The new parking lot is considerably overdone for the use the area has received. It's obvious the FWP was for seeing these "improvements " so a slew of cars could pull in off the highway. Have you done an analysis on the traffic patterns there? It will be bad. How about no overnight parking signs at the new parking lot. There will be tourists camped in RVs there like up the street in Badrock Canyon proper or like the Blankenship Bridge area. Where did you obtain the term Two Track for old, grown over roads? That's a tactic the State of Utah uses to improve 'existing' roads. Whatever old roads are becoming lost back there should stay lost. There are more Bald Eagles down there than you admit, and you don't mention Mtn. Lions which I know travel there. Mtn. Bike trails SHOULD be rough. So a little water is in a pothole. Let it be. It is bone dry most of the summer anyway. Please, do NOT develop anymore within the Badrock WMA. My family use to chase our cows down there, there are more "cultural heritage" sites than you allude to. Let the wildlife be, and keep the development out.*

FWP Response: The parking lot is intended for 15 vehicles and includes a turnaround for larger vehicles to prevent congestion. FWP has not completed a traffic analysis for this project. It is expected that the additional traffic would be negligible. The regulations, including day-use-only,

would be posted on site and FWP staff and law enforcement would periodically monitor the property for illegal use. The term “two-track road” is intended to describe a primitive road with minimal footprint. The proposed trail section that follows existing two-track roads would remain primitive. Some mowing and weed whipping may occur to delineate the route. Motorized vehicles are prohibited on the existing trail and would be prohibited on the proposed trails. We are aware of one documented bald eagle nest on the WMA and the proposed trails maintain greater than a 1/8th-mile buffer from that nest in accordance with the Montana Bald Eagle Management Guidelines. Mountain lions are broadly distributed across northwest Montana and utilize the WMA. Mountain Lions are not listed as a species of concern by the Montana Natural Heritage Program, and proposed trails and associated recreational use will have negligible impact on lion distribution on the WMA. The trails would be constructed to the minimum degree possible to provide for safety and prevent resource damage. The proposed improvements to the existing trail are intended to minimize resource damage by preventing erosion and sedimentation. While cultural and heritage resources likely exist in the WMA, a FWP cultural resource specialist would assess the proposed route prior to any ground-breaking work commencing.

Comment: *I am in full support of this proposal. They are minor improvements that will greatly enhance the BRCWMA for the protection of the landscape, wildlife, human visitors, and avoid potential conflict with neighboring landowners. I suspect some of the public will still make their own trails, wandering through the open spaces, but defined trails will help, and directional signs and maps are critical. Thank you for this incredible asset to our neighborhood south and east of the Flathead River. We neighboring landowners are working to maintain the critical wildlife habitat and corridor through our properties to broaden the range for wildlife of all shapes and sizes.*

FWP Response: **Thank you for your support.**

Comment: *The Montana Association of Land Trusts (MALT) comprises twelve (12) member organizations that focus on voluntary incentive-based conservation. The MALT membership provides diverse and broad value through projects and activities that generate open land conservation, outdoor recreation, and land trust community engagement. Montana land trusts have expanded their focus to lead efforts to build and maintain community trails and parks and to play a more substantial leadership role in voluntarily creating recreational access and improving outdoor recreation opportunities. MALT represents the interest of our members and private land conservation policy at the local, state, and federal levels.*

MALT strongly supports the Bad Rock Canyon Wildlife Management Area (WMA) Trails and Fencing Draft Environmental Assessment (EA) as outlined in Alternative 2: Proposed Project - Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population prepared by Montana Fish, Wildlife, and Parks (FWP). We commend FWP for its commitment to improving public access to this valuable wildlife habitat area while protecting its ecological integrity.

MALT believes that well-designed trails and fencing can be vital in balancing public use with wildlife conservation goals. The proposed improvements outlined in the EA will:

- *Enhance public access opportunities: Creating designated trails will provide safe and sustainable access for hikers, birdwatchers, and other outdoor enthusiasts to explore the unique beauty of Bad Rock Canyon. This will increase public appreciation for Montana's wildlife and wild places and allow for sustainable use of this landscape through thoughtful traffic management.*
- *Protect wildlife habitat: Properly placed fencing can help to reduce wildlife disturbance and habitat degradation caused by uncontrolled foot traffic. This will benefit various species that rely on the WMA for breeding, feeding, and cover.*
- *Promote responsible recreation: By providing designated trails and educational signage, FWP can encourage visitors to recreate responsibly and minimize their environmental impact.*

We appreciate FWP's commitment to conducting a thorough environmental review process. MALT encourages careful consideration of any potential impacts identified in the EA and the implementation of appropriate mitigation measures to address them.

MALT strongly encourages FWP to finalize Alternative 2: Proposed Project - Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population. We believe the Bad Rock Canyon WMA Trails and Fencing project represents a significant step forward in the evolution of this cherished WMA. It strikes a thoughtful balance between providing public access and ensuring the long-term health of this critical wildlife habitat area. Thank you for your consideration.

FWP Response: Thank you for your support.

DECISION

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

Sincerely,

A handwritten signature in cursive script that reads "Lee Anderson".

Lee Anderson
Regional Supervisor, Region One
Montana Fish, Wildlife & Parks