



DECISION NOTICE

Sportsman's Bridge - Land Replacement and Fishing Access Site Development

06/17/2024

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, with 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 Standard 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 23, 2024, through May 22, 2024. A news release was distributed to approximately 9,000 recipients on April 23, 2024, including all individuals and entities who signed up to receive FWP Region 1 news and Region 1 Interested Parties. The news release generated the following media coverage: NBC News: <https://nbcmontana.com/news/local/fwp-accepting-public-comment-on-new-fishing-access-proposal-on-flathead-river> Flathead Beacon: <https://flatheadbeacon.com/2024/04/24/as-mdt-prepares-to-replace-sportsmans-bridge-fwp-lays-plans-for-new-fishing-access-site/> Daily Inter Lake: <https://dailyinterlake.com/news/2024/apr/26/fwp-seeking-comment-on-bigfork-fishing-site/> Bigfork Eagle: <https://bigforkeagle.com/news/2024/may/01/fwp-seeking-comment-on-bigfork-fishing-site-bigfor/>

The Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice> as well as on the Region 1 Facebook page where it received 889 impressions (views) as of May 29. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>. Postcards were also mailed to the adjacent landowners on Oldenburg Road as well as the Hanging Rock homeowner's association (HOA), located near the existing Fishing Access Site (FAS). FWP also discussed the project on the Montana Wildlife Radio Show (KOFI stations) on May 2 and May 9. Further, on April 26, FWP presented information to attendees of the Evergreen Chamber of Commerce luncheon, and the Kalispell Chamber of Commerce luncheon on May 21.

FWP received numerous written comments during the public comment period. Many of the comments received were in clear support of the proposed project while several responses were in clear opposition. Other responses made recommendations on development and restrictions to be placed at the new site without specifically expressing support or opposition and other responses asked questions about the project and how issues were going to be addressed without expressing support or opposition.

BACKGROUND AND DESCRIPTION OF PROPOSED ACTION

FWP proposes to re-locate Sportsman's Bridge FAS to the west side of the Flathead River to facilitate the Montana Department of Transportation's (MDT) replacement of Sportsman's Bridge over the Flathead River on Highway 82. In 2009, MDT began a robust planning process and detailed analysis for the replacement of the existing Sportsman's Bridge. MDT's analysis of the project is contained in the MDT Environmental Services Bureau Categorical Exclusion Documentation (Control Number 6850000) and in a letter dated March 28, 2019, from MDT to FWP detailing the history of the project and agreed upon mitigation measures. Through this process MDT determined part of the footprint of FWP's existing Sportsman's Bridge FAS falls within the existing HWY 82 right-of-way. Because MDT's replacement of the Flathead River Bridge encroaches on the existing FAS footprint, modification of the existing FAS or MDT acquisition of land and development of a new, nearby FAS would be required to accommodate ongoing high demand for recreational opportunity at the affected site. The existing FAS has been accessed by the public since 1959 and represents a high-use recreational asset in the affected area. Further, because the bridge replacement encroaches on the existing FAS, MDT is obligated to accommodate FWP for necessary changes (i.e., modification of existing FAS, MDT acquisition of land for new FAS).

During initial project negotiations between MDT and FWP, MDT's proposed 18.22 acre replacement property on the west side of the Flathead River was not available for purchase or lease and thus did not represent a viable alternative or approach (i.e., reasonable alternative) to meeting MDT requirements, while maintaining public access to the Flathead River in the affected area. Any necessary changes to the existing FAS would occur in roughly the same developed footprint with some important caveats: it would be

necessary to add several new parking spaces, replace the existing boat ramp, and pave a new entrance road and parking area through wetland property owned by the Hanging Rock HOA. Therefore, a new entrance road would be needed, accessible from Hanging Rock Road instead of the existing entrance from Highway 82. Adverse impacts from road and site development through/within an existing wetland feature would occur. Further, to accommodate necessary modifications to the existing FAS, FWP would be required to transfer approximately 1.5 acres of FWP land (either in fee title or easement) to MDT and MDT would need to secure a permanent, approximate 3.32-acre easement from the HOA and then transfer the easement to FWP. At this time, MDT does not have an easement secured with the HOA thus making it uncertain that MDT can accomplish all the requirements necessary for modification of the existing FAS.

On March 24, 2023, FWP published a Draft EA proposing the above-cited changes to the existing FAS, as necessary to meet MDT requirements for the replacement of Sportsman's Bridge. On April 17, 2023, FWP issued a decision notice adopting the Draft EA as Final. Again, the initial Draft EA did not analyze the proposed new west side FAS site because, at that time, MDT's proposed 18.22-acre property acquisition on the west side of the Flathead River was not available for purchase and thus did not represent a reasonable alternative for meeting MDT's requirements, while maintaining public access to the Flathead River in the affected area. Following the public participation process for the initial Draft EA, the 18.22-acre property located on the west side of the Flathead River became available for purchase. This property represents more suitable land for the purposes of the FAS now and into the future. More specifically, the west side property is more suitable than the existing FAS from the standpoint of public safety, to accommodate the current level of recreational use/need in the affected area, and to accommodate any future expansion of FAS infrastructure, as deemed necessary to accommodate recreational trends in the affected area. Further, FAS development on the west side property would not directly impact any wetland features in the affected area. Therefore, FWP's preferred alternative is now the proposed action, or development of a new Sportsman's Bridge FAS on the west side of the Flathead River and adjacent to MDT's proposed new Highway 82 Flathead River Bridge.

Because Alternative 2, the proposed action, has been approved by this Decision Notice, the initial Draft EA for proposed modifications to the existing FAS will be rescinded by FWP to facilitate the proposed west side land replacement for development of a new FAS. The proposed modifications analyzed by the initial Draft EA (modifications to existing east side FAS) constitute an alternative to the proposed action (new west side FAS) for the purposes of this Draft EA, as analyzed under Alternative 3.

Under the proposed action, MDT will purchase approximately 18.22 acres of privately owned land on the west side of the Flathead River in FWP's name. FWP would retain ownership of the existing FAS on the east side of the river until such time as it can be transferred to MDT. MDT will contribute \$4.4 million previously committed to the reconstruction and modification of the existing east side FAS towards acquisition of the west side property. FWP would contribute approximately \$801,845 towards the purchase of the west side property and estimated \$275,000 for development of the new FAS. FWP funding to support the land purchase and development will be a combination of state and federal funds.

PURPOSE AND NEED

FWP proposes to decommission the existing Sportsman's Bridge FAS located on the east side of Sportsman's Bridge and develop a new FAS on the west side of the river. MDT will acquire approximately 18.22 acres of land on the west side of Sportsman's Bridge that FWP would develop as a new Sportsman's Bridge FAS. The new land acquisition would be in FWP's name and FWP would eventually hold title to the property. The proposed action would be necessary to comply with MDT requirements associated with the proposed replacement of the existing Highway 82 Flathead River Bridge. The purpose of the proposed action is to accommodate ongoing high demand for recreational opportunities and access to the upper

Flathead River and Flathead Lake from the affected site. More specifically, under the proposed action, FWP would develop the west side replacement property to establish a new Sportsman's Bridge FAS including the following amenities (Figure 4):

- A double wide boat ramp capable of accommodating two boats at a time,
- Gravel parking facilities suitable for 38 vehicles with trailer and 11 single vehicles and appropriate control barriers.
- Vault latrine.
- Regulatory and informational signage.
- Access to approximately 1,000 ft of Flathead River shoreline.

FWP anticipates implementation of the proposed action to begin spring 2025 with project completion by the end of summer 2025.

ALTERNATIVES ANALYZED

Alternative 1: No Action, remove existing FAS without replacement

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, and in response to MDT's proposed removal of the existing Highway 82 Sportsman's Bridge, FWP's existing Sportsman's Bridge FAS would be decommissioned and removed without developing and establishing a new FAS in the affected area. The existing Sportsman's Bridge FAS was purchased in 1959 and accommodates seasonally high use as a recreational access point for both the upper Flathead River and Flathead Lake. Under the No Action Alternative recreational opportunities at the affected site would no longer be available.

Alternative 2: Proposed Action, new FAS (west side of Flathead River)

Under the proposed action or project, and in response to MDT's proposed removal of the existing Highway 82 Sportsman's Bridge and associated loss of the existing Sportsman's Bridge FAS, FWP would accommodate ongoing high public demand for recreational opportunities and access to the upper Flathead River and Flathead Lake from the affected site. The proposed action includes the following elements:

- Close and remove the infrastructure at the existing Sportsman's Bridge FAS, as required by MDT for replacement of the existing Highway 82 Flathead River Bridge (Figure 3) and transfer title to MDT.
- MDT will acquire 18.22 acres of privately owned land on the west side of the Flathead River adjacent to the proposed new Highway 82 Sportsman's Bridge, as required through accommodation for frustrating access to the existing FWP FAS on the east side of the Flathead River.
- Develop the 18.22-acre land accommodation from MDT to establish a new Sportsman's Bridge FAS and to accommodate ongoing high demand for high quality and safe recreational opportunities and access to the upper Flathead River and Flathead Lake from the affected site.

Alternative 3: Modification of the existing FAS (east side of Flathead River)

The original mitigation plan for the realignment of the new Highway 82 Flathead River Bridge called for rebuilding the existing Sportsman's Bridge FAS on its current land parcel but shifted further south out of the

new Highway 82 Sportsman's Bridge right of way. During the April 2023 Fish & Wildlife Commission (commission) meeting discussing the proposed changes at the existing Sportsman's Bridge FAS, public comment was received recommending the site be moved to the west side of the Flathead River. This option had been evaluated in 2011, but the landowner was not interested in selling the land at that time. FWP and MDT recently determined that the owner of the parcel on the west side of the river across from the current FAS was now interested in selling. Other factors considered in the decision to move the access to the west side of the river included increased safety as a result of increased sight distances for turning off Highway 82 into the FAS, unresolved HOA easement issues for the proposed new entrance into the existing FAS off Hanging Rock Drive, elimination of potential adverse impacts to an existing wetland feature located adjacent to the existing FAS, and a lack of room for future expansion at the existing FAS. The new location on the west side of the river addresses all these factors and considerations. The Alternative 3 action would include the following elements:

- Transfer of approximately 1.5 acres of FWP lands at the existing Sportsman's Bridge FAS (either in fee or easement)
- MDT must acquire permanent easement for FWP on approximately 3.32 acres owned by the affected HOA. The easement is necessary to complete MDT's bridge replacement project to accommodate a new and safer access road into Sportsman's Bridge FAS off Hanging Rock Drive.
- Modification of existing or construction of new FAS infrastructure.

MDT's ability to acquire the necessary HOA easement to accommodate Alternative 3 is uncertain.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comment on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. See *Public Participation Process* section on page 2, above, for a summary of comments received. In some cases, multiple individuals provided the same or similar comment; these comments were summarized, categorized, listed once, and a single FWP response is provided below. The following constitutes a synopsis of public input received and FWP's response to those comments.

Comments Supportive of Alternative 2: Proposed Action, new FAS (west side of Flathead River)

Comment: Safety Concerns

Multiple commenters included safety as reason for supporting Alternative 2.

- The proposed new access road will not be on a hill like the existing site and will have dedicated turn lanes, which will be safer.
- The existing east side location requires a hairpin turn onto the highway on a hill, the sight distances and vehicle speeds make that very hazardous. The west side FAS will allow a flat approach to the highway with turn lanes and a good sight distance.
- Having excessively crowded launches is a hazard, this helps with crowding at other sites.
- Placing the fishing access on the West side of the river will offer advantages, in terms of minimizing traffic pressure on Hanging Rock, with Hanging Rock serving a number of residential communities in Bigfork.
- There are times when the south wind picks up very quickly on flathead Lake. Those that know the lake know when the need to leverage the Sportsman's Bridge access to keep themselves and their family safe from incoming storms and high winds.
- If the weather changes and you need to get off the lake the boat ramp at Sommers can take an hour or more because it gets so busy meanwhile your sitting on the lake in a lightning storm.

- The west launch option is Safer. The west approach could have a turn lane, its not on a hill.
- This will be a safer location and provide more capacity.
- I am convinced that the Flathead River west ban proposed access site is clearly better for the vehicle access-related reasons stated in the DEA.

FWP Response: Thank you for your comments. The existing approach to Sportsman's Bridge FAS from Highway 82 makes it difficult and dangerous to enter and exit the site. The turn-off for the existing Sportsman's Bridge FAS is located on a hill and requires users to decelerate quickly and navigate a sharp corner shortly after leaving Highway 82. There are no turn lanes, and the turn is especially difficult for recreational users pulling boat trailers when other vehicles are stopped at the intersection waiting to leave the site. In Alternative 2 MDT would provide turn lanes at the intersection of Highway 82 and Oldenburg Rd., resulting in a safer entrance/exit to the FAS. The loss of access at Sportsman's Bridge FAS would exacerbate crowding at other Flathead River and Flathead Lake access points potentially resulting in unsafe conditions at those sites.

Comment: Availability of Access to Flathead Lake and the Flathead River

Numerous commenters cited the demand for access to the Flathead River and Flathead Lake as reason for supporting Alternative 2.

- There is already so much pressure on other boat launches in the area, including Somers FAS, Wayfarers State Park, and Ranchettes Dr. County Park.
- An additional 800ft of Flathead River shoreline will increase bank-based angling and recreational opportunities.
- This is a great opportunity to improve access that only comes around occasionally.
- Please consider building the new access on the west side of the river and modifying the existing access on the east side and keeping it open. They both are needed and would get used. Perhaps the existing site could be just for non-motorized watercraft.
- Expanding the parking from 25 vehicle w/ trailer, 10 single vehicles to 38 vehicle w/ trailer and 11 single vehicles will help relieve congestion during busy times. Expanding the FAS from the current 6 acres to 22.28 acres allows for future expansion.
- East side Sportsmans Bridge launch now has 25 boat trailer parking spots below along with 20 roadside areas along Sportsmans Bridge launch road and includes ten regular vehicle parking. A busy weekend fills the entire lower area, launch access road with parking on Hanging Rock along with HWY 35 both sides to bowling alley entrance.
- Adding capacity here is preferred over other sites given the site is away from dense residential sites and offer access to both the Flathead River and Flathead Lake.
- Recreational boating has increased in numbers with accessible ramps no longer being able to handle the number or size of boats being launched. We not only have local individuals wanting to use the waterways but now out of staters and thousands of newcomers also needing access to those waterways.
- Please thank the landowners for their willingness to sell their property.
- Sportsman's Bridge is a great access point for boating along the north shore and delta area of the lake which is only becoming more popular.
- The west shore is better suited for a boat launch and parking area.
- The Wayfarer and Somers boat launches are very saturated at peak times of the year and would become even more inundated with traffic without the sportsman's bridge access available.
- The last thing we need to do is take boat access away It's certainly not going to get less busy on the lake.
- We need all fishing accesses we can get.

- This site needs to be expanded. We have so much pressure on the current valley ramps. We must expand for the future!!! The usage is grown 500% than designed. Option purchase the land directly west and you could have parking for 100 trucks and trailers. Please make it happen. Please. It would reduce pressure on all area ramps!!!!!!!!!!!!
- Greater capacity is required due to the population growth and increase in boat ownership in the Flathead. Adding capacity here is preferred over other existing sites given that a site on 82 accessing both the river and the lake is away from dense residential areas and high demand recreational areas.
- With the ever-increasing amount of guide services and over 20 rental business now utilizing ramps and client parking, a larger number of parking areas urgently needs to be addressed.

FWP Response: Thank you for your comments. Access to the Flathead River and Flathead Lake is in high demand, especially during the peak season from May to September. Other nearby access points are operating at or above capacity much of the time. The removal of Sportsman's Bridge FAS would exacerbate crowding at nearby access sites. Recreational users would benefit from an increase of available Flathead River shoreline.

Comments Opposing Alternative 2: Proposed Action, new FAS (west side of Flathead River)

Comments: Safety Concerns

Multiple commentors listed safety as a reason for opposing Alternative 2.

- The proposal would increase traffic on what is currently a quiet country road (Oldenburg Rd).
- Oldenburg Rd. Is a dead-end road with no turn around for vehicles towing boats.
- The shoulders of Oldenburg Rd will become overflow parking making it difficult for residents to access their homes and difficult for emergency vehicles to get through.
- Hanging Rock Rd. Is a better option because it is a thru road that already sees lots of traffic.
- Families with children and pets like to walk on Oldenburg Rd. More trucks/trailers and traffic on the road would make enjoying the tranquil environment more dangerous.
- What safety assessments have been conducted to compare the current proposed west-side location with potential alternative sites on the east side that are further from the highway.?
- How does the department plan to address the safety concerns related to accessing the fishing site from a busy highway, and have they considered the benefits of alternative locations that might offer safer access via less busy roads like Hanging Rock Drive?
- Oldenburg Rd. Will become a really long parking lot for the summer overflow traffic, creating a problem of congestion, littering and trespassing for the residents and farmers that own property and use the (dead-end/no pickup with trailer turn around) daily.
- More trucks/trailers and traffic on the road would make enjoying the tranquil environment more dangerous.
- Will there be a way to restrict access so people do not travers the unstable riprap along my property?

FWP Response: Thank you for your comments. Alternative 2 would increase traffic on the section of Oldenburg Rd. from Highway 82 to the turn-off for the FAS. The Flathead County Commission has the authority to post and enforce no-parking zones along its county roads including Oldenburg Rd.

Signs indicating a dead-end road with no turn around could be installed. FWP will request this signage upon approval of this site. FWP, in consultation with MDT, agree that the increased sight distances afforded by the west-side access make it the safest alternative. The intersection of Highway 82 and Oldenburg Rd would be improved with dedicated turn lanes and paving of Oldenburg Road to the entrance of the FAS. The clear sight distances to Oldenburg Road and Highway 82 will allow for vehicles to safely wait to enter the highway during busy times. Reconfiguring of the existing site on the east side would require development within designated wetlands and associated mitigation strategies to prevent any potential significant adverse impacts from occurring to the wetland environment and its associated resources. Private citizens have the right to post their property to prevent unauthorized use. However, Montana Stream Access Law allows for certain use from the public below the ordinary high watermark.

Comments: Erosion, Water Quality and Natural Resource Impacts

Multiple commentors listed concerns about erosion and water quality as reasons for opposing Alternative 2.

- Environmental Impact: I assume there have been impact studies on how the construction of the new bridge could disrupt the natural flow of the river and affect the stability of the riverbanks. We request access to any studies conducted on the effects of the new bridge pilings on downstream currents and water flow, as well as the impact on the surrounding riverbanks.
- The recent study done by the Flathead River Commission, highlighted the severe impact these wake boats are having on the flathead river and you are creating more of a problem by moving the fishing access to the west side with a new and "improved" deep water river boat launch. THIS IS NOT A VERY SMART MOVE IF YOU ARE REALLY CONCERN WITH RIVER BANK DESTABILIZATION...AS neighbors, we have spend thousands on the rip rap of our river shoreline and getting necessary permits.
- Our water right would be impacted, we pull water from the river there for irrigation and residential use. The increased boat traffic would cause sedimentation and diminish our water quality.
- I do not support moving Sportsman's bridge access. Fishing wildlife park should spend more time policing the surf boats that create large waves in decreasing water quality and increasing erosion.
- Water quality is reduced on busy days.
- The Draft Environmental Assessment (EA) does not appear to adequately address the environmental impacts associated with the proposed site. Oldenburg Rd is home to sensitive ecological areas, including critical wildlife habitats and water resources. The relocation of the fishing access site is likely to increase boat traffic in this section of the river, which could lead to habitat disruption, water pollution, and negative impacts on local wildlife. Furthermore, the increase in boat traffic poses additional environmental concerns, such as shoreline erosion and the spread of invasive species. These potential impacts warrant a more thorough Environmental Impact Statement (EIS) rather than a cursory EA, to ensure full compliance with MEPA.

- The EA does not acknowledge the larger site will result in increased boat traffic on the lower 20 miles of the Flathead River. Riparian landowners are already complaining that boat wakes are enhancing streambank erosion and they are calling for No-Wake speeds. With only 3 fishing access sites in 20 miles, no-wake speed would render most of the river off-limits to boaters.
- FWP should be proactive by establishing photo sites and measurement sites to calculate the erosion caused by events such as boat wakes, storm/wind waves and high flows.

FWP Response: Thank you for your comments. The impacts to hydrology from the construction of bridge pilings is outside of the scope of this EA. FWP reviewed multiple documents and directly discussed the potential issues of the projects with fisheries and wildlife biologists. Those documents were provided as Appendices with the original EA upon publishing. The FAS design in Alternative 2 would increase boat-trailer parking availability by approximately 16 spaces. This may lead to a minor increase in boat traffic from current levels. The straight-line distance from the current boat ramp to the proposed location of the new ramp is approximately 225 yards. As such, the change in erosion from the east shoreline to the west shoreline of the river is expected to be minor. Motorboat wakes are one of many factors that cause shoreline erosion on the lower Flathead River. According to the Flathead River Commission, “this area of the Flathead River is heavily influenced by water levels on Flathead Lake, as controlled by Kerr Dam. The rise and fall of lake levels creates a zone of riverbank that is unable to support riparian vegetation. The lack of vegetation makes these streambanks susceptible to erosion.” The existing pump house on the property would remain and would be fenced off to alleviate potential vandalism concerns. The easement for the pumphouse and irrigation line would remain in place. Water lines and utilities would be clearly marked prior to construction to ensure no damage to the private water distribution system on the property. The EA indicates that while the area is within the known range of several sensitive fish and wildlife species, only negligible impacts area expected. The existing boat launch is approximately 225 yards away from the site of the proposed boat launch. Therefore, the proposed project should not significantly impact any affected fish and wildlife populations through the introduction of new boating use. FWP will work with contractors during construction to minimize weed impacts.

Comments: Disturbance to nearby residents and agricultural operations.

Multiple commenters listed concerns about noise, theft, vandalism and other disturbance to nearby residents and agricultural operations.

- The existing FAS has problems with illegal activity, drug use, vagrants and that will be in my back yard now.
- There will be trespassing on my property now.
- The establishment of a fishing access site on Oldenburg Rd could infringe upon the property rights of local residents. Increased noise, litter, and disruptive activities associated with a public access site could constitute a private nuisance, substantially interfering with the use and enjoyment of private properties. Under nuisance law, such interference can provide grounds for legal action by affected homeowners.
- Alternative locations that do not present these challenges should be explored.

- Oldenburg Rd is primarily a residential area. The introduction of a fishing access site could significantly alter the neighborhood's character, leading to increased traffic, noise, and pollution. These changes may conflict with local zoning ordinances designed to protect the residential nature of the area. Failure to adhere to these regulations could provide legal grounds for opposing the project.
- How will the increased traffic and public access affect agricultural activities on the west side, and what plans are in place to mitigate any negative impacts on farm operations and land use?
- What is to protect the neighboring properties from the theft and vandalism if it is brought into our neighborhood?

FWP Response: Thank you for your comments. Illegal activity can occur at any public recreation site. The proposed location for the new FAS would be highly visible from Highway 82 and is restricted to day-use only. FWP staff, wardens and other law enforcement periodically patrol all FWP sites. The property boundaries would be clearly marked and fenced to further prevent trespass. As a result, illegal activity is expected to be minimal. Other than the existing FAS, no alternative locations are being considered at this time. No zoning exists in the area that would prohibit the project. There will be some loss to agricultural production with the land being converted to a developed FAS. The undeveloped portion of the site could be left in production until future development occurs. No further impacts to agricultural operations are expected as a result of the project. The proposed site on the west side would be approximately 225 yards away from the existing site and is adjacent to the highway. Therefore, the increased level of noise in the area from the new site should be relatively minimal. The entrance to the FAS will be shifted as far north on Oldenburg Road as possible to minimize impacts.

Comments: Impacts to property values.

Multiple commenters listed concerns about the impact that the proposed project would have on their property values.

- How does the department justify the potential negative impact on property values for landowners on the west side, compared to the established use on the east side? What measures, if any, are being considered to compensate west-side landowners for the potential loss in property value resulting from the establishment of the new fishing access site?
- When positive aspects are taken away from any piece of real estate and substantial negative aspects are added, property values are negatively impacted. In this case there could easily be a greater than 30% hit to the market value to the land along Oldenburg Road. The closer to the FAS a parcel is the harder it would be hit. I am passionate about preserving maximum value in my 3 lots and also the parcel we live on because this is my nest egg. I risked a great deal to buy it and struggled to hold it though the 08 real estate market crash, this land represents what I will pass down to my daughters or what I or my wife (if something happens to me) has to fall back on if needed later in life.

- REALTORS HAVE STATED THAT THERE WILL BE A VERY LARGE DROP IN MY PROPERTY VALUES, WHEN IT HAPPENS.

FWP Response: Thank you for your comments. The effect of the proposed new FAS on property values is unknown. Numerous social and economic factors affect property values, and many buyers consider proximity to parks and open space to be an asset. The highway project proposes to pave Oldenburg Road to the FAS and will have both right and left-hand turn lanes off HWY 82 onto Oldenburg Road, adding significant increased safety values for the private landowners in the area.

Comments: Public Participation and Process

Several commenters shared concerns about the public participation process and lack of notification.

- It is alarming that the plan to relocate the fishing access from the east side of the river to Oldenburg Rd was developed without adequate notification or consultation with the residents of Oldenburg Rd. NEPA mandates significant public involvement in the environmental review process to ensure transparency and community participation. The absence of communication with the local residents violates NEPA's requirements for public participation, potentially rendering the project procedurally defective.
- We weren't notified, and found out by reading about it in the news or heard from others
- I received no such notice and would think the people it affects directly in a multitude of ways would be consulted first.
- We as a family did not receive any notice of the proposed relocation of the FAS to Oldenburg Road. We in fact were lied to and deceived by the Montana Department of Transportation (MDT) when they approached us to acquire a portion of our land that fronts HWY 82 and also the mouth of Oldenburg Road.

FWP Response: Thank you for your comments. At the time negotiations concluded with Parcel 4 in March of 2023, this alternative design had not been brought forward for consideration to MDT. MDT was not aware of any forthcoming changes in design. This option was brought to MDT by FWP following their April 2023 commission meeting regarding the project and hearing public comment on the original proposal. A joint decision was made to pursue an alternate option in late May of 2023.

The Draft EA was made available for public review and comment from April 23, 2024, to May 22, 2024. A news release was distributed to approximately 9,000 recipients on April 23, including everyone signed up to receive FWP Region 1 news and Region 1 Interested Parties. The news release generated the following media coverage: NBC News: <https://nbcmontana.com/news/local/fwp-accepting-public-comment-on-new-fishing-access-proposal-on-flathead-river> Flathead Beacon: <https://flatheadbeacon.com/2024/04/24/as-mdt-prepares-to-replace-sportsmans-bridge-fwp-lays-plans-for-new-fishing-access-site/> Daily Inter Lake: <https://dailyinterlake.com/news/2024/apr/26/fwp-seeking-comment-on-bigfork-fishing-site/> Bigfork Eagle: <https://bigforkeagle.com/news/2024/may/01/fwp-seeking-comment-on-bigfork-fishing-site-bigfor/>

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On February 28, 2024, MDT along with FWP called and spoke with the landowner (parcel 4) directly west of the proposed site about the potential moving of the FAS to the west side of the river.

Comments: Other Concerns

Other commenters listed concerns such as cost, site suitability, and other considerations as reasons for opposing Alternative 2.

- The river flows faster on west side making launching more difficult and the east side is slower and better suited for boat launching.
- The property on the east side is already owned by FWP and offers ample space for expansion without the need to purchase additional land, saving taxpayer money.
- The existing site offers a more natural and gradual grade with slower currents, providing a better experience for anglers and boaters. It also maintains the privacy and tranquility of the area.
- There is ample room on the east side of the river's current access point, with it being moved a bit, to the south to keep the fishing access where it is. There will be room to the north also, after the OLD bridge is removed, if you want TO have two locations to access the river.
- The cost of purchasing the land for the fishing access site on Oldenburg Rd is another point of contention. According to the Draft EA, the Montana Fish, Wildlife & Parks plans to spend a significant amount of public funds on this acquisition. This expenditure needs to be justified by demonstrating that this location is the most suitable and cost-effective option. Given the substantial legal and environmental challenges, this allocation of funds may not represent the best use of taxpayer money.
- Has a detailed cost benefit analysis been conducted comparing the costs of upgrading the current east-side access site versus developing a new site on the west side? If so, what were the findings?

FWP Response: Thank you for your comments. River currents on the lower flathead river are slow and minimally impact loading and unloading at ramps. River currents are further slowed by the backing up of Flathead Lake up the river as the lake fills during the summer when the majority of recreational use occurs. The cost for acquisition and development of the west-side will be more than the east side. The benefits of potential for future expansion and enhanced public safety make this the preferred option. The current FAS on the east side of the Flathead River offers very limited expansion. Any significant increased capacity would require development in designated wetlands. The new proposed site increases the opportunity for future expansion dramatically by increasing the acreage from approximately 6 acres on the east side to 18.22 acres on the west. FWP is contributing

to MDT's purchase of the property and paying for site development. The west side proposal also provides a significant increase to public safety.

Comments that neither support nor oppose Alternative 2 are categorized and listed below.

Many commenters included comments, questions and recommendations on specific aspects of the project that don't directly support or oppose Alternative 2.

Comments: Use restrictions and regulations.

Several commenters provided suggested restrictions and regulations for public use of the FAS to mitigate some of the impacts of Alternative 2.

- A no wake zone should be implemented to prevent erosion.
- Prohibit overflow parking on county roads and Highways.
- Please ensure there is no overnight usage or camping for safety and to ensure the quiet enjoyment of property and historical uses by neighboring property owners.
- Is this going to be a "boondocking" camping at some point? Overnight? Are you willing to gate it? Put a "Host"? on site.
- Please ensure there is no open fire allowed or campfires allowed.
- Please ensure signage or patrols to inform of restrictions regarding access must be below ordinary high-water levels under Stream Access Law, respecting private property boundaries and to Give a Hoot, Don't Pollute!
- Please ensure the site is day use only and install gates to prohibit after hours usage
- The width of the river at the proposed boat launch is relatively narrow, so with typical higher speed boat traffic on river (Ski boats, wave runners, etc.), what is being considered to help drive lower boat speeds on the river in the immediate area of the launch where boat maneuvering will be significant, to help prevent speed related accidents? No-wake buoys? Signage?
- Would you consider getting the county to abandon the road at whatever point past the FAS turn in so it can be deeded over to the properties so they can gate and monitor and maintain their portion of Oldenburg Road?

FWP Response: Thank you for your comments. Sportsman's Bridge FAS is currently managed for day-use-only with no overnight camping, no fires and no fireworks. These same regulations would apply at the proposed new site. Regulatory signs on site would inform users of these and other regulations. FWP staff and other law enforcement would periodically patrol the site for violations. While gates may be installed, the lack of dedicated on-site staff would prohibit the daily opening and closing of gates. There is currently no plan for a host. There are currently no special boating regulations on the Flathead River that limit boat speeds or wakes. FWP does not generally post the boating regulations at its access sites except when a unique regulation for that waterbody exists. FWP has no plans to request boating regulation changes on the lower Flathead River at this time. The public may petition the Fish and Wildlife Commission to change boating regulations on a water body. The Flathead County Commissioners, not FWP, have the authority to designate and enforce no-parking zones on Oldenburg Rd. and FWP will request Flathead County post Oldenburg Rd. as no parking and as a dead-end road. FWP would install fencing along the property boundary to prevent trespass. While the stream access law permits water-based recreational use below the high-water mark, the river is usually full to its banks during much of the peak use season and access is limited then. Landowners would be responsible for posting their property with no trespassing signs at their discretion. Private property owners may petition the county to abandon sections of county roads.

Comments: Site layout, functionality.

Multiple commentors offered comments and suggestions on site layout, functionality and traffic control measures.

- The current site is very nicely shaded with trees and vegetation. While much of the new site will have boat launch and parking for trucks and trailers, it would be nice if the atmosphere of the current site could be extended to the new site with trees planted, or native vegetation added. Trees and vegetation also act as a natural sound barrier for noise, ensuring that the site doesn't become a nuisance for neighbors with the expected increase in visitors.
- Please consider ensuring parking is sufficient for the expected usage at the new site and consider making Oldenburg Road and the shoulder of Hwy 82 a no parking road for trucks and trailers.
- With over 100 vehicles per day in the Summer, why isn't the parking area and Oldenburg Rd. being paved? There will be excessive dust from the traffic and mud.
- The proposed traffic flow is the exact opposite of what is commonly found at a boat ramp. For inexperienced boaters, it is safer and more comfortable to turn on the driver's side therefore counterclockwise.
- Bridge pilings and the abutment on the west side could impact both erosion and silt accumulations on the FAS ramp and face, requiring more maintenance
- Add a boat launch for non-motorized boats
- More parking is needed than proposed, especially single vehicle for SUP, passengers, etc.
- Recommend Paving Oldenburg Rd and parking area to mitigate dust.
- please make ramp and dock ADA accessible
- ensure boat launch is useable at low water
- Two concrete low water double wide boat launches would be much more reasonable than one. This would enable recreationists to more efficiently launch and load watercraft creating a positive less impactful experience.
- Please consider installing a dock at the boat ramp
- Please ensure parking spaces for vehicles with trailer as well as single vehicle spaces are sufficiently increased to have adequate parking (based on highest recent historical usage at the existing site) so that Oldenburg Road or highway frontage does not become overflow parking for the FAS site. With up to 3,000 vehicle entrances at peak, is parking sufficient for this initial phase?
- Please consider asphalt for the parking lot and access road to decrease dust.
- Please make sure that pit toilets and trash collection facilities are adequately funded for maintenance and repair, particularly during the summer heavy-traffic months.
- Thirty-eight spaces is a definite shortfall if a future expansion is possible at this time.
- Individual parking by waters edge is needed for vehicles with smaller craft use such as kayaks, canoes, paddleboards etc.
- We assume the the new ramp will allow boat launching during winter months during the 10' drawdown of Flathead Lake which also affects the river.
- If permitting and regulations inhibit the ability to create two double wide concrete launches, please consider modifying the existing FAS on the East side of the river as well as adding the addition proposed West side FAS.
- What specific improvements to the west side's road infrastructure are planned to accommodate the increased traffic and how will these improvements be funded?
- What does Ref: Page 8 "private control barrier" Mean? How Many? How big? Rather vague"

FWP Response: Thank you for your comments. FWP plans to plant vegetation to provide shade and screening. Additional screening may be provided with the addition of berms from surplus topsoil.

The capacity of the parking lot would expand by approximately 16 spaces from the existing capacity which is expected to be sufficient much of the time. The Flathead County Commission may enact and enforce no-parking zones on Oldenburg Rd and FWP will make that request. MDT's scope-of-work for bridge replacement calls for Oldenburg Rd. to be paved as far as the FAS driveway and would be funded with MDT project dollars. The entrance to the FAS will be shifted as far north as functionally possible to minimize impacts. The proposed traffic flow within the FAS is not finalized and may be subject to change based on the above comment and other considerations.

While natural siltation of the boat ramp could occur, it will be designed to minimize siltation to the extent possible. FWP expects the majority of use at the site to be by motorboat users and thus is not proposing a separate boat ramp for non-motorized craft. The ramp would be wide enough for two boats at one time. Non-motorboat users may launch from or adjacent to the boat ramp. FWP is not proposing a dock at this time, and the boat ramp and other facilities will be constructed to be ADA compliant, to the fullest extent possible. The boat ramp would be designed to be useable at all water levels. FWP would pave the FAS parking lot and access roads as funding allows. In the meantime, dust control may be applied to a gravel surface to minimize dust during peak season. Control barriers including barrier rock, fencing and concrete parking stops will provide further control of vehicles at the site. There is not an alternative to construct the new FAS on the west side and also modify and keep the FAS on the east side.

Comments: Traffic control measures

Several commenters expressed concerns and offered suggestions regarding traffic control measures such as speed limits, traffic lights and turn lanes.

- It is not clear what is being considered for boat launch intersection lighting and bridge lighting, but a good part of boat launch utilization is pre sunrise, dusk, and after dark. Proper lighting will play a critical role in future highway safety in the bridge/boat launch.
- Regardless if the boat launch is placed on the east side or west side of the river, traffic speeds on the approach to the boat launch and bridge should be considered a critical factor when establishing requirements. Vehicles with wide trailers and heavy tow weights will be a large part of the traffic population, and therefore lower speeds should be considered several miles on each side of the river as a safety measure.
- Recommend Paving Oldenburg Rd and parking area to mitigate dust. Restrict parking along Oldenburg Rd Install signage and provide public education regarding river boating rules and stream access law. Left Turn lanes off Highway for safety.
- Please consider installing a traffic light or a left-hand turn lane on Oldenburg Road and on MT Highway 82 so traffic does not back up turning into the site.
- Restrict parking along Oldenburg Rd.
- My only comment to truly add is to make sure that there is a turning lane both in and out of the new fishing access.
- However the access to the new west side area is a major concern, in that there are no presented plans to mitigate backed up traffic when going in or out of the new area. There needs to be a solid traffic management plan in place before this project kicks off.

FWP Response: Thank you for your comments. There is no lighting proposed for the boat launch area. Lighting for the bridge and intersections with the highway are outside of the scope of this EA. Highway speed limits are also outside of the scope of this EA and will be determined by MDT's process. Traffic signals are outside of the scope of this EA and are not being considered by MDT at this time. Turn lanes will be added by MDT which will help improve safety and represent an improvement over the approach to the existing FAS. The Flathead County Commission may enact

and enforce no-parking zones along the shoulders of Oldenburg Rd. FWP will request Flathead County post no parking signs along Oldenburg Road. Oldenburg Rd. would be paved from Highway 82 to the driveway entrance of the FAS.

Comments: Other

- It is critical that the new west side FAS be completed and open except for minor construction delays before the existing site is closed. Sportsman's Bridge is critical for access not only to the Flathead River but also to Flathead Lake in the Delta area.
- That location lends itself to some wildlife friendly habitat enhancement plus vegetative plantings to soften the site appearance and provide shade and buffering. What will happen to the remaining 3 acres on the east side that does not go under the new roadway? That appears to be good riparian habitat.
- FWP should be proactive by establishing photo sites and measurement sites to calculate the erosion caused by events such as boat wakes, storm/wind waves and high flows.
- The EA noted MDT will pay \$4.4 million towards the new site with FWP paying \$801,845 towards purchase and \$275,000 towards development. It is not apparent to FWI why FWP has to pay those costs since FWP did not initiate the move to a new site.
- It looks like the property you propose to purchase will cost \$5,201,845. I am interested to see where that number came from. Has there been an appraisal on the that parcel?
- Did they ever offer the HOA the same price or more per acre?
- Are we not being told about the future expansion plans?? Slip in the LARGER design behind this new FAS that's harder fight because it wasn't revealed at the time of purchase.
- Our recommendation is that any soil removed from the ramp construction be safely disposed of. (Flathead County Weed Department reference leafy spurge at the proposed ramp location)

FWP Response: As part of the mitigation strategy for the bridge replacement project, MDT is required to complete construction of the FAS to eliminate any loss of access prior to construction of the bridge. However, there may be periodic short closures to facilitate some construction of the bridge. MDT was not able to resolve the issue of the easement across Hanging Rock Drive HOA for the east side development alternative. There was a third-party appraisal completed of both the existing site and the proposed site as a part of this process. Offers involving the HOA were based on fair market value related to appraisal of their individual property.

FWP will assist MDT in removing infrastructure from the old FAS and it will be reclaimed with natural vegetation. MDT had committed approximately \$4.4 million dollars for reconstruction of the east side FAS. Given the increased size and improved safety for the public, FWP has agreed to contribute the additional funds necessary to move the site to the west side of the river. FWP has no plans for future expansion of the new site at this time. Any future expansion of the site would initiate subsequent MEPA review.

FWP will work with contractors to mitigate weed concerns from the Flathead County Weed Department raised about the soil at the proposed boat ramp.

DECISION

Based on the environmental review provided by the Draft EA, as modified by the Final EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), as modified, 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.

With this DN, FWP hereby adopts the Final EA, as modified from the Draft EA, and approves Alternative 2, the proposed action.

In response to public comment FWP makes the following modifications to the proposed project, as analyzed by the Draft EA:

- The entrance to the FAS will be shifted north as far as functionally possible,
- FWP will construct a security fence around the pumphouse located on the SE portion of the property,
- FWP will request Flathead County post no parking signs and signage indicating a dead-end road along Oldenburg Road,
- FWP will pave the FAS as funds are available and will add additional screening with vegetation and berms from surplus topsoil.

A summary of major conclusions and supporting information from the Final EA stating where such conclusions and information were changed from those which appeared in the Draft EA is included above in FWP's responses to comments and clearly identified within a *track changes* formatted version of the Final EA. A clean version of the Final EA (i.e., no *track changes* formatting) is also available for review.

Sincerely,

A handwritten signature in black ink that reads "Lee Anderson". The signature is written in a cursive, flowing style.

Lee Anderson
Region 1 Supervisor
Montana Fish, Wildlife & Parks