

DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

**Augmentation of Whitefish River Trail Pedestrian
Path**

FWP-CEA-FSH-R1-25-009

March 20, 2025



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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:

The City of Whitefish (City) has applied for a Montana Stream Protection Act (SPA 124) Permit to construct a section of the Whitefish River Trail that would connect the existing trail on BNSF property near Railway Street downstream to the existing trail terminus near the Veterans Memorial Bridge on Second Street (Figure 1). The proposed trail augmentation would cross two private properties and extend into the Whitefish River within the riverbed and the ordinary high-water mark (OHWM). A purported easement exists between the Riverbend Home Condominiums (RHC) private property owner(s) and the City to accommodate, in part, future establishment of the proposed Whitefish River Trail augmentation. This analysis was based on the

representations made in the SPA 124 Application and does not constitute a legal opinion on easement location or validity. This analysis is based on the representations made in the SPA 124 Application. The SPA 124 Permit is required because the project, as proposed, would negatively impact the bed and banks of the Whitefish River and thereby result in adverse impacts to fish and wildlife and their associated habitats.

The proposed trail augmentation connecting the existing terminus of the Whitefish River Trail would be 644 feet in length and vary in width between six and ten feet. Three hundred ninety-three feet of the proposed trail augmentation would be built paralleling the Whitefish River on its bank. The remaining 255 feet would be built within the channel and OHWM of the Whitefish River. Sections of the proposed trail that are located on land would consist of a 10-foot-wide asphalt surface with a 1-foot-wide gravel shoulder on each side while on the property. The trail would transition to a 6-foot-wide trail on the RHC. Portions of the asphalt trail would include extensive stacked rock retaining walls and handrails. The instream portion of the proposed trail augmentation would consist of a 10-foot-wide concrete surface placed on a steel I-beam structure mounted to 32 helical piers driven approximately 90 feet into the streambed. This section of trail would also include a 4.5-foot-tall rail along each side (Attachment 1).

Existing conditions vary along the path of the proposed trail augmentation. The Whitefish River is relatively low gradient and low velocity in the affected area; however, the channel constriction caused by the Veterans Memorial Bridge increases water velocity. Starting at the junction with the existing trail on BNSF property located north of the Miles Avenue Condominiums (MAC), the proposed asphalt trail would drop onto the riverbank and parallel the river downstream toward the boundary between the MAC and the Riverbend Home Condominiums (RHC). At the RHC property line, the proposed trail would transition to six feet wide, drop farther down the river's bank and cross onto the RHC property. Near the RHC property line the trail would enter the river channel and transition from asphalt pavement to an elevated concrete trail. Proceeding downstream, the trail would exit the river channel just downstream of the easternmost RHC condo near the southern extent of the RHC property and transition back into 6-foot-wide asphalt surfaced trail before connecting to the existing underpass.

The bed and banks of the Whitefish River are comprised of glacial lake deposits with occasional deposits of gravel. Based on a geotechnical report compiled by TD&H Engineering (Attachment 3), the applicant's contractor, subsurface conditions at the site consist of lean clay, sand and silt with high moisture content and poor density/consistency. The riverbank along the MAC property is well-vegetated with woody shrubs and mature trees including cottonwoods. This section of the riverbank does not show signs of instability other than minor erosion along the edge of the river channel. Moving downstream onto the RHC property the riverbank shifts to lawn grass with a few large bushes and trees.

The RHC are built into the bank of the river; at the downstream RHC, the building foundation marks the edge of the river. The RHC condominiums have decks that extend out over the bank and into the river channel. This section of riverbank and channel show numerous signs of instability, including a section where the river has eroded to the RHC foundation and a section of riverbank where rock was added, presumably for erosion control. Directly across the river from the proposed trail augmentation, steel sheet pile has been driven into the riverbank to prevent an existing building and parking lot from slumping into the river. Bank instability is prevalent both upstream and downstream of the proposed project site.

If approved, the proposed project would require a Request for Proposal (RFP) to determine actual trail construction methods and details. Following completion of the RFP process and determination of construction

details, the City will make final trail specifications available to the public for review. If this occurs, impacts associated with construction practices would be addressed in a second 124 permit.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 48.41153, -114.34340
 - Section, Township, and Range: 36, 31N, 21W
 - Town/City, County, Montana: Whitefish, Flathead
- Location Map

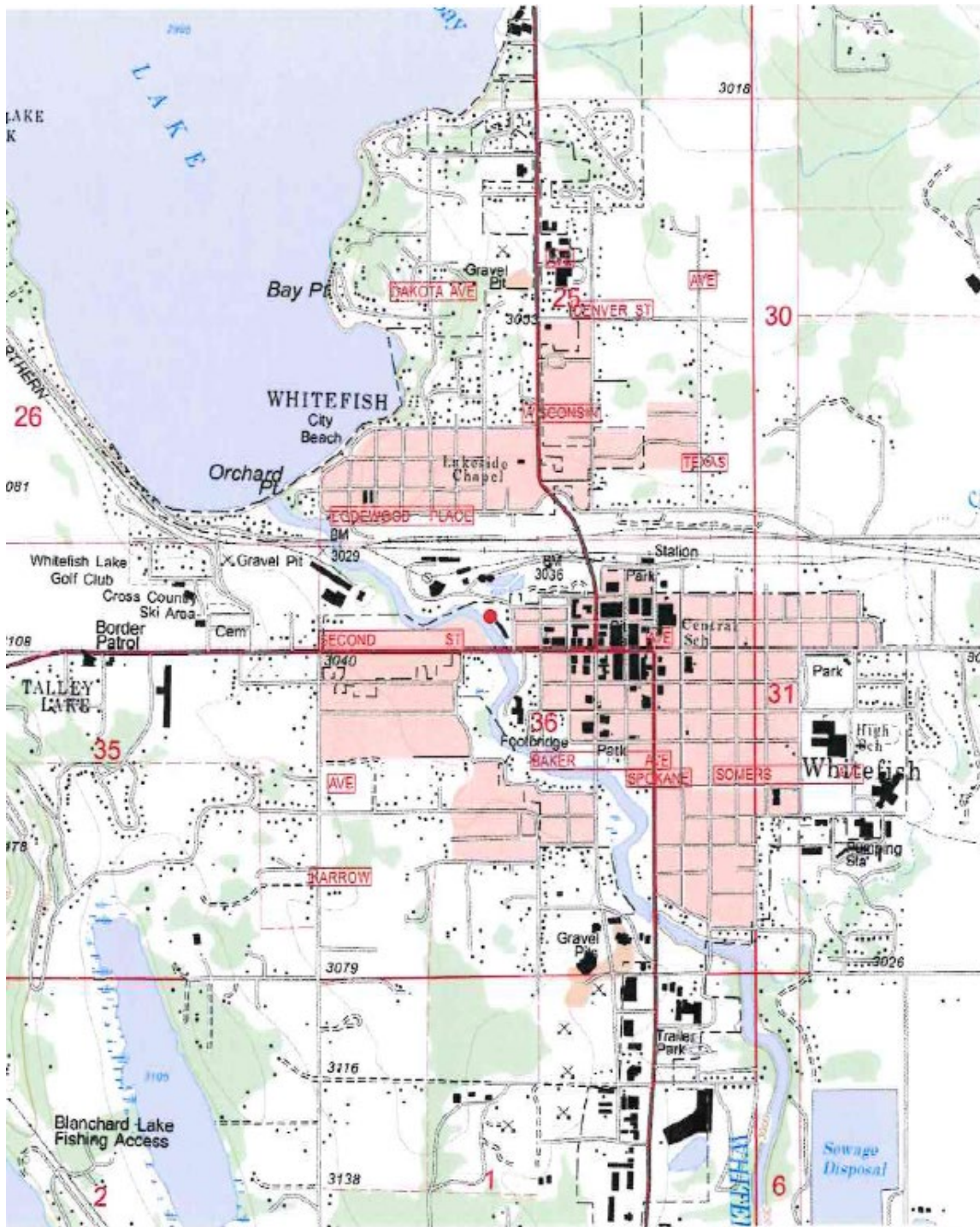


FIGURE 1 – This map shows the location of the proposed project. The red marker is at the property line.

III. Purpose and Need

The EA must include a description of the benefits and purpose 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 purpose and need or benefit of the proposed project is to provide the residents of Whitefish, and visitors to the area, with:

- Whitefish Trail continuity by connecting the existing trail terminus located on BNSF property near Railway Street with the existing trail terminus located near the Veterans Memorial Bridge on Second Street (see Attachment 1).
- Americans with Disabilities Act or ADA-compliant trail features to support trail access for everyone, regardless of physical ability.

The City proposed to begin work on February 1, 2025, and to complete the proposed project by December 31, 2025.

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 state requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed. 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
Montana Fish, Wildlife & Parks	SPA 124 Permit	Any project including the construction of new facilities or the modification, operation, and maintenance of an existing facility that may affect the natural existing shape and form of any stream or its banks or tributaries.
Montana Department of Environmental Quality	318 Authorization	Any activity in any state water that will cause unavoidable short-term violations of water quality standards. "State water" includes any body of water, irrigation system, or drainage system, either surface or underground, including wetlands, except for irrigation water where the water is used up within the irrigation system and the water is not returned to other state water.
Montana Department of Natural Resources and Conservation	Navigable Rivers Land Use License, Lease or Easement	The construction, placement, maintenance, or modification of a structure or improvements in, over, below, or above a navigable river. If in doubt, contact the Department of Natural Resources and Conservation Land Office nearest

		to the project area for a determination of the navigability of the river. This permit program does not apply to mining, mineral, or oil and gas activities in navigable rivers.
U.S. Army Corps of Engineers	Section 404 Permit	Any activity that will result in the temporary or permanent discharge or placement of dredged or fill material into waters of the United States, including wetlands. Fill material includes, but is not limited to rock, sand, soil, clay, plastics, timber, mats, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in the waters of the United States. The term fill material does not include trash, garbage, or waste material. Dredged material is material excavated or dredged from any water of the United States.
Flathead County	Floodplain permit	Any development including, but not limited to, placement of fill, roads, bridges, culverts, transmission lines, irrigation facilities, storage of equipment or materials, and excavation; new construction/development, placement, or replacement of manufactured homes; and new construction, additions, or substantial improvements to residential and commercial buildings.

V. List of Mitigations, Stipulations

Mitigations, stipulations, and other enforceable controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

<i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
SPA 124 Permit - General Requirements (see Appendix 1) and project-specific requirements (see Section VI, Table 3, and Table 4)	FWP	SPA 124	To protect and preserve fish and wildlife resources, and to maintain streams and rivers in their natural or existing stage. The SPA 124 Permit, General Conditions, provide best management practices in the form of enforceable controls to limit potential adverse impacts from the proposed project. Fines may be levied for violating these general requirements	

			and/or corrective action may be required to remedy non-compliance.

VI. SPA 124 Permit Action

Any applicable river work in Montana that is not otherwise excluded from MEPA review pursuant to the applicable requirements of ARM 12.2.454, Actions that Qualify for a Categorical Exclusion, and has the potential to alter the stream channel or bank, requires a project-specific SPA 124 Permit prior to the start of work. The SPA 124 Permit is prepared and issued by FWP's Fisheries Division and includes both the General Conditions described in Attachment 2 and any additional Special Conditions deemed necessary to protect and preserve the affected waterway, associated fish or wildlife, and their habitat (see Table 3).

87-5-501. State policy. It is hereby declared to be the policy of the state of Montana that its fish and wildlife resources and particularly the fishing waters within the state are to be protected and preserved to the end that they be available for all time, without change, in their natural existing state except as may be necessary and appropriate after due consideration of all factors involved.

87-5-502. Notice of construction or hydraulic projects. An agency of state government, county, municipality, or other subdivision of the state of Montana, hereafter called applicant, shall not construct, modify, operate, maintain, or fail to maintain any construction project or hydraulic project which may or will obstruct, damage, diminish, destroy, change, modify, or vary the natural existing shape and form of any stream or its banks or tributaries by any type or form of construction without first causing notice of such planned construction to be served upon the department on forms furnished by the department as soon as preliminary plans are completed but not less than 60 days prior to commencement of final plans for construction. Such notice shall include detailed plans and specifications of so much of said project as may or will affect any such stream in any manner specified above.

87-5-504. Notice of department findings and alternative plans. Within 30 days after the receipt of such plans, the department shall notify the applicant whether or not such construction project or hydraulic project will adversely affect any fish or game habitat. If the department notifies the applicant that such construction will adversely affect any fish or game habitat, it shall accompany such notice with recommendations or alternative plans which will eliminate or diminish such adverse effect.

Table 3: Modification of Proposed Project – SPA 124 Permit Special Conditions for Approval (Alternative 2) Approval

Activity	Special Condition	Description

VII. Alternatives Considered

Alternative 1: SPA 124 Permit Denial which serves as the No Action Alternative

In addition to Alternative 2, the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative, in effect due to SPA 124 Permit denial, in this Draft EA. Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured. In this case, the SPA 124 permit application would be denied, the Whitefish River Trail Pedestrian Path would not be constructed and the existing paths on BNSF property and at the Veterans Memorial Bridge would not be connected. Any potential impacts that would result from the proposed action would not occur.

Also required by 87-5-504, MCA, Montana Fish, Wildlife and Parks "shall accompany such notice with recommendations or alternative plans which will eliminate or diminish such adverse effect".

Whitefish River Trail Augmentation Alternative:

This alternative (see image below) would route the trail along the top of the bank to the west of the Miles Avenue Condominiums (MAC) and to the east of the Riverbend Homeowners Condominiums (RHC). Near the southeast corner of the RHC the trail would drop onto the riverbank and pass through two switchbacks before connecting with the existing trail at the Veterans Memorial Bridge underpass. This alternative is conceptual and would require additional engineering and a SPA 124 permit. This alternate route would meet the City of Whitefish's stated purpose and need to develop an ADA accessible path between the Veterans Memorial Bridge underpass and the Whitefish River Trail near Railway Street to keep pedestrians and cyclists off the city's busy streets.



Alternative 2: SPA 124 permit granted for the Proposed Project

See *Section II, Background and Description of Proposed Project* and *Section III, Purpose and Need*, for detailed information regarding Alternative 2, the proposed project.

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

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

VIII. 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.

Under the No Action alternative, the Whitefish River Trail Pedestrian Path SPA 124 application would be denied, the Whitefish River Trail Pedestrian Path would not be constructed and the existing paths on BNSF property and at the Veterans Memorial Bridge would not be connected. Any potential adverse impacts to the human environment would not occur.

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

See **Table 5** (Impacts on Physical Environment) and **Table 6** (Impacts on Human Population) below. Also, see Table 3, above, for specific information regarding modification of the proposed project.

Table 5 - Potential Impacts of Alternative 2, the Proposed Project, on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposed trail augmentation connecting the existing terminus of the Whitefish River Trail would be 10 feet wide and 648 feet in length (Figure 1 and Attachment 1). Three hundred ninety-three feet of the proposed trail augmentation would be built paralleling the Whitefish River on its bank. The remaining 255 feet would be built partially or completely within the channel of the Whitefish River.</p> <p>Asphalt surfaced trail Terrestrial and Avian Community: There will be long-term moderate negative impacts to terrestrial and avian habitats due to construction of the asphalt portion of this pedestrian trail. Impacts include the direct loss of riparian vegetation across the 5,000+ sf footprint of asphalt path and associated retaining walls. The riparian woodland at the upstream end of the project includes one of the few intact sections of native riparian vegetation along this section of the Whitefish River. Construction of a path through the center of this stand, in addition to direct removal of vegetation, will fragment the stand and limit its use by common wildlife species such as whitetail deer and nesting and migratory songbirds.</p> <p>Aquatic Life: Impacts to aquatic species and their habitats associated with this project vary along these sections of the path depending on distance from the river and the existing conditions the path traverses. The primary threats posed by these sections of the trail is streambank destabilization and riparian habitat degradation.</p>

PHYSICAL ENVIRONMENT		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										<p>Construction of the asphalt trail could negatively impact stability in several ways. Riverbank trail construction would require removal of woody vegetation along much of the project footprint. The roots of woody shrubs and trees grow deep and hold together fine, unconsolidated soils. This project would also add substantial weight to the bank particularly with the extensive retaining walls necessary to stabilize banks adjacent to the trail, increasing the likelihood of the streambank slumping into the river. These sections of trail are proposed to be surfaced with asphalt which is impermeable. Impermeable surfaces concentrate surface runoff oversaturating soils and increasing instability where permeable layers meet impermeable layers. The sheet pile supporting the parking lot directly across the river is an example of a bank failure due to impermeability and added weight.</p> <p>Elevated concrete surfaced trail Terrestrial and Avian Community: There will be long-term moderate negative impacts to the terrestrial and avian community associated with the construction of the elevated decked portion of this walking trail. Decking structure and railings will obstruct wildlife movement along said section of shoreline. Bridge deck shading will eliminate much of the emergent wetland found along the western third of the proposed bridge deck and negatively impact productivity of submerged aquatic vegetation. The boardwalk structure will also eliminate shallow water foraging and shoreline roosting by waterfowl along the boardwalks' 255 ft length.</p> <p>Aquatic Life: Aquatic Life: This portion of the proposed project is in the river and is expected to have similar</p>

PHYSICAL ENVIRONMENT		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										<p>impacts along its length. Primary concerns along this section of trail include bank destabilization and modifications to instream habitat.</p> <p>The proposed elevated concrete surfaced trail would require driving 32 helical piers approximately 90 feet into the streambed to support a welded steel substructure and precast concrete running surface. The lowest portion of the steel substructure is 1.5 feet above the ordinary high-water elevation. The piers could be the primary cause of negative impacts to bank stability. Installation of the piers will alter both surface and subsurface flows and could increase erosive pressures on the stream bank and the bed that supports it. Additionally, the piers will catch debris moving downstream, further deflecting flows. Debris stuck on the piers, even for a short period of time could apply much greater erosive pressure to the streambank or streambed.</p> <p>As mentioned above, there are numerous signs of instability in this area including active erosion at the downstream condominiums. Increasing rates of erosion could increase the likelihood of a more substantial bank failure such as slumping. The stability of the riverbend condominiums is dependent upon the riverbank that supports them.</p> <p>Additional erosion would require bank stabilization to halt it. Hardening the riverbank is associated with numerous negative impacts to aquatic species and their habitats. The presence of this structure will likely impede erosion control increasing the negative impacts to the river. Larger scale failure of the bank or condominiums would negatively impact instream habitat upstream,</p>

PHYSICAL ENVIRONMENT		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										<p>downstream, and at the project site and require substantial work to restore.</p> <p>Installation of the bridge deck and steel substructure will provide overhead cover important for many fish species. In this case it is likely to be used by invasive northern pike.</p> <p>Both portions of this project have the potential to chronically increase turbidity and sedimentation through erosion and surface runoff, negatively impacting water quality and instream habitat. Therefore, impacts to terrestrial, avian, and aquatic life and their habitats are expected to be long-term, major, and negative.</p>
Water quality, quantity, and distribution		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>If permitted, this project is likely to increase erosion due to deflection of water currents. Erosion will increase turbidity and sedimentation. Surface runoff concentrated by the impermeable surfaces of this project may also increase turbidity. Larger scale bank failure such as slumping, would have substantial impacts on turbidity and may introduce other pollutants into the river. Impacts to the water quality would therefore be expected to be long-term, major, and negative. This project is not expected to alter water quantity or distribution.</p>
Geology		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposed trail augmentation connecting the existing terminus of the Whitefish River Trail would be 10 feet wide and 648 feet in length (Figure 1.). Three hundred ninety-three feet of the proposed trail augmentation would be built paralleling the Whitefish River on its bank. The remaining 255 feet would be built partially or completely within the channel of the Whitefish River. The entire project is proposed to be constructed on bed and banks of the Whitefish River which are comprised of glacial lake deposits with occasional deposits of gravel</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Resource									<p>(Attachment 3). Subsurface conditions at the site consist of lean clay, sand and silt with high moisture content and poor density/consistency.</p> <p>Construction of the asphalt trail could impact stability in several ways. Riverbank trail construction would require removal of woody vegetation along much of the project footprint. The roots of woody shrubs and trees grow deep and hold together fine, unconsolidated soils. The proposed project would also add substantial weight to the bank particularly with the extensive retaining walls necessary increasing the likelihood of slumping streambank slumping into the river. These sections of trail are proposed to be surfaced with asphalt which is impermeable. Impermeable surfaces can concentrate surface runoff oversaturating soils and increasing instability where permeable layers meet impermeable layers.</p> <p>The proposed elevated concrete surfaced path would require driving 32 helical piers approximately 90ft into the streambed to support a welded steel substructure and precast concrete running surface. The lowest portion of the steel substructure is 1.5 feet above the ordinary high-water elevation. The piers could be the primary cause of negative impacts to bank stability. Installation of the piers would alter both surface and subsurface flows and could increase erosive pressures on the stream bank and the bed that supports it. Additionally, the piers would catch debris moving downstream, further deflecting flows. Debris stuck on the piers, even for a short period of time could apply much greater erosive pressure to the streambank or streambed. As mentioned above, there are</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<p>numerous signs of instability in this area including active erosion at the downstream condominiums. Increasing rates of erosion could increase the likelihood of a more substantial bank failure such as slumping. The stability of the riverbend condominiums is dependent upon the riverbank that supports them.</p> <p>Increased slumping and erosion would negatively impact geologic features such as the stream bed and its banks and likely require repair or restoration work that may further negatively impact geologic resources. Impacts to the local geology would therefore be expected to be long-term, major, and negative.</p>
Soil quality, stability, and moisture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposed trail augmentation connecting the existing terminus of the Whitefish River Trail would be 10 feet wide and 648 feet in length (Attachment 1). Three hundred ninety-three feet of the proposed trail augmentation would be built paralleling the Whitefish River on its bank. The remaining 255 feet would be built partially or completely within the channel of the Whitefish River. The entire project is proposed to be constructed on bed and banks of the Whitefish River which are comprised of glacial lake deposits with occasional deposits of gravel (Attachment 3). Subsurface conditions at the site consist of lean clay, sand and silt with high moisture content and poor density/consistency.</p> <p>Construction of the asphalt trail could impact soil stability in several ways. Construction of these sections of trail would require removal of woody and grassy vegetation along much of the project footprint. The roots of woody shrubs and trees grow deep and hold together fine, unconsolidated soils and grasses stabilize surface soils.</p>

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									<p>This project will also add substantial weight to the bank particularly with the extensive retaining walls necessary to stabilize upland banks adjacent to the trail, increasing the likelihood of the streambank slumping into the river. These sections of trail are proposed to be surfaced with asphalt which is impermeable. Impermeable surfaces can concentrate surface runoff oversaturating soils and increasing instability where permeable layers meet impermeable layers. Concentrated runoff could also lead to surface soil erosion.</p> <p>The proposed elevated concrete surfaced path would require driving 32 helical piers approximately 90ft into the streambed to support a welded steel substructure and precast concrete running surface. The lowest portion of the steel substructure is 1.5 feet above the ordinary high-water elevation. The piers could be the primary cause of negative impacts to soil stability on the bank. Installation of the piers would alter both surface and subsurface flows and could increase erosive pressures on the soils of the stream bank and the bed that supports it. Additionally, the piers will catch debris moving downstream, further deflecting flows. Debris stuck on the piers, even for a short period of time could apply much greater erosive pressure to the streambank or streambed.</p> <p>As mentioned above, there are numerous signs of instability in this area including active erosion at the downstream condominiums. Increasing rates of erosion could increase the likelihood of a more substantial bank failure such as slumping, further impacting the streambanks soils. Impacts to the soil quality, stability,</p>

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 moisture would therefore be expected to be long-term, major, and negative.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vegetation would be permanently removed from the footprint of the project along the asphalt portion of the path, the shoulders, the site of the retaining walls and the stairs. The trees adjacent to the downstream RHC units would require trimming to accommodate the bridge. Shading due to the bridge deck will negatively impact vegetation including wetland vegetation. Impacts to the vegetation cover, quantity, and quality would therefore be expected to be long-term, major, and negative.
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Impacts to aesthetics from this project vary depending on the property. At the upstream MAC property, the streambank is well vegetated, primarily with native species and appears natural. Development of this site would add an asphalt trail, large rock retaining walls on each side of much of the trail, handrails, and stairs leading to the river.</p> <p>Downstream at the RHC, the bank is occupied by condominiums on the upper slope and grassy lawn and cobble on the lower slope. Upstream and downstream of the condos, the bank is comprised of lawn grass and some trees. Onshore portions of this part of the trail would transition from lawn grass to asphalt. The instream portion of the trail would change aesthetically from a river to an elevated trail resembling a bridge. This would substantially change the view from the RHC. Impacts to the local aesthetics would therefore be expected to be long-term, major, and negative.</p>
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"/>	Impacts to air quality may occur from vehicles or equipment used during repairs or maintenance. This EA

PHYSICAL ENVIRONMENT	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
									does not cover impacts associated with construction activities. Impacts to the air quality would therefore be expected to be short-term, mostly negligible, and negative.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The banks of the Whitefish River are known to be fragile and prone to failure. This is evident throughout town including the vicinity of the proposed project. Erosion can be found along the RHC, and a slumping bank on the opposite side of the river required steel sheet pile installation to prevent further bank failure. Impacts to the unique, endangered, fragile, or limited environmental resources would therefore be expected to be long-term, major, and negative.
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"/>	There are no known historical or archaeological surveys at this site. Impacts to historical and archaeological sites would therefore not be expected.
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to demands on environmental resources of land, water, air, and energy would be expected because of the proposed project. The proposed project is to construct a section of the Whitefish River Trail that would connect the existing trail on BNSF property near Railway Street downstream to the existing trail terminus near the Veterans Memorial Bridge on Second Street.</p> <p>Fuel would be required to operate vehicles and machinery used to complete the proposed project; however, the amount fuel required would be minimal. Therefore, any adverse impacts to demands on the environmental resource of energy would be short-term, consistent with existing impacts, and negligible.</p>

Table 6 - Potential Impacts of Alternative 2, the Proposed Project, on the Human Population

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
Social structures and mores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This project is intended to connect existing trails at Railway Street and the Veterans Memorial Bridge underpass with an ADA compliant pedestrian trail. Currently, trail users are using Miles Avenue to connect these sections and either using the existing underpass and stairs or crossing Second Street. Neither of these options comply with ADA standards and is limiting some users. Connecting these two trails with an option that is ADA compliant improves equitableness. Impacts to Social structures and mores would therefore be expected to be long-term, major, and positive.
Cultural uniqueness and diversity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This project is intended to connect existing trails at Railway Street and the Veterans Memorial Bridge underpass with an ADA compliant pedestrian trail. Currently, trail users are using Miles Avenue to connect these sections and either using the existing underpass and stairs or crossing Second Street. Neither of these options comply with ADA standards and is limiting some users. Connecting these two trails with an option that is ADA compliant increases the diversity of user groups that can use this trail. Impacts to diversity would therefore be expected to be long-term, major, and positive. This project is not expected to impact cultural uniqueness.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Whitefish Trail system is often used by recreationists such as walkers and bike riders. Others use the trail system to access recreational resources adjacent to the

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	
									trail system such as city parks, the Whitefish River and City Beach. Connecting these two sections of trail will improve access to and quality of recreational resources. Impacts to Access to and quality of recreational activities would therefore be expected to be long-term, major, and positive. There is no designated wilderness in the vicinity of the proposed project; therefore, this project is not anticipated to impact wilderness activities.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The City's Capital Improvements Programs FY 2024 -FY 2028 Report estimates the cost of the proposed project to be \$2,100,00.00. Connecting these two trails may make access to commercial facilities downtown and upstream more convenient. Increasing business and associated tax revenues. Impacts to local and state tax base and tax revenues would therefore be expected to be long-term, major, and variable.
Agricultural or Industrial production	<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 is no agricultural or industrial production in the vicinity of the proposed section of trail. Commuters may use this section of trail to access agricultural or industrial resources elsewhere in town. Impacts to Agricultural or Industrial production would therefore be expected to be long-term and negligible.
Human health and safety	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed trail would be built to ADA compliant standards that would improve safety for people with disabilities. Additionally, many users currently use Miles Avenue to connect these two trails. Miles Avenue slopes downward towards second street which the city of Whitefish considers a safety hazard. Directing use off Miles Avenue would address the City's concern. Impacts to human health and safety of pedestrians would

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	
									<p>therefore be expected to be long-term, moderate and positive.</p> <p>Additionally, the Whitefish River is used by water-based recreationists throughout most of the year. The instream portion of the proposed trail requires 32 helical piers be driven into the riverbed to support a steel substructure and concrete running surface. The lowest portion of the steel substructure is 1.5 feet above the ordinary high-water elevation. If installed, these structures would allow water to pass through them but could trap and hold larger objects such as boats or people. This type of obstruction is commonly known as a strainer. The severity of a strainer will depend on flows and debris which may accumulate on the structure. Impacts to human health and safety of water-based recreationists would therefore be expected to be long-term, moderate, and negative.</p>
Quantity and distribution of employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Installation and construction of the proposed project would require numerous professionals from the construction industry. These jobs would be short term and only last throughout the project's construction. Additionally, this section of trail would require more monitoring and maintenance due to its instream section. Impacts to Quantity and distribution of employment would therefore be expected to be short-term, moderate, and positive.</p>
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"/>	<p>Construction of the proposed project is not likely to impact the distribution or density of population or housing. Impacts to Distribution and density of population and housing would therefore not be expected.</p>
Demands for government services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>If constructed this project would require frequent monitoring and maintenance due to the instream section of trail. Debris accumulation on the piers or undersides of</p>

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
									the steel substructure and concrete deck could deflect currents into the bank applying additional erosive pressure. Accumulated debris would need to be removed immediately requiring additional government services. Impacts to demands for government services would therefore be expected to be long-term, moderate, and negative.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Providing a more convenient trail connection between the Railway Street trail and the Veterans Memorial Bridge may increase use of this section of the River Trail. Some of these users may use the trail to access industrial, agricultural or commercial facilities. Impacts to industrial, agricultural, and commercial activity would therefore be expected to be long-term, moderate, and positive.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Connecting the existing trails at Railway Street Trail and the Veterans Memorial Bridge is part of the City of Whitefish's Connect Whitefish Bicycle and Pedestrian Master Plan. Impacts to locally adopted environmental plans and goals would therefore be expected to be long-term, moderate, and positive.
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 impacts would be expected because of the proposed project.
Climate change	<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 not result in significant adverse direct, secondary, or cumulative climate change impacts. Any impacts of the proposed action would be consistent with current impacts (i.e., the no action alternative).

Table 9: 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

IX. 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.

The proposed trail augmentation would cross two private properties and extend into the Whitefish River within the river channel and the OHWM. A purported easement exists between the affected private property owner(s) and the City to accommodate future establishment of the proposed Whitefish River Trail augmentation. This analysis was based on the representations made in the SPA 124 Application and does not constitute a legal opinion on easement location or validity.

Table 10: Private Property Assessment (Takings and Damages)

		Yes	No
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.			

X. 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 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:

Under usual circumstances, FWP makes all Draft EAs available for public comment, as MEPA requires FWP to comply with its terms "to the fullest extent possible." To fulfill the stated policy of MEPA, the agency shall conform to the applicable rules prior to reaching a final decision on proposed actions covered by MEPA. *ARM 12.2.428, Policy Statement Concerning MEPA Rules*. However, in this circumstance, MEPA's public process is impacted by a competing statutory deadline. More specifically, § 87-5-504, MCA, states:

"Within 30 days after the receipt of such plans [for a project subject to SPA 124 permitting], the department shall notify the applicant whether or not such construction project or hydraulic project will adversely affect any fish or game habitat. If the department notifies the applicant that such construction will adversely affect any fish or game habitat, it shall accompany such notice with recommendations or alternative plans which will eliminate or diminish such adverse effect."

Effectively, within 30 days after receipt of an application [for an SPA 124 Permit], FWP must make a final decision on the proposed action/project. Within the applicable 30-day timeframe, the MEPA practitioner or author of the Draft EA must conduct a rigorous process, making it difficult or impossible for FWP to accommodate a public comment period for the Draft EA within the required 30-day time-period. § 87-5-504, MCA.

- *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>. Public notice will announce the availability of the Draft EA, summarize its content, and solicit public comment.*
- *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 Draft EA to those persons for review and comment (ARM 12.2.433(3)).*
- *FWP issues a biweekly press release containing all FWP public commenting opportunities.*

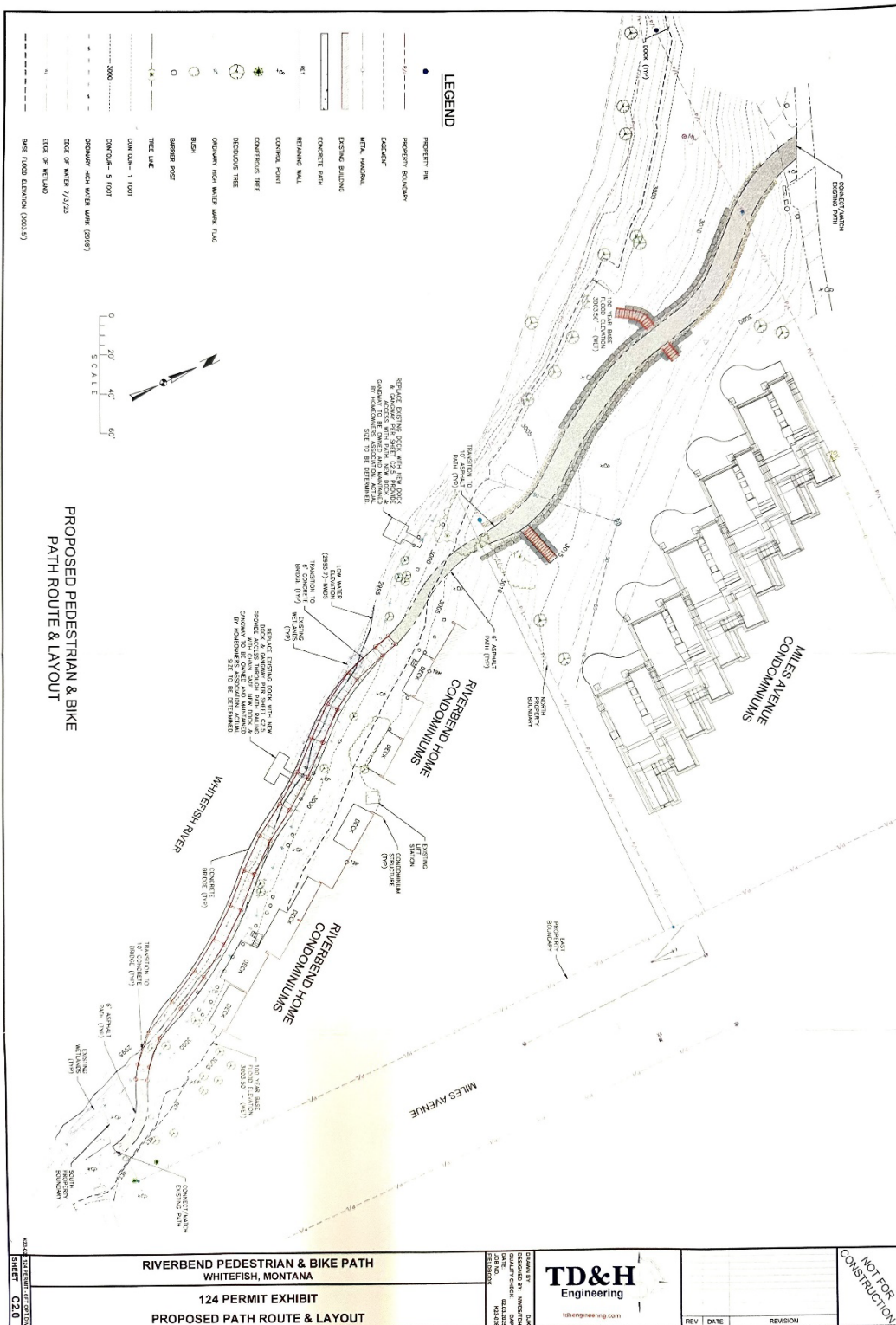
XI. Recommendation for Further Environmental Analysis

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"/>

XII. EA Preparation and Review

	Name	Title
EA prepared by:	Kenny Breidinger	Biologist, Fisheries Division, FWP R1
EA reviewed by:	Michael E Hensler	R1 Fisheries Program Manager

Proposed Whitefish Trail Conceptual Plan



Attachment 2

SPA 124 Permit General Conditions

FWP.MT.GOV



THE **OUTSIDE** IS IN US ALL.

Stream Protection Act 124 Permit General Conditions

1. Complete work affecting a streambed or stream bank in an expeditious manner to avoid unnecessary impacts to the stream.
2. Limit the clearing of vegetation to that which is absolutely necessary for construction of the project. Take precautions to preserve existing riparian vegetation. Salvage and reuse native vegetation where possible.
3. Install and maintain erosion control measures where appropriate to protect aquatic resources. Do not clear and grub land adjacent to streams prior to installing proper erosion and sedimentation controls. Conduct all work in a manner that minimizes turbidity and other disturbances to aquatic resources.
4. Plan temporary construction facilities to:
 - a. Minimize disturbance to stream banks, stream bank vegetation, and the streambed by locating staging or storage facilities at least 50' horizontally from the highest anticipated water level during construction;
 - b. not restrict or impede fish passage in streams; and
 - c. not restrict any flow anticipated during use.
5. Provide sediment controls for drainage from topsoil stockpiles, staging areas, access roads, channel changes, and instream excavations.
6. Isolate work zones from flowing and standing waters to prevent turbid water and sediments from being discharged into streams or other drainages that flow directly into the stream. Divert flowing waters around the work zone.
7. Do not spill or dump material into streams. Store and handle petroleum products, chemicals, cement and other deleterious materials in a manner that will prevent their entering streams.
8. Do not permit wash water from cleaning concrete-related equipment or wet concrete to enter streams.
9. Do not operate mechanized equipment in any stream or flowing water unless special authorization is obtained. If special authorization is granted, the following conditions apply:
 - a. Power-wash all equipment allowed in a stream prior to entering the stream channel.
 - b. Clean and maintain all equipment so that petroleum-based products and hydraulic fluids do not leak or spill into the waterway.
10. Reclaim streambeds and stream banks as closely as possible to their pre-disturbed condition.
11. Restore disturbed stream banks to their natural or pre-disturbed configuration to match adjacent ground contours or as specified in the project plans. Stabilize, reseed, and re-vegetate disturbed areas. Install and maintain long-term biodegradable erosion-control measures to protect these areas until adequate vegetation has been established.
12. Restore temporary access routes and any temporarily disturbed areas to original conditions, including original contours and vegetation.
13. Dispose of any excess material generated from the project above the ordinary high-water mark and in an area not classified as a wetland.

Attachment 3

Geotechnical Report Compiled by TD&H Engineering

GEOTECHNICAL DISCUSSIONS

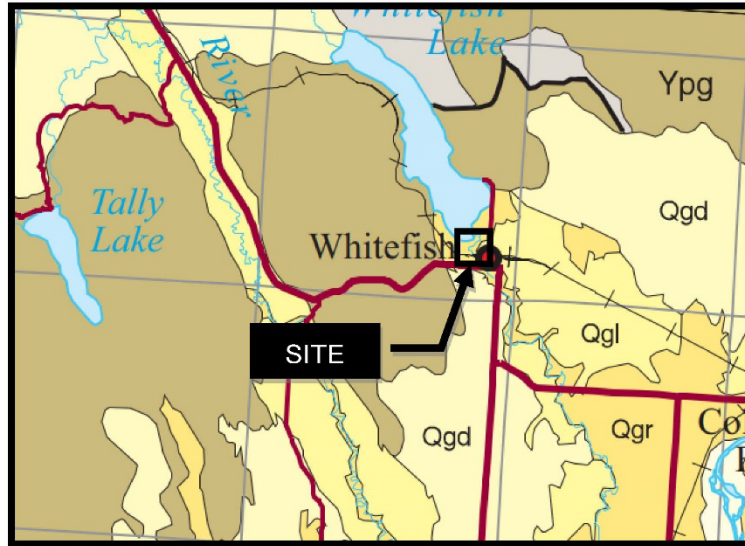
This memo presents the results of our preliminary geotechnical assessment for the Riverbend / Miles Avenue trail project to be located within the northwestern area of Whitefish, approximately 0.6 mile southeast of Whitefish Lake, and immediately adjacent to Whitefish River. The purposes of the preliminary assessment was to evaluate potential subsurface conditions at the proposed site and to develop preliminary schematic design level foundation options. The following describes the subsurface conditions expected in the project area based on nearby historical projects and anticipated foundation systems for the trail based on project constraints.

The information presented below is intended to provide preliminary project planning information for use in the early stages of evaluating project feasibility. **At this time, no project specific subsurface investigation has been performed to validate these assumptions;** thus, none of the information provided is intended to be used in any engineering design applications and must be verified through a conventional geotechnical field investigation of the property. **Such investigations are critical to the completion of accurate geotechnical analyses and will be necessary to provide** site specific comprehensive design recommendations.

ANTICIPATED SUBSURFACE CONDITIONS

The site is in an area comprised of predominantly glacial lake deposits (Qgl) with the occasional occurrence of gravel deposits (Qgr) according to the geological map below. The glacial lake deposits generally comprise of sand, silt, and clay. The gravel deposits generally comprise of gravel with variable deposits of boulders, sand, silt, and clay. The variable deposits are indications of alluvial terrace, abandoned channel, floodplain, alluvial fan, and glacial outwash. In our experience, similar gravel deposits typically consist of variable amounts of sand and gravel in a fine-grained silt or lean clay matrix.





Gravel (Qgr, QTgr)—Variable deposits that range from pebble to boulder size and include sand, silt, and clay. Dominantly alluvial terrace, abandoned channel and floodplain, remnant alluvial fan, and local glacial outwash.

Glacial deposit (Qgd)—Dominantly till, outwash, and local glacial lake deposits. Shown only in western and south-central Montana. Laurentide glacial deposits are indicated with a map pattern (legend, plate 1).

Glacial lake deposit (Qgl)—Light brown laminated silt, fine-grained sand, and clay. Shown only in northwestern and central-western Montana.

Piegan Group (Ypg) ("Middle Belt carbonate")

Wallace Formation (included in Ypg) (Restricted to what was formerly "middle Wallace")—Tan-weathering, dolomitic quartzite and siltite, and black argillite with calcite ribbons (molar tooth structure) in graded pinch-and-swell couples and couplets. Thickness as much as 2,500 m (8,202 ft).

Helena Formation (Yh and included in Ypg)—*Northwestern Montana* (formerly "lower Wallace"): cycles of basal white quartzite or intraclast beds overlain by couplets of green siltite and argillite, capped by dolomite beds. Calcite pods and ribbons (molar tooth structure) common. *West-central Montana*: gray to dark gray limestone and dolomitic limestone with siltite partings. Thickness as much as 2,000 m (6,562).

Geologic Map of Montana, Edition 1.0 (2007)
Montana Bureau of Mines & Geology

The subsurface soil conditions appear to be moderately inconsistent based on historical and nearby projects that included exploratory drilling and sampling. In general, the subsurface soil conditions encountered consist of layered lean clay, silt, and sand. The proportions of each soil type, thickness, and depths of the layering are usually inconsistent due to irregular depositing of the historical glacial lake. Generally, the consistency and relative density of these layers improve with depth, typically starting below an approximate elevation of 2960 feet above mean sea level (MSL). The layering of these soils is anticipated to continue down to an approximate elevation of 2900 feet above MSL.



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according to previous and nearby explorations. Underlying the layers of lean clay, silt, and sand is a medium dense to very dense gravel. Generally, gravel was not encountered at elevations higher than 2920 feet above MSL.

LEAN CLAY

Lean clay in this area is typically very soft to stiff and may include trace amounts of gravel and sand. The lean clay has been previously observed to have thick layers of 0 to 1 blow count per foot (bpf). The lean clay is typically classified as low to medium plasticity as indicated by historical Atterberg test results in the laboratory. The moisture contents are usually measured from 20 to 50 percent and higher percentages may be measured since the project is adjacent to Whitefish River.

SILT

Similar to lean clay, the silt is typically very soft to stiff. However, it may include higher percentages of sand with trace amount of gravel. The silt layers have previously been observed to result in blow counts as low as 2 bpf indicating soft soils. The consistency of the silt increased at deeper depths (ranging from 2920 to 2960 feet above MSL) to as high as 25 bpf. The silt is typically classified as granular non-plastic to low plasticity according to historical Atterberg test results in the laboratory. The moisture contents are usually measured from 20 to 40 percent and higher percentages may be measured since the project is adjacent to Whitefish River.

SAND

Sand in this area is typically very loose to very dense and is likely to include high proportions of silt with small amounts of gravel. The sand layers have previously been observed to result in blow counts as low as 2 bpf indicating very loose soils and increased to as high as 25 bpf at deeper depths (ranging from 2920 to 2960 feet above MSL). The sand is typically classified as granular non-plastic according to historical Atterberg test results in the laboratory. The moisture contents are usually measured from 10 to 35 percent and higher percentages may be measured since the project is adjacent to Whitefish River.

GRAVEL

Gravel in this area is typically medium dense to very dense and is likely to include proportions of sand and silt. The gravel has previously been observed at greater depths (ranging from 2900 to 2920 feet above MSL) underlying the lean clay, silt, and sand layers described above. Occasionally, thin layers of gravel were encountered at shallower depths. However, the occurrence, depth, and thickness of these layers varied significantly and it is unknown if gravel



will be encountered at depths shallower than 60 feet for this project.

Ground water elevations at this site are likely related to the surface elevation of the adjacent Whitefish River. Fluctuations of the river level will result in fluctuations of ground water at the site. However, some minor variations between the water levels may be observed due to the plastic soils present and the relatively low permeability of similar soils. The presence or absence of observed ground water may be directly related to the time of construction. Numerous factors contribute to seasonal ground water occurrences and fluctuations, and the evaluation of such factors is beyond the scope of this report.

ENGINEERING ANALYSIS

Site grading and excavation are not anticipated for this project according to the conceptual site plan and the elevated walkway. It is also anticipated that site grading and excavation are limited to minimize the disturbance to the adjacent Riverbend condominiums and properties. Therefore, recommendations were not provided regarding site grading, excavation, and fill placement. However, if the assumption is incorrect, TD&H Engineering should be notified, and recommendations will be provided.

Considering the subsurface conditions for this area of Whitefish, we anticipate conventional shallow foundations to not be suitable for support of the elevated precast concrete trail. Potential settlements and overall shallow foundation performance have not been evaluated for this site because the site conditions and subsurface soils present are generally high risk.

Preliminary Helical Piers Assessment (RECOMMENDED Foundation)

Helical piers are the recommended foundation option that will minimize disturbance to the site and prevent the need for dewatering. Helical piers are a form of screw pile which utilizes a steel shaft fabricated from either solid square or tubular steel. A single or series of plates are welded to the shaft and commonly vary in diameter from 6 to 16 inches with thicknesses of $\frac{3}{8}$ -inch or $\frac{1}{2}$ -inch depending on soil conditions and the proposed application. Using this type of foundation, each structural column is supported by a single or series of helical piers and building walls are placed on grade beams supported by a series of piers. Applied structural loads are transmitted to the subsurface soils almost completely through end bearing of the helical plates. A series of plates (increasing in diameter from the tip of the pier) can be used to increase the overall bearing area and can increase the capacity of the pier. Helical piers are ideal for application where both tensile (uplift) and compressive (gravity) forces need to be resisted within the foundation. Helical piers experience little or no impact from expansive soils when installed to proper depths; however, the ultimate load for typical helical piers is limited to approximately 150 kips and similar systems are not ideal for large heavily loaded structures. Helical pier spacing of at least five times the



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diameter of the largest plate is recommended. A spacing as tight as three diameters has been used; however, this installation required battering of the pier elements and necessitates specialized equipment capable of controlling the installation angle.

Helical piers for this project must extend through the upper active zone of expansive soils (typically 15 feet) and into the underlying sand for adequate capacity and resistance to expansive forces. Assuming the site elevation is 3,010 feet above MSL according to Google Earth Pro and based on our assessment, we anticipate adequate installation torque to be achieved with overall anticipated piers lengths on the order of 70 to 100 feet.

For this project, the use of a 3.875-inch diameter round shafted helical pier with a wall thickness of 0.276-inch and a double 12"-14" or a triple 10"-12"-14" helix combination is recommended. Based on our experience and the theory of elasticity, a deep foundation system using helical piers extending to sufficient depth to satisfy the minimum torque requirements within the medium dense sand is not anticipated to experience settlements exceeding $\frac{3}{4}$ -inch provided they are designed and constructed following our recommendations. Differential settlements between pier locations should be on the order of one-half this magnitude.

SUMMARY

In summary, our geotechnical assessment indicates that the project area adjacent to Whitefish River consists of layered sand, silt, and clay with high moisture contents and poor density/consistency. Groundwater levels are expected to fluctuate with the Whitefish River levels, potentially impacted by the presence of plastic soils and low permeability.

For foundation construction, traditional shallow foundations are deemed unsuitable; instead, helical piers are the recommended foundations to minimize site disturbance and avoid the need for dewatering. Helical piers offer an effective solution accommodating both tensile and compressive forces and are less affected by expansive soils when installed correctly. The proposed design includes round shafted helical piers with 10-12-14" helix configuration targeting a depth of 70 to 100 feet to ensure adequate load capacity within the medium dense sand layer. It is expected that settlements will not exceed $\frac{3}{4}$ -inch if the helical piers are designed and installed according to our specifications, with differential settlements between piers further reduced to half this value.

For any deviations from the expected site conditions or plan, TD&H Engineering should be consulted to provide additional recommendations or adjustments to the foundation design.



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