DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

Cooney State Park Shoreline Repairs

FWP-CEA-R5-25-002

9/29/2025

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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: Cooney State Park Shoreline Repairs

Montana Fish, Wildlife and Parks (FWP) is proposing a project to repair and place hard bank stabilization at three discrete locations at Cooney Reservoir State Park. In 1937, an earthen dam was built on Red Lodge Creek in Carbon County and created Cooney Reservoir to control flooding and provide irrigation to area farms. Although the primary purpose of the stored water is still for irrigation, a state park was established in 1969. The park is one of the most visited water-based recreation areas in Montana, averaging over 120,000 visitors annually, comprised mostly of in-state residents. Currently, the park manages and maintains 82 campsites, three boat ramps, several day use areas and vault

latrines, a comfort station, and fish cleaning station. Facilities are typically full every weekend between Memorial Day and Labor Day. The reservoir provides good walleye and rainbow trout fishing and abundant boating opportunities.

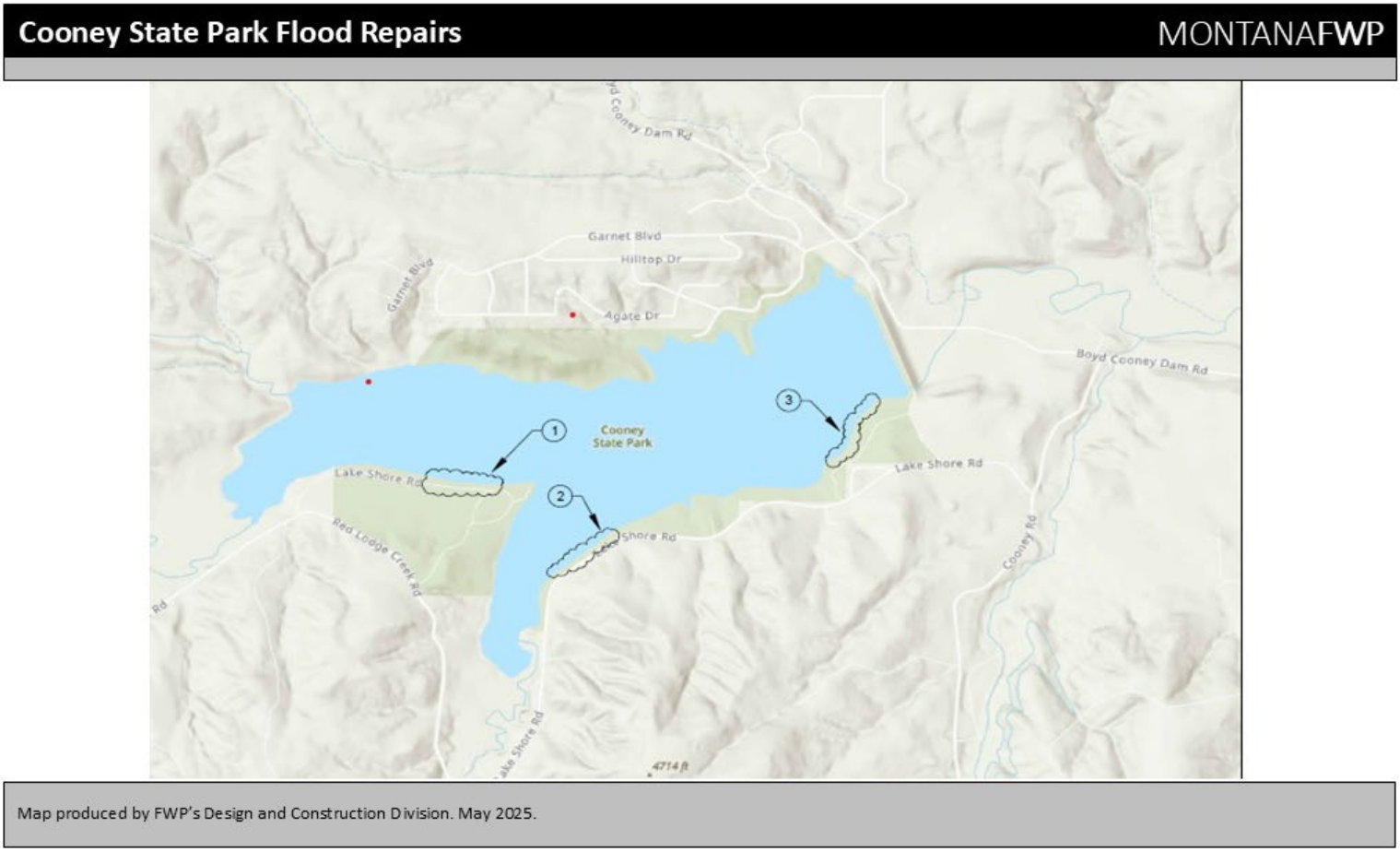
Shorelines surrounding Cooney Reservoir are dynamic, undergoing various rates of change due to several factors. Water levels are controlled by the Rock Creek Water Users Association and recreation opportunities and fish habitat are dependent on weather patterns and irrigation seasons. Shoreline protection and erosion control at Cooney Reservoir State Park includes several site-specific challenges, with surface water elevations varying between 4,231– 4,251 feet and shoreline soil properties that are susceptible to erosional forces.

In June of 2022, Cooney Reservoir and the surrounding area experienced severe flooding conditions from a rain-on-snow event (FEMA 4655 DR). Sustained high water and wave action caused severe erosion and wash outs at multiple sites along the shoreline. The erosion has caused the water in the reservoir to encroach on existing infrastructure including campgrounds, boat ramps, access roads, and a county road. FWP is proposing a project to repair and install hard bank stabilization at three locations: Marshall Cove Campground, Lake Shore Road by Fisherman's Point, and Red Lodge Campground with approximately 4,000 cubic yards of rock rip rap along a cumulative 2,525 linear feet of eroded shoreline. Rock rip rap will not be placed below the ordinary high-water mark (OHWM) at Marshall Cove and Red Lodge campgrounds. More specifically, at Marshall Cove Campground about 1,000 linear feet of shoreline is proposed to be backfilled and armored with about 1,100 cubic yards of rip rap and erosion control separation fabric. An additional 1,000 linear feet of a gravel access road is also proposed to be repaired with 600 cubic feet of gravel and regraded. The site along Lake Shore Road would repair 400 linear feet of shoreline with structural fill, erosion control fabric, and rip rap. Approximately 775 linear feet of shoreline at Red Lodge Campground would be repaired with about 1,875 cubic yards of rip rap and erosional control separation fabric.

The objectives of the proposed project include armoring the shoreline to maintain and protect campgrounds and a county road for current and future park visitors. Additionally, the bank armoring may reduce turbidity in the reservoir by stabilizing several portions of shoreline. The proposed project would occur during times of low water in the reservoir with an anticipated timeframe of November 2025 to April 2026. The water level in Cooney Reservoir is drawn down throughout the summer for irrigation and prior to winter to create storage for spring runoff. Construction will only be allowed when water level in the reservoir is low to allow contractors to access the sites without causing significant turbidity and no material is planned to be installed under water.

Affected Area / Location of Proposed Project:

- Legal Description
    - Latitude/Longitude: 45.4428, -109.22253
    - Section, Township, and Range: 36 04S 20E
    - Town/City, County, Montana: Roberts, Carbon County, Montana
    - Project location map



Map of Cooney Reservoir with proposed project sites. Site 1 is Red Lodge Campground, site 2 is Lake Shore Road, and site 3 is Marshall Cove Campground.

III. Purpose and Need

The EA must include a description of the purpose and need or benefits of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

Shoreline erosion and damage at Cooney Reservoir has accelerated at several locations after the historic flood event in June 2022. The purpose of this project is to backfill and armor three sections of eroding shoreline sections at Cooney State Park to prevent further degradation and preserve recreational opportunities and access. The proposed method for bank stabilization is to place 4,000 cubic yards of rock rip rap along three discrete shoreline sections at Red Lodge Campground, Lake Shore Road by Fireman's Point and Marshall Cove Campground for a total of 2,525 linear feet (775 ft, 750 ft, and 1,000 ft respectively). Additionally, an access road at Marshall Cove Campground is proposed to be repaired and about 275 cubic yards of sand would be imported to fill a beach on the north shore.

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?	☐	☒

* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

IV. Other Agency Regulatory Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

*A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.* **Table 1: Federal, State, and/or Local Regulatory Responsibilities**

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
U.S Army Corps of Engineers	**Section 404**	**Regulate the discharge of dredged or fill material into navigable waters of the United States, including wetlands.**
Montana Department of Environmental Quality (DEQ)	**318 Authorization Short-Term Water Quality Permit**	**Short-term narrative water quality standards for total suspended sediment and turbidity resulting from stream-related construction activities or stream enhancement projects.**
Carbon County Floodplain	**Floodplain permit**	**For work that will include implementing projects within the 100-year floodplain and what impacts the project may have.**
Montana Department of Natural Resources (DNRC)	**Landowner underlying FWP management**	**Review the project and obtain any necessary permits or permission.**

V. List of Mitigations, Stipulations

Mitigations, stipulations, and other enforceable controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g). **Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts**

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			**Yes ☐**	**No ☐X**
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below			**Yes ☐**	**No ☐X**
Enforceable Control	**Responsible Agency**	**Authority (Rule, Permit, Stipulation, Other)**	**Effect of Enforceable Control on Proposed Project**	
Water quality	DEQ	318 Authorization	Reduce the effects of turbidity on the area of impact.	
Placement of fill	U.S Army Corps of Engineers	NWP 13	Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or	

			combinations of bank stabilization techniques.

VI. Alternatives Considered

In addition to the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative in this EA. Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

	Yes*	No
Were any additional alternatives considered and dismissed?	☒	☐

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

<u>*Concrete cable mat*</u>: Even though the FEMA project scoping report specifies rip rap for the repairs, other alternatives were considered for the project. Primary consideration was given to various armoring solutions such as concrete cable mat and erosion control blankets. From a habitat standpoint, concrete is always less desirable than other solutions and is also less aesthetic when installed above water. Erosion control blankets tend to have trouble withstanding major wave action over a long period of time, causing constant maintenance and replacement. Another consideration of these materials is their increased cost compared to rip rap. Not only would large quantities of imported fill be required, but the material cost would also be substantially higher. Rip rap is a preferred alternative because it can serve as fill and also protect the shoreline from future impacts.

<u>*Soft bank approach*</u>: It is FWPs intent that, wherever possible, the natural condition of the shoreline will be maintained for its aesthetic appeal and resource functions. The Cooney State Park Management Plan (2012) identifies providing camping opportunities and improving/maintaining trees and natural areas as high priorities. A lack of trees in the park means little to no shade for visitors. Additionally, erosion of the shoreline and land around camping areas can be a result of unstable soil conditions from lack of trees. Although rock rip rap is considered hard bank stabilization, the proposed project would maintain the existing camping opportunities. Furthermore, all three proposed site locations are on the eastern shore of the park which receive high wave action. With the reservoir's annual filling combined with strong wind and wave activity, the campsites and road will likely continue to erode, reshape the bank, and reduce the number of available campsites. Although more natural, softer bank stabilization methods exist, this alternative was not considered due to the scale of wave energy, varying drawdown conditions, high visitor use, and urgency of need. Bioengineering and other soft bank techniques should supplement future projects in lower energy zones.

VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

*The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.*

- ***Direct impacts** are those that occur at the same time and place as the action that triggers the effect.*
- ***Secondary impacts** "are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action." ARM 12.2.429(18).*
- ***Cumulative impacts** "means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit*

processing procedures." ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the ***extent, duration, frequency,*** *and* ***severity*** *of the impact. The duration of an impact is quantified as follows:*

- ***Short-Term****: impacts that would not last longer than the proposed project.*
- ***Long-Term****: impacts that would remain or occur following the proposed project.*

The severity of an impact is measured using the following:

- ***No Impact****: there would be no change from current conditions.*
- ***Negligible****: an adverse or beneficial effect would occur but would be at the lowest levels of detection.*
- ***Minor****: the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.*
- ***Moderate****: the effect would be easily identifiable and would change the function or integrity of the resource.*
- ***Major****: the effect would irretrievably alter the resource.*

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- *Avoiding an impact by not taking a certain action or parts of a project;*
- *Minimizing impacts by limiting the degree or magnitude of a project and its implementation;*
- *Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or*
- *Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.*

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in ***Section VI*** *above.*

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

  Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

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

  This alternative is intended to backfill eroded shoreline at Cooney Reservoir and armor the bank at Marshall Cove and Red Lodge campgrounds and along Lake Shore Road by Fireman's point.

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

VIII. Cumulative Impacts Analysis

For the purposes of MEPA, "cumulative impact" 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 such 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).

"Action" means a project, program or activity directly undertaken by the agency; a project or activity supported through a contract, grant, subsidy, loan or other form of funding assistance from the agency, either singly or in combination with one or more other state agencies; or a project or activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use or permission to act by the agency, either singly or in combination with other state agencies. ARM 12.2.429(1).

Under the “No Action” alternative, the proposed project would not occur. Therefore, no cumulative impacts to the affected human environment would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed project are measured. Past and present actions are accounted for as part of the existing, or “baseline,” environmental conditions of the affected human environment prior to approval and implementation of the proposed project, and any known future related project(s).

FWP is unaware of any future related actions that would cumulatively impact the affected human environment with consideration for the proposed project and/or any past and present actions. For the purposes of the proposed project, the cumulative impacts analysis applies to all resources analyzed under Alternative 2, Proposed Project. See Tables 3 and 4 of this Draft EA.

The information below identifies past, present, and future actions (i.e., activities to be considered by the cumulative impacts analysis) related to the proposed action by location or generic type. Actions considered in these analyses were identified by FWP and other subject matter experts. Past and present actions are accounted for as part of the existing, or “baseline,” environmental conditions. MEPA is forward-looking, with analyses focused on the potential impacts of the proposed action with consideration for any past, present, or future related actions.

Related Past, Present, and Future State Actions:

<u>Past, Present, and Future Related MEPA Review</u>

The following list identifies environmental review conducted to assess potential impacts to the affected human environment from past, present, and known future related projects or actions. Past and present actions are accounted for as part of the existing, or “baseline,” environmental conditions of the affected human environment prior to approval and implementation of the proposed project, and any known future related project(s). FWP is unaware of any future related actions that would cumulatively impact the affected human environment with consideration for the proposed project and/or any of the past and present actions listed below:

- Past work on shoreline stabilization
- Past FWP work building boat ramps and parking lots

As noted, none of the project-specific environmental review documents cited above identified the potential for significant adverse impacts, including cumulative impacts, to the affected human environment. Therefore, preparation of an Environmental Impact Statement or EIS-level MEPA review was not required, and each project was approved

through EA-level MEPA review. With consideration for potential impacts from the proposed project, FWP determined that no significant adverse cumulative impacts would be expected because of the proposed project. For additional information see the resource-specific impacts analyses contained in the section of the Draft EA titled "Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population," for the proposed action and any alternatives to the proposed action.

Permits, Leases, Licenses, and other Authorizations

- MTFWP operates Cooney State Park through a lease with Montana Department of Natural Resources and Conservation (DNRC)

Memorandums of Understanding and other Formal Agreements

- FWP's lease with DNRC allows authorization of activities outlined in this EA in collaboration with DNRC

Guiding Documents

Further, several guiding documents inform, have informed, and will continue to inform actions such as the proposed action. These guiding documents outline strategies and considerations for taking management action and addressing any potential impacts from such management actions. These guiding documents, and affected regulatory entities, include the following:

- Cooney State Park Management Plan (2012)
- Statewide Fisheries Management Plan (2023)

Again, the guiding documents identified above outline strategies and considerations for taking management action to address potential adverse impacts from such management actions and thereby ensure the proposed project is conducted in a manner consistent with limiting the potential for adverse cumulative impacts. Therefore, no significant adverse cumulative impacts would be expected because of the proposed project. For additional information see the resource-specific impacts analyses contained in Tables 4 and 5 of this Draft EA.

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

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
Terrestrial, avian, and aquatic life and habitats	☐	☒	☒	☐	☐	☒	☐	☐	FWP staff do not expect significant adverse impacts to terrestrial, avian, and aquatic life and habitats due to the proposed project. The shoreline around Cooney Reservoir is used by deer, small mammals (e.g., voles, ground squirrels), resident and non-resident avian species, reptiles, amphibians, crayfish and other invertebrates with the reservoir supporting populations of rainbow trout, burbot, walleye, yellow perch, and several species of native suckers[1]. Short-term displacement of aquatic, avian, and terrestrial species could occur during construction, but the proposed project would be completed in the fall and winter outside of critical nesting and breeding season for most species. Long-term impacts to terrestrial and aquatic habitat may occur directly under the rip rap footprint along Lake Shore Drive with the loss of fringe habitat and littoral zone (e.g., shallow water with fine sediment and/or aquatic vegetation). Littoral zones serve as spawning and nursery habitat to some fishes and amphibians. However, these impacts are expected to be minor and limited to the three project areas as adjacent areas will remain unchanged. These impacts may be mitigated with the use of biodegradable fabric underneath the rip rap and planting native vegetation in the joints and spaces in between the rip rap that when once established, could provide habitat to terrestrial, avian and aquatic life.
Water quality, quantity, and distribution	☐	☒	☒	☐	☐	☒	☐	☐	FWP does not expect significant impacts to water quality, quantity, or distribution because of the project. The proposed project of placing approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's Cove

[1] Montana Natural Heritage Program. Environmental Summary Export for Latitude 45.41898 to 45.46979 and Longitude -109.15900 to -109.27049. Retrieved on 9/23/2025.

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
									campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material while also armoring the shoreline and protecting the infrastructure from future impacts. The project would occur when the reservoir is drawn down and project areas are planned to be dry. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and an increase in sediment delivery to the reservoir the following spring. During construction, no materials would be installed underneath the water. Long-term, minor adverse effects to water quality may occur because of the proposed project as rock rip rap can prevent riparian vegetation from establishing. Vegetation acts as a filter, preventing sediment and unnecessary nutrients from entering the waterbody. Water temperatures may also increase along the rip-rapped banks due to a lack of vegetation as rock can serve as a heat sink and readily absorbs sunlight. These impacts could be mitigated with native vegetative plantings. Long-term beneficial impacts from the proposed project to water quality, quantity and distribution would be a reduction in erosive forces from high wave action and turbidity inputs along the shoreline embankment.
Geology	☒	☐	☐	☒	☐	☐	☐	☐	FWP does not expect any significant impacts to the geology because of this project. There are no known unique geologic features in the prosed project locations or that would be cumulatively impacted because of this project.
Soil quality, stability, and moisture	☐	☒	☒	☐	☐	☒	☐	☐	FWP does not expect significant adverse impacts to the soil quality, stability, and moisture because of the project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap between Red Lodge and Marshall's Cove campgrounds and along

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
									Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank, which would reduce erosional forces from wave actions and flooding, and improve long-term soil stability. The underlying soil consists of prismatic silty clay loams[2] which are generally considered to have medium to high surface erosion potential during high wind and precipitation events. Although soil disturbance would occur with the installation of the rock rip rap, it would be short-term, minor and limited to the immediate project area.
Vegetation cover, quantity, and quality	☐	☒	☒	☐	☐	☒	☐	☐	FWP staff do not expect significant impacts to vegetation cover, quantity, or quality of vegetation because of this project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap between Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank of Cooney Reservoir. Although public scoping efforts identified trees and natural areas as a high priority at Cooney State Park, maintaining and preserving vegetation, such as grass covers, trees, and shrubs is very difficult due to low precipitation, eroding soil types, and high summer visitation use. One of the project's site, Fisherman's Point, has high cutbanks devoid of vegetation but the other proposed project sites have existing grasses and woody vegetation. Thus, there will be minor short-term impacts in areas where vegetation would be removed to install rip rap. Additionally, rip rap does not provide an optimal environment for vegetation to reestablish, and unless concerted efforts are made to plant native vegetation, there will be long-term, minor cumulative impacts

[2] USDA Natural Resources Conservation Service. Custom Soil Resource Report for Carbon County Area, Montana. Retrieved on 9/16/2025.

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
									associated with the loss of natural vegetation because of the proposed project.
Aesthetics	☐	☒	☒	☐	☐	☒	☐	☐	FWP does not expect significant adverse impacts to aesthetics because of the proposed project. Park visitors and nearby residents may be adversely impacted by noise, movement of materials, and the operation of heavy operating equipment during the construction phase of the proposed project. However, impacts should be minor and short-term, lasting only as long as the project. Additionally, an exposed rip rap shoreline and the removal of existing brush and existing cottonwood trees could reduce aesthetics of the reservoir which would long-term and minor. These impacts could be mitigated by planting native vegetation with subsequent monitoring and maintenance.
Air quality	☐	☒	☐	☐	☒	☐	☐	☐	FWP staff do not expect significant adverse impacts to air quality because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable National and Montana ambient air quality standards (NAAQS/MAAQS). The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap between Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank and when completed, the project would not result in additional new air quality disturbance in the affected area. Further, no significant point-sources of air pollution exist in the area affected by the proposed project. Existing sources of air pollution in the area are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and

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
									fugitive dust). Fugitive dust and vehicle exhaust emissions resulting from the movement of heavy equipment and materials for the proposed project may adversely impact air quality. However, any impacts to air quality would be short-term and negligible, consistent with existing impacts, and lasting only as long as proposed project.
Unique, endangered, fragile, or limited environmental resources	☐	☒	☐	☐	☐	☒	☐	☐	No significant adverse impacts to any unique, endangered, fragile, or limited environmental resources are expected because of the proposed project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap between Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank of Cooney Reservoir. The presence of any animal or plant Species of Concern and any Threatened or Endangered species located in or using the affected area were assessed and include the following: Grizzly Bear, Bald Eagle, Yellowstone Cutthroat Trout, Burbot Golden Eagle, and Great Blue Heron[1]. Cooney Reservoir also supports a unique population of wild burbot[3]. Some existing wildlife habitats, including grasses and a few cottonwood trees, would be removed to facilitate access to the lakebed and the placement of rip rap may result in reduced littoral zones for fishes. However, existing aquatic and wildlife habitat would largely stay intact and function similarly to before the project. A review of the National Wetlands Inventory data indicates the project areas are not in a designated wetland. FWP strives to balance recreation needs and habitats for aquatic, avian, and terrestrial life. Any impacts to unique, endangered, fragile, or limited environmental

[3] Montana Statewide Fisheries Management Plan 2.34: Upper Yellowstone River Drainage. Retrieved on 9/25/2025.

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
									resources that may be in the affected area would be short-term and minor.
Historical and archaeological sites	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse effects to historic and archaeological sites would be expected because of the proposed project. The actions of the proposed project would occur in the perimeter of Cooney Reservoir in a previously disturbed area which has been inundated since 1937. If cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation, and contact FWP's Heritage Program for further evaluation. Therefore, no impacts to historical and archaeological sites would be expected because of the project.
Demands on environmental resources of land, water, air, and energy	☐	☒	☐	☐	☒	☐	☐	☐	FWP does not expect significant adverse impacts to demand on the environmental resources of land, water, and air because of the proposed project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap between Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank which would require fuel to operate heavy machinery and vehicles. There are no other demands on the environmental resources of land, water, air, and energy because of the proposed project. Therefore, any impacts to demands on environmental resources of land, water, air, and energy in the affected area would be short-term and negligible.

Table 4 - Potential Impacts of 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	☐	☐	☒	☐	☐	☐	☒	☐	FWP expects moderate long-term beneficial impacts to social structures and mores from the proposed project. The high-water event in 2022 caused flooding and high wave action which in turn created scour at each site location which in turns, makes the area more susceptible to erosional forces and reservoir waters to encroach on existing infrastructure such as campgrounds, boat ramps, access roads, and a county road. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank and when completed, would replace the eroded shore material while also armoring the shoreline and protecting the infrastructure from future impacts. Additionally, this project will repair an access road at Marshall Cove Campground.
Cultural uniqueness and diversity	☐	☐	☒	☐	☐	☒	☐	☐	FWP does not expect significant impacts to cultural uniqueness and diversity because of the proposed project. The proposed project is occurring on previously impacted sites and would benefit Lake Shore Road and two campsites. The road is important locally for residents and visitors to Cooney State Park. Thus, the repairs are culturally important to residents of Carbon County and for people accessing Cooney State Park. Any impacts to cultural uniqueness and diversity in the affected area would be long-term and minor.
Access to and quality of recreational and wilderness activities	☐	☒	☒	☐	☐	☒	☐	☐	FWP staff do not expect significant impacts to and quality of recreational and wilderness activities. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's

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Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank. Construction would occur in the fall and winter when use visitor use is minimal and boaters are not present. The hard, uneven surface of rock rip rap can make access to the shoreline difficult for some users and create hazards for people. This impact can be mitigated by building steps from the top of the bank to the bottom in high traffic sites.
Local and state tax base and tax revenues	☐	☒	☐	☐	☒	☐	☐	☐	FWP does not expect significant impacts to the local and state tax base and tax revenues because of the proposed project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank and, when completed, would not result in changes to local or state taxes. The proposed project would be expected to increase state and local tax revenues from the sale of fuel, supplies and/or equipment to complete the project. Any impacts to the local and state tax base and tax revenue would be short-term and negligible, lasting only as long as the proposed project.
Agricultural or Industrial production	☐	☐	☒	☐	☐	☒	☐	☐	FWP does expect significant impacts to agricultural or industrial production because of the proposed project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor sections along the eastern shoreline of Cooney Reservoir. When completed, the proposed project would help prevent damage from erosion, high precipitation events, and reservoir

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Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									encroachment towards Lake Shore Road. Thus, there may be long-term, minor beneficial impacts for local producers that use Lake Shore Road for agricultural production.
Human health and safety	☐	☐	☒	☐	☒	☐	☐	☐	FWP does not expect significant impacts to the human health and safety because of the proposed project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap between Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank. Rock rip can be a tripping hazard to some people and may have long-term negligible impacts to human health and safety.
Quantity and distribution of employment	☐	☒	☐	☐	☒	☐	☐	☐	FWP does not expect impacts to the quantity and distribution of employment in the affected area because of the proposed project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank and when completed, would not impact the quantity and distribution of employment in the affected area. Short-term and minor impacts to the local quantity and distribution may be realized because of the need for contracted services to complete construction activities. Any impacts the quantity and distribution of employment in the affected area would be short-term and negligible.
Distribution and density of population and housing	☒	☐	☐	☒	☐	☐	☐	☐	No significant adverse impacts to the distribution and density of population and housing would be expected because of the proposed project. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor

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 bank to support recreational use at Cooney State Park. Existing government staff or contractors would be used to accomplish the project and not result in the movement of existing or new population in need of housing. Further, the proposed project takes place on land owned by FWP and used for recreational purposes. Therefore, no impacts to the distribution and density of population and housing in the affected area would be expected because of the proposed project.
Demands for government services	☐	☒	☐	☐	☐	☒	☐	☐	FWP does not expect significant impacts to the demands for government services in the affected area because of the proposed project. Government services associated with the action of installing approximately 4,000 cubic yards of rock rip rap between Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, include FEMA grant management and associated permitting. Impacts to the demands for government services would be minor and short-term, lasting only as long as the project.
Industrial, agricultural, and commercial activity	☐	☐	☒	☐	☐	☒	☐	☐	FWP staff do not expect significant impacts to industrial, agricultural, and commercial activity because of the proposed project as the affected area is primarily used for recreational activities. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, would replace the eroded shore material and armor the bank and when completed would help ensure uninterrupted availability for recreation users to Cooney State Park and anyone using Lake Shore Road for industrial, agricultural activities could result in long-term, minor benefits.

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
Locally adopted environmental plans and goals	☐	☐	☒	☐	☐	☐	☒	☐	FWP expects significant beneficial impacts because of the proposed project to locally adopted environmental plans and goals. The Cooney State Park Management Plan (2012) states that recreation management and road maintenance are top priorities. The actions of the proposed project would place approximately 4,000 cubic yards of rock rip rap at Red Lodge and Marshall's Cove campgrounds and along Lake Shore Road by Fisherman's Point, to replace the eroded shore material and armor the bank and when complete, would maintain and protect Lake Shore Road and existing camping opportunities that are in high demand May–August. FWP is unaware of any locally adopted environmental plans or goals by Carbon County that may be impacted by the proposed project. Long-term, beneficial moderate impacts may occur to locally adopted environmental plans and goal would be expected because of the proposed project.
Other appropriate social and economic circumstances	☐	☐	☒	☐	☒	☐	☐	☐	FWP does not expect significant impacts to other appropriate social and economic circumstances. FWP will continue to work with Carbon County to collaboratively address maintenance issues and develop and implement solutions on county roads that visitors to the park use like Lake Shore Road which could result in long-term negligible benefits. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project.

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

If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431. According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.	
Criteria Used to Determine Significance	
1	The **severity, duration, geographic extent,** and **frequency** of the occurrence of the impact **"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. **"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).
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.

Table 7: Private Property Assessment (Takings)

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	**Question #**	**Yes**	**No**
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	☐	☒
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	☐	☒
Does the action deprive the owner of all economically viable uses of the property?	3	☐	☒
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	☐	☐
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	☐	☐
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	☐	☐
Does the action deny a fundamental attribute of ownership?	5	☐	☒
Does the action have a severe impact of the value of the property?	6	☐	☒
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	☐	☒
Is the impact of government action direct, peculiar, and significant?	7a	☐	☐
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	☐	☐
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	☐	☐
Does the proposed action result in taking or damaging implications?		☐	☒

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 public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- *An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).*
- *Public notice will be served on the Montana Fish, Wildlife and Parks website at: https://fwp.mt.gov/news/public- notices. 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.*

    - ***Duration of Public Comment Period:** The public comment period begins on the date the Draft EA is published on FWP's website. Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment period, as listed below:*

      Length of Public Comment Period: 15 days
      Public Comment Period Begins: 9/29/2025
      Public Comment Period Ends: 10/13/2025

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

- ***Where to Mail or Email Comments on the Draft EA:***
  Name: Montana Fish Wildlife and Parks
  Email: fwpregion5pc@mt.gov Use in the subject line
  Mailing Address:
  Montana Fish Wildlife and Parks
  C/O **Cooney Shoreline**
  2300 Lake Elmo Dr.
  Billings, MT 59105

XI. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	☒
FWP must conduct **EIS** level review for the proposed action	☐

XII. EA Preparation and Review

	Name	**Title**
EA prepared by:	Shannon Blackburn	Region 5 Fisheries Manager
EA reviewed by:	Mike Ruggles	Region 5 Regional Supervisor
EA reviewed by:	Ryder Paggen	Region 5 Parks and Outdoor Recreation Manager