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Montana Fish, Wildlife & Parks

1400 South 19th Avenue
Bozeman, MT 59718

JUN 11 2004

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

June 10, 2004

TO: Governor's Office, Todd O'Hair, State Capitol, Room 204, POB 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, POB 201704, Helena, MT 59620-1704
Dept. Environmental Quality, Metcalf Building, POB 200901, Helena, MT 59620-0901
Montana Fish, Wildlife & Parks:

Director's Office	Legal Unit	Parks Division	Wildlife Division
FWP Commissioners	Design & Construction	Enforcement	Lands Division
Fisheries Division			

MT Historical Society, State Historic Preservation Office, POB 201202, Helena, MT 59620-1202

MT State Parks Association, POB 699, Billings, MT 59103

MT State Library, 1515 E. Sixth Ave., POB 201800, Helena, MT 59620

James Jensen, Montana Environmental Information Center, POB 1184, Helena, MT 59624

Janet Ellis, Montana Audubon Council, POB 595, Helena, MT 59624

George Ochenski, POB 689, Helena, MT 59624

Jack Atcheson, State Lands Coalition, 3210 Ottawa Street, Butte, MT 59701

Jerry DiMarco, POB 1571, Bozeman, MT 59771

Montana Wildlife Federation, POB 1175, Helena, MT 59624

Wayne Hurst, POB 728, Libby, MT 59923

Rep. Steve Gallus, 2701 Phillips St., Butte, MT 59701-4135

Skyline Sportsman's Association, POB 173, Butte, MT 59701

Anaconda Sportsman's Club, #2 Cherry, Anaconda, MT 59711

Jefferson Valley Sportsman's Association, POB 663, Whitehall, MT 59759

Bob Raney, 112 S. 6th St., Livingston, MT 59047

George Grant Chapter of Trout Unlimited, POB 563, Butte, MT 59703

Ladies and Gentlemen:

Enclosed please find a Draft Environmental Assessment for constructing the Whitehall Community Fish Pond and for FWP acquisition of about 20 acres of property from Golden Sunlight Mine, Inc. to provide access to the community fishing pond. The proposed project is intended to provide additional fishing and outdoor opportunities for youth and family-oriented users near Whitehall and the surrounding area. The Jefferson Valley Sportsman's Association, Golden Sunlight Mine, Inc., and other local supporters initiated the proposed project with the assistance of Montana Fish, Wildlife and Parks.

Montana Fish, Wildlife & Parks invites you to comment on the attached proposal. The public comment period will run from June 10, 2004 to 5:00 pm, July 12, 2004. Comments should be sent to the following: Whitehall Community Fish Pond Draft EA, Attn: Ron Spoon, P O Box 1137, Townsend, MT 59644 or e-mailed to rspoon@state.mt.us.

Sincerely,


Patrick J. Flowers
Regional Supervisor

**Draft
Environmental Assessment**

Whitehall Community Fish Pond

June 10, 2004



***Montana Fish,
Wildlife & Parks***

Whitehall Community Fish Pond Draft Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action:** Three actions are proposed in the Environmental Assessment to collectively result in providing a family fishing opportunity near Whitehall, Montana. These actions include:

- 1) Complete Phase I construction of a fishing pond, and development of road access and parking facilities adjacent to the pond using funds from the Fish, Wildlife & Parks (FWP) Community Fish Pond Program and matching funds from private sources. This action will be implemented by the Jefferson Valley Sportsman's Association (JVSA).
- 2) Fish, Wildlife & Parks acquisition funds will be used to acquire the site from Golden Sunlight Mines, Inc. for public use after Phase I site improvements are completed.
- 3) Implementation of Phase II of the project will take place after FWP acquires the site. Phase II will conduct additional improvements to the site, including pond expansion, handicap access, a fishing pier, and a picnic shelter.

2. **Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605, which directs FWP to acquire, develop and operate a system of fishing accesses. The opportunity for public involvement regarding the proposed project is provided under MCA 23-1-110. Section 23-2-101 MCA, allows FWP to plan and develop outdoor recreational resources in the state and receive and expend funds, including federal funds. Section 87-1-209 MCA provides direction and method of acquisition of land or water for fishing areas.

3. **Name of project:** Whitehall Community Fish Pond

4. **Name, address and phone number of project sponsor (if other than the agency):**

Joe Dillon
Jefferson Valley Sportsman's Association
60 First Road
Whitehall, MT 59759

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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5. **If applicable:**
 Estimated Construction/Commencement Date: Summer 2004 (Phase I)
 Estimated Completion Date: Pending funding availability for Phase II
 Current Status of Project Design (% complete): 50%
6. **Location affected by proposed action (county, range and township):**

Jefferson County
 T1N R4W Section 16
 Travel by car for about 2 miles south of Whitehall on public roads.

7. **Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>	(e) Productive:	
Industrial	<u>0</u>	Irrigated cropland	<u>0</u>
(b) Open Space/Woodlands/Recreation	<u>3</u>	Dry cropland	<u>0</u>
(c) Wetlands/Riparian Areas	<u>0</u>	Forestry	<u>0</u>
		Rangeland	<u>5</u>
		Other	<u>0</u>

8. **Map/site plan: Attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.**

Please refer to attached Map in Appendix B and Site Plan in Appendix C...

9. **Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.**

- (a) **Permits:** permits will be obtained prior to the project start.

Agency Name	Permit
USACOE	404 fill permit
Montana DNRC	water use permit
Jefferson County	weed permit and subdivision and transfer COS approval

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(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
FWP (Community Pond Program)	\$20,000
Golden Sunlight Mine/NWF	\$5,000
Jefferson Valley Sportsman	\$8,000
Metals Mining Grant	\$17,000
Smith Construction (donated work in 2003)	\$10,000
Tim Mulligan (donation of barrier rock)	\$1,000
Jefferson Valley Community Foundation	\$450
TOTAL	\$61,450

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Not Applicable.

10. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:

Phase I of this project involves construction of a 1.5 acre pond and development of the surrounding area for fishing access, outdoor recreation, and educational events. The pond is will be located on a 20-acre parcel of property that is currently owned by Golden Sunlight Mine, Inc. (GSM) as a part of its Piedmont Swamp ownership. Phase II of the site development will eventually include: an access road, easily accessible trail, signage, easily accessible fishing pier, landscaping and revegetation of disturbed area, and about 0.5 acres of pond expansion. Accessible trails and the fishing pier will be designed to meet specifications of the American Disabilities Act.

Selection of the Piedmont Swamp location of the proposed family fishing pond is a result of 3-years of effort by the Community of Whitehall and the Jefferson Sportsman's Association. Several potential pond locations were evaluated during this time. The suitability of the pond location for creating a fishery in a natural environment near Whitehall led to interest in selecting the site. In addition, the willingness of GSM to donate a 20-acre parcel for the purpose of family fishing opportunity made this site selection very desirable. GSM has offered to donate all or a portion of the property's value after Phase I of construction is completed. This donation may be made directly to FWP or to JVSA to reimburse it for costs associated with pond development prior to title transfer

Another attribute of the pond location is the gravel mining operation owned by Smith Construction and located adjacent to the proposed fishing pond. In 2003, Smith Construction obtained gravel from the proposed pond on GSM property and developed the template for

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construction of the family fishing pond in 2003. This operation was approved by GSM and JVSA. This rough pond is approximately 1 acre in size. Improvements to this existing pond will provide considerable cost-savings compared to starting the project from scratch.

The proposed site also presents some potential issues of concern. The concrete foundation of an electric railroad station is located on the 20-acre parcel and represents potential historical issues and potential site contamination. The nearby wetlands associated with the Piedmont Swamp also present potential issues regarding wetland vegetation. An Environment Audit conducted by Olympus resulted in minor clean-up conducted by GSM and a site review by Doug McDonald of the U.S. Army Corp of Engineers determined the proposed construction would not encroach on existing wetlands. A letter from the Montana Natural Heritage Program (March 14, 2003) indicated no occurrences of water howellia near the pond location, but indicate the presence of annual Indian paintbrush (*C. elilis*), which is a species of special concern.

The merits of this potential site for developing a community fish pond seem to far exceed potential drawbacks. The primary purpose of the project is to enhance opportunity for family fishing near Whitehall, Montana. Reliable and safe access to the family oriented fishing pond will likely provide several hundred angler-days per year. In addition, the natural setting of the Piedmont Swamp is expected to provide other outdoor opportunities such as hiking and bird watching. The road access and parking area is designed to allow access for school bus traffic to facilitate educational activities associated with the pond and the nearby wetland area. FWP will stock the pond with westslope cutthroat trout and/or rainbow trout annually to provide fishing opportunity.

Funding for Phase I of the proposed project includes a number of contributors. The FWP Community Pond Program was initiated in 2003 to provide new opportunities for family fishing near local communities. The Jefferson Valley Sportsman's Association (JVSA) applied for funds from the Community Pond Program and was awarded \$20,000 from the program on February 17, 2004. An agreement between JVSA and FWP defines the scope of work to be conducted for the Whitehall Community Pond Project. The JVSA will contribute \$8,000 through donations and fundraising and the group also received a Metals Mining Grant for \$17,000 to be used for site development. A number of smaller contributions and in-kind contributions will also be used to complete Phase I of the proposed project. It is anticipated that Phase I construction will allow basic road access to the site, provide suitable parking facilities, and allow for safe access to the pond using trails surfaced with gravel.

The proposed project intends for the site to be acquired by FWP when Phase I of construction is completed. The potential purchase of the 20-acre parcel by FWP would not exceed the appraised value of the improved property and GSM may consider donating all or a portion of the value of the property to the JVSA or FWP to be used for Phase II construction activities. Phase II construction includes amenities such as features as ADA accessible trails, a fishing

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platform, a picnic shelter, and pond expansion to the west. The list of activities and approximate budget estimates for Phase I and II are listed in Appendix D.

11. List of agencies consulted during preparation of the EA:

- Montana Fish, Wildlife & Parks
 - Parks Division
 - Wildlife Division
 - Fisheries Division
 - Design & Construction Bureau
- Montana State Historic Preservation Office (SHPO)
- Montana Department of Natural Resources and Conservation
- Montana Department of Commerce – Tourism
- Montana Natural Heritage Program – Natural Resources Information System (NRIS)
- US Army Corps of Engineers

PART II. ENVIRONMENTAL REVIEW

1. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Soil instability or changes in geologic substructure?		x				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			x		Yes	1a.
c. **Destruction, covering or modification of any unique geologic or physical features?		x				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			x		Yes	1b.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		x				
f. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (attach additional pages of narrative if needed):

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1a. Soil disturbance during pond and road construction will be mitigated by grading stable slopes and seeding the disturbed ground with an appropriate seed mix.

1b. The trail adjacent to the pond will have a stable surface to prevent erosion. Aquatic plant species will be encouraged along the water's edge to create a stable shoreline.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			x		Yes	2a.
b. Creation of objectionable odors?		x				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		x				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		x				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		x				
f. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (attach additional pages of narrative if needed):

2a. Dust resulting from construction activities will be minimal and could be mitigated by water application if needed.

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3. <u>WATER</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			x		yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?		x				
c. Alteration of the course or magnitude of floodwater or other flows?		x				
d. Changes in the amount of surface water in any water body or creation of a new water body?			x			3b.
e. Exposure of people or property to water related hazards such as flooding?		x				
f. Changes in the quality of groundwater?		x				
g. Changes in the quantity of groundwater?		x				
h. Increase in risk of contamination of surface or groundwater?		x				
i. Effects on any existing water right or reservation?		x				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		x				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		x				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		x				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		x				
n. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (attach additional pages of narrative if needed):

3a. Water turbidity will increase temporarily and to a minor degree during shoreline sloping and pond expansion. Turbidity in the artificial pond can be minimized by avoiding prolonged construction activities adjacent to surface water.

3b. Excavation will result in exposure of groundwater. The small surface area (1 to 1.5 acres) will not result in significant evaporation.

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4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT *				Can Impact Be Mitigated+	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			x			4a.
b. Alteration of a plant community?		x				
c. Adverse effects on any unique, rare, threatened, or endangered species?		x				
d. Reduction in acreage or productivity of any agricultural land?		x				
e. Establishment or spread of noxious weeds?			x		yes	4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		x				
g. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation (attach additional pages of narrative if needed):

4a. The road and parking area will result in replacing grass vegetation with a hardened surface.

4e. Seeding and revegetation of the site will important for minimizing weed invasion. FWP will monitor the site after construction and treat any new weed growth according to the Region 3 Weed Management Plan.

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** 5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		x				
b. Changes in the diversity or abundance of game animals or bird species?		x				
c. Changes in the diversity or abundance of nongame species?		x				
d. Introduction of new species into an area?		x				
e. Creation of a barrier to the migration or movement of animals?		x				
f. Adverse effects on any unique, rare, threatened, or endangered species?		x				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		x				
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		x				
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		x				
j. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish and Wildlife (attach additional pages of narrative if needed):

FWP proposes to stock the pond with westslope cutthroat trout and/or rainbow trout because these two species are present in the Jefferson River and associated tributaries. The pond is not located near a flood prone area and is over one mile north of the Jefferson River. It is extremely unlikely these fish can be naturally transported from the pond to other State waters. A private pond containing rainbow trout is located about ¼ mile from the proposed Whitehall Community Pond.

A rare species of orchid (water howellia) is located in the Piedmont Swamp within ½ mile of the proposed pond. The relatively dry ground near the proposed area of disturbance is not suitable habitat for the orchid, and no impact on this species is expected.

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Two bird species of concern were identified near the proposed pond site: bald eagle (Listed Threatened on the U.S. Fish & Wildlife Service Endangered Species Act), and blue heron. Although he was not specifically asked about this proposed project, the Nongame Coordinator for FWP, Dennis Flath, has previously stated that maintaining water quality and prey-base is most important for limiting potential impacts to these species of concern. It is very unlikely the proposed project will negatively impact water quality and the prey-base for species of concern.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Increases in existing noise levels?			x			6a.
b. Exposure of people to serve or nuisance noise levels?		x				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		x				
d. Interference with radio or television reception and operation?		x				
e. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (attach additional pages of narrative if needed):

6a. Construction of the proposed project will increase area noise levels due to the use of heavy equipment, such as large dump trucks, tractors, crane and pile-column construction equipment. This will be temporary and limited to the time of construction. This would occur during daylight hours.

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7. <u>LAND USE</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		x				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?			X		Yes	7b.
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (attach additional pages of narrative if needed):

7b. Improved access to the Piedmont Swamp will enhance educational importance of the area by allowing students and the general public to experience the area. Potential impacts of increased use can be mitigated by appropriately signing the area.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			x		yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		x				
c. Creation of any human health hazard or potential hazard?		x				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			x		yes	See comment 8a. below
e. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (attach additional pages of narrative if needed):

8a. There is a small risk of noxious weeds colonizing in disturbed areas. In this case, FWP would be responsible for removing these weeds. Mechanical means (pulling) or biological control are effective methods for weed control near water. Use of herbicides may be appropriate at the project area away from surface water. FWP follows a weed management plan specific to FWP Region 3

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and implemented by trained applicators using manual, chemical or biological means of weed abatement. Todd Brietenfeldt at the Whitehall High School is a state-wide leader in biological control of weeds, and may be available to assist with weed control in the project area.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			x		yes	9a.
b. Alteration of the social structure of a community?		x				
c. Alteration of the level or distribution of employment or community or personal income?			x			9c.
d. Changes in industrial or commercial activity?		x				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			x		yes	9e.
f. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impact (attach additional pages of narrative if needed):

9a. Public visitation will increase after development of the site. Development of proper facilities, roads, and parking areas described in the site plan will limit disturbance by increased public traffic.

9c. A temporary increase in employment would be provided by the construction company selected to develop the site.

9e. An increase in visitation will slightly increase traffic between Whitehall and the Community Pond. Signing, education, patrols and enforcement by FWP personnel and/or the sheriff's office would reduce potential hazards caused by increased traffic and inappropriate parking.

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10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: <i>recreation facility maintenance, enforcement</i>			x		yes	10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?			x			10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		x				
d. Will the proposed action result in increased use of any energy source?		x				
e. **Define projected revenue sources						10e.
f. **Define projected maintenance costs.						10f.
g. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (attach additional pages of narrative if needed):

10a. Construction of the pond will slightly add to the maintenance duties of FWP staff in the form of litter and site clean-up, though visitors will be asked to pack out their trash, as is the current policy. The facilities will require repair or replacement periodically due to wear and vandalism. Periodic enforcement may be needed during seasonally popular fishing periods, to check creels and ensure appropriate parking/traffic flow and deter vandalism. Insightful design and construction can reduce maintenance, and appropriate signing can mitigate the potential effects of increased visitation and vandalism. Volunteer help by JVSA and local service organizations will also be used to assist with maintenance duties.

10b. FWP pays taxes, "in a sum equal to the amount of taxes which would be payable on county assessment were it taxable to a private citizen". MCA 87-1-603. It is likely that due to the change in ownership and size of the property, the county tax base will increase slightly.

10e. Revenue for construction will be provided by FWP, JVSA, Golden Sunlight Mine, a metals mining grant, and several other private sources. Approximately \$160,000 will be needed to complete Phase I and II of the project. FWP will provide the basic project design and construction oversight.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10f. The amount specifically provided for maintenance of the Whitehall Community Pond will depend on the degree of assistance provided by local volunteer organizations. FWP maintenance costs is not expected to exceed \$5,000 per year.

** 11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		x				
b. Alteration of the aesthetic character of a community or neighborhood?			x			11b.
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			x positive			11c.
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		x				
e. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (attach additional pages of narrative if needed):

11b. Development of the Community Pond is expected to have a positive effect on the aesthetics of the area. A similar project in the Townsend area is frequently used for class photographs because of the improved aesthetics of the pond area.

11c. The quality and quantity of recreational opportunities are expected to increase with construction of Community Pond. Anglers and bird watchers will be able access the Piedmont Swamp area, and more people can participate in quality outdoor activities due to the expanded area and the increased accessibility.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?			x			12a.
b. Physical change that would affect unique cultural values?		x				
c. Effects on existing religious or sacred uses of a site or area?		x				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12a. and Appendix E)		x				See Comment 12a. below
e. Other:		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (attach additional pages of narrative if needed):

12a. Construction activities will take place on private property prior to acquisition by the State and the activity is not an undertaking as identified by the State Antiquities Act. FWP will advise the current landowner and the Jefferson Valley Sportsman's Association on how to best retain cultural resources on the site that will provide future interpretative values and add to the rich heritage of the Jefferson Valley. Appropriate treatment of the remains of the railroad sub-station will be of particular importance during site development.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		x				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		x				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		x				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		x				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		x				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		x				
g. ****For P-R/D-J, list any federal or state permits required.						13g.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (attach additional pages of narrative if needed):

13g. A notice of completion of groundwater development will be needed from DNRC prior to stocking the pond with fish. A weed control plan may be needed from Jefferson County. The Army Corps of Engineers conducted a site review on May 20, 2004 to assess wetland issues. It was determined that no jurisdictional wetland would be impacted by the proposed activity.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART II. ENVIRONMENTAL REVIEW (CONTINUED)

- 2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:**

Alternative A: No Action

FWP would not acquire the property or provide long term maintenance of the site.

Alternative B: Preferred Alternative

FWP would acquire the property in fee title from Golden Sunlight Mine, Inc. upon completion of the proposed Phase I improvements and manage the property as a public fishing access site. Under this alternative, additional funding from the FAS Program could be used to off-set additional construction costs that exceeded current available funds listed in item 9 (b). FAS funding would be limited to the appraised value of the property. Phase II would be completed as funds become available.

Alternative C:

FWP would acquire the property prior to the proposed improvements and complete the Phase I and Phase II improvements over a period of several years as funding became available. FWP would manage the property as a public fishing access site.

- 3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

The proposed plan includes development on relatively dry land near the Piedmont Swamp and avoids disturbance to existing wetlands. Further review by the Army Corps of Engineers during the EA process determined that wetland values are not impacted during the implementation of this project.

Noxious weeds will be closely monitored by FWP and removed in accordance with the Region 3 Weed Management Plan using trained applicators.

Pack-in/pack-out litter disposal and routine maintenance conducted by local service organizations will reduce demands on FWP staff. Design of facilities will consider long term maintenance costs.

Parking will be contained with barrier rock to limit vehicle access to protect the site, and FWP personnel can increase patrols in the area to educate and enforce parking procedures.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed project utilizes an area previously disturbed, and attempts to provide public opportunities while protecting natural resources. Completing Phase II of the project provides a more complete opportunity for all potential users, including those needing ADA accessible facilities. The demand for family fishing opportunities is well documented and this project attempts to respond to the need for such angling opportunities near urban areas.

This analysis did not reveal any significant impacts to the human or physical environment. Most of the minor impacts can be mitigated. There is no expected impact on threatened or endangered species and no unique cultural, geological, or physical features will be affected. The proposed improvements will enhance visitors' angling opportunities and experiences.

The preferred alternative is to complete Phase I improvements to the site prior to FWP's acquisition of the property. This alternative makes the greatest use of available funding sources and allows project construction to move forward in the shortest amount of time.

PART IV. EA CONCLUSION SECTION

- 1. Based on the significance criteria evaluated in this EA, is an EIS required? NO
If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

Based on the evaluation of impacts to the physical and human environment, this environmental review revealed no significant negative impacts from the proposed action; therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis.

- 2. Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?**

A local organization (Jefferson Valley Sportsman's Association) initiated the proposed project and requested assistance from FWP. There has been considerable public interest and notification of the project in the past year, including a newspaper article in the *Whitehall Ledger*.

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- A public notice in the local paper: *The Whitehall Ledger*.
- A legal notice in the *Helena Independent Record*.
- One statewide press release.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.state.mt.us>.

Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope having few minor impacts, many of which can be mitigated.

Duration of comment period, if any.

The public comment period will extend for thirty (30) days following the publication of the second legal notice in area newspapers. Written comments will be accepted until 5 p.m., July 12, 2004 and can be mailed to the address below:

Whitehall Community Pond Project
Ron Spoon
P.O. Box 1137
Townsend, MT 59644

3. Name, title, address and phone number of the person(s) responsible for preparing the EA:

Ron Spoon
MDFW&P
P.O. Box 1137
Townsend, MT 59644
(406) 266-4237

APPENDICES

- A. HB495 Qualification Checklist
- B. Site Location Map
- C. Site Plan
- D. Budget of Phase I and Phase II

APPENDIX A
HB495 PROJECT QUALIFICATION CHECKLIST

Date 6/9/04

Person Reviewing

Project Location: Whitehall, MT

Description of Proposed Work:

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Please check all that apply and comment as necessary.) Capital Construction projects - prepared by D & C; Force Account projects - prepared by Region.

A. New roadway or trail built over undisturbed land?

Comments: See EA and site plan for more information

B. New building construction (buildings <100 sf and vault latrines exempt)?

Comments:

C. Any excavation of 20 c.y. or greater?

Comments: See EA and site plan for more information

D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?

Comments: See EA and site plan for more information

E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?

Comments: See EA and site plan for more information

F. Any new construction into lakes, reservoirs, or streams?

Comments: See EA and site plan for more information

G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?

Comments:

H. Any new above ground utility lines?

Comments:

I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?

Comments:

- J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?

Comments:

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX A
TOURISM REPORT
MONTANA ENVIRONMENTAL POLICY ACT (MEPA)/HB495

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by HB495 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Victor Bjornberg, Tourism Development Coordinator
Travel Montana-Department of Commerce
PO Box 200533
1424 9th Ave.
Helena, MT 59620-0533

Project Name: Whitehall Community Fish Pond

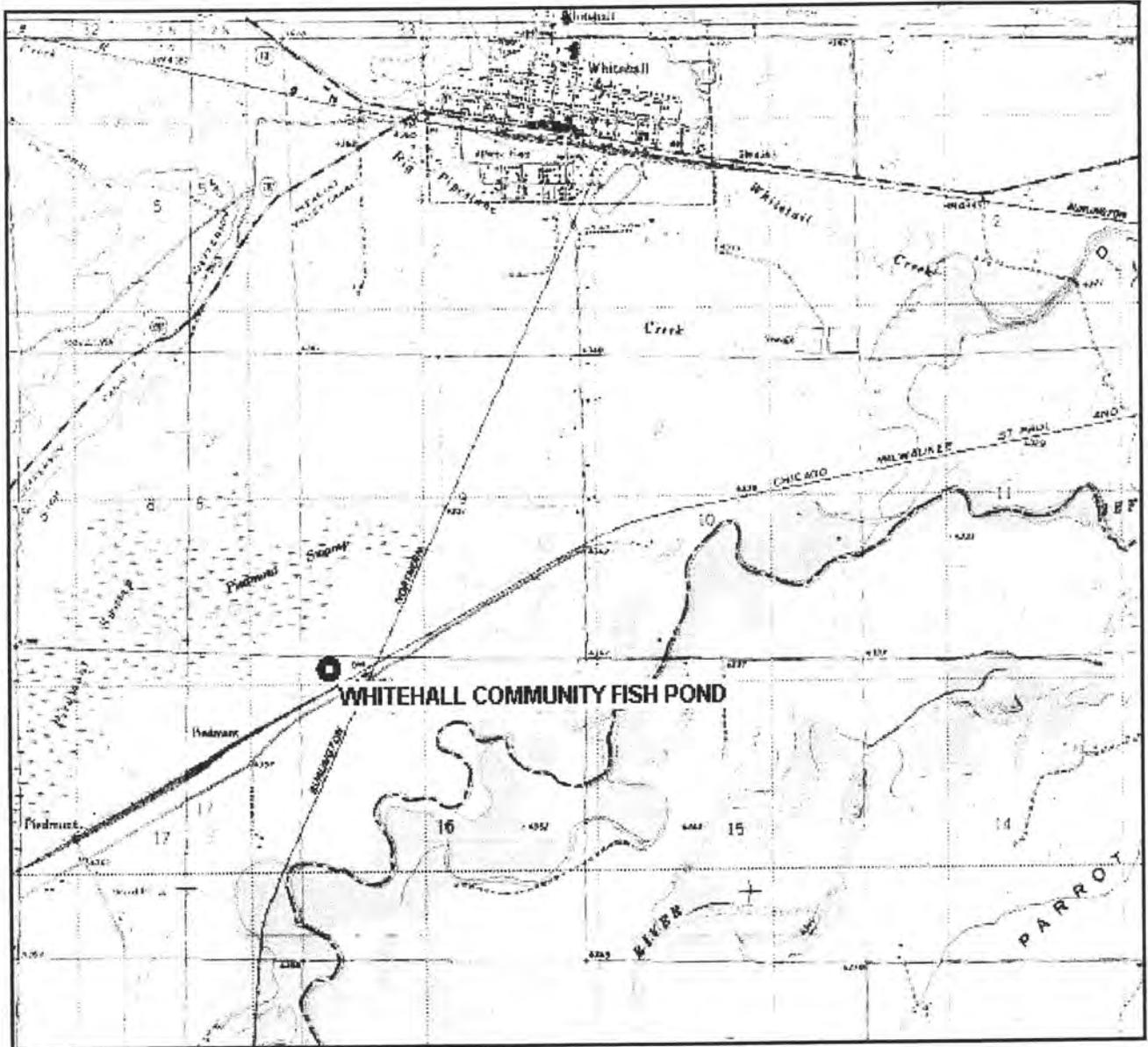
Project Description: This project is being jointly funded by the Montana Fish, Wildlife and Parks and using private donations provided by local sources near Whitehall, MT. The project involves completing construction of a fishing pond, providing safe access to the fishing pond, and Acquiring the site for public use. The purpose is to provide an opportunity for a family fishing experience, quality outdoor recreation near Whitehall and an outdoor education facility.

1. Would this site development project have an impact on the tourism economy?
NO X YES If YES, briefly describe:

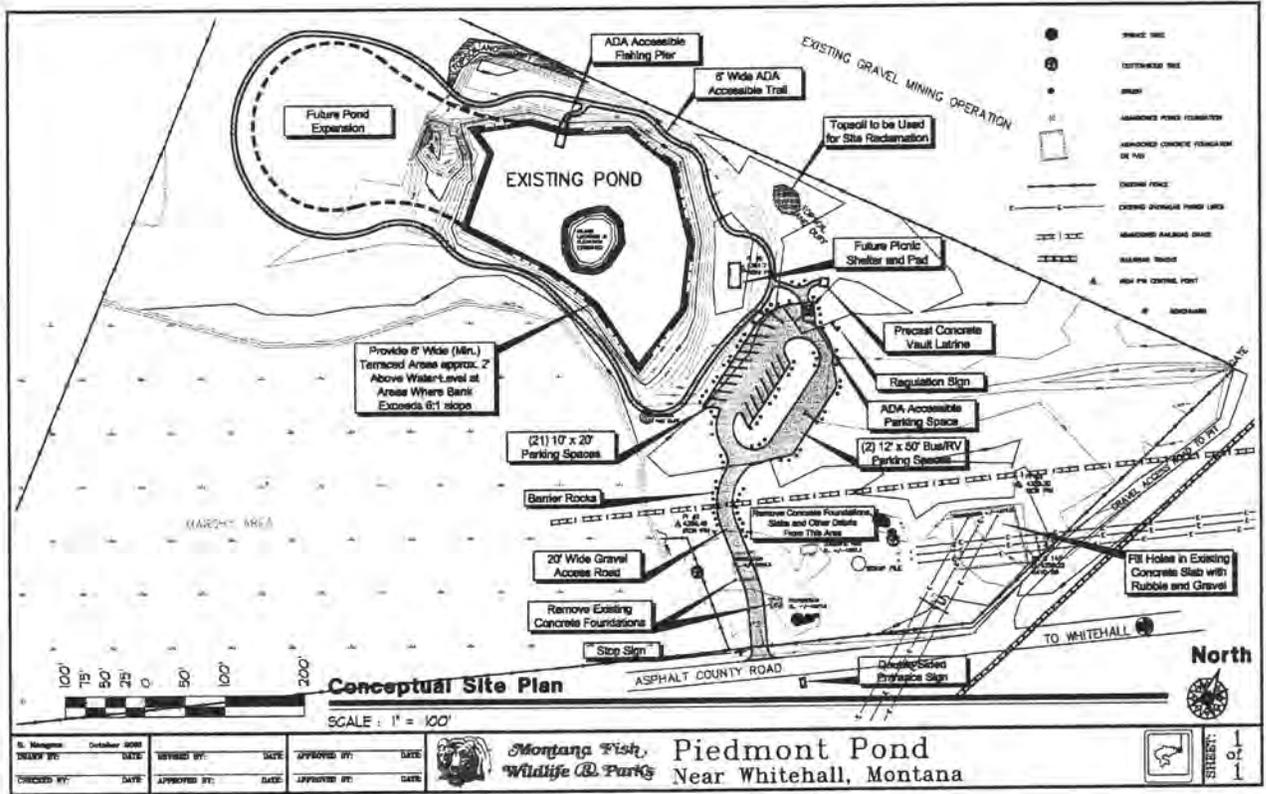
2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
NO X YES If YES, briefly describe:

Signature _____ Date

APPENDIX B



APPENDIX C



APPENDIX D

Whitehall Community Pond Cost Estimate 10/20/2003

Phase I

680' x 20' wide=13,600 sf. @ \$1.25/sf.	\$17,000.00
Bus parking: (2) 12' x 50' = 1,200 sf.	\$1,500.00
Parking: (160 x 20) + (92 x 20) = 5,040 sf.	\$6,300.00
Trail gravel: 1,320 lf. (6' wide) @ \$5.00/lf.	\$6,600.00
Unclassified Excavation (Slope adjustments): 1,000 cy @ \$3.00/yd	\$3,000.00
Vault toilet: lump sum	\$6,000.00
Regulation sign: lump sum	\$500.00
3' approach signs @ \$150 each	\$450.00
1 double-sided entrance sign	\$250.00
1 stop sign	\$100.00
1 culvert: 18"x 30'=30 lf. @ \$40/lf.	\$1,200.00
Reclamation: 58,789 sf. @ \$.04/sf.	\$2,351.56
Debris cleanup: equipment time = \$1,000; labor for 2 days = \$640	\$1,640.00
Foundation removal: bury on site - lump sum	\$1,500.00
Barriers: 85 @ \$50 each	\$4,250.00
TOTAL COST - PHASE I	\$52,641.56

Phase II

ADA parking concrete or asphalt pad: 17' x 20' = 340 sf. @ \$6.00/sf.	\$2,040.00
Future trail: 720 lf of asphalt - 6' wide = 4,320 sf.	\$10,800.00
Picnic shelter: lump sum	\$15,000.00
Pond expansion: 46,107 sf. @ 10' deep; 17,076 cy @ \$3.00/yd.	\$51,228.00
Accessible fishing platform: lump sum	\$15,000.00
Asphalt trail: 7,920 sf. @ \$2.5/sf.	\$19,800.00
TOTAL COST - PHASE II	\$113,868.00

TOTAL COST - PHASE I AND II	\$166,509.56
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