Draft
Environmental Assessment

POKER JOE
Fishing Access Site
DEVELOPMENT and MANAGEMENT PROJECT

February 8, 2008

Montana Fish, Wildlife & Parks

Poker Joe Fishing Access Site Development and Management Project
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Proposed state action**: Montana Fish, Wildlife & Parks (FWP) proposes to construct a 12-stall gravel parking area and install a concrete vault latrine at Poker Joe Fishing Access Site. A gravel access road with 1-3 culverts would also be constructed as part of the project.

2. **Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605, which directs Fish, Wildlife & Parks (FWP) to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that this fishing access site function would be established.

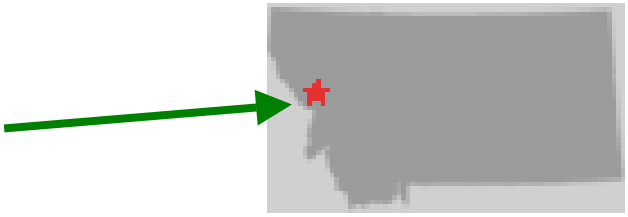
3. **Name of project:** Poker Joe FAS Development and Management Project

4. **Name, address and phone number of project sponsor (if other than the agency):** Montana Fish, Wildlife, & Parks is the project sponsor**.**

5. **If applicable:**
   Estimated Construction/Commencement Date: Winter 2008
   Estimated Completion Date: Spring 2008
   Current Status of Project Design (% complete): 50

6. **Location affected by proposed action (county, range and township):** Poker Joe FAS is located in Ravalli County, T10N, R20W, Sec. 35 NE4. The site is 19 miles south of Missoula on Hwy 93, then east 1.5 miles on Luby Lane, then Simpson Lane.

Figure 1. Approximate location of the proposed FAS within Montana.



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

	Acres		Acres
(a) Developed:		(d) Floodplain	12
Residential	0		
Industrial	0	(e) Productive:	
		Irrigated cropland	0
(b) Open Space/Woodlands/Recreation	0	Dry cropland	0
		Forestry	0
(c) Wetlands/Riparian Areas	0	Rangeland	0
		Other	0

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

(a) Permits: permits will be filed at least 2 months prior to project start.

Agency Name	Permit
Ravalli County	Sanitation Permit
US Corps of Engineers	Section 404
US Corps of Engineers	Section 10
Montana Dept of Environmental Quality	318
Montana Dept of Fish, Wildlife & Parks	124
Ravalli County	Floodplain

(b) Funding:

Agency Name	Funding Amount
Montana FWP	$50,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
N/A	

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

Poker Joe Fishing Access Site is located approximately 19 miles south of Missoula on the Bitterroot River in southwestern Montana (Fig. 2). The 11.63-acre site is undeveloped and consists of an interior wooded portion and approximately 500 feet of river frontage, with a footpath leading from the end of Simpson Lane to the edge of a wide gravel riverbank (Fig. 3). The site is walk-in only and does not have a boat ramp or any other amenities besides a portable latrine.

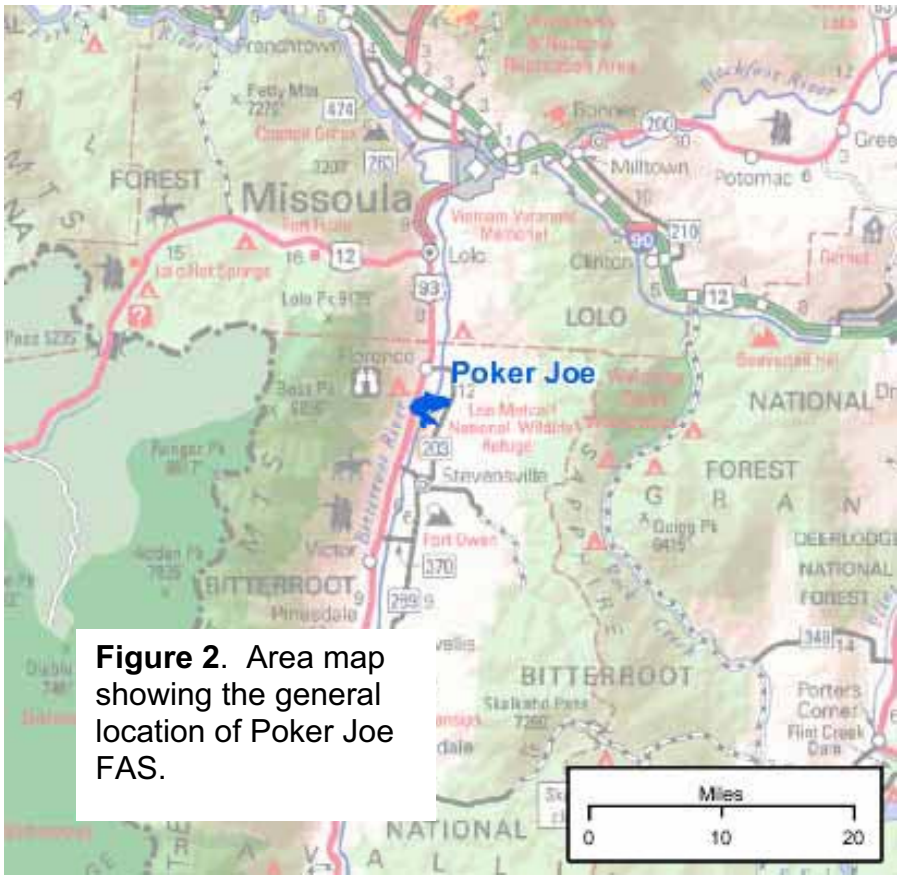


Figure 2. Area map showing the general location of Poker Joe FAS.

Poker Joe FAS is part of the Florentine Acres subdivision near the town of Florence. The Department purchased the 12-acre parcel in 1973 to help secure public access to the Bitterroot River. From the time of purchase through the 1990s, public use of the site was fairly light and consisted mainly of stream bank anglers, waterfowl hunters and the occasional walk-in boater. In the last 5 years public use of the site has increased dramatically, and much of the new use is for non-angling activities like tubing and sunbathing. This change in use pattern can be explained by the recent explosive population growth in the Bitterroot Valley and the fact that the river's natural meander has exposed a large section of gravel riverbank on the side of the FAS that has proven to be irresistible to young people in the area during the summer months for sunbathing, swimming, and "hanging out".

The heavy summertime use of the site has created some problems for FWP and neighboring property owners, especially traffic and parking on Simpson Lane. The only road access to Poker Joe is via Simpson Lane. Simpson Lane runs south from Luby Lane for approximately one quarter mile then takes a left turn and runs east, terminating at Poker Joe. There is a one-lane bridge on Simpson Lane approximately 250 yards before the road ends at Poker Joe (Fig. 3).

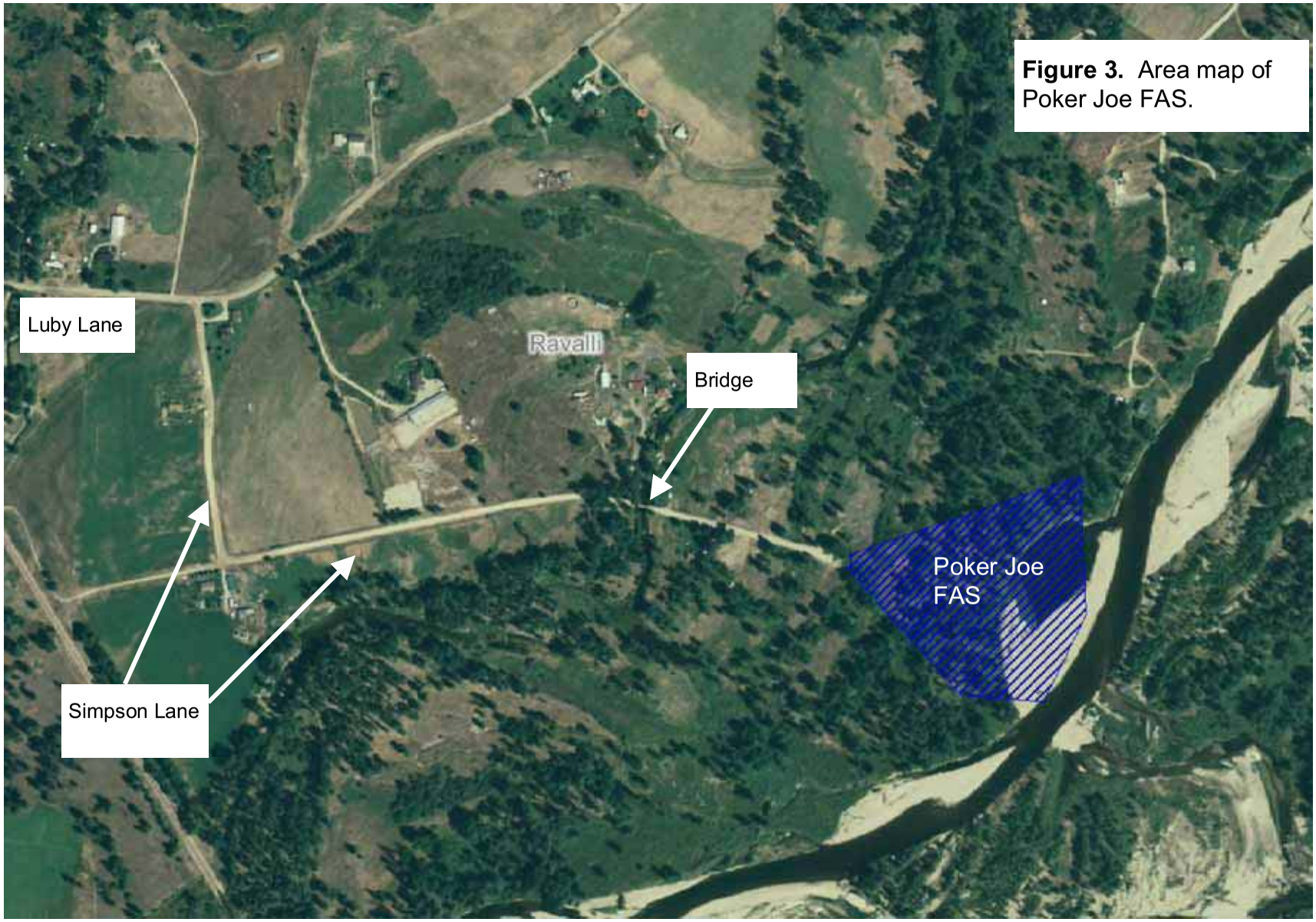


Figure 3. Area map of Poker Joe FAS.

Neighbors in the subdivision have complained that visitors to the FAS often drive too fast, blare their music, block driveways and gates when parking, trespass, litter, and behave very discourteously when asked to slow down, move their cars, etc. In November of 2006, a group of neighbors with property at the end of the road became so unhappy with the situation that they erected a rope barrier across the one-lane bridge on Simpson Lane and posted signs which stated that public access was prohibited over the last 250 yards of Simpson Lane. This effectively blocked public road access to Poker Joe.

Within days of the barrier being erected, FWP began receiving irate phone calls from the public, mostly from sportsmen like waterfowl hunters and anglers, complaining that access to their favorite site was blocked. Upon communicating with the neighbors and their attorney, FWP was informed that these homeowners were taking the position that public access ends at the bridge and the roadway beyond the bridge is in essence a private drive shared by several residents, including FWP. In their opinion, employees of FWP were authorized to use the "driveway", but the public at large was not.

FWP responded in February of 2007 by filing a lawsuit against the homeowners who were responsible for blocking access to Poker Joe, alleging that it held a prescriptive or implied easement for access to Poker Joe that included public use.

While confident in its position, FWP was cognizant of and sympathetic to the real problems occurring at Poker Joe, which affected adjacent homeowners. After several months of communication and negotiation, FWP and the affected neighbors entered into a settlement agreement, which required several things of both parties.

First, the homeowners were required not to obstruct, gate, fence, or otherwise impede the public's right to access Poker Joe. Second, the homeowners would grant a perpetual road easement for use by FWP and the public across their premises. The easement would include the right to maintain and repair the road, and the right to manage public use of the road as may be necessary to prevent resource damage and provide for public safety.

In return, FWP agreed to take measures to control traffic and parking on Simpson Lane and to increase patrols of Poker Joe for unlawful and inappropriate behavior. In addition, FWP has agreed to construct a parking area on its property so visitors will no longer park in the cul-de-sac at the end of Simpson Lane. Some of these measures have already been implemented. For example, six temporary speed bumps have been installed on Simpson Lane, and numerous signs have been erected which post a lowered speed limit and prohibit parking in front of private drives (Fig. 4, 5). Some measures, such as dust abatement and road maintenance, are ongoing. Other measures such as the parking area and fence work have not been initiated yet. Under the settlement agreement, FWP must construct a parking area by July 31, 2008, at which time the Department will also repair or replace its fences and mark the boundary of the cul-de-sac with large rocks or other appropriate material.

Figure 4. Photo of tow-away sign.

Figure 5. Photo showing a speed bump and speed limit sign.

In order to comply with the settlement agreement, FWP has initiated the process of constructing a parking area in Poker Joe, of which this EA is a part. Following public notice and comment, the parking area would be constructed in the spring of 2008. It is the hope of all parties that the proposed development will reduce visitor/homeowner conflict at Poker Joe while still providing public access and resource protection.

PART II. ENVIRONMENTAL REVIEW

1. Description and analysis of reasonable alternatives:

Alternative A: No Action
If no action is taken by July 31 of 2008, FWP would be in violation of the Settlement Agreement and public access to Poker Joe may be jeopardized. Boaters could still access the parcel from the Bitterroot River.

Alternative B: Parking Area with Short Entrance Road
In Alternative B, FWP would construct a gravel parking area in the interior of the site as agreed upon in the settlement agreement. The design (Fig. 6) would include 12 parking spaces in two parking areas, a concrete vault latrine, barrier rock, and additional signs. The first parking area would be constructed just inside FWP's property line at the terminus of Simpson Lane (Fig. 7), and the second would be constructed approximately 100 feet from the entrance of the site in an existing clearing (Fig. 8). An entrance road would link the two parking areas and require one culvert. The approximate cost of Alternative B is $42,000.

Alternative C:
Alternative C is basically the same as Alternative B except for the design of the parking area. In this design the entrance road would extend approximately 150 ft into the interior of the FAS, where it would terminate in the parking area (Fig. 9). The 12 parking spaces would be arranged in a fan-shape, and the vault latrine would be placed on the south end of the parking area. Three culverts would also be required in this design (Fig. 10). The main benefit of this approach is that the parking area would be located further away from nearby residences than in Alternative B. The main disadvantages to this Alternative are that the level of impact and disturbance to the site would be higher than in Alternative B, requiring more square footage of vegetation cleared, more trees removed, more culverts, etc. Alternative C is also more expensive than Alternative B, costing approximately $53,000.

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

There are no formal stipulations of mitigation or other controls associated with the proposed action. This action does not involve any permits or granting of a license on which stipulations would be placed.

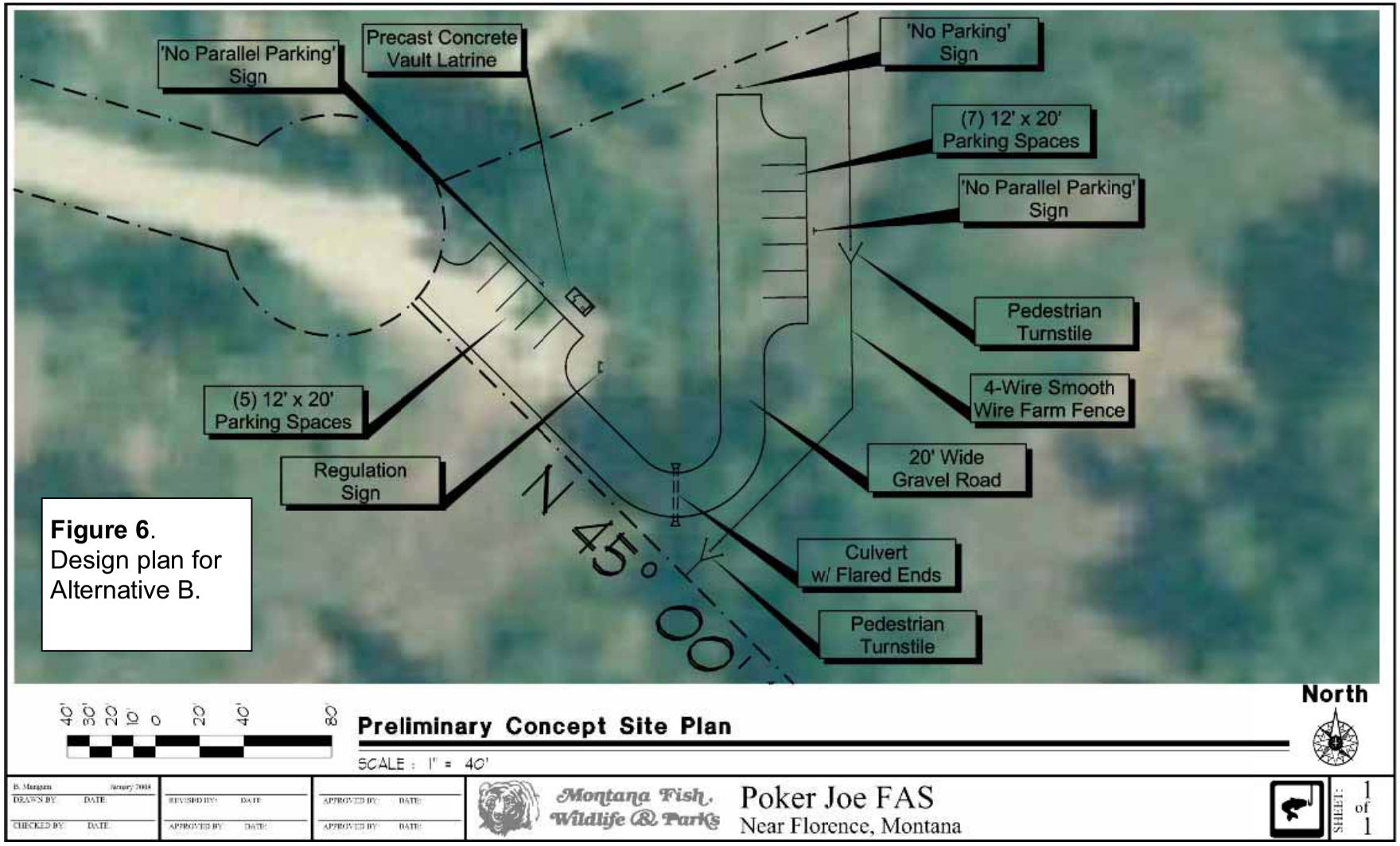


Figure 6. Design plan for Alternative B.

Figure 7. Photo of existing walk-in path at Poker Joe and site of first parking area in Alternative B.

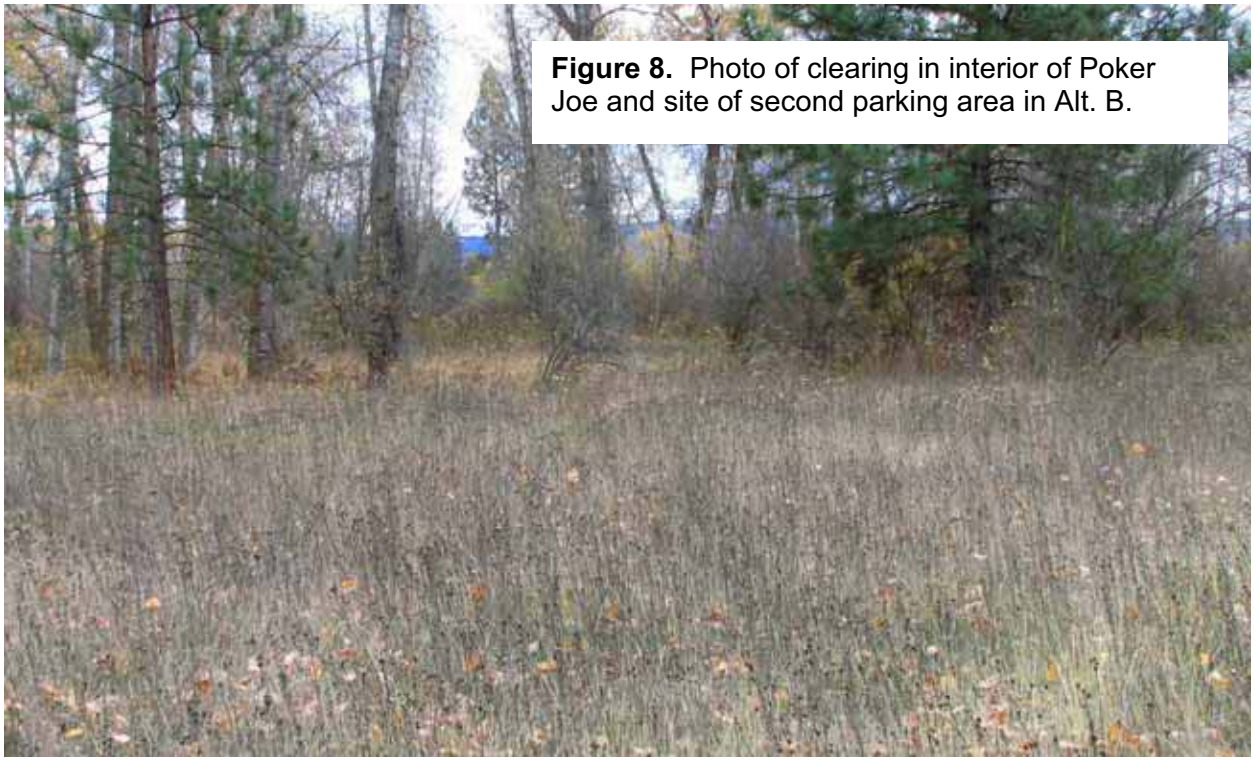


Figure 8. Photo of clearing in interior of Poker Joe and site of second parking area in Alt. B.

Figure 9. Approximate location of parking area in Alternative C.

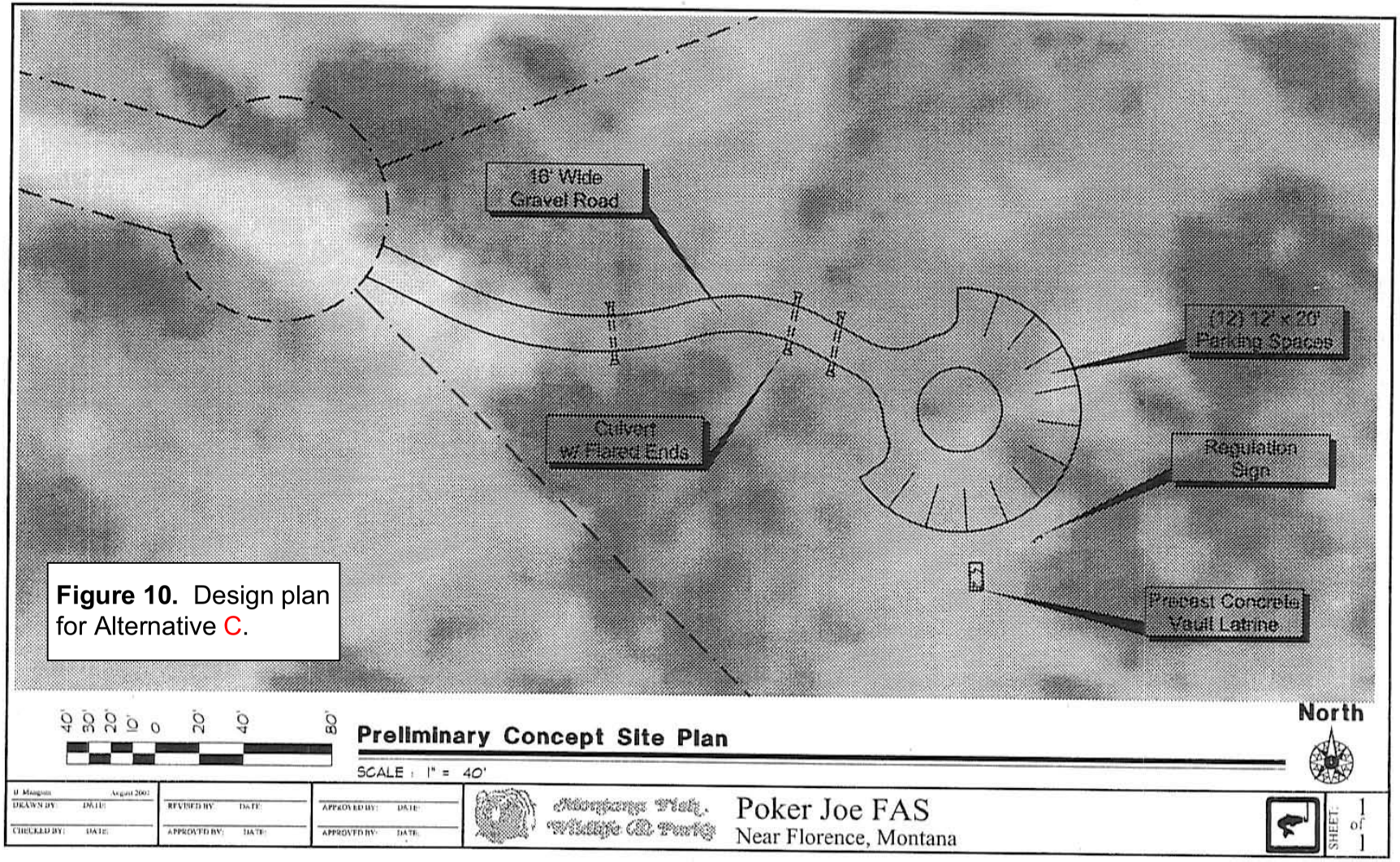


Figure 10. Design plan for Alternative C.

PART III. ENVIRONMENTAL REVIEW CHECKLIST

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

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES 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			1b.
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			1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?						
f. Other:		X				

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

1b. The construction of the parking areas and entrance road and installation of the vault latrine will cause soil disruption, displacement and compaction of soil. Disturbed areas not covered by parking or road would be reseeded or otherwise reclaimed. Best Management Practices (BMP's) will be followed in all aspects of the project.

1d. The installation of culverts (between 1-3, depending on final design) could modify 1-3 small side channels of the Bitterroot River that occur in the Poker Joe parcel.

* 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.

2. AIR 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			2a.
b. Creation of objectionable odors?		X				2b.
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.)						
f. Other:		X				

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

2a. Minor and temporary dust and vehicle emissions will be created by heavy equipment during construction. FWP will continue to apply dust abatement measures on Simpson Lane.

2b. A vault latrine will be installed in the upper parking area and maintained regularly to avoid offensive odors. A sanitation permit and floodplain permit would be obtained prior to installation. If the vault latrine is not permitted by the county, then a portable latrine will continue to be used during the high use months.

* 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.

3. WATER 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			3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X			3b.
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				
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.)						
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.)						
n. Other:		X				

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

3a. No construction will occur in the vicinity of the main river channel, but 1-3 culverts will be installed within side channels of the river. These side channels generally only have water in them during spring run-off or other high water event. The severity of impact would therefore depend on the amount of water present in these side channels during construction.

3b. Constructing gravel parking areas and an entrance road would create a small amount of surface run-off. Bordering vegetation would filter most of the run-off from parking areas before it entered a water body, but some run-off from the entrance road would enter the river via side channels where the road crosses them.

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** 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.

4. VEGETATION 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			4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?						
g. Other:		X				

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

4a. The vegetation of Poker Joe FAS consists of black cottonwood trees, ponderosa pines, and a moderately thick understory of wild rose, snowberry, and serviceberry. Grasses and tansy proliferate in the clearings. The development that FWP has proposed would not cause significant changes to the diversity or productivity of the plant community. Several hundred square feet of understory vegetation and several small trees would likely be removed in either Action Alternative, but the species and plant associations are common and abundant locally and regionally.

4b. Please see Comment 4a.

4c. A search of the Montana Natural Heritage Database yielded three plant Species of Concern in the search area. Please see Appendix 2 for a listing of these species.

4e. Noxious weeds such as spotted knapweed and canada thistle have been observed on the Poker Joe site but are at relatively low densities. Isolated sulfur cinquefoil plants have also been observed on the property. FWP will continue weed control on the site in accordance with methods outlined in the Region 2 Weed Management Agreement with the Ravalli County Weed Board. Areas disturbed by the proposed project would be closely monitored to prevent colonization of weeds.

* 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.

** 5. FISH/WILDLIFE 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			5b.
c. Changes in the diversity or abundance of nongame species?			X			5c.
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			5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X			5g.
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.)						
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.)						
j. Other:		X				

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

5b. It is possible that the proposed development project will reduce the abundance of game and non-game animals within the immediate area. The proposed parking area and entrance road would reduce forage and cover within the FAS itself, and increase human presence on the site. The parking design proposed under Alternative C penetrates deeper into the site than the design of Alternative B, and therefore would likely have a larger impact.

5c. Please see Comment 5b.

5f. A search of the Montana Natural Heritage Database yielded one endangered species and eight Species of Concern in the search area. Please see Appendix 2 for a listing of these species.

5g. It is unclear if the proposed development will increase site visitation to Poker Joe or not. An increase in visitation could cause additional stress to wildlife populations.

* 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.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS 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 positive			6b.
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. There would be a temporary increase in noise level during construction of the parking lots and entrance road, but it would not be excessive and would end after completion. Several homeowners in the Florentine Acres Subdivision live close enough to Poker Joe to hear the construction noise, but construction will not continue in evening or weekend hours and will be temporary. Neighboring residents strongly support the construction of the parking area and entrance road.

6b. The development outlined in this EA reflects FWP's desire to reduce the level of nuisance noise that several neighbors have complained about for some time. The closure of informal parking at the end of Simpson Road and the placement of the new parking areas within the interior of the FAS would increase the distance between much of the noise and adjacent residences. Vegetation surrounding the parking areas would also help to buffer noise, especially in Alternative C.

* 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.

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7. LAND USE 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 positive			7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
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):

7a. The proposed project would positively impact the existing land use (subdivision residences) of the area by reducing nuisance noise and confrontations with homeowners.

* 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.

8. RISK/HEALTH HAZARDS 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			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)						
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. The FWP Region 2 Weed Management Plan calls for an integrated method of managing weeds, including the use of herbicides. The use of herbicides is in compliance with application guidelines and conducted by people trained in safe handling techniques to limit the possibility of a spill. Weeds are also being controlled using mechanical or biological methods in certain areas to reduce the risk of a chemical spill or water contamination. The vault/portable latrine would be regularly maintained. There is a potential for petroleum products to enter the water from heavy machinery during construction.

* 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.

9. COMMUNITY IMPACT 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				
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				
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			9e.
f. Other:		X				

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

9e. It is unclear whether or not the proposed development at Poker Joe will result in any changes in the level of visitation to Poker Joe FAS. If visitation rises as a result of the development, traffic on Luby and Simpson Lanes would also increase, as would traffic problems, especially excessive speed. FWP has installed 7 temporary speed bumps on Simpson Lane to counteract this problem.

* 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.

10. PUBLIC SERVICES/TAXES/UTILITIES 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:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
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): **

10e. The estimated cost of the proposed project is $42,000 for Alternative B and $53,000 for Alternative C.

10f. Maintenance costs for Poker Joe are estimated to rise approximately $300/yr as a result of the proposed development. That figure includes the cost of pumping the latrine once a year.

* 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.

** 11. AESTHETICS/RECREATION 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				11a.
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			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.)						
e. Other:		X				

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

11a. The parking area (in either design) would not be visible from the river.

11b. The aesthetic character of the neighborhood would be slightly affected in both alternatives. In Alternative B, the first parking area would be located just inside FWP's property line and thus would be visible from the road. However, parking already occurs in that vicinity and this area would simply be replacing that. Also, as the site is located on a cul-de-sac, the only people who would be affected are neighboring residents, who all support the proposed plan.

11c. Please see Attachment A for Tourism report.

* 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. CULTURAL/HISTORICAL RESOURCES 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 12.a.)						
e. Other:						

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

12a. SHPO clearance has been obtained for the proposed project. Please see clearance letter in Attachment B.

* 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				13a.
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.)						
g. ****For P-R/D-J, list any federal or state permits required.						

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

13a. This evaluation of the proposed project revealed no significant t impacts to the human or physical environment.

* 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 IV. NARRATIVE EVALUATION AND COMMENT

The stretch of the Bitterroot River that Poker Joe FAS accesses is ranked fourth in FWP Region 2 and 15th for the state for number of angler days (39,602 in 2005). As a walk-in only FAS, Poker Joe probably does not see as many anglers as some other sites, but is also used heavily in the fall for archery and waterfowl hunting, and for many other activities year-round. Unfortunately, its very popularity has jeopardized continued public access. The proposed project would reduce conflict between users and adjoining homeowners without causing any significant impacts to the human or physical environment.

PART V. PUBLIC PARTICIPATION

1. **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?**
   The public will be notified by way of one statewide press release, and two legal notices each in the *Missoulian*, *Ravalli Republic* and *Helena Independent Record* newspapers. This Draft EA will be posted on the Montana Fish, Wildlife & Parks web page (under, "Public Notices"): **http://fwp.mt.gov/publicnotices**. Individual EAs (or notice of its availability) will be sent to Region 2 FWP's standard EA distribution list, adjacent landowners, and to those who request one.

2. **Duration of comment period, if any.**
   A 32-day comment period will begin February 8, 2008, and end March 11, 2008 (when all comments must be received by 5 p.m.). This level of public involvement is appropriate for this scale of project. Comments should be:

   Mailed to: Lee Bastian
   Regional Parks Manager
   Region 2 FWP
   3201 Spurgin Road
   Missoula, MT 59804

   Emailed to: lbastian@mt.gov

   Phoned to: Lee Bastian at 406-542-5517

PART VI. EA PREPARATION

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

Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment under the Montana Environmental Protection Act (MEPA), this environmental review found no significant impacts from the proposed development and management project at Poker Joe FAS. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur, growth-inducing or growth inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, and precedent that would be set as a result of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. Therefore, an EA is the appropriate level of review and an EIS is not required.

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

Allan Kuser FAS Coordinator FWP 1420 East 6th Ave PO Box 200701 Helena, MT 59620-0701 (406) 444-7885	Lee Bastian Regional Parks Manager FWP 3201 Spurgin Rd. Missoula, MT 59804 (406) 542-5517	Linnaea Schroeer-Smith Independent Contractor 1027 9th Ave Helena, MT 59601 406) 495-9620

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

Montana Fish, Wildlife & Parks
- Parks Division
- Wildlife Division
- Fisheries Division
- Design & Construction Bureau
- Lands Division

Montana State Historic Preservation Office (SHPO)
Montana Department of Commerce – Tourism
Montana Natural Heritage Program – Natural Resources Information System (NRIS)

APPENDIX 1
HB495
PROJECT QUALIFICATION CHECKLIST

Date November 20, 2007 **Person Reviewing** Linnaea Schroeer-Smith

Project Location: Poker Joe FAS, Ravalli County. T10N, R20W sec.35.

Description of Proposed Work: Montana Fish, Wildlife & Parks proposes constructing a 12-stall gravel parking lot and 150-foot entrance road in Poker Joe FAS.

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.)

[X]A. New roadway or trail built over undisturbed land?
Comments: The entrance road would be constructed over undisturbed land. Please see comment 1b, page 11, and comment 4a, page 14, for further discussion of this impact.

[ ] B. New building construction (buildings <100 sf and vault latrines exempt)?
Comments: None

[X]C. Any excavation of 20 c.y. or greater?
Comments: Construction of the parking area and entrance road would likely require excavation of 20 c.y. or greater. Please see Comment 1b on page 11.

[X]D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?
Comments: The proposed parking area would be built over undisturbed land. Please see comment 1b, page 11, and comment 4a, page 14.

[ ] E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?
Comments: None.

[ ] F. Any new construction into lakes, reservoirs, or streams?
Comments: None

[ ] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?
Comments: None.

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[ ] H. Any new above ground utility lines?
Comments: None

[ ] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?
Comments: None.

[ ] J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?
Comments: None

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 2.

Sensitive Plants and Animals in the Poker Joe FAS area.

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (nhp.nris.state.mt.us/eoportal) indicates no known occurrences of federally listed threatened, endangered, or proposed threatened or endangered plant or animal species in the proposed project site.

Species of Concern Terms and Definitions

Montana Species of Concern. The term **"Species of Concern"** includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (NatureServe 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are “at-risk”. Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known “occurrences” or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species’ life history that make it especially vulnerable are also considered (e.g., dependence on a specific pollinator).

Status Ranks

Code	Definition
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

1. *Canis lupus* (Gray Wolf).

Natural Heritage Ranks:	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife **Service: LE, XN**
Global: **G4**	U.S. Forest Service: **Endangered**
	U.S. Bureau of Land Management: **Special Status**

No observational data exists for this specific site, but the project area is inside of possible wolf habitat.

2. *Salvelinus confluentus* (Bull Trout).

Natural Heritage Ranks:	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service: LT
Global: **G5**	U.S. Forest Service: **Threatened**
	U.S. Bureau of Land Management: **Special status**

This species is present in one or more tributaries of the Bitterroot River. The proposed project is unlikely to affect this species.

3. *Najas guadalupensis* (Guadalupe Water-nymph)

Natural Heritage Ranks:	Federal Agency Status:
State: **S1**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management:

A small population of this vascular plant can be found approximately 1.5 miles from Poker Joe FAS. It is unlikely that the proposed project would affect this species.

4. *Haliaeetus leucocephalus* (Bald Eagle).

Natural Heritage Ranks:	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service: **Threatened**
	U.S. Bureau of Land Management: **Special Status**

No bald eagle nests have been observed in the project area, but it is likely that they utilize habitat within the area to some degree.

5. *Bufo boreas* (Western Toad)

Natural Heritage Ranks:	Federal Agency Status:
State: **S2**	U.S. Fish and Wildlife Service:
Global: **G4**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

A population of this species can be found approximately ½ mile south of Poker Joe FAS. It is possible that this species also utilizes habitat within Poker Joe FAS and might be affected by the proposed project.

6. *Dolichonyx oryzivorus* (Bobolink)

Natural Heritage Ranks:	Federal Agency Status:
State: **S2B**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management:

The Element Occurrence for this species encompasses Poker Joe FAS. It is possible that the proposed project may affect this species.

7. *Centunculus minimus* (Chaffweed)

Natural Heritage Ranks:	Federal Agency Status:
State: **S2**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management: **Sensitive**

Two populations of this sensitive plant occur in the vicinity of Poker Joe FAS. The first occurs just west of the property less than ½ mile away, the second occurs approximately 1 mile away. It is unlikely that the proposed project would impact this species.

8. *Cyperus rivularis* (Shining Flatsedge)

Natural Heritage Ranks:	Federal Agency Status:
State: **S1**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management:

A small population of this plant was observed approximately 1 mile away from Poker Joe FAS in 1976. No current data exists for this population, but it is unlikely that the proposed project would affect it.

9. *Carex scoparia* (Pointed Broom Sedge)

Natural Heritage Ranks:	Federal Agency Status:
State: **S1S2**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management:

A small population of this plant species was observed approximately 1 mile northwest of Poker Joe FAS in 1974. No current data exists for this population, but it is unlikely that the proposed project would affect it.

10. Nycticorax nyctricorax (Black-crowned Night-heron)

Natural Heritage Ranks:	Federal Agency Status:
State: **S3B**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management:

The Element Occurrence for this species encompasses Poker Joe FAS. It is possible that the proposed project may affect this species.

11. Oncorhynchus clarkia lewisi (Westslope Cutthroat Trout)

Natural Heritage Ranks:	Federal Agency Status:
State: **S2**	U.S. Fish and Wildlife Service:
Global: **G4T3**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

The Element Occurrence for this species includes Poker Joe FAS. It is possible that the proposed project may affect this species.

12. Melanerpes lewis (Lewis's Woodpecker)

Natural Heritage Ranks:	Federal Agency Status:
State: **S2B**	U.S. Fish and Wildlife Service:
Global: **G4**	U.S. Forest Service:
	U.S. Bureau of Land Management:

The Element Occurrence for this species includes Poker Joe FAS. It is possible that the proposed project may affect this species.

Information courtesy of Montana Natural Heritage Program.

ATTACHMENTS

A. Tourism Report – Department of Commerce
B. Clearance Letter – State Historic Preservation Office

ATTACHMENT 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:

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

Project Name: Poker Joe FAS Development and Management Project

Project Location: Poker Joe FAS is located in Missoula County, T03N, R21W, Sec. 31 and 36. The site is 19 miles south of Missoula on Hwy 93, then east 1.5 miles on Simpson Lane.

Project Description: Montana Fish, Wildlife & Parks (FWP) proposes to construct a 12-stall gravel parking area and install a concrete vault latrine at Poker Joe Fishing Access Site. A gravel access road with 1-3 culverts would also be constructed as part of the project.

1. Would this site development project have an impact on the tourism economy?
NO **YES** If YES, briefly describe:
As described, the project has the potential to positively impact the tourism & recreation industry economy.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
NO **YES** If YES, briefly describe:
As described, the project would improve the quality and quantity of tourism & recreational opportunities.

Signature: Carol Crockett Date January 2, 2008

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ATTACHMENT B. SHPO Letter of Clearance

MONTANA HISTORICAL SOCIETY
225 North Roberts ❖ P.O. Box 201201 ❖ Helena, MT 59620-1201
❖ (406) 444-2694 ❖ FAX (406) 444-2696 ❖ www.montanahistoricalsociety.org ❖

FWP FILE #715.1 POKER JOE FAS

I have conducted a cultural resource file search for the above-cited project located in Section 35, T10N R20W. According to our records there have been no previously recorded sites within the designated search locale. However, there has been a previously conducted cultural resource inventory done in the area. If you would like any further information regarding the report you may contact me at the number listed below.

We feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated. Thank you for consulting with us.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov.

Sincerely,

Damon Murdo
Cultural Records Manager

File: FWP/PARKS/2007

STATE HISTORIC PRESERVATION OFFICE ❖ 1410 8th Ave ❖ P.O. Box 201202 ❖ Helena, MT 59620-120
❖ (406) 444-7715 ❖ FAX (406) 444-6575