

Draft Environmental Assessment



POINT OF ROCKS Fishing Access Site INITIAL DEVELOPMENT PROJECT

July 2008



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

**Point of Rocks Fishing Access Site Initial Development 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 develop new river access on the upstream site of the Point of Rocks Fishing Access Site (FAS), to replace a substandard pioneered ramp downstream that is causing erosion. Development includes new highway signs, a concrete boat ramp, vault latrine, parking for 12 vehicles and an overflow parking area for approximately another 12 - 15 vehicles. The existing highway approach will be improved as well.
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 legislature earmarked a funding account to ensure that the fishing access site program would be implemented.

Furthermore, state statute 23-1-110 MCA and ARM 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

ARM 21.8.602 requires the Department to consider the wishes of users and the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the proposed project in relation to this rule.

3. **Name of project:** Point of Rocks FAS Initial Development Project

4. **Project sponsor:**
Montana Fish, Wildlife, & Parks
1400 South 19th
Bozeman MT 59718-5496
406-944-3552.

5. **Anticipated Timeline:**
Estimated Construction/Commencement Date: Spring 2009
Estimated Completion Date: Spring 2009
Current Status of Project Design (% complete): 35

6. **Location:** Point of Rocks FAS is located in Park County, Township 7 South, Range 7 East, sections 3 and 4. The site is 30 miles south of Livingston on Hwy 89 S.

Figure 1:
Approximate location
of the Point of Rocks FAS



Figure 2:
Point of Rocks
FAS Location

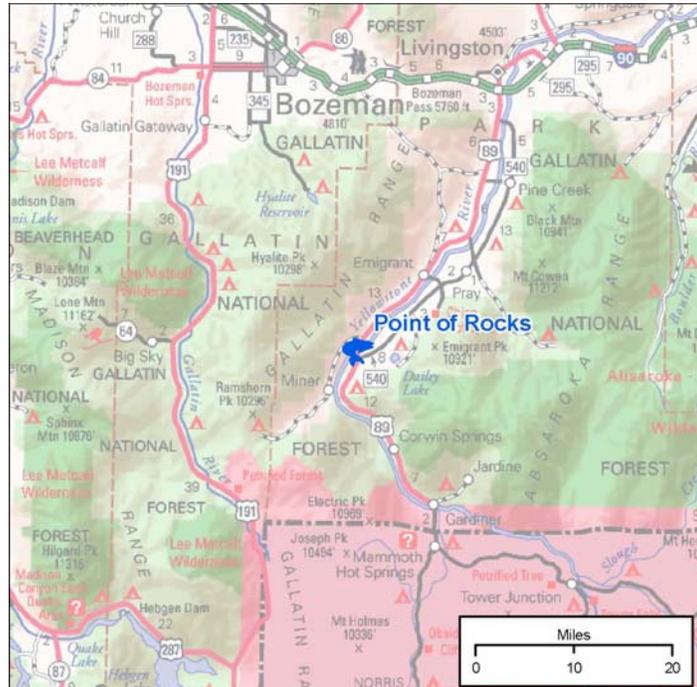
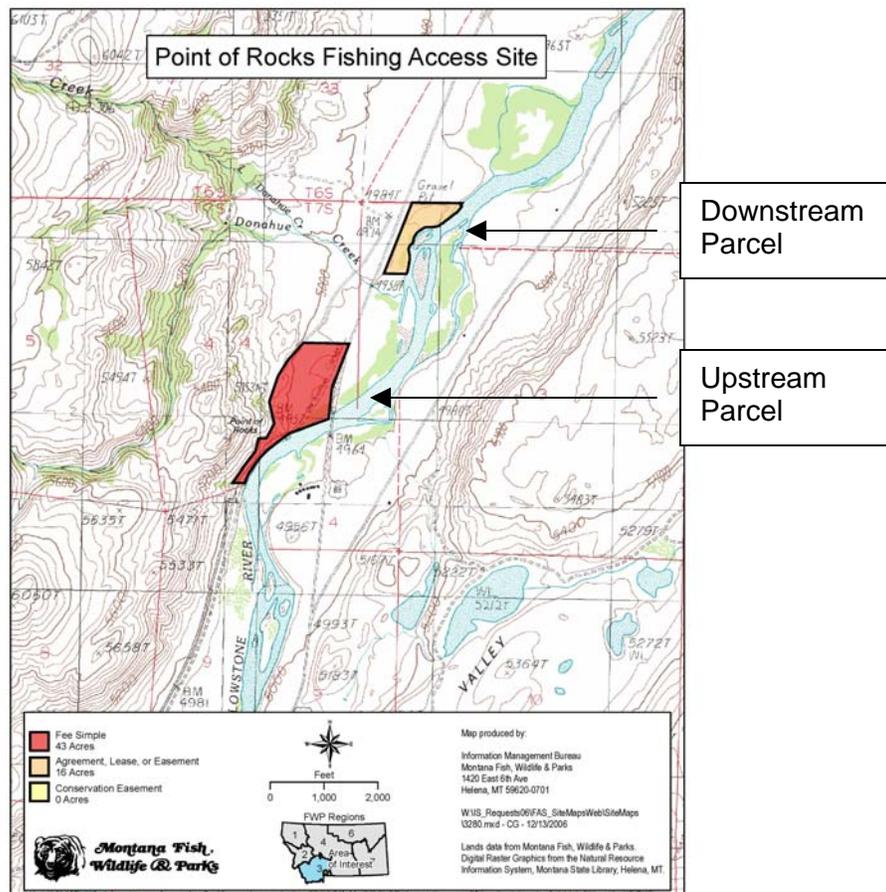


Figure 3:
Point of Rocks FAS
Parcel Map



7. Project size:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	_0
Residential	_0		
Industrial	_0	(e) Productive:	
(b) Open Space/Woodlands/Recreation	_.16	Irrigated cropland	_0
		Dry cropland	_0
(c) Wetlands/Riparian Areas	_.14	Forestry	_0
		Rangeland	_0
		Other (improved gravel access road)	_.43

8. Local, State or Federal agencies with overlapping or additional jurisdiction.

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

<u>Agency Name</u>	<u>Permit</u>
Park County	Sanitation Permit
Park County	Flood Plain Permit
US Corps of Engineers	Section 404 Federal Clean Water Act
US Corps of Engineers	Section 10 Federal Rivers and Harbors Act
Montana Dept of Environmental Quality	318 Authorization for Short Term Water Quality Standard for Turbidity
Montana Dept of Fish, Wildlife & Parks	SPA 124 MT Stream Protection Act

(b) Funding:

<u>Agency Name</u>	<u>Amount</u>
Montana Fish, Wildlife & Parks	\$40,000

9. Narrative summary of the proposed action:

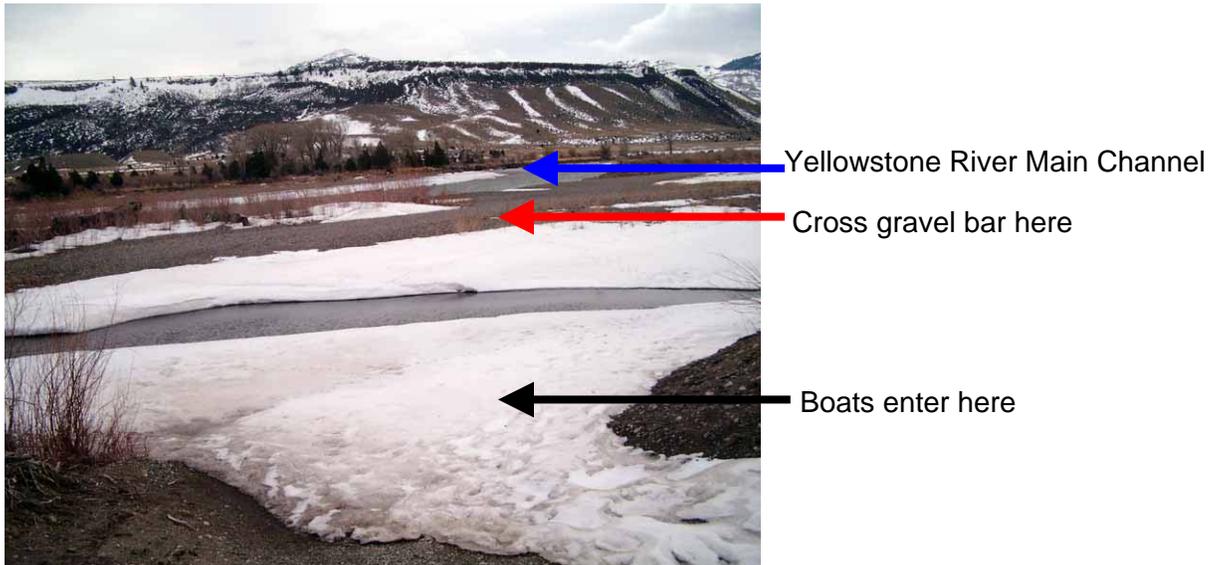
The Point of Rocks Fishing Access Site is located approximately 30 miles south of Livingston along the Yellowstone River. This site is located in between the Gallatin and Absaroka mountain ranges. This site consists of two separate parcels. (See Fig. 3 on page 3).

The Point of Rocks FAS is located at river mile 537. The closest upstream FAS is Crystal Cross at river mile 541. Emigrant FAS is the next site down stream from Point of Rocks at river mile 525. The stretch of the Yellowstone River that runs from river mile 508 to river mile 542 is ranked sixth in Region 3 and 17th for the state for the number of angler days (34,887 in 2005).

The downstream site is 15 acres and is on a lease from Montana Department of Transportation since 1982. This site is primitively developed with a steep pioneered boat launch into a high water channel and gravel parking area. The use of this ramp and erosion of the riverbank has made it difficult to safely launch

and retrieve boats. Current use allows uncontrolled vehicle access across a gravel bar to the main river channel. (See Fig. 4 below). Following development of the upstream site, parking at this site will continue but will be limited to walk-in or carry-in boat use only.

Figure 4: Point of Rocks Current Boat Access Crossing Gravel Bar



The upstream parcel is 44 acres and was purchased in 1993. There are no parking or river access improvements at this area. The proposed project focuses on this site and would include the development of new highway signs, a concrete boat ramp, a vault latrine, and parking for 12 vehicles with overflow parking for an additional 12-15 vehicles. The existing highway approach will be flattened and improved. See Appendix 5 (page 34) for the FWP preliminary concept site plan.

The purpose of the proposed developments is to improve the safety of recreationists launching and retrieving boats at the FAS in addition to preventing further erosion at the existing pioneered boat ramp into the Yellowstone River. The additional parking will decrease congestion at the downstream parking area. The proposed development will provide better public access to area anglers in addition to increasing other general public recreational opportunities with the improved FAS on the Yellowstone River.

This proposed project establishing a new boat ramp is consistent with long-term goals set by the Montana Fish, Wildlife & Parks agency staff to maintain public fishing access sites in such a way as to protect the site as well as providing for the public's safety and enjoyment of angling and water-based recreation.

PART II. ALTERNATIVES:

Alternative A: No Action

If no action were taken, the downstream portion of the Point of Rocks FAS would remain undeveloped. Continued use of the pioneered boat ramp would further erode the riverbank, and use of the primitive ramp would continue to be difficult and unsafe for launching and retrieving boats.

The sediment generated from use at the site could potentially negatively impact local fish health and the erosion of the riverbank would worsen with continued use.

FWP would continue to provide routine maintenance to both areas of the FAS to control noxious weeds, garbage removal, and signage.

Alternative B: Improve the Existing River Access Area at Point of Rocks FAS

As previously noted, the downstream site has a very eroded and unsafe steep riverbank that continues to degrade with use. This alternative would look to reduce the steep angle down to the gravel bar. The road would then be resurfaced with gravel. This alternative is not ideal because users would still have to drive across the gravel bar (a couple of hundred yards) out to the active river channel. In addition, because users then have access to the high water mark, they are driving up and down river a considerable distance which is not in the best interest of the riverine corridor.

This alternative is less expensive than the preferred alternative, but the improvements would fix the immediate problems at the site for only a limited time (3-4 years) before FWP would need to reevaluate the site again. Safety, parking congestion, and issues related to resource conditions would remain.

Preferred Alternative C: Proposed Action

In the preferred alternative, FWP would develop the larger upstream parcel of the Point of Rocks FAS. This site is upstream about ½ mile from the existing eroded area. The proposed improvements include installation of a formal boat ramp, cul-de-sac and parking area, flatten and improve the gravel road highway approach, new signage, and a vault latrine. The benefits of the proposed action include better launching and retrieval of boats and more room for parking. These improvements will provide greater public access to a high-quality fishery and the establishment of site protection measures. The development of the FAS would add to public recreational opportunities in the region.

Following development of the upstream parcel on the west side of Highway 89S, parking at the downstream site will continue but will be limited to walk-in or carry-in boat use only. FWP will add a barrier to the pioneered boat ramp to prevent vehicles from launching boats, and the land and stream bank around the ramp will be rehabilitated.

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

There are no mitigation, stipulations, or other controls associated with the actions. Therefore, no evaluation is necessary.

PART III. ENVIRONMENTAL REVIEW CHECKLIST

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	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?		X				

1b. Soil would be disturbed and covered during the construction of the parking area, boat ramp, cul-de-sac, and latrine. Disturbed areas not covered by parking lot or road would be reseeded or otherwise reclaimed. Negative impacts can be mitigated by the adherence to Best Management Practices (BMP's) during all phases of construction. See Appendix 4 for the BMP's.

1d. The proposed boat ramp on the upstream site will have a positive impact on erosion/sediment into the river by reducing use at the downstream primitive boat ramp where the erosion worsens with continued use.

* 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. <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		No	2a.
b. Creation of objectionable odors?			X		Yes	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.)		X				

- 2a. Minor and temporary dust and vehicle emissions will be created by heavy equipment during construction of the boat ramp, latrine, parking lot, and approach.
- 2b. A vault latrine will be installed in the upper parking area and maintained regularly to avoid offensive odors. A sanitation permit will be obtained prior to installation.

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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				
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				
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				3h.
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				

It is unlikely that the proposed project would result in any discharge into adjacent surface water. FWP would ensure that Best Management Practices were employed during construction to minimize that risk.

3h. FWP will follow the Best Management Practices during all phases of construction to minimize risks associated with the vault latrine. See Appendix 4 for the BMP's.

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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		No	4a.
b. Alteration of a plant community?			X		No	4b.
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				

4a/b. The proposed project would require the removal of approximately .16 acre of vegetation for the parking lot and .14 acre riparian/wetland for the boat ramp and cul-de-sac. Vegetation in the project area is composed of grasses and shrubs. These plant species are common and abundant locally and regionally. The overall effect would not be significant.



Figure 5
Vegetation to be removed
For Boat Ramp Access

4e. Spotted knapweed has been identified at this FAS but at relatively low densities. Disturbed soils at the edges of the proposed parking lot could become colonized by noxious weeds and will be monitored. The entire site will be actively managed for noxious weeds under the FWP Region Three Weed Management Plan which utilizes mechanical, chemical, and biological methods to prevent and control noxious weeds.

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** 5. FISH/WILDLIFE	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Will the proposed action result in:	Unknown *	None	Minor *		
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				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.)		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				

5f. A search of the Natural Resources Information System provided by the Montana Natural Heritage Program showed that the project area is within Yellowstone cutthroat trout, gray wolf, grizzly bear, wolverine, and Canada lynx habitat. The FWP Wildlife Manager for the area does not have any concerns with the proposed project impacting the wildlife in the area.

FWP maintains healthy populations of Yellowstone cutthroat trout to ensure the wide-ranging persistence of this subspecies in Montana and elsewhere. The FWP Fisheries Biologist for the area has no concerns with the proposed work at the Point of Rocks Fishing Access Site and identified a positive impact to the fishery by reducing the erosion at the pioneered ramp.

Wolves were removed from the federal Endangered Species List in late March 2008. However, legal challenges are already underway. FWP is committed to maintaining a secure, recovered population and will manage for 400 or more wolves. Today, 422 wolves inhabit Montana in about 73 packs and 39 breeding pairs. The FWP Montana

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Interim Wolf Management Areas with 2007 Pack locations shows one wolf pack in this general area. The proposed project is unlikely to affect this species.

The USFWS estimates grizzly populations of greater than 500 animals within the Yellowstone Distinct Population Segment. In March 2007, the USFWS announced the delisting of the grizzly bear from the Endangered Species Act as a result of the achievement of recovery goals. All Fishing Access Sites within this region adhere to the packin/packout policy to prevent unwanted problems with the grizzly population in the area.

For the wolverine, 30 observations and 18 harvest records for 2000 through winter 2007-08 have been documented for this general area. The Madison, Gallatin, Absaroka, Beartooth, and Deer Creek mountain ranges have relatively continuous habitat for this species. It is possible that the proposed work may affect this species, but the FWP Wildlife Biologist for this area did not have any concerns with the proposed development at the Point of Rocks FAS.

Canada lynx have three observations in the mountain ranges near the Point of Rocks FAS. These observations are current to winter 2007-08 and occurred in the continuous habitat in the Madison, Gallatin, Absaroka, Beartooth and Deer Creek mountain ranges. It is unlikely that the proposed work will affect this species.

Please see Appendix 2 Montana Natural Heritage Program (MNHP) Native Species Report for more information on these species.

Adjacent Areas to the Point of Rocks FAS:

The geographic scope of data for the Point of Rocks FAS intersects an area for which the Natural Heritage Program databases have ecological information. An overview of these areas is provided below.

YELLOWSTONE RIVER CORRIDOR

The Yellowstone River Corridor is located along the Yellowstone River in south central Montana. This area has a rich diversity of aquatic, riverine, wetland and adjacent upland habitats along the mainstem of the Yellowstone River. Adjacent uplands support shrub lands of sagebrush, grasslands consisting of bluebunch wheatgrass, and woodlands of primarily ponderosa pine. The corridor contains a diverse environment including habitat for grizzly bear, Canada lynx, and gray wolf. Cold-water aquatic environments support Yellowstone cutthroat trout. River and floodplain habitats are very important ecologically. Surrounding forests and terraces provide habitat for nesting, wintering and migrating bald eagle and rookery sites for blue heron.

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SLIDING MOUNTAIN/SIXMILE CREEK

This area is located within the Absaroka Mountains approximately 7 miles south of Emigrant, Montana. Sixmile Creek flows into the Yellowstone River from the east. Sixmile Creek contains genetically pure Yellowstone cutthroat trout and the habitat value is rated as substantial by fisheries biologists. Grizzly bear occur within the Sixmile drainage. The Sixmile drainage provides important winter range for moose and elk. Also, contained within this area is the Dome Mountain Wildlife Management Area, which protects crucial ungulate winter range.

GARDINER AREA

The Gardiner area includes the northern range of Yellowstone National Park and numerous smaller drainage basins from the Lamar River Valley to Mill Creek and Trail Creek (south of Livingston). It includes the entire Tom Miner/Rock Creek drainages. Extensive winter range and migration routes for elk, mule deer, white-tailed deer, moose, bighorn sheep, bison and antelope are present. Grizzly bear and grey wolf recovery zones overlap in this area. The primary value of this area is the extensive ungulate winter range. This area also contains core habitat for large wide-ranging carnivores (e.g., grizzly bear, wolverine, and reintroduced wolf populations).

Information courtesy of Montana Natural Heritage Program.

- 5g. The increased presence of recreationists on the property could cause stress to wildlife populations. However, levels of visitation would not be expected, and most wildlife species present on the parcel are accustomed to human presence given the site's proximity to Highway 89S and Yellowstone National Park.

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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				

6a. There would be a temporary increase in noise level during construction that would end after completion of the project. Adjacent landowners will be notified and should not be affected.

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				
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				

The proposed action would not alter or interfere with the productivity or profitability of the existing land use, nor does it conflict with a designated natural area or area of unusual scientific or educational importance.

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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		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				

8a. The FWP Region 3 Weed Management Plan calls for an integrated method of managing weeds including the use of herbicides. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe handling techniques. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

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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		yes	9e.

9e. The new boat ramp on the upstream parcel will be safer than the eroded pioneered boat ramp currently in use and may result in increased use at the new ramp and less use at the eroded ramp. Increased parking area and addition of a vault latrine should improve the visitor experiences at the Point of Rocks FAS.

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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:		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.

10e. The budget for the proposed improvements is \$40,000 for the preferred Alternative C. The revenue source is an account set aside for Fishing Access Sites funded with license money.

10f. Point of Rocks Fishing Access Site annual maintenance costs are expected to average \$2500 including pumping, litter removal, caretaker work, weed control, etc. Maintenance costs are part of the Parks Operations and Maintenance budget.

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** 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		yes	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		yes	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				

- 11 a. The proposed project will add a developed road and parking lot where none now exists and will penetrate a vegetated riverbank with a concrete ramp. The parking lot will be primarily visible from the highway, and the concrete ramp will be primarily visible from the river. The site provides public access and is in the public view. Annual maintenance for this FAS includes pumping of the latrine, caretaker work, and weed control which should mitigate the effects of the use of the area.
- 11 c. The proposed project will improve recreational opportunities and will increase the quality of recreation at this site. There may be a moderate increase in the quantity of visitors due to the improvements. See Appendix 3 for the Department of Commerce Tourism Report.

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12. CULTURAL/HISTORICAL RESOURCES	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?	X				Yes	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.)		X				

12a. It is unknown at this time whether the proposed action would destroy or alter any site, structure, or object of historic importance. The State Historic Preservation Office (SHPO) has been consulted and has requested a cultural inventory. A consultant has been hired and a report is being prepared. SHPO consultation will be completed prior to any ground disturbing 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.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> 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.)		X				
g. ****For P-R/D-J, list any federal or state permits required.		X				

13a. This EA found no significant impacts to the human or physical environment from the proposed action.

* 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 Point of Rocks Fishing Access Site is located approximately 30 miles south of Livingston along the Yellowstone River. The Point of Rocks FAS is located at river mile 537. The closest upstream FAS is Crystal Cross at river mile 541. Emigrant is the next site down stream from Point of Rocks at river mile 525. This site is located in between the Gallatin and Absaroka mountain ranges. This site consists of two separate parcels.

The downstream parcel on the east side of Highway 89S at milepost 21 is primitively developed with a pioneered boat launch into a high water channel. The use of this ramp and erosion of the riverbank has made it difficult to safely launch and retrieve boats. Following development of the upstream parcel on the west side of Highway 89S, parking at this site will continue but will be limited to walk-in or carry-in boat use only.

The proposed project includes development of a new river access on this upstream site including new highway signs, a concrete boat ramp, a vault latrine, and parking for 12 vehicles with overflow parking for an additional 12-15 vehicles. The existing highway approach will be flattened and improved.

The purpose of the proposed development is to improve the safety of recreationists launching and retrieving boats in addition to preventing further erosion at the existing pioneered boat ramp. The proposed development would increase public recreational opportunities with no significant negative impacts and has positive impact by improving the safety of recreationists launching and retrieving boats in addition to preventing further erosion at the existing pioneered boat ramp. Montana FWP would like to provide better public access to area anglers in addition to increasing other general public recreational opportunities with the improved FAS on the Yellowstone River.

This proposed project establishing a new boat ramp is consistent with long-term goals set by the Montana Fish, Wildlife & Parks agency staff to maintain public fishing access sites in such a way as to protect the site as well as providing for the public's safety and enjoyment of angling and water-based recreation.

PART V. PUBLIC PARTICIPATION

1. Public Involvement:

The public will be notified by way of press releases in the *Helena Independent Record*, the *Bozeman Chronicle*, and the *Livingston Enterprise*. A public notice will also be posted on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov/publicnotices> . Individual notices will be sent to those interested parties that have requested one.

2. Duration of comment period.

A 30-day comment period is proposed as appropriate for the scale of this project. The comment period will extend for 30 days following publication in area

newspapers. Comments will be accepted until August 11, 2008. Comments should be:

Mailed to: Jerry Walker
Regional Parks Manager
FWP Region 3
1400 South 19th
Bozeman MT 59718-5496

Emailed to: gwalker@mt.gov

PART VI. EA PREPARATION

- 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 an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, this environmental review found no significant impacts from the proposed action. In determining the significance of the impacts, Fish, Wildlife and Parks 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. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, and 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:**

Jerry Walker
Region 3 Parks Manager
1400 South 19th
Bozeman MT 59718-5496
406-994-3552

Pam Boggs
FWP EA Coordinator
PO Box 200701
Helena MT 59620-0701
406-444-5203

Allan Kuser
FWP FAS Coordinator
1420 East 6th Ave
Helena MT 59620
406-444-7885

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

Legal Bureau

Montana State Historic Preservation Office (SHPO)

Montana Department of Commerce – Tourism

Montana Natural Heritage Program – Natural Resources Information System (NRIS)

Appendices

1 HB 495 Project Qualification Checklist

2 Montana Natural Heritage Program (MNHP) Native Species Report

3 Tourism Report – Department of Commerce

4 Best Management Practices Final FAS BMP's – Department of Fish, Wildlife & Parks

5 FWP Point of Rocks FAS Preliminary Concept Site Plan

APPENDIX 1
HB495
PROJECT QUALIFICATION CHECKLIST

Date February 29, 2008

Person Reviewing Pam Boggs

Project Location: Point of Rocks FAS, T7S, R7E, sections 3 and 4 in Park County

Description of Proposed Work: Montana Fish, Wildlife & Parks proposes to develop new river access on the upstream site of the Point of Rocks Fishing Access Site, including new highway signs, a concrete boat ramp, vault latrine, parking for 12 vehicles and an overflow parking area for approximately another 12 - 15 vehicles. The existing highway approach will be flattened and improved.

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.)

- A. New roadway or trail built over undisturbed land?**
Comments: Gravel surface road will be constructed over undisturbed land for access to a new boat ramp. Please see comment 1b, page 8, and comment 4a, page 11, for further discussion of this impact.
- B. New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: No
- C. Any excavation of 20 c.y. or greater?**
Comments: Access to the new boat ramp will require excavation of .14 acre of riparian/wetland area, following proper regulations and permitting. Please see comment 1b on page 7.
- 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 constructed using .16 acre of undisturbed land. Please see comment 1b on page 7, and comment 4a on page 10.
- E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: No
- F. Any new construction into lakes, reservoirs, or streams?**
Comments: Adding a concrete boat ramp on the larger upstream parcel of the Point of Rocks FAS. This site is upstream about ½ mile from the existing pioneered boat ramp eroded area.

APPENDIX 1

(continued)

HB495

PROJECT QUALIFICATION CHECKLIST

(continued)

- G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: Waiting for SHPO clearance for the proposed project. FWP will not initiate construction until the SHPO concurrence is received. Any concerns identified by SHPO will be addressed through mitigation.
- H. Any new above ground utility lines?**
Comments: No
- I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**
Comments: No camping.
- J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?**
Comments: No

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 Point of Rocks FAS Area

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates no known occurrences of federally listed threatened, endangered, or proposed threatened or endangered plant species in the proposed project site. The search did indicate the project area is within Yellowstone cutthroat trout, gray wolf, grizzly bear, wolverine and Canada lynx habitat. Please see the next page for more information on these species.

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**) (Nature Serve 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.

Sensitive Plants and Animals in the Point of Rocks FAS Area

1. *Canis lupus* (Gray Wolf)

Natural Heritage Ranks:

State: **S3**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service: **Endangered**

U.S. Forest Service: **Endangered**

U.S. Bureau of Land Management: **Special Status**

For the Montana Portion of the Greater Yellowstone Ecosystem, the 2006 Interagency Rocky Mountain Wolf Recovery Report notes: Total number of packs = 9 Total number of individuals = 73; Total number of breeding pairs = 31.

2. *Oncorhynchus clarkii bouvieri* (Yellowstone Cutthroat Trout)

Natural Heritage Ranks:

State: **S2**

Global: **G4T2**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

3. *Lynx canadensis* (Canada Lynx)

Natural Heritage Ranks:

State: **S3**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service: **Threatened**

U.S. Forest Service: **Threatened**

U.S. Bureau of Land Management: **Special Status**

The Element Occurrence shows three observations (current to winter 2007-08) of Canada Lynx in the mountain ranges near the Point of Rocks FAS. The Madison, Gallatin, Beartooth and Deer Creek mountain ranges have relatively continuous habitat for the Canada Lynx.

4. *Ursus arctos* (Grizzly Bear)

Natural Heritage Ranks:

State: **S2S3**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service: **DM**

U.S. Forest Service: **Threatened**

U.S. Bureau of Land Management: **Special Status**

The USFWS estimates populations of greater than 500 animals within the Yellowstone Distinct Population Segment. On March 22, 2007, the USFWS announced the delisting of the grizzly bear from the Endangered Species Act as a result of the achievement of recovery goals. No Element Occurrence of the grizzly is reported in the area.

5. *Gulo gulo* (Wolverine)

Natural Heritage Ranks:

State: **S3**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

The Element Occurrence has 30 observations and 18 harvest records for 2000 through winter 2007-08 for the Wolverine in the Point of Rocks FAS area.

Information courtesy of Montana Natural Heritage Program.

Appendix 3
TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 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, Visitor Services Manager
Travel Montana-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name:

Point of Rocks Fishing Access Site (FAS) Initial Development

Project Description:

Montana Fish, Wildlife & Parks proposes to develop the facilities at the Point of Rocks FAS. This highly used site consists of two separate parcels. The downstream site is primitively developed with a pioneered boat launch into a high water channel. Current use is allowing uncontrolled vehicle access across a gravel bar to the main channel. Following development of the upstream site, parking at this site will continue but boating will be limited to walk-in or carry-in use only.

The proposed project includes development of a new river access on the upstream site, including new highway signs, a concrete boat ramp, latrine and parking for approximately 25-30 vehicles. The existing highway approach will be flattened and improved. This development project will enhance visitor experience to the area and is expected to increase visitor satisfaction.

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

Yes, as described, the project has the potential to positively impact the tourism and 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:

Yes, as described, the project would improve the quality and quantity of the tourism and recreational opportunities.

Signature Carol Crockett Date 3/11/08

Appendix 4

MONTANA FISH, WILDLIFE AND PARKS BEST MANAGEMENT PRACTICES FOR FISHING ACCESS SITES

Updated May 1, 2008

I. ROADS

A. Road Planning and location

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
 - a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
 - a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. Road Design

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. Drainage from Road Surface

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.

- a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
 - b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.
 - c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features. Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.
2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
 3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
 4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.
- D. Construction/Reconstruction
1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
 2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these “slash filter windrows” so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
 3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.

4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.

E. Road Maintenance

1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.
3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or plowing snow.
4. Avoid using roads during wet periods if such use would likely damage the road drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload with out difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.
2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.
3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.

Appendix 5

FWP Point of Rocks FAS Preliminary Concept Site Plans

