



Montana Fish, Wildlife & Parks

**Fish, Wildlife & Parks
Region 1
490 N. Meridian Road
Kalispell, MT 59901**

**Decision Notice
and
Finding of No Significant Impact
for
Purchase of North Shore State Park/WMA
Environmental Assessment**

October 21, 2008

Description of Proposed Action and Alternatives

The North Shore State Park/WMA proposal comprises the purchase of approximately 180 acres in 2 parcels of primarily open land located between Montana Hwy 82 and the U.S. Fish and Wildlife Service's Flathead Lake Waterfowl Production Area (WPA) (Attachment A). The Flathead Lake WPA is part of an undeveloped wetland complex along 5.5 miles of the North Shore of Flathead Lake and was purchased to protect migratory bird habitat. The purpose of Fish, Wildlife & Parks' (FWP) acquisition is to increase habitat protection along the North Shore of Flathead Lake, enhance habitat for wildlife, and provide new, compatible public recreational opportunities. The private parcels proposed for acquisition are south of Montana Hwy 82 and are contiguous with the WPA for about ½ mile. These properties contain about 10 acres of wetlands, with the balance primarily in agricultural production. The total cost would be approximately \$2.25 million. Funds for the proposed acquisition would come primarily from Access Montana (\$2.0 million) with the balance from a mix of private sources, wildlife habitat programs, donations, and grants.

The acquisitions would be co-managed by both Parks and Wildlife Divisions, with the Parks development project limited to an approximately 25-acre footprint and the balance of lands managed primarily for wildlife, habitat, educational, and compatible recreational purposes. As described in the draft EA, such uses could include hunting, seasonal walk-in access to the WMA and WPA (when the WPA/WMA is open), camping within the state park footprint, and possibly a trail for recreation, resource education, and/or bird observation. As stated in the draft EA, future site plans would be developed with public input and through a separate environmental assessment and public review process. Seasonal spring closures consistent with protection of waterfowl or bald eagle nesting on or along the WPA may be part of the future management of some or all of the WMA.

No Action Alternative

Under the no-action alternative, FWP would not purchase either of the two properties currently available for sale. These landowners would likely continue their efforts to sell their properties to other potential buyers. It is unknown how future landowners may use these lands or the level of development that may ultimately occur in the area. The Flathead County Commissioners recently denied a proposal for a 364-acre subdivision that would have allowed for construction of nearly 290 homes along the WPA near Somers. The developers of

this subdivision are in court with the county over their denial. The outcome of the lawsuit will likely affect future development potential across the North Shore of Flathead Lake.

Background

In 2007, the legislature authorized FWP to spend up to \$10 million to acquire new fishing access sites and state parks to increase public recreational opportunities to rivers, streams, and other special areas. In response to local interest, limited recreational access around Flathead Lake, current opportunities to conserve some lands along the North Shore of Flathead Lake, and FWP's own recognition of the importance of this area to wildlife, Region One proposed this joint state park/WMA land acquisition. The purpose of this acquisition, as described in the draft EA, is to develop a 25-acre state park on the proposed project lands to allow for new public recreation opportunities, while managing the balance of this acquisition as a WMA with emphasis on habitat, education, and compatible recreation. The proposed North Shore project lands provide an ideal location to accomplish these objectives. The proposed state park would provide a place for people to appreciate and observe these unique resources, in a managed environment, similar to the management approach FWP uses at Freezeout Lake near Choteau. As stated in the draft EA, the actual development plans for the state park and WMA would be the subject of a separate draft EA and public input and review process. FWP recognized in the draft EA that the WMA portion of the proposed project may also need to be seasonally closed in the spring and early summer to protect the significant habitat values of the WPA.

Montana Environmental Policy Act

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. MEPA directs state agencies to ensure that the public is informed of and has the opportunity to participate in the decision-making process. Public participation is not a plebiscite, which measures how many people favor or oppose a proposal, but rather a mechanism for agencies to consider public comments and concerns prior to implementing a decision.

In compliance with MEPA, a draft environmental assessment (EA) was completed for the proposed project by FWP and released for public comment on August 27, 2008, for a 30-day public comment period ending September 26, 2008. FWP held an open house followed by formal public hearing at the Somers Fire Hall on September 11, 2008.

Scoping

Prior to the release of the draft EA, FWP worked closely with the Flathead Land Trust, the lead organization for the North Shore conservation strategy; private landowners interested in selling their lands to FWP; several local citizens; other landowners from the area; and Flathead Wildlife, Inc., a local sporting organization. The only concerns raised during these discussions were related to how FWP would manage potentially conflicting public uses, such as hiking with hunting.

Public Comment Period

Public comments on the draft EA were collected from August 27 through September 26, 2008. FWP mailed post cards describing the project to 376 people on our Region One Parks Division public mailing lists for Wayfarers, Lone Pine, and West Shore state park projects. In addition, FWP mailed cards to all the adjoining and nearby landowners and to 38 participants and invitees of a North Shore field trip organized by Flathead Land Trust in 2007. FWP also

placed the draft EA on FWP's website and sent notices of the draft EA to Flathead County Commissioners, Flathead County Planning and Zoning Office, Flathead Weed and Parks Board, Confederated Salish & Kootenai Tribes, all elected legislative officials for this area, appropriate state agencies, and other citizens/organizations on FWP's regional draft EA mailing list. Copies of the draft EA were mailed to local libraries in Kalispell and Bigfork and made available at FWP's front desk. The Region also set up a poster with comment cards in the Region One lobby. FWP issued 2 legal notices prior to the draft EA release in the Daily Inter Lake, Bigfork Eagle, and Helena Independent Record. FWP issued a press release to statewide media outlets on the day of the draft EA release. The Daily Inter Lake published information about the pending project on 8/13/08 (<http://www.dailyinterlake.com/articles/2008/08/14/lifestyle/lifestyle01.txt>). Articles about the project, public comment period, and public hearing were carried again in the Daily Interlake on (8/29/08) and Bigfork Eagle (9/18/2008).

Summary of Public Comment

FWP received 47 written comments, 2 voice mail messages, and 6 statements from 18 attendees to the open house and formal public hearing on September 11, 2008. These comments represented a total of 58 individuals or organizations. Of 55 unique comments, 52 strongly supported the proposed acquisition. There was 1 comment letter that supported the proposed action, but provided different management suggestions for the lands. Another letter supported the proposed action, but suggested several ways to make the draft EA stronger. We also received a comment letter that identified several concerns with the proposed management of the lands in draft EA, but neither supported nor opposed the proposed acquisition.

The most common reasons for support of the project were the conservation of important wildlife habitats, followed by their desire to not see development of the North Shore. They also mentioned support for public access, recreation and hunting, and benefits to water quality, local business, and conservation education. Many comments supported the concept that this be the first step in a larger conservation effort across the whole North Shore.

Specific issues that the public raised, and our response to each, are addressed below.

Response to Public Concerns

Issue 1: Although supportive of the project overall, members from Flathead Wildlife, Inc., expressed concern about a campground within this acquisition. They wanted the entire area open for hunting and a trail open in the spring. They also suggested we maintain some agricultural production as a food source for wildlife populations.

Response: The principal source of funding for this acquisition is Access Montana, general funds allocated by the legislature for acquisition of new state parks and fishing access sites. FWP could not acquire this land without these funds, nor could we dedicate the lands for uses that were inconsistent with legislative direction. The criteria for acquisition under Access Montana funding identify the need to create recreational opportunities and revenue generation to offset operational costs. The Parks and Wildlife Divisions recognize the high values of this area to wildlife and as such have proposed a very modest 25-acre development area with the balance jointly managed by both the Parks and Wildlife Divisions as a wildlife management area (WMA). This approach departs from most FWP state parks, but is consistent with the camping area we provide at our Freezeout Lake WMA, a notable

migratory bird area near Choteau. The state park/WMA approach is also being utilized for our new Circle R State Park/WMA near Billings. The proposed concept, as stated in the draft EA, is to conserve, protect, and restore habitat values of these lands, while also creating a new state park that provides multiple levels and options of public educational and compatible recreational opportunities. Our approach to this balance is to limit the park development to a designated 25-acre footprint, while prioritizing management of habitat values on the majority of the property. We appreciate this local wildlife organization's desire to see some type of limited public use in the spring. We mention that we might consider providing a nature trail and/or some type of bird viewing opportunity (p. 27, Part 2.0 Vision Statement) through construction of a bird watching blind or tower. We also state that some or all of the WMA may be seasonally closed to protect these significant wildlife/habitat values (p. 34, Part 6a). If FWP decides to purchase these lands, we will complete a more detailed management plan. This plan will be developed with public input and part of a future draft EA and public review process.

The draft EA concurs with their suggestion for maintaining food plots (p. 5, Section 1.7). However, that decision will be deferred to the detailed management plan in the future, should we acquire these properties.

Issue 2: The attorneys for North Shore Ranch stated in their comments that "FWP has had a change of heart regarding the impacts that people will have on the North Shore," and they claim that our draft EA promotes the public recreational aspects of our proposal. It appears to the attorneys that on one hand FWP has serious concerns about the impact residential development of their proposed North Shore Ranch may have on wildlife/habitat of the Flathead Lake WPA, but on the other hand, FWP has few concerns about the impact people using a state park/WMA may have on this same WPA. They provided examples of where we state in the draft EA that we are emphasizing recreational opportunities for the public.

Response: The draft EA included the Proposed Management Plan (Appendix B) as required under our wildlife habitat programs, to help inform the public about what the general management might be in the future, should we acquire these lands. The draft management plan is a guide to the readers so they have a better understanding of the purpose of the acquisitions, what habitat improvements we may propose, and the possible extent of, or limitations to, future recreational activities. This appendix is not the subject of the draft EA; rather, the draft EA was written to assess the environmental and social impacts of FWP's acquisition only.

FWP is aware that public use could potentially impact some of the important wildlife resource values we seek to protect with this proposal. The draft EA describes the proposed action as a land acquisition focused on protection of natural and wildlife resources while also creating a new state park to allow compatible recreational opportunities (p. 4, Section 1.2). We state that most of the year-round public uses, such as camping, trails, administrative site, education, etc., would occur within the proposed 25-acre state park footprint or about 12-16% of the acquisition area. We state that other compatible public uses could be allowed on the WMA and that these would mostly occur outside of the critical spring to early summer nesting seasons. FWP states in numerous places that we may close the WMA portion of the acquisitions during this sensitive time of year (March 1-July 15).

Given the concerns of the developer's attorneys and our own concerns about the concept of a state park near the sensitive federal waterfowl protection area and proposed state wildlife management area, we provide numerous examples of how we addressed this issue in the draft EA. We also propose several modifications to the draft EA for the final EA that help clarify this issue. In the Executive Summary on page 2, we state:

“The acquisitions would be co-managed by both Parks and Wildlife Divisions with the Parks development project limited to an approximately 25-acre footprint and the balance of lands managed primarily for wildlife, habitat, educational, and compatible recreational purposes. Such uses would include hunting, walk-in access to the WMA and WPA (when the WPA is open), camping, and possibly trails for resource education and bird observation. Future site plans would be developed with public input and through a separate environmental assessment process. Seasonal spring closures consistent with protection of waterfowl or bald eagle nesting on or along the WPA may be part of the future management of some or all of the WMA.”

FWP proposes to amend the draft EA by inserting the word “could” rather than “would” in the second sentence above for the final EA. This better reflects the fact that that we do not know the exact details of public management at this time.

Additionally in the preface (p. 3), we restate:

“The acquisitions would be co-managed by both Parks and Wildlife Divisions, with the Parks development project limited to an approximately 25-acre footprint and the balance of lands managed primarily for wildlife, habitat, educational, and compatible recreational purposes.”

Under Objectives (p. 4), we list 4 resource protection objectives first and then make statements referring to compatible public uses. To further clarify our intent, we amend the fifth objective on page 4 under Section 1.2, Objectives, to state in the final EA (changes shown as additions or ~~deletions~~) as:

- ***Provide opportunity and access for public hunting, fishing, wildlife viewing, hiking, camping, and other public recreational uses that are compatible with resource protection.*** We do not see these acquisitions as providing fishing opportunities, although fishing may be a use on WPA lands.

On page 14, Section 3.3, Current Recreational Opportunities, we state how compatible recreational uses could be allowed depending on the season:

“The rest of the site {outside of the 25-acre state park} would be managed for dispersed recreation, such as hiking, bird watching, hunting, skiing, etc., depending on the season. Parks and Wildlife Divisions would develop and jointly implement a public access and habitat/land management plan...including weed management, trail location, hunting habitat and areas, closed areas, etc.”

On pages 16-17, Section 4.15, of the draft EA we state:

“If FWP were to acquire this property, it would be for the benefit of its permanent and transient terrestrial species.... Camping, hunting, and hiking would occur on the property so some disturbance or legal hunting of wildlife is expected, but it will be carefully managed to sustain public recreational opportunities. A spring closure of some or all the land may be necessary to provide habitat for nesting waterfowl and bald eagles.”

On pages 18-19, Section 4.2.4, Aesthetics, Community Impact, and Recreation, we restate our concerns about public uses and wildlife habitat:

“All uses must be compatible with wildlife and habitat values of the parcel and the WPA. Recreational uses will be managed so as not to impact nesting wildlife, bald eagles, waterfowl use, and other important habitat values. Seasonal closures or limited access to some lands during the spring may be needed. Likely compatible uses could include wildlife viewing, hiking, camping, education, and hunting, particularly for youth. All future developments as well as habitat or access improvements would be subject to future environmental review and public input.”

In Appendix B, Management Plan, Part 2.0, Vision Statement, we again state that the management purpose will be:

“...the combined focus on the conservation and enhancement of habitat for wildlife while also providing the public opportunities for camping, year-round wildlife viewing and interpretation, and the seasonal hunting of deer, waterfowl, and upland game birds. FWP will strive to provide a balance between properly managed and restored habitats and wildlife resources and the needs or expectations of a variety of visitors to such a unique area. As such, the majority of the lands acquired will be undeveloped and managed as a wildlife management area (WMA) with a small portion (approximately 25 acres) developed and designated as a State Park with some type of camping and associated administrative and visitor facilities and interpretive or recreational trail(s).”

On page 30, Part 5.0 of Proposed Management Plan, Recreation Management, the objective is:

“Provide compatible public recreational opportunities to the land while ensuring conservation of important habitat and wildlife values.”

In this section, we propose several management strategies likely to be included in the future to limit public recreational impacts on resources.

Although the draft EA did not elaborate FWP’s enforcement potential with respect to public recreational and wildlife impact issues, we do mention our ability to enforce rules and regulations on our lands (p. 19, Section 4.2.4, Aesthetics, Community Impact, and Recreation):

“Additionally, with opening any new area to public use, there is the potential for vandalism. Vandalism diminishes aesthetic and recreational values of any property on which it occurs. As previously noted, FWP may establish a visitor contact area to provide an on-site presence to deter unauthorized activities, at least during the high use season.”

FWP proposes to amend the draft EA to clarify potential levels of development so that this paragraph would read as follows (changes shown as additions or ~~deletions~~):

Additionally, with opening any new area to public use, there is the potential for vandalism and violations of posted rules and regulations that address public access and resource protection. Vandalism diminishes aesthetic and recreational values of any property on which it occurs. FWP will provide consistent enforcement oversight after acquisition and implementation of the development and detailed management plan. As previously noted, FWP may establish a visitor contact area to provide an on-site presence to deter unauthorized activities year-round, but particularly during the wildlife sensitive seasons as well as at least during the public the high-use season.

FWP also mentions our ability to enforce violations of rules or regulations on our lands as well as on nearby lands in Section 5.10 in Appendix B, Proposed Management Plan, under Public Safety. FWP would:

“...provide an adequate law enforcement patrol and response presence on the site through the use of game wardens, state parks staff, and wildlife division personnel as well as law enforcement of FWS.”

In Part 6.0 Administration, Operations, & Maintenance, we state that we would need to develop a strategy to provide:

“an interim site presence capable of providing basic site stewardship and site administration for the next 3-5 years.”

In the rest of Part 6.0, FWP contemplates working with existing landowners of the acquired parcels during the next few years as a way to monitor the lands, implement seasonal closures, and restrict camping and other activities until the final management plan is adopted.

Issue 3: The attorneys ask why we included the locations of grizzly bears in the surrounding areas on page 13 of the draft EA, and that they certainly hope we are not suggesting that this relatively small park can also serve as a grizzly bear corridor.

Response: The draft EA included a description of grizzly bear use in Section 3, Affected Environment, because FWP is aware of seasonal grizzly bear use of the riparian corridor along the Flathead River and sloughs in the late summer and fall when fruits ripen. This section of the EA describes important wildlife values in the vicinity of the project area. We also are aware that natural wildlife migration corridors across the Flathead Valley are rapidly diminishing and should be protected if possible to maintain genetic flow across the valley. The entire North Shore area is a potential movement corridor because the area currently comprises a significant, connected open space from Fennon Slough on the east, to nearby wetlands and forests on the northwest corner of Flathead Lake. This open expanse along the

North Shore also includes dense cover and food sources along the WPA and adjoining agricultural lands that could seasonally attract large mammals such as elk, black bears, mountain lions, and potentially grizzly bears. Wildlife habitat values may increase if FWP enhances habitats on a portion of this area. We do not see a conflict between wildlife observers or hunters and wildlife on this parcel that is any different than other parts of the public land system because animals are less subject to disturbance during late summer and fall when recreation use would likely be highest. Wildlife in this area are most sensitive to disturbance in spring and early summer when the draft EA identified the potential for a spring closure of some or all the land to provide needed wildlife security.

Issue 4: The developer's attorneys claim that while the EA described various impacts, it makes no attempt to address the significance of those impacts.

Response: On page 21, under Section 5.0, Need for an Environmental Impact Statement, we state that:

“Based upon the above assessment, which has identified a limited number of minor impacts from the proposed action, an EIS is not required and an environmental assessment is the appropriate level of review.”

We agree with the attorneys that this is not a complete statement, and we amend the last paragraph in this section of the draft EA to read as follows:

“Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action because future land uses would be similar to existing uses; most of the land would remain in open space or agricultural production with an emphasis on wildlife habitat; an increased emphasis on fish and wildlife habitat management would have beneficial effects to migratory birds, bald eagles and other wildlife; and the tax base to Flathead County would remain nearly the same as it is now. In addition, the EA is sufficient to identify critical issues and all potential impacts; therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis.”

Issue 5: The attorneys for the developer state that the draft EA does not address impacts of the project on adjacent or affected property owners. One of the other nearby landowners during the public hearing was also concerned about impacts of increased wildlife use (geese, waterfowl) on their adjoining agricultural lands.

Response: FWP recognizes that the acquisition and future management of the land is important to adjoining landowners. In the draft EA, under the Land Use section, page 17, we included a discussion about potential dust and noise from passing vehicles and stated that:

“FWP would work with adjoining landowners during the development of the specific park plan.”

We state on page 7 under Section 2.1, Alternative A, that FWP would work in consultation with the U.S. Fish and Wildlife Service to:

“...will develop and jointly implement a public access and habitat/land management plan for both Parks and Wildlife lands, including weed management, trail location, hunting habitat areas, closed areas, etc.”

Under section 4.1.4, Vegetation, we commit to controlling noxious weeds according to state laws because we know weeds can have an effect on vegetation resources as well as neighbors. On page 18, Section 4.2.3, Risk and Health Hazards, FWP also committed to monitoring the area for significant hazards and providing educational materials and law enforcement patrols to promote safe and responsible use of the property.”

We concur with comments from a nearby landowner that we should have included the possible effects of improved wildlife habitat and possible increases in wildlife and the possibility of these wildlife impacting adjoining landowners. Increased depredation of crops and alfalfa on other lands is a possibility if waterfowl or deer populations were to significantly increase over time because of this acquisition.

We propose to amend the draft EA so that the final EA includes a description and response to this potential impact under ***a new Section 4.2.7, Wildlife and Habitat.***

4.2.7 Wildlife and Habitat (new section)

“FWP recognizes that the acquisition and related future habitat improvements on the acquired lands for wildlife could potentially increase numbers of wildlife that may possibly impact crops and forage on neighbors’ lands. FWP commits to working with adjoining and nearby private landowners on the habitat development plan and the means by which FWP would help keep local migratory birds and other wildlife on the state’s parcel to the extent possible. FWP will consider holding migratory birds on FWP lands in the spring through various management techniques, including providing food and cover. Hunting in the fall is a tool that FWP and private landowners could use to either disperse concentrations of migratory birds or other wildlife. Dan Casey of the American Bird Conservancy, an ornithologist who keeps track of regional bird populations and communities as well as maintains bird counts for Flathead Audubon in this area, commented on this issue at the public hearing. He stated that habitat improvements to the 160-180 acres would not be enough to significantly change bird or other wildlife numbers in the area. It would take a much larger project on a much grander scale to significantly increase migratory bird numbers. FWP concurs with that conclusion.

In Appendix B, Management Plan Introduction, Section 1.1, page 25, FWP states that in the development of the future management plan, FWP would take into consideration the effects of management on adjoining landowners:

“Management of this area will require careful consideration and action over time and will also be responsive to agency and public needs as well as other considerations such as impacts to neighboring properties.”

To help us discover and address any issues surrounding FWP’s proposal to acquire these lands by adjoining landowners, FWP sent notices of the proposed project and the availability of the draft EA to 9 adjoining or nearby landowners as well as all who attended a field trip

sponsored by the Flathead Land Trust in 2007. Three nearby landowners also attended the public hearing.

The subject of this draft EA is to identify the impacts associated with acquisition of these properties by FWP and not the detailed effects associated with future management. We are legally required to complete a thorough public review and future draft EA process to identify and address all impacts associated with FWP's future management of these lands, should we buy them. The impacts associated with habitat enhancements or developments will be subject to a future draft EA and public review process.

Issue 6: The attorneys for the developer state that the EA does not cite any sources for its rather brazen statements regarding habitat.

Response: FWP used professional opinions of our fish and wildlife biologists and managers, data that we collect during wildlife surveys, information provided by other professionals, public reports, and our library to assess wildlife values and potential impacts of the proposal. We typically do not cite specific data sources in general public documents such as this draft EA. We do make such information available to consultants, other agencies, and entities upon request. FWP previously provided this information to these attorneys in response to a subpoena they issued as part of their lawsuit against Flathead County.

Issue 7: The EA is substantially vague as to what uses of the property will be.

Response: As stated in response to Issue #2 above, the purpose of this draft EA is to analyze the potential impacts of FWP's acquisition for the purposes stated and to provide enough information to the public, local community, and adjoining landowners about what our future activities may be so they can respond and provide us appropriate feedback. FWP is not able to elaborate on the exact plans that we might propose, as we do not own these properties, nor have we completed needed detailed surveys or other analyses. Should we acquire these lands, we will complete appropriate inventories and communicate with the public and neighbors to better define our future management program and identify and mitigate potential future impacts of this management on both environmental and social systems.

As stated above in response to Issue 2 above, FWP provided the Proposed Management Plan in Appendix B to help inform the public about what the general management might be in the future, should we acquire these lands. The Proposed Management Plan is a guide to the readers of the draft EA so they have a better understanding of the purpose of the acquisitions, what habitat improvements we may make, and the possible extent of, or limitations to, future recreational activities. The appendix that includes the Proposed Management Plan is not the subject of the draft EA; rather, the draft EA was written to assess the environmental and social impacts of FWP's acquisition only.

Issue 8: A supporter from Bigfork suggested we include several changes to the draft EA that would better describe alternatives as well as the associated environmental effects of those alternatives. He suggested we provide more viable options for the public to review rather than just the proposed action and no action.

Response: In the draft EA, we suggested only 2 alternatives, as no other viable alternatives exist. We agree with the suggestion and propose to add a brief discussion of why we have only 2 alternatives in the final EA.

FWP often considers the purchase of conservation easements to secure habitat values and public recreation opportunities. However, funds from Access Montana are only for land purchases and not conservation easements because development of a state park or fishing access site would preclude most other economic uses on easement properties. Also, these two landowners are only interested in selling their property and do not want to retain their property with a conservation easement. FWP would have considered the purchase of other North Shore lands as an alternative. The Flathead Land Trust sent a letter to all private landowners along the North Shore west of the Flathead River stating that FWP was interested in using Access Montana funds to purchase lands on the North Shore. The only landowners from this area that showed interest in moving forward at this time were the two landowners described in the proposed action. FWP had another Flathead Lake landowner approach FWP for use of Access Montana funds for a new state park on 60 acres on Flathead Lake. FWP visited the property and met the landowner representatives. Preliminary costs for this acquisition were significantly greater (about \$16 million) than the funds potentially available (\$2 million) to the Region from this program.

Decision

After reviewing the final EA, the public comments, and in light of the strong public support FWP received on this proposal (54 of 55 comments in support), I recommend FWP accept proposed Alternative A, the acquisition of 180 acres of North Shore properties, subject to final approval by the FWP Commission and the State Land Board. Funds for these acquisitions would come primarily from Access Montana, but could also include funds from our wildlife program's habitat programs, private sources, and various grants. It is my belief that the proposed acquisition has the greatest benefits to the human and natural environment. Most public concerns about the creation of a new state park/WMA and the potential impacts of public recreation on wildlife habitat will be the subject of a future draft EA and public review process, should we ultimately purchase these lands. FWP has provided examples of how we could manage these lands in the future so as to avoid significant impacts to wildlife and habitat by public use. I believe that Alternative B, the no-action alternative, could potentially result in greater impacts to the area's resources, and social and public values, while also missing this current opportunity to provide additional wildlife habitat and public recreation benefits described for the proposed acquisition.

Final Environmental Assessment

We propose several minor modifications to the draft EA based on public comment and those have been incorporated into this decision notice. The draft EA, together with this decision notice that identifies the specific modifications to the draft EA, will serve as the final EA and environmental document for this proposal.

I have evaluated the draft EA and applicable laws, regulations, policies, and public comment and have determined that this action will not have a significant impact on the human or physical environment. Therefore, an environmental impact statement will not be prepared.

The final EA (draft EA with this decision notice) may be viewed at or obtained from Montana, Fish, Wildlife & Parks, Region One Parks Division, 490 North Meridian Road, Kalispell, Montana, 59901, or direct requests to FWP Office at 406-752-5501.

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East Sixth Avenue, Helena, MT 59620.

Signed:



James R. Satterfield, Jr., Ph.D.
Regional Supervisor

Date: 10/21/08