



# Montana Fish, Wildlife & Parks

Region 1  
490 N. Meridian Road  
Kalispell, MT 59901

**Decision Notice  
and  
Finding of No Significant Impact  
for  
Foy's Lake Site Development and Land Trade  
Environmental Assessment**

**November 23, 2009**

**Description of the Proposed Action:**

Montana Fish, Wildlife & Parks proposed developing the current parking area adjacent to the two parcels of FWP land on the northeastern shore of Foy's Lake. The proposed action includes developing a single ingress and egress point, defined parking area, a defined trail system, installing site identification and regulation signage, and installing a vault latrine. FWP also proposed to trade approximately 0.496 acres with Montana Forest Products in order to consolidate public ownership.

**Public Comment:**

Two public scoping meetings were held prior to the development of the draft environmental assessment (EA). These meetings were held on September 25 and November 13, 2007, at which time site issues were identified and solutions were discussed. The outcomes from the scoping meetings were utilized to develop alternatives, which were evaluated in the EA.

The public was notified in the following manners to comment on the EA alternatives:

- Two legal ads published in the Daily Inter Lake and Helena Independent Record newspapers
- One statewide press release
- Public notice on the Fish, Wildlife & Parks web site: <http://fwp.mt.gov>.

The public review and comment period began August 31, 2009, and was extended through November 10, 2009. In response to requests from members of the public, a meeting was held on November 4, 2009, at the Lone Pine Visitor Center to further discuss the proposed FWP actions.

**Response to Comments:**

Twenty-four letters of comment were received, with a total of eighteen that were supportive of the proposal in general. Three comments were neutral, while one was against the proposal. Two letters, one of which was a petition signed by fourteen individuals, were opposed to the project if a latrine was not included. Individual comments are grouped by issue and summarized below.

### ***Vault Latrine***

- “Plan should be revised to include a vault latrine during the initial site construction...this is a public health issue.”
- “Hope vault latrine is considered in the preliminary development as public health and safety warrant this improvement.”
- “Support the necessity of a vault latrine.”
- “...to protect the water quality, wildlife and aesthetics it is equally important to provide a vault toilet...very short sighted to make such improvements in the area without providing for basic human needs.”
- “Approval for installing a vault latrine.”
- “The shortage of adequate restroom facilities creates a serious sanitation problem...I ask that you would place the installation of a vault toilet at this site as a very high priority.”
- “Installation of a toilet is a huge priority.”
- “A permanent toilet facility should be a high priority.”
- “The restroom situation is a big concern. A restroom is a must.”
- “I support building the vault toilet in such a way that it is possible to landscape around the toilet to somewhat hide it from the road and lake.”
- “If the latrine was strategically located it may not present itself as a vandalism target, but would possibly be more accessible to the beach user...use of the toilet will depend on its “Location”...are you planning on servicing the toilet daily? It must be kept clean for the public to use otherwise they will end up going wherever.”
- “We are concerned that FWP will not be making a vault toilet the top priority in the proposed site development.”
- “The inclusion of a vault toilet in the plan should be a priority in development of the site...should be a part of the initial proposal...necessary now to alleviate further impacts to soil and water at the site.”
- “Placement of a vault latrine is an item of interest to the landowners nearby and the public who would use it. Proximity to the parking area would be important, and the landscaping that would blend it with the area is important to the residents who would view it daily.”
- “The proposed vault latrine is an important component of this proposal. Public health and safety, particularly given the high numbers of current users and projected slight increase in use after site improvements are complete, warrant this improvement.”
- “I find your analysis incomplete in that you have considered impacts to the Lone Pine Ranches homeowners, but not a word was mentioned about the significant impacts to the Treasure Island homeowners...your proposed location of the vault latrine on the west end of FWP property...that location would have greater impacts to the Treasure Island homeowners...I would propose a location near the proposed parking lot.”
- “This park should not be developed at all unless you are committed to installing a vault latrine. Installation of a vault latrine should be the highest priority. This park development should not be initiated unless you are ready and funded to install the latrine first.”
- “I am protesting any work be started on improvement to the Park Area without a public restroom facility not being at the top of the list.”

- “I am concerned that you could talk about doing anything to bring more public use of this property and toilet facilities are not the first concern...I say you do nothing if it does not include a toilet facility.”

**FWP Response:**

FWP has secured funding for a vault latrine, and one will be installed if/when the site is developed. As stated in the EA, the vault latrine will be placed on the west end of the parking area, not on the west end of the property, therefore the impacts identified in comment will not apply to the Treasure Island Homeowners. The latrine needs to be close to the parking area in order to facilitate pumping services, routine cleaning, and higher use by visitors. If necessary, vegetative screening will be planted, during the proper planting times, around the vault latrine to mitigate any issues of visual aesthetics. The latrine will be incorporated into the routine maintenance duties of park staff.

**Funding**

- “The \$10,000 allocated for the site improvement doesn’t seem to be enough to cover all the aspects of the plan, much less the land acquisition, the landscaping and fencing, or the toilet by themselves.” (Foy’s Lake/Herron Park Advisory Committee to the Flathead County Park Board)
- “The EA mentions a cost estimate of \$10,000. How do you know? What does an installed vault latrine cost? I am concerned that the \$10,000 estimate is a guess and complete development will cost more. I think the site plan needs to be completed, approved and engineer’s estimate made before throwing out numbers. I am concerned that the development not be started until complete financing is secured that will allow for the construction of a completed project.”

**FWP Response:**

The \$10,000 identified in the EA is the allocated amount for the proposed site development. Additional funding has been secured for the vault latrine. This allocation does not include any land acquisition, as the proposal is for a land trade. The potential land acquisition of the Lone Pine Ranches Homeowners property is dependent on the Montana Forest Products land trade. The Montana Department of Transportation has agreed to provide funding to purchase guardrail and gravel for the project. A significant amount of volunteer assistance will be utilized to define the trail system and rehabilitate the east parcel.

**Usage Increase**

- “By performing these improvements the area usage will increase.”
- “Once you start this project it will attract more visitors than come now.”

**FWP Response:**

The proposed site development does not increase the amount of available parking space. Vehicles can and currently do park on the road edge which is part of the highway right of way and out of FWP jurisdiction.

**Parking**

- “I support improving the parking lot and making it safer with an ingress/egress. I only support this if FWP will encourage MDOT to post “No Parking” signs along the road and open dialog with the Sheriff/Highway Patrol regarding ticketing violators. If the new paved parking lot fills up users will park along Foy’s Lake Road and Lone Pine Road making the situation more dangerous than it is right now.”

- “We urge FWP, County Parks, MDOT, Sheriff’s Dept., and Highway Patrol to begin communication together about ways to improve the safety of this high use recreational area. As numbers of people and cars continue to increase, so will pedestrian/traffic conflicts. When lots are full, how to handle more people, more parking is a challenge.”
- “I think that adequate parking with policing of overflow is very important. I encourage the development and enforcement of no parking zones along Foy’s Lake Road.”
- “Better parking and trail access to the lake would also be very helpful.”
- “Parking for only 30 cars will not be adequate.”
- “Site hardening for ingress/egress will improve the safety and accessibility of the site.”
- “I am concerned about dust and erosion of the proposed parking area. I believe the new parking area should be paved with asphalt.”
- “Development will improve public safety and health for a site that is getting heavy use under current status.”

**FWP Response:**

The proposed site development is intended to improve safety. Although FWP realizes that 30 parking spaces is not adequate for the current demand of the site, we cannot safely and effectively provide any more parking at this time. The amount of parking this project will supply is approximately equal to the number of vehicles that currently use the site on a busy day. Vehicles currently do park on the road edge, which is part of the highway right of way and out of FWP jurisdiction. FWP supports any efforts involving Montana Department of Transportation, Flathead County Weeds and Parks, and the Flathead County Sheriff’s Office on reducing safety hazards on Foy’s Lake Road. There is not enough funding available to pave the parking area; however, FWP is looking into the possibility of using recycled roadbed. This material would compact and retain its form more than gravel and reduce any concerns of dust and erosion.

**Weeds/Vegetation**

- “Landscaping and spraying for noxious weeds will make the entire area more attractive and give incentives for the public to keep it that way.”
- “You speak about weed control in the park, which is good, yet when I have talked to the weed department in the past they could not spray because of the proximity to the lake. What is the distance from the lake, which you are permitted to spray? How do you plan to abate weeds closer to the lake? What about using a grass seed mix and fertilizer on disturbed ground?”

**FWP Response:**

In compliance with the FWP Statewide Integrated Noxious Weed Management Plan of 2008, Regional staff will utilize the appropriate tools and herbicides to protect water quality in Foy’s Lake.

**Not an Impartial EA**

- “We suggest that the document (as the title states) is not an impartial environmental assessment formulated to consider at least 3 different alternatives, but one to promote a land trade for mutual benefit but also for a particularly wealthy family.”

**FWP Response:**

The Montana Environmental Protection Act outlines that environmental assessments identify a preferred alternative and evaluate those impacts. In this case the Preferred Alternative was Site Development and Land Trade because it best addresses issues identified through internal and

public scoping meetings. Impacts for Alternative B, Site Development without Land Trade, are the same as those identified for the preferred alternative.

### ***Site Plan/Master Plan***

- “One important piece of information in the EA that seems to be missing is a site plan. Without a site plan it is impossible to make a thorough analysis in an EA or the ability to evaluate an EA. Please let me know where I may view this site plan. In this regard, your comment period may be premature as well as the proposed construction period.”
- “A site plan be developed and made public prior to any decision for land trading.”
- “A Master Plan for the area be completed. Citizens deserve to know the general intent of how Montana wants to manage entrusted parklands. There should be opportunities for public input including hearings explaining each impact and the types of mitigation if appropriate.”

### **FWP Response:**

A concept plan has been added to the EA. It shows the conceptual layout of the proposed parking area and vault latrine. The FWP property located on Foy’s Lake is part of Lone Pine State Park and is included in the Lone Pine State Park Management Plan completed in 2004. The management plan outlines the need for addressing the current issues at the site. The following is an excerpt from the Lone Pine State Park Management Plan:

*Lone Pine State Park Management Plan, May 2003, page 31:*

2. Provide basic development of the Foy’s Lake property.

#### *Action item:*

- Install barrier rocks, reclaim user-caused roads, and install day use signing.  
*Implementation:* Barrier rocks need to be installed in two separate parking areas on the Foy’s Lake segment of Lone Pine State Park. Barrier rock will be intended to keep vehicular traffic on the lakeshore and on the same grade as Foy’s Lake Road. Rutted, user-caused roads that exist now need to be reclaimed through soil scarification and reseeding. Day use signing needs to be installed as well.

### ***EIS Needed***

- “That an Environmental Impact Statement be prepared for FWP’s management decisions. Management decisions should be a result of the direction of the Master Plan.”

### **FWP Response:**

The EA has been updated to address impacts identified through the comment period. The final EA adequately addresses all relevant impacts of the proposed project. The management plan for Lone Pine State Park outlines the plan for the Foy’s Lake parcels.

### ***Access for Treasure Island Homeowners***

- “I find your analysis incomplete in that you have considered impacts to the Lone Pine Ranches homeowners, but not a word was mentioned about the significant impacts to the Treasure Island homeowners...with the land trade we would lose direct access to the FWP property we currently enjoy.”
- “We have asked how the new parcel of land will affect our use of access to the area from the northwest as landowners. We have been using the access for many years (prescriptive easement across the property by trail).”

**FWP Response:**

There is no record of a trail easement or designated trail leading to Treasure Island Lane. There are user-created trails throughout the FWP parcels, and this proposal would retain some of those while removing or rerouting others to prevent erosion. The homeowners on Treasure Island would still be able to access the FWP property by following Foy's Lake Road to the designated parking area.

**Trash**

- "There needs to be trashcans placed by the beach."

**FWP Response:**

At this time, FWP is not planning on having trash collection in the proposed project. Typically, in sites similar to Foy's Lake, where development is kept at a minimum, the site is classified as a "Pack It In, Pack It Out" site, meaning that trash collection is not available on site. In the past, FWP has attempted to place trashcans at sites that were typically "Pack It In, Pack It Out" and have encountered issues of having household trash dumped at the site.

**Bike Path**

- "Hopefully, we'll also have a bike/pedestrian path making it safe for nonmotorized access in the future."

**FWP Response:**

The proposed site development will allow for the addition of a bike path on the south side of the parking area. This will keep all pedestrian traffic away from vehicular traffic.

**Boating**

- "You may want to look into a recommended "circulation" for powerboats and watercraft...you could place a sign at the boat ramp and the beach area."

**FWP Response:**

Boating regulations and/or restrictions fall outside of the scope of this EA. These regulations would need to be presented and approved by the FWP Commission.

**Beach**

- "At least part of the reason this property is seeing greater use than it used to is because there is now a beach. This has only happened in the last 5-6 years as the water level has dropped. What happens when the water level comes back up and the beach goes under water again?"

**FWP Response:**

FWP proposes this project based on the current heavy use. If the water level does rise and the beach is under water again, then visitation will likely diminish. FWP will continue to manage and maintain the site.

**Public Access**

- "Development of the Foy's Lake Site is a good plan and fulfills FWP's mandate to provide recreational opportunities for Montana citizens."

**FWP Response:**

So noted.

## **Zoning**

- “We have also asked about zoning of the new parcel and how that classification will be assigned. Apparently, there is still some question about the actual zoning classification and potential for development...The new private land might possibly be converted to residential property...Could we expect commercial development of the property; possibly a boat house, dock, maybe even a food stand? A land trade was made several years ago for the purpose of allowing an adjacent landowner additional space for his septic leaching field, which was never constructed. Instead, development on this former park property included the building of a large house and double garage (exhibit A – photo). Is this what might be expected from a similar proposed trade?”
- “As for the land swap, I am not apposed to it, but I think we should know what is going directly across from us on this lot as well.”
- “We are also concerned about what will occur even if the land swap is not made. What will happen if the State makes developmental changes to the property close to us?”
- “The EA mentions a land trade but does not analyze potential impacts of that trade. How will you value the fact that Forest Products will trade a parcel with limited access and use with greater access and use? What is Forest Product’s intention with their new land? How will land use change on their isolated island? Will they secure a road easement from Jon Olson? Will they share costs of road maintenance on their new access?”
- “We cannot accurately comment on the EA until we know the clear potential for development of the park property involved in a land trade. Different classifications of zoning are assigned different sized land areas and also determine setbacks for construction from property lines and lakeshore as examples. We assume there is a possibility of commercial development including many different options for profit making enterprises. None of this is addressed in the EA.”

### **FWP Response:**

There is a potential of visual impacts to residents and recreationists, in the event that the land traded to Montana Forest Products was developed for residential use. However, there is also potential for development of the current Montana Forest Products land without a trade. Development of the current property would have more of a visual impact to the recreation site. Foy’s Lake is one of the most heavily developed lakes in the Flathead Valley, thus the overall impact is not significant. This impact has been added to the environmental assessment. According to the Flathead County Planning and Zoning office, the proposed land traded to Montana Forest Products is classified as R-2 (residential), meaning there is potential that a house could be built on the lot. Other commercial uses are prohibited and would need a variance, which is subject to public review. FWP’s clear motivation is to clean up the segmented property ownership, lessen the public trespass on private property, and ensure that the public has access to a highly used area. FWP does not intend to use department-owned lands to prevent development of private property on Foy’s Lake. Montana Forest Products will need to acquire an easement for their property. Excerpts from the Flathead County Planning and Zoning office are below.

### **Zoning: Comments from Flathead County Planning and Zoning**

- “The subject properties are under the planning jurisdiction of the Flathead County Growth Policy. That document provides guidance on parks and recreation and calls for a specific parks plan, which has not yet been finalized. The proposed development of the Foy’s Lake access furthers the public’s vision for the future of Flathead County found in Chapter 1 of the Growth Policy. Furthermore, the proposed development of the Foy’s

Lake access helps Flathead County in achieving the 3 goals specific to parks and recreation found in Chapter 4 of the Flathead County Growth Policy by conforming to many of the accompanying policies. Therefore, the proposal is well supported by adopted Flathead County planning documents.”

- “According to the project proposal, there are a total of 4 zoned properties impacted by the project (see Figure 1 below). The western-most property (1.85 acres owned by Montana Fish, Wildlife and Parks) is zoned “R-2, One Family Limited Residential.” The three eastern-most properties (0.34 acres owned by Montana Forest Products, 0.05 acres owned by Lone Pine Ranches Homeowner’s Association and the 0.24 acres owned by Montana Fish, Wildlife and Parks) are zoned “SAG-5, Suburban Agricultural.” The proposed development would be in conformance with both zoning designations, which allow for “Parks and publicly owned recreational facilities” as permitted uses.”
- “The proposed land trades warrant additional consideration pertaining to minimum lot sizes imposed through zoning. The western 1.85 acres owned by Montana, Fish, Wildlife and Parks is currently compliant with the 20,000 sq ft minimum lot size requirement in the R-2 zone. However, the eastern properties are all non-conforming with the 5-acre minimum lot size requirement in the SAG-5 zone. It is the long-standing interpretation of this office that lots with non-conforming status with regard to size can be boundary line adjusted and retain that status. Lots that are conforming with regard to size cannot be boundary line adjusted to a non-conforming size. The proposed land trade wherein Montana Forest Product’s “inholding” land is flipped to the western side of the project retains the conforming/non-conforming status of each of the four properties in the project and is therefore allowable under zoning.”

**FWP Response:**

So noted.

***Land Trade***

- “Montana Forest Products (MFP) is hoping to work out a land trade/exchange with Montana Fish, Wildlife and Parks (FWP) that will reflect equal value for both entities.”
- “I support the land trade. I also strongly support FWP purchasing the parcels if the landowners are willing to sell (or donate).”
- “Without the land trade you will have the same conflicts with the private property in holding as before...the neighbors to the west may appreciate private property on their border; however, if it was ever sold or developed it may cause some concern.”
- “The land swap is a good thing to pursue in order to consolidate the public holdings into one contiguous area and enhance its management. We support FWP efforts to purchase or promote donation of the parcels from landowners.”
- “All negotiations for real estate actions be terminated until more thorough planning activities are completed.”
- “The site should not be developed if the land trade is not completed. Improving conditions on FWP lands would only cause more use and deterioration of the private land.”
- “We have approached FWP on two different occasions asking for the dimensions of the property that is to be converted from parkland to private ownership and have just recently received response estimate.

- “The land trade must recognize the existing access that Montana Forest Products has had since 1908. It is imperative that the land trade includes access in some form including R/W across FWP lands if necessary.”
- “We would like to make FWP aware of some of the history and issues that we believe still need to be resolved in order to accomplish an equal land trade.”
  - ...Our tract of land is .496 acres versus the .34 acres that continues to be referenced by FWP. A subsequent survey had been done that Heine’s firm was not aware of. Additionally, such appraisal was prepared based on the assumption that there is no legal access to our property, which, as set forth below, is something we strongly dispute.
  - Also, FWP states that MFP in an “inholder.” This has not been proven to be the case as is shown by some of the past history involving our piece of lakeshore.
  - In 1982, Charles O’Neil wrote the County Commissioners asking them to please notify MFP (formerly Forest Products) if the county road, which came to the edge of the MFP tract was ever to be abandoned. He further state that this parcel of shoreline is to access the island in Foy’s Lake owned by MFP.
  - In August 1984, Charlene O’Neil gave testimony before a public hearing at Lone Pine Visitors Center giving notice to FWP that they continued to show MFP land as part of their 1981 Lone Pine Park Proposal. Please see the enclosed letter to Don Hyyppa.
  - Notes to our files show that FWP understood that the former county road was our access. In 1985, FWP was contacted by Charlie Phillips (the former County Road Superintendent) regarding the placing of rocks along the former county road. FWP called us and said they would remove the rock from the road to allow our access. Again in 1990, we spoke to Dave Conklin of FWP and mentioned that we did not want to lose our access. Merl Phillips returned a call saying access would not be a problem and that they didn’t intend to restrict us. During the entire time that we have owned this property, we have continually accessed it via the former county road, and it is our intention to continue doing so.
  - Things became even more complicated when the Foy’s Lake Secondary Highway was built. A small sliver of land that was at least part of the former county road was somehow made a tract of land that the Lone Pine Ranches HOA (across the highway) have been paying taxes on. Certificate of Survey 5508 shows this sliver of land as part of a tract of land that the HOA gave to FWP. A corrected COS 5508 takes the sliver of land off the Certificate of Survey and it becomes a part of our tract, which we believe is proper given our understanding of Montana law and given the history and circumstances of this matter. However, we have approached the HOA and offered to buy this sliver of land just to try to clear things up but they have been unwilling to sell—perhaps being fearful that a structure might be built that would detract from their view of the lake. We are currently deciding whether it is necessary for us to file a quiet title action to clean up this ownership issue.

“To state more clearly, we feel we have always had access to our tract of land because we were never notified by the County or the State Department of Transportation that they were abandoning our access and FWP has always acknowledged that we have access. We do want to work with FWP for trading to a parcel away from their proposed Foy’s Lake Site Development and feel that our land

should be appraised as equal or greater front footage value as FWP's land, especially given the better waterfront of our property.”

**FWP Response:**

So noted. There are currently no land trade/real estate actions occurring. A preliminary land appraisal was completed in order to assess whether or not a land trade was a feasible option prior to developing the alternative in the EA. The specific dimensions of the proposed trade property based on the initial appraisal are only estimates. A more detailed analysis and appraisal will need to be completed before exact dimensions are known. The land trade would be based on current appraisal values. Possible issues with total acreage and legal access would be addressed prior to determining appraisal value and prior to any possible land trades. Montana Forest Products will need to acquire an easement for their property.

**Finding of No Significant Impact (FONSI):**

Based on the analysis in the EA and comments received, I find Alternative C to be the preferred alternative. Therefore, FWP will proceed with the site development and land trade. The land trade will depend on a mutual agreement between FWP and Montana Forest Products, and final approval by the FWP Commission and the State Land Board. The draft EA has been updated with the changes noted in the above FWP responses to public comment. I have evaluated the EA and applicable laws, regulations, and policies and have determined that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared.

The final EA may be viewed at or obtained from Montana Fish, Wildlife & Parks, Region One, 490 N. Meridian Road, Kalispell, MT 59901, or the FWP web site at [fwp.mt.gov](http://fwp.mt.gov) under Recent Public Notices. Please direct requests and questions to Amy Grout, FWP Parks Management Specialist, 406-755-2706, Ext. 3, or e-mail to [agrout@mt.gov](mailto:agrout@mt.gov).

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 6<sup>th</sup> Ave.; Helena, MT 59620.



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David Landstrom  
Regional Parks Manager

November 23, 2009

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Date

# Foy's Lake Site Development and Land Trade Final Environmental Assessment



November 2009



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

**Foy's Lake Site Development and Land Trade  
Final Environmental Assessment  
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

**PART I. PROPOSED ACTION DESCRIPTION**

**1. Type of proposed state action:**

Site development of Foy's Lake parking and day use area and Land Trade

**2. Agency authority for the proposed action:**

Montana Fish, Wildlife & Parks

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

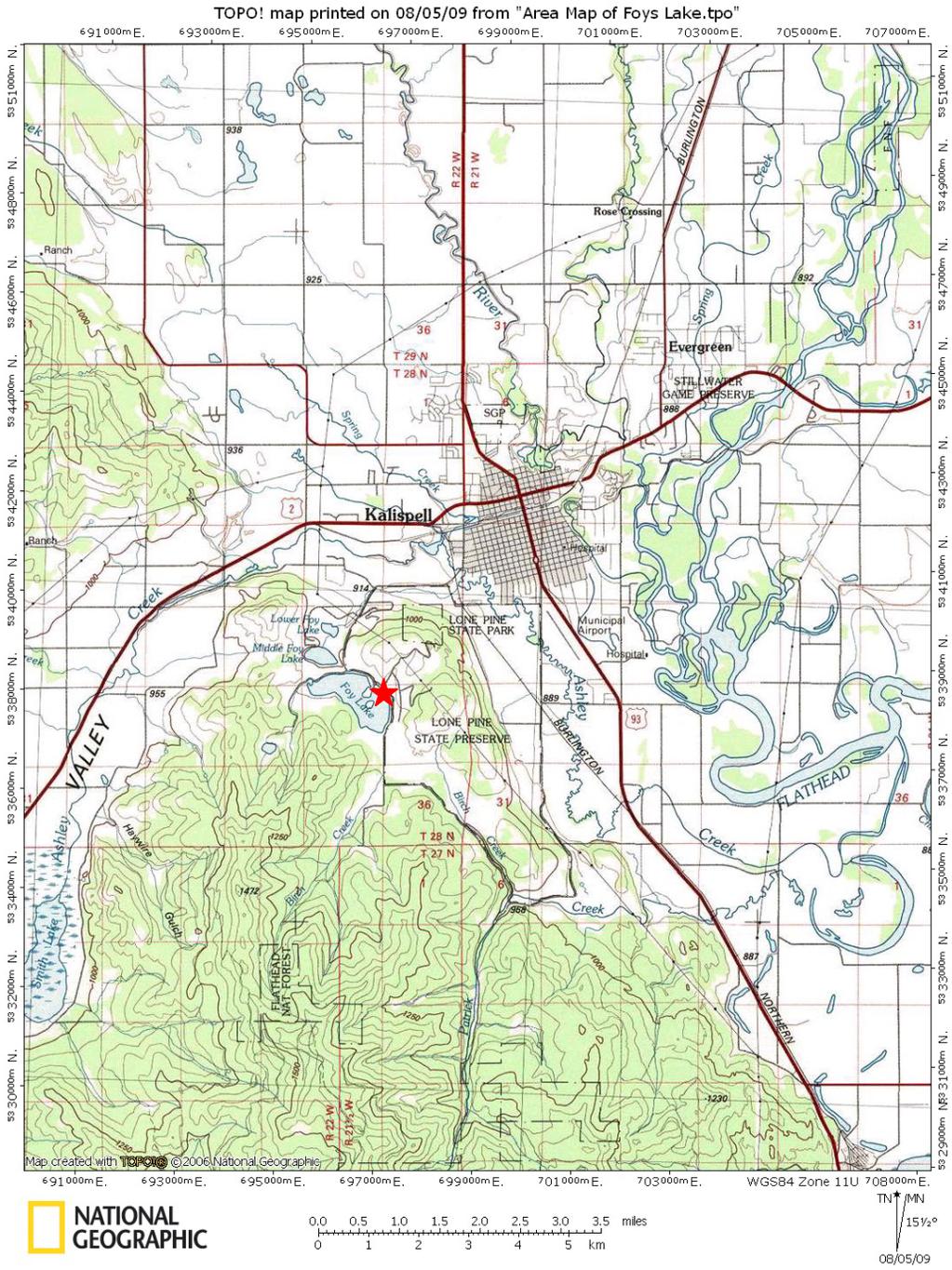
Montana Fish, Wildlife & Parks  
490 N. Meridian Road  
Kalispell, MT 59901  
(406) 752-5501

**4. Anticipated schedule:**

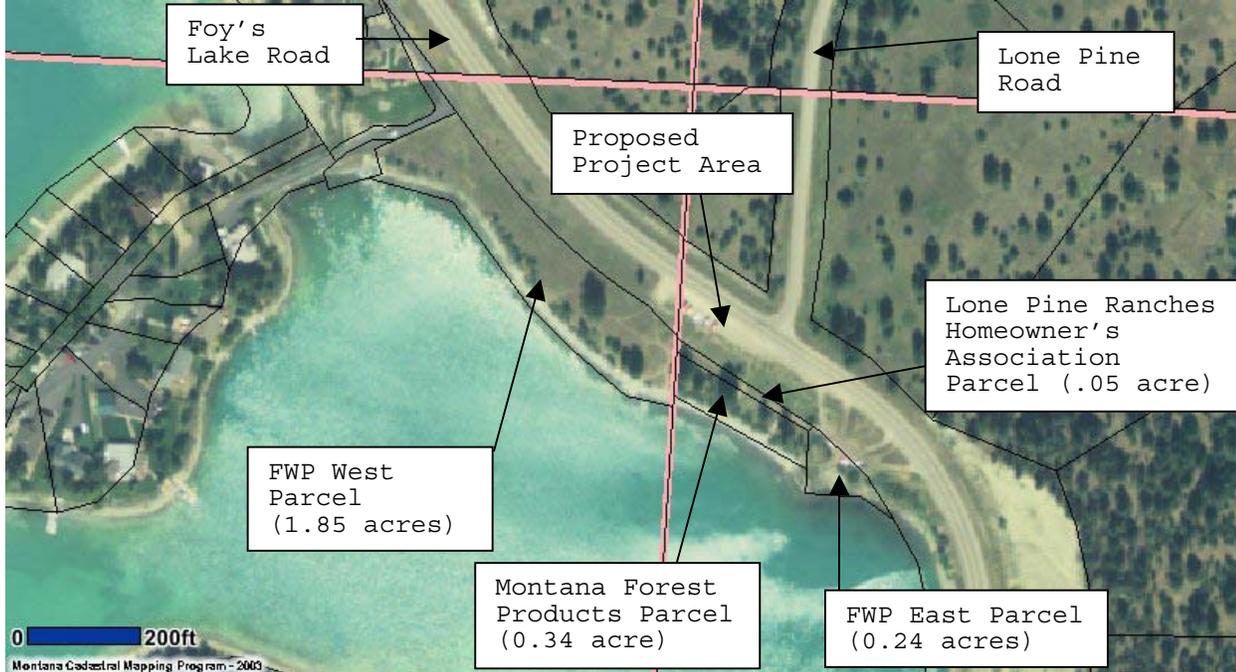
Estimated construction commencement date: Fall of 2009/Spring 2010  
Estimated completion date: One month from project start  
Current status of project design (% complete): 50% complete

**5. Location affected by proposed action (county, range and township):**

S25 & 26, T28 N, R22 W in Flathead County



**Figure 1: Map of Kalispell showing Foy's Lake project area.**



**Figure 2: Map of land ownership on the northeast portion of Foy's Lake.**

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

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(existing shop area)		Irrigated cropland	<u>0</u>
(b) Open Space/ Woodlands/Recreation	<u>1.9</u>	Dry cropland	<u>0</u>
(c) Wetlands/Riparian Areas	<u>0</u>	Forestry	<u>0</u>
		Rangeland	<u>0</u>
		Other	<u>0</u>

**7. Listing of any other local, state or federal agency that has overlapping or additional jurisdiction:**

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

Agency Name: Montana Department of Transportation  
 Permits: Approach Permit and Permit for Recreational Site

**(b) Funding:**

Agency Name: Montanan Fish, Wildlife & Parks      Funding Amount: \$10,000

**(c) Other overlapping or additional jurisdictional responsibilities:**

Agency Name: Montana Department of Transportation  
 Type of Responsibility: Land Owner (Highway Right of Way)

Agency Name: State Historic Preservation Office  
 Type of Responsibility: Cultural Resource Preservation

**8. Narrative summary of the proposed action or project, including the benefits and purpose of the proposed action:**

Montana Fish, Wildlife & Parks (FWP) proposes developing the current parking area adjacent to the two parcels of FWP land on the northeastern shore of Foy's Lake. The FWP parcels are part of Lone Pine State Park. The current parking area is on the highway right of way and is in violation of Montana Department of Transportation (MDT) safety standards. A Recreational Site Application has been filed with MDT. The proposed action includes developing a single ingress and single egress point, defined parking area, a defined trail system, installing site identification and regulation signage, and installing a vault latrine. These improvements are intended to 1) reduce the safety hazard to people and motor vehicles driving on Foy's Lake Road or utilizing the FWP Foy's Lake property, 2) reduce visitor confusion on site parking and land ownership, 3) increase compliance with MDT traffic standards and regulations, 4) reduce public health and sanitation issues regarding human waste, and 5) mitigate trespass on private property.

The current parking area was user-created and not properly developed, thus it lacks a proper, safe design. Visitors currently pull directly off the road to park and encounter a significant drop-off from the edge of the road pavement. In addition, visitors often do not have adequate space in which to safely back up or turn around.



**Vehicles parked in the existing parking area and along the highway**

Visitation appears to be increasing at the site, resulting in high use for swimming, sunbathing, fishing, and ice fishing. The high visitation also leads to sanitary concerns in regard to human waste. A portable latrine is placed near the parking area during busy summer months; however, a vault latrine is preferred, as this would provide a sanitary option at all times of the year. Trails created by users are creating safety and erosion concerns.



**Day use at subject property**



**Trail erosion**

The FWP east parcel has several pioneered roads that lead directly from Foy's Lake Road down a fairly steep hill to a small level area slightly above the lakeshore. These two-track roads are a safety hazard and are creating erosion issues.



**Severe erosion and pioneered parking**

The site development would consist of defining and developing a specific ingress point at the far west end of the existing parking area. The single egress point would be located directly across from Lone Pine Road. Both locations would provide adequate site distance and would be level with the highway. The parking area itself will provide angled parking on both sides of the one-way road.

Approximately 28-30 passenger vehicle parking spots would be developed. One of these parking spots would be designated as an ADA site. Site identification

and regulation signage would be installed. The existing trails would be rerouted if necessary and erosion control measures would be added to the defined trail system. A vault latrine would be installed (funding permitting) or may be added at a later time. The two-track roads on the FWP east parcel would be blocked by guardrail, and the area would be rehabilitated and planted with vegetative cover.

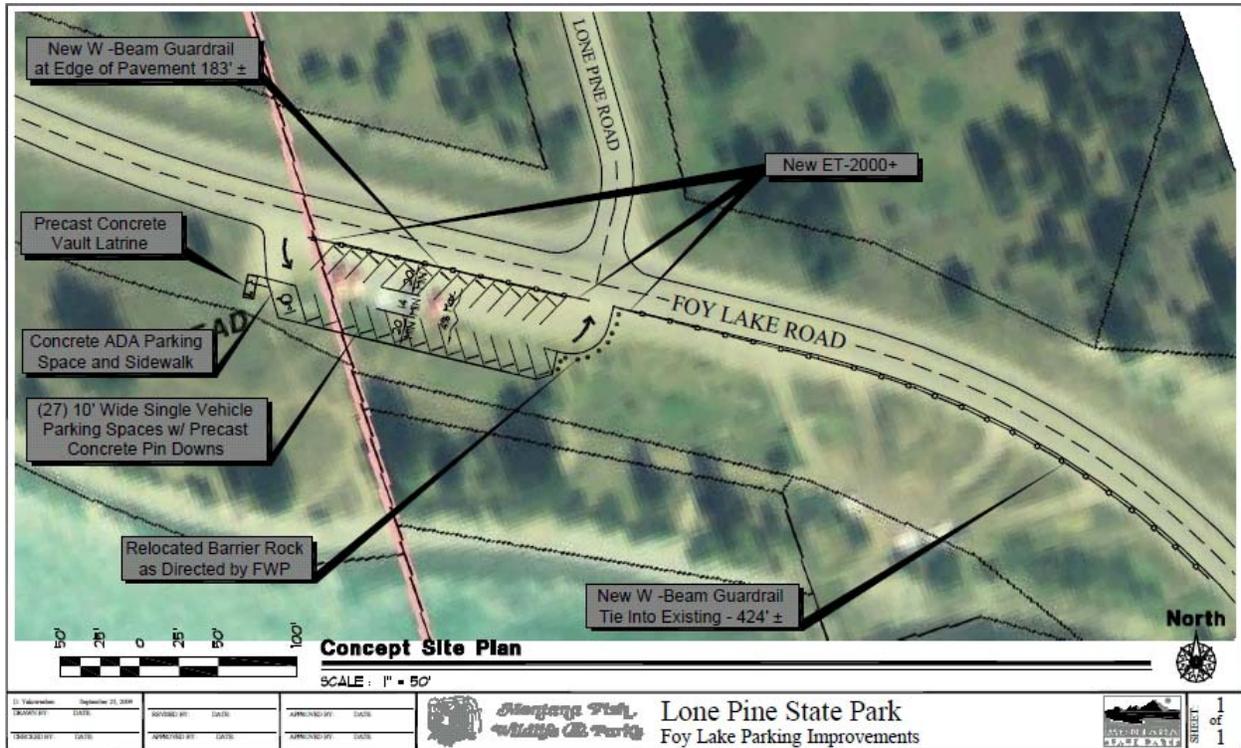


Figure 3: Concept Plan of Foy's Lake Site Development

### Land Trade

FWP proposes to trade approximately 0.34 acre with Montana Forest Products in order to consolidate public ownership. FWP currently owns two separate parcels of land totaling 2.09 acres on Foy's Lake. The 0.34-acre parcel owned by Montana Forest Products separates the two FWP parcels, effectively creating an inholding. The proposed land trade would be based on recent appraisals. The proposed trade would result in FWP acquiring the 0.34-acre inholding, and Montana Forest Products would gain land of equal value on the west end of the FWP west parcel.

Additionally, the Lone Pine Ranches Homeowners Association owns a 0.05-acre parcel between the highway right of way and the Montana Forest Products parcel, thereby isolating the Montana Forest Products parcel. FWP has discussed this issue with the Lone Pine Ranches Homeowners Association, and both parties agree that if the Montana Forest Products land trade proceeds, an agreement could be made to acquire, trade, or otherwise utilize the 0.05-acre Lone Pine Ranches Homeowners Association parcel.

This proposed land trade is intended to 1) provide a continuous parcel of land for FWP, 2) reduce the complexity of managing a site with a private inholding, 3) provide the public with access to a highly utilized part of the lakeshore, and 4)

reduce the occurrence of trespass and littering on the Montana Forest Products land.

Public use of this inholding has been confusing for the public and problematic for private property owners.



**Trespass issues on private land**



**Trespass issue on private land**

Following a land trade, the new boundary line separating FWP land and the Montana Forest Products land would be fenced and marked as a state park boundary.

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

**Alternative A: No Action.** The Foy's Lake parking and day use area would not be developed and land ownership would remain status quo. The implications of the No-Action Alternative are continued safety hazard for pedestrians and vehicles, continued violation of MDT approach standards, and continued trespass and associated litter and vandalism of private property.

**Alternative B: Site Development without Land Trade.** In Alternative B, the site would be developed. Improvements include a defined parking area, defined ingress and egress points, installation of site identification and regulatory signage, installation of a vault latrine, and a defined trail system. A land trade would not occur, and land ownership would remain status quo. This alternative would address safety issues regarding the parking area, but would not remedy trespass issues. In addition, this alternative would not guarantee public access to the beach area associated with the private property.

**Alternative C: Site Development with Land Trade (Preferred Alternative).** In Alternative C, the site would be developed and the private inholding would be traded for FWP property of equal value. Improvements to the site would include development of a defined parking area, defined ingress and egress points, defined trail system, installation of site identification and regulatory signage, and installation of a vault latrine. FWP has selected this as the preferred alternative because it addresses user impacts and safety concerns, as well as improving landowner relations.

## PART II. ENVIRONMENTAL REVIEW CHECKLIST

1. Evaluation of the impacts of the Preferred Alternative (C) including secondary and cumulative impacts on the physical and human environment. This also includes the impacts of Alternative B.

### A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

- 1b. The proposed project would result in minor disruption, displacement, erosion, compaction, moisture loss, and over-covering of soil. These negative effects can be mitigated by following Best Management Practices (BMPs) for the duration of the project. Disturbed areas not intended for parking, road, or trail areas would be reseeded and reclaimed. Long-term impacts are expected to be positive as existing areas of soil erosion and compaction will be rehabilitated with vegetative cover.

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

- 2a. Objectionable odors may be present due to the installation of a vault latrine. This can be mitigated by properly locating, venting, and maintaining the facility.

3. <u>WATER</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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		Yes	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water-related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				
n. Other:		X				

3b. Reclamation of pioneered vehicle routes and rerouting of pioneered foot trail will have a positive impact on drainage and runoff patterns.

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

- 4a & b. The expansion of the parking lot slightly to the south for the purpose of providing safe distance from Foy's Lake Road will result in the removal of some vegetation. No trees will be removed or affected by the proposed project. Areas that are disturbed during construction will be reseeded. Areas that are currently eroded and hard-packed will be rehabilitated with vegetation to improve shoreline conditions. The ADA parking site and path to the vault latrine would be paved. The ingress and egress points may be paved to provide safe and stable access to the site.
- 4c. A search of the Natural Resources Information System provided by the Montana Natural Heritage Program showed that no threatened or endangered species are in the vicinity of the proposed project area.
- 4e. The proposed project area, as well as the potential land trade area, is currently infested with spotted knapweed. Canada thistle is also present in the site, but does not exist in abundance in the proposed project area. The disturbance of the area may result in the further spread of spotted knapweed and may result in the spread of other noxious weeds. This can be mitigated through the application of herbicide and site monitoring. The site has been sprayed with herbicide for the past two years and would be sprayed following the proposed project.

** 5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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				
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				
j. Other:		X				

- 5f. A search of the Natural Resources Information System provided by the Montana Natural Heritage Program showed that no threatened or endangered species are in the vicinity of the proposed project area. Canada lynx, wolverine and gray wolves have potential habitat to the southwest of Foy's Lake. Neither the area wildlife biologist nor the area fisheries biologist has any concerns with the proposed project impacting the area wildlife or Foy's Lake fisheries.

## B. HUMAN ENVIRONMENT

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

- 6a. There may be temporary increases in existing noise levels due to construction equipment for the duration of the construction period. Limiting construction time to daytime hours during the week can mitigate this. Following construction, noise levels should return to normal levels as the proposed project will not increase the amount of parking or visitor use of the site.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict 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		no	7d.
e. Other:		X				

- 7d. The development of a parking area and installation of a latrine would have a visual impact to homeowners traveling from Lone Pine Road and the first residence on Terrace Lane, whose view is of Foy's Lake and the FWP property. Since a parking area currently exists, the delineation of the parking area should not lessen the aesthetic view. The vault latrine would be placed to the west end of the site and out of direct line of site from Lone Pine Road and Terrace Road to assist in mitigating any visual impacts.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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			NA	8.c.
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)		X				
e. Other:		X				

8a. There is a minor and temporary risk of petroleum spills from heavy equipment during the construction period. Any such spill would be mitigated through an appropriate hazardous response team with county and state fire agencies.

8c. The proposed action would improve health and sanitation conditions, and facilities. There would also be a decrease in traffic hazards, as a result of the improved parking area and ingress/egress points.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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.
f. Other:		X				

9e. During the construction period, heavy equipment moving to and from the site may create minor traffic hazards. FWP anticipates reduced traffic hazards and improved parking facilities as a result of this proposal. Contractors would be required to install and monitor traffic safety and warning devices.

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

10e. The project is being funded by the FWP Parks earned revenue fund. The allotted funding amount is \$10,000.

10f. Maintenance costs are anticipated to be the same or slightly higher than previous years. Supplies and materials, including cleaning supplies and herbicides, are estimated to be \$250 to \$500. Personal services, including labor and benefits costs, are expected to be approximately \$4,000. The site is being maintained through current staffing levels. Site maintenance will continue even if the site is not developed; therefore, the personal services cost is constant.

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

11a. This project would improve the aesthetics of the area by providing planned delineated parking, trails, and sanitary facilities. The latrine would be placed to the west end of the parking area and out of direct line of site from Lone Pine Road and Terrace Road to mitigate visual impacts. There is a potential of visual impacts to residents and recreationists in the event that the land traded to Montana Forest Products was developed for residential use. However, there is also potential for development of the current Montana Forest Products land without a trade. Development of the current property would have more of a visual impact to the recreation site. Foy's Lake is one of the most heavily developed lakes in the Flathead Valley, thus the overall impact is not significant.

11c. It is anticipated that this proposal would increase the quality of recreation at the FWP property on Foy's Lake by providing safe ingress and egress, safer trails, restroom facilities, and clear site regulations. Please see attached Tourism Report in Appendix B.

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

12d. A search conducted by the State Historic Preservation Office concluded there is a low likelihood cultural properties will be impacted as a result of this project. Please see SHPO letter in Appendix C.

## SIGNIFICANCE CRITERIA

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

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

- 13g. A Permit for Recreational Site is required from the Montana Department of Transportation. This permit application has been submitted. A permit is also needed for the installation of the vault latrine and would be acquired prior to latrine installation.

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

Site construction will occur during daytime, weekday hours to mitigate for possible noise impacts. Best Management Practices will be followed for the duration of the project period to prevent unnecessary compaction, erosion, and soil disruption.

The vault latrine will be properly located and maintained to assist in mitigating for objectionable odors and visual impacts to neighbors.

The FWP Region One Noxious Weed Control Plan would be followed while conducting any and all herbicide application to noxious weeds.

**PART III. NARRATIVE EVALUATION AND COMMENT**

There are no anticipated cumulative effects of this proposed project. The possible secondary, minor effects are that the project may result in a slight increase in visitation to the site; however, this would be limited by the number of parking spaces provided, and there may be a visual impact to homeowners traveling from Lone Pine Road toward Foy's Lake and to the first homeowner on Terrace Road. All other impacts are temporary and minor and most can be mitigated.

**PART IV. PUBLIC PARTICIPATION**

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

Two public scoping meetings were held prior to the development of this EA and the acquisition of the funding. These meetings were held on September 25 and November 13, 2007. During these meetings, site issues were discussed along with possible solutions, including site development and potential land trades.

The public was notified in the following manners to comment on the draft EA, the proposed action, and the alternatives:

- Two legal ads published in the Daily Inter Lake and Helena Independent Record newspapers
- One statewide press release
- Public notice on the Fish, Wildlife & Parks web site: <http://fwp.mt.gov>.

Copies of this EA were distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project. FWP hosted a public meeting on November 4, 2009, at the Lone Pine Visitor Center.

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

**2. Duration of comment period, if any.**

The 30-day comment period began August 31, 2009, and was extended through November 10, 2009. Written comments were accepted until 5:00 p.m., November 10, 2009, and could be mailed to:

Montana Fish, Wildlife & Parks  
Attn: Foys Lake EA  
490 N. Meridian Road  
Kalispell, MT 59901

Or e-mailed to: agrout@mt.gov

**PART V. EA PREPARATION**

**1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?**

NO

**If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:**

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

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

Amy Grout  
Parks Management Specialist  
Montana Fish, Wildlife & Parks  
300 Lone Pine Road  
Kalispell, MT 59901  
(406) 755-2706, Ext. 3

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

Montana Fish, Wildlife & Parks

Parks Division

Wildlife Division

Fisheries Division

Design & Construction Bureau

Legal Bureau

Montana State Historic Preservation Office (SHPO)

Montana Department of Commerce – Tourism

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

**APPENDICES**

A. MCA 23-1-110 Qualification Checklist

B. Tourism Report – Department of Commerce

C. Clearance Letter – State Historic Preservation Office

## APPENDIX A

### 23-1-110 MCA PROJECT QUALIFICATION CHECKLIST

**Date:** July 30, 2009

**Person Reviewing:** Amy Grout

**Project Location:**

S25 & 26, T28 N, R22 W  
Northeastern shore of Foy's Lake

**Description of Proposed Work:**

Montana Fish, Wildlife and Parks (FWP) proposes developing the current parking area adjacent to the two parcels of FWP land on the northeastern shore of Foy's Lake (S25 & 26, T28 N, R22 W). The proposed action includes developing a single ingress and single egress point, defined parking area, a defined trail system, installing site identification and regulation signage and installing a vault latrine. FWP proposes to trade approximately 0.34 acre with a private in holding for the purpose of consolidating public ownership and ensuring continued public access to a highly visited lakeshore area.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under 23-1-110 rules. (Please check  all that apply and comment as necessary.)

- A. New roadway or trail built over undisturbed land?  
Comments:
- B. New building construction (buildings <100 sf and vault latrines exempt)?  
Comments:
- C. Any excavation of 20 c.y. or greater?  
Comments:
- D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?  
Comments:
- E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?  
Comments:
- F. Any new construction into lakes, reservoirs, or streams?  
Comments:
- G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?  
Comments:
- H. Any new above ground utility lines?  
Comments:
- I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?  
Comments:
- J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?  
Comments:

If any of the above are checked, 23-1-110 MCA 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 B

### 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: **Lone Pine State Park, Foy's Lake Parcel Site Development and Land Trade Project**

#### Project Description:

Montana Fish, Wildlife and Parks (FWP) proposes developing the current parking area adjacent to the two parcels of FWP land on the northeastern shore of Foy's Lake (S26, T28 N, R22 W). The proposed action includes developing a single ingress and single egress point, defined parking area, a defined trail system, installing site identification and regulation signage and installing a vault latrine. FWP proposes to trade approximately 0.34 acre with a private in holding for the purpose of consolidating public ownership and ensuring continued public access to a highly visited lakeshore area. The site has heavy visitation during the summer months and receives pressure from ice fishing in the winter.

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 has the potential to improve the quality and quantity of tourism and recreational opportunities.

Signature Carol Crockett, Visitor Services Manager Date 8/8/2009

**Appendix C**  
**SHPO Letter of Clearance**

**From:** Murdo, Damon  
**Sent:** Thursday, July 30, 2009 9:48 AM  
**To:** Grout, Amy  
**Subject:** RE: SHPO file search request

July 30, 2009

Amy Grout  
Park Mgmt. Specialist  
FWP  
Kalispell MT

RE: FOY'S LAKE FILE SEARCH, SITE HARDENING/DEVELOPMENT. SHPO  
Project #: 2009072905

Dear Amy:

I have conducted a cultural resource file search for the above-cited project located in Sections 25, 26, T28N R22W. According to our records there have been no previously recorded sites within the designated search locales. However, there has been one previously conducted cultural resource inventor done in the areas. If you would like any further information regarding the report you may contact me at the number listed below.

After reviewing the inventory report we feel that there is a low likelihood cultural properties will be impacted as a result of this project. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov). Thank you for consulting with us.

Sincerely,

Damon Murdo  
Cultural Records Manager  
State Historic Preservation Office

File: FWP/PARKS/2009