Region One
490 North Meridian Rd.
Kalispell, MT 59901
(406) 752-5501
FAX: 406-257-0349
Ref: JS035-11
January 27, 2011

Ladies and Gentlemen:

Montana Fish, Wildlife & Parks (FWP) has written a draft environmental assessment (EA) proposing to establish a no-wake speed boating rule on Fennon Slough of the Flathead River in response to a petition submitted to FWP by landowners along the slough. Fennon Slough is located on the Flathead River about four miles upstream of Flathead Lake in Flathead County, Montana (Township 27N, Range 20W, Sections 15 and 16). A copy of the draft EA is enclosed.

The public comment period for this draft EA runs through 5:00 p.m., March 4, 2011. A public meeting is scheduled at the FWP headquarters office, 490 N Meridian Road, in Kalispell, on Tuesday, February 22, at 6:00 p.m.

Written comments will be accepted through 5:00 p.m., March 4, 2011, and can be mailed to Jessica Fitzpatrick, Montana Fish, Wildlife & Parks, PO Box 200701, Helena, MT 59620, or e-mailed to jfitzpatrick@mt.gov.

Sincerely,

James R. Satterfield, Jr.

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

/ni
Enclosure
c: *Governor's Office, Attn: Mike Volesky, PO Box 200801, Helena, MT 59620-0801
*Environmental Quality Council, PO Box 20, Helena, 59620-1704
*Dept. of Environmental Quality, Planning, Prevention & Assist., PO Box 200901, Helena, 59620
*Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901
*Montana Fish, Wildlife & Parks - Director's Office: Reg Peterson; Fisheries: Bruce Rich; Rebecca Cooper; & Legal Unit: Jessica Fitzpatrick
*DNRC, PO Box 201601, Helena, 59620-1601 (Patty Greene)
*DNRC, Bob Sandman, Kalispell
*Montana Historical Society, SHPO, 225 North Roberts, Veteran's Memorial Bldg., Helena, 59620
*Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800
*Adam McLane, Montana Environmental Information Center, PO Box 1184, Helena, 59624
George Ochenski, 4 Harrison Road, Helena, 59601

*E-mailed

*Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923
*Montana State Parks Association, PO Box 699, Billings, 59103
*Joe Gutkoski, President, Montana River Action Network, 304 N 18th Ave., Bozeman, 59715
*Representatives Randy Brodehl, Steve Lavin, Jerry O'Neil, Derek Skees, Scott Reichner, Mark Blasdel, Keith Regier, and Bill Beck
*Senators Verdell Jackson, Ryan Zinke, Bruce Tutvedt & Jon Sonju
*Flathead County Commissioners, 800 S Main Street, Kalispell, MT 59901
Interested Parties

*E-mailed

Draft
Environmental Assessment

Fennon Slough No-Wake Landowner Petition

January 2011

Montana Fish, Wildlife & Parks

Draft Environmental Assessment
MEPA CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Proposed state action:
Fish, Wildlife & Parks (FWP) proposes to establish a no-wake speed boating rule on Fennon Slough of the Flathead River in response to a petition submitted to FWP by landowners along the slough.

2. Agency authority for the proposed action:
FWP has the authority to adopt and enforce boating rules through Administrative Rule 87-1-303, rules for use of lands and water. (2) The commission may adopt and enforce rules governing recreational uses of all public fishing reservoirs, public lakes, rivers, and streams that are legally accessible to the public or on reservoirs and lakes that it operates under agreement with or in conjunction with a federal or state agency or private owner. These rules must be adopted in the interest of public health, public safety, public welfare, and protection of property and public resources in regulating swimming, hunting, fishing, trapping, boating, including but not limited to boating speed regulations, the operation of motor-driven boats, the operation of personal watercraft, the resolution of conflicts between users of motorized and nonmotorized boats, waterskiing, surfboarding, picnicking, camping, sanitation, and use of firearms on the reservoirs, lakes, rivers and streams or at designated areas along the shore of the reservoirs, lakes, rivers and streams. Areas regulated pursuant to the authority contained in this section must be areas that are legally accessible to the public.

3. Name of project:
Fennon Slough No-Wake Landowner Petition.

4. Project sponsor (if other than the agency):
Owen David Sowerwine
Res. 650-853-1713 cell 650-380-5008
david@villagetechsolutions.org

5. Anticipated schedule:
Estimated completion date: The FWP Commission will make a decision in April 2011.

6. Location affected by proposed action:
Fennon Slough is located on the Flathead River about four miles upstream of Flathead Lake (Figure 1). It is in Flathead County, Montana, in Township 27N, Range 20W, Sections 15 and 16. It is the first of six sloughs upstream of the Highway 82 crossing of the Flathead River and the Sportsman Bridge Fishing Access Site.

Figure 1. General location of Fennon Slough.

7. Project size:

	Acres		Acres
(a) Developed:		(d) Floodplain	0
Residential	0		
Industrial	0	(e) Productive:	
(existing shop area)		Irrigated cropland	0
(b) Open Space/	0	Dry cropland	0
Woodlands/Recreation		Forestry	0
(c) Wetlands/Riparian	215	Rangeland	0
Areas		Other	0

8. Permits, Funding & Jurisdiction:

(a) Permits: None required

(b) Funding: None

(c) Other overlapping or additional jurisdictional responsibilities: None

9. Narrative summary of the proposed action:

Fennon Slough is an old river oxbow that is about two miles long and 600 to 800 feet wide. Fennon Slough is 215 acres in surface area with a depth of 20 to 40 feet. All of the slough shoreline is owned by six private landowners. A group of landowners along the slough petitioned Fish, Wildlife & Parks (FWP) to establish no-wake boating speed on Fennon Slough in addition to signing and a buoy maze at the confluence with the Flathead River. The proposed buoy maze would consist of an array of buoys positioned to slow boaters as they entered into the slough from the Flathead River. Landowners alleged that boat wakes are causing accelerated bank erosion, damaging the ecosystem and endangering swimmers. They stated that boat wakes are damaging private property and a dike that protects private property from flooding. Petitioners provided photographs of eroding banks along the shoreline of the slough (Appendix A.) The proposed no-wake rule would reduce bank erosion, protect riparian habitat and reduce boating and swimming conflicts. Landowners continue to construct and maintain at their expense bank revetments to curtail erosion. Since 1998, five of the six landowners along the slough have completed permitted bank stabilization projects aimed to reduce bank erosion.

There is no public access across land to Fennon Slough. All access and boating on the slough originates from public and private access sites along the Flathead River and Lake or landowner permission along the slough. The river reach adjacent to the slough includes the popular and public Sportsman's Bridge Fishing Access at the Highway 82 crossing about 1.5 miles downstream of Fennon Slough and the Flathead County boat access near the River Ranchettes subdivision, about 2.5 miles upstream. There are also numerous private boat access points and a few other less used public access sites along this reach. A large private marina was opened on the river about three miles downstream of the slough in 1993. Also boaters can motor upstream into this reach from Flathead Lake.

During summer months when the Flathead Lake water surface raises the river surface elevation, the river and sloughs become popular with motor boaters. Over time as the human population in the Flathead Valley grew, the popularity of boating grew on the Flathead River immediately upstream from Flathead Lake. Historically, a flow restriction at the outlet of Flathead Lake caused lake levels to rise to full pool level during spring runoff but then drop to low pool within 6 to 8 weeks as flows subsided (Figure 2). With the completion of Kerr Dam in 1938, the surface level of Flathead Lake was held at the full pool elevation all summer and into fall. Flathead Lake fills to within three feet of full pool by Memorial Day and to full pool by June 15, where it is held through Labor Day. The Flathead River runs into the lake at the northern end and the increased elevation of the lake surface backs up water in the Flathead River approximately 22 miles to just above the confluence with the Stillwater River. The deeper depths and reduced current improved motor boating opportunities in these river miles.

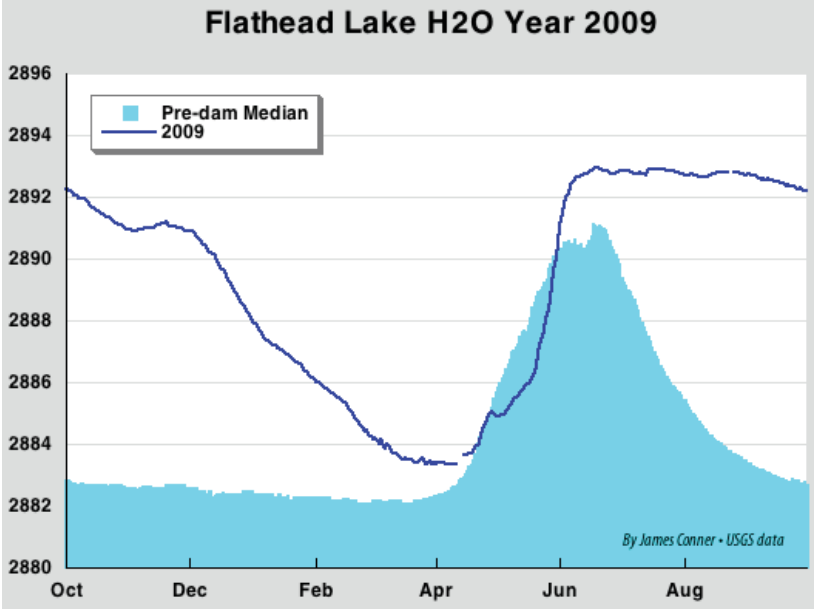


Figure 2. Surface elevations on Flathead Lake in 2009 and median values prior to construction of Kerr Dam (Chart provided by Flathead Lakers).

Fish, Wildlife & Parks conducted surveys on this reach of the Flathead River in 1992, 2002, and 2008 to estimate the number of boating trips on the river and sloughs. The highest boating levels were observed in the four summer months, June through September. The three estimates showed a rapidly increasing trend in boater use of the Flathead River and sloughs during the summer months. Estimated summer boat numbers in the river and sloughs almost doubled between 2002 and 2008 and more than quadrupled since 1992 (Figure 3). Over the 16 year period, there has been an increase in boating hours in all four months, with July and August showing the largest increases. Boating use in the sloughs alone more than doubled between the 2002 and 2008 surveys (Figure 4). Boater numbers on the sloughs were highest on weekends and in July and August.

Landowners along the slough state that boat wakes impact stream banks by increasing the rate of bank erosion. There are potentially other factors affecting the rate of bank erosion on rivers including dam operations, land management activities, wind waves, and river current. To date there has not been a study to assess the relative contribution of each of these processes to the rate of erosion. On Fennon Slough, river current and wind waves have relatively little influence on erosion rates since there is almost no river current in the slough and the narrow widths of the slough reduce the potential for large wind waves to form. Likewise, much of the slough banks are vegetated, although the vegetated widths are narrow in some reaches. Bank soils consist of fine material, primarily silt (diameter 0.05 to 0.002 mm) with some sand and clay particles. Fine sediments were deposited in the Flathead Valley thousands of years ago during glacial periods. No gravel or cobble is present. Boat wakes and wind waves break on these fine soils and cause bank erosion, creating vertical banks. This can undercut even healthy riparian habitat.

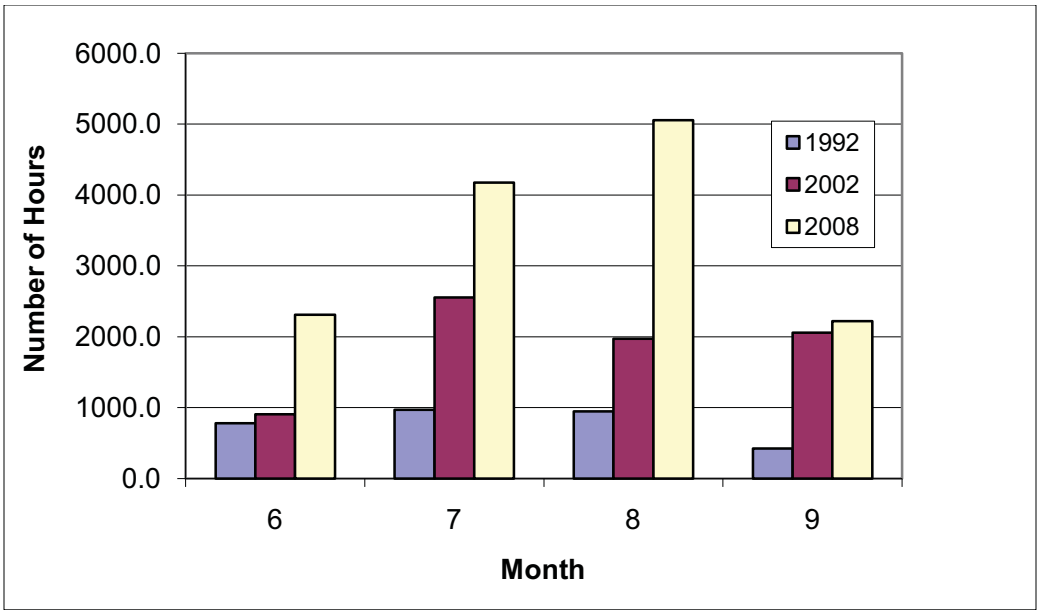


Figure 3. The estimated total number of boating hours per month on the lower Flathead River and associated sloughs, in 1992, 2002 and 2008.

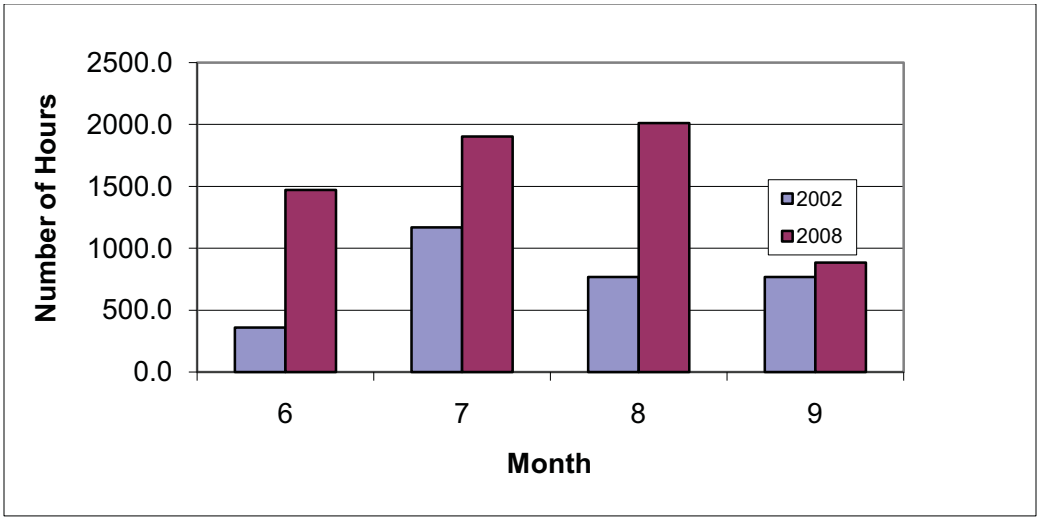


Figure 4. The estimated total number of boating hours per month on the sloughs adjacent to the Flathead River in 2002 and 2008.

For decades on water bodies around the world, there have been studies of erosion rates associated with boat wakes. Studies have shown that the energy of a wave or wake increases with wave size. That is, the larger the wave the greater the potential to erode banks. Boat wakes erode banks and banks consisting of fine materials are more susceptible to erosion. In recent years with the invention of wake boarding, a type of waterskiing, boats are intentionally designed and constructed to produce very large wake waves. Boat designs incorporate ballast to displace more water creating a larger wave. Landowners on Fennon Slough contend that these boats have become more popular in recent years and have contributed to increased bank erosion rates.

The no-wake rule would reduce the size of boat wakes and thus reduce their erosive potential. Smaller boat wakes would reduce the potential for bank erosion. This would be a benefit and meet the purpose of the no-wake rule petition.

The physical characteristics of Fennon Slough provide attractive conditions for boaters. The small size, shallow depth and wind protection create a relatively calm surface and warm water, making the slough popular with boaters, both anglers and water skiers. The water temperature in the slough approaches 70 degrees in mid-July and remains warm into mid-September. Larger lakes in the area are generally rougher and colder than the slough. Including Fennon Slough, there are 32 lakes larger than 100 acres within a 45 mile radius of Kalispell, MT (Figure 5). These lakes range in surface acres from just over 100 acres to Flathead Lake at 122,885 acres. These lakes provide opportunity for boating, although each water body will provide specific boating conditions depending on size, depth, and popularity with users.

The FWP 2008 estimate for summer boating use of the Flathead River sloughs was 1568 boating days. This use was spread across six sloughs connected to the Flathead River. Fennon Slough comprises 37% of the total surface acres provided to boaters of these sloughs. If use is proportional to surface area, Fennon Slough would contribute 580 days of boating. A no-wake rule may reduce boating use by some undetermined percentage on Fennon Slough for those who wish to water ski or boat at faster speeds. These boaters may move to other water bodies. Boaters will continue to use the slough for slow speed boating use and fishing. According to FWP creel surveys, Fennon Slough provides on average 650 days of angling per year. Although anglers may currently use wake speeds to move around the slough, the majority of their use is no-wake speed and may be disturbed by boat wakes. The no-wake rule may attract additional nonmotorized boaters who are looking for calm conditions.

10. Alternatives:

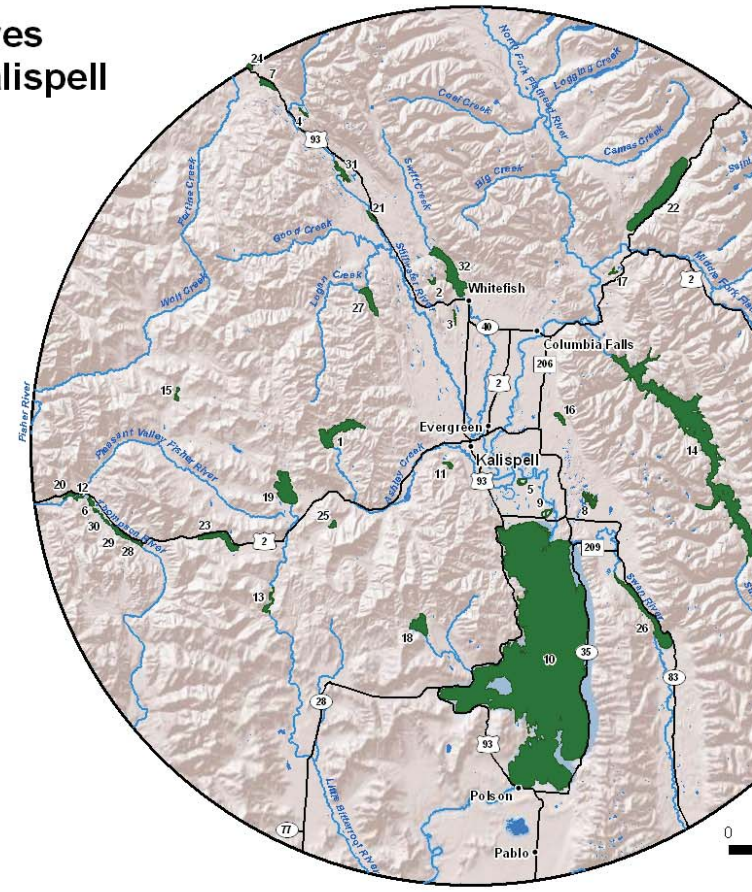
Alternative A: No Action
The FWP Commission does not adopt the no-wake boat speed rule for Fennon Slough.

Alternative B: Proposed Action
The FWP Commission adopts the no-wake boat speed rule for Fennon Slough.

Lakes larger than 100 acres within a 45 mile radius of Kalispell

(Displayed in Green)

Label	Lake	Acres
1	Ashley Lake	2,850
2	Beaver Lake	144
3	Blanchard Lake	143
4	Bull Lake	107
5	Church Slough	195
6	Crystal Lake	200
7	Dickey Lake	585
8	Echo Lake	695
9	Fennon Slough	215
10	Flathead Lake	122,885
11	Foy Lake	241
12	Horseshoe Lake	138
13	Hubbart Reservoir	480
14	Hungry Horse Reservoir	23,577
15	Island Lake	211
16	Lake Blaine	382
17	Lake Five	152
18	Lake Mary Ronan	1,513
19	Little Bitterroot Lake	2,970
20	Loon Lake	222
21	Lower Stillwater Lake	250
22	Lake McDonald	6,867
23	McGregor Lake	1,522
24	Murphy Lake	141
25	Rogers Lake	239
26	Swan Lake	3,269
27	Tally Lake	1,211
28	Thompson Lake, Lower	202
29	Thompson Lake, Middle	557
30	Thompson Lake, Upper	294
31	Upper Stillwater Lake	592
32	Whitefish Lake	3,315



Montana Fish, Wildlife & Parks

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Figure 5. Lakes larger than 100 acres within a 45 mile radius of Kalispell, MT. The 45 mile radius depict within an hour drive of Kalispell.

PART II. PREDICTED ENVIRONMENTAL OUTCOMES

If the No Action alternative were chosen, all motorized watercraft would be able to continue high speed use on Fennon Slough. The shoreline of the slough would likely continue to erode at an accelerated rate due to the wave action caused by high-speed watercraft. Landowners would continue to protect riparian habitat and reduce erosion to shorelines through their own actions and assuming the costs of those projects.

Considering the current and historic user trend statistics, FWP would likely receive on-going complaints from landowners regarding swimmer/ high-speed watercraft conflicts and public safety risks within the slough. Additionally, wave action associated with existing or higher user rates may compromise the dike protecting private property along the slough, which could increase the risk of flooding low-lying areas. In the future, FWP may need to consider management actions if negative impacts to resources or public safety issues continue or increase.

Evaluation of the impacts of the Proposed Action, including secondary and cumulative impacts on the physical and human environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT					
	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				
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			1. d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

1. d. Adopting a no-wake boat speed on Fennon Slough will reduce the size and energy of boat wakes, which will reduce the rate of bank erosion. The soil type around the slough is primarily a silt loam or silt clay, which is a soil comprised primarily of silt (diameter of 0.05 to 0.002 mm) with some sand and clay particles. These are small particles that may be suspended or displaced by wave action. Reduced wave size would reduce erosion of the banks and be a beneficial impact to the shoreline and existing vegetation.

2. AIR 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				
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				

Overall ambient air quality of the slough is not expected to change if the no-wake zone was established. This would be a beneficial impact.

3. WATER 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			3. a.
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water-related hazards such as flooding?			X			3. e.
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				

3. a. and e. No-wake boating speeds would reduce bank erosion and associated turbidity. Landowners contend that the accelerated erosion is threatening a dike that protects landowners from flooding. This would be a beneficial impact.

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

4. a. Adopting a no-wake boat speed on Fennon Slough will reduce the size and energy of boat wakes, which will reduce the rate of bank erosion, including erosion of riparian habitats. This would be a beneficial impact.

4. f. Adopting a no-wake boat speed on Fennon Slough will reduce the size and energy of boat wakes, which will reduce the rate of bank erosion, including erosion of wetland habitats. This would be a beneficial impact.

5. FISH/WILDLIFE 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				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?		X				5. g.
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				5. h.
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				

5. g. Reduced boat speeds during summer months may improve conditions for waterfowl by reducing wave action. Early season congregations will not be impacted by the proposed change.

5. h. Bull trout are listed as a Threatened Species under the Endangered Species Act and periodically occupy Fennon Slough. The proposed boating use rules would not impact bull trout.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS 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			6. a.
b. Exposure of people to severe or nuisance noise levels?			X			6. b.
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				

6. a. and b. No-wake boating speed would reduce the noise associated with boats operated at high speeds. This would be a beneficial impact.

7. LAND USE 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			7. a.
b. Conflict with a designated natural area or area of unusual scientific or educational importance?			X			7. b.
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			7. d.
e. Other:		X				

7. a. There may be an impact to the real estate market for lands surrounding the slough. The proposed boating use restrictions may make lands less attractive to people wanting to boat at high speeds. Conversely, the proposed boating restrictions may make the lands more attractive to people wanting a quieter setting with less disturbance or those favoring a watchable wildlife opportunity. It is not determined if there would be a net adverse or beneficial impact, since both environments are attractive to landowners.

7. b. A private landowner has placed a conservation easement on the property along the northern portion of the slough to conserve fish and wildlife values and riparian habitat. Adoption of the proposed boating rules would have a beneficial impact, increasing protection of these lands and values by reducing shoreline erosion and maintaining riparian habitat.

7. d. There may be an impact to existing residents surrounding the slough. The proposed boating use restrictions may adversely affect residents wanting to boat at high speeds. These people would have to boat out of the slough and into the river where no boating restrictions are in place prior to running a boat at high speeds. Conversely, the proposed boating restrictions may beneficially affect residents wanting a quieter setting with fewer disturbances, favoring a watchable wildlife opportunity, owning banks that are suffering from increased erosion. It has not been determined if there would be a net adverse or beneficial impact to residents; however, a majority of landowners supported the petition prior to the EA process.

8. RISK/HEALTH HAZARDS 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				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)		X				
e. Other:		X				8. e.

8. e. In establishing Fennon Slough as a no-wake zone, existing public safety concerns about hazard to swimmers in an area used by high-speed watercraft would decrease or possibly, be totally eliminated. Furthermore, landowner concerns about the detrimental effects high-speed wave action is having on their dike would decrease.

9. COMMUNITY IMPACT 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				
f. Other:		X				

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. 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				10. a.
b. An effect upon the local or state tax base and revenues?		X				
c. 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. An increased use of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.		X				

10. a. Montana Fish, Wildlife & Parks is responsible for enforcement of a no-wake boat speed rule. A new rule may require alteration of daily work plans by enforcement personnel; however enforcement personnel currently patrol these waters.

11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X			11. c.
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				

11. c. Recreation opportunities on Fennon Slough will be modified removing the opportunity for high speed motor boating allowing only slow speed motor boating and nonmotorized use. If a no-wake boat speed was adopted, all boaters and boat types will still be able to use the slough. Opportunity for high speed boating would decrease, while slow speed motor boating and nonmotorized boating may increase. The quality of nonmotorized use may increase. High speed boating opportunity exists on other nearby water bodies. High speed boating may be displaced to other locations. It is not determined if there will be a net change in quality or quantity of recreation opportunities, since both types of boating are popular.

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
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				
e. Other:		X				

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE 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				13. a
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. For P-R/D-J, list any federal or state permits required.		X				

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

Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency: N/A

PART III. NARRATIVE EVALUATION AND COMMENT

Adoption of a no-wake boat speed on Fennon Slough will have no significant negative impacts on the physical or human environment. There were a number of minor impacts, adverse and beneficial, identified in this assessment.

Montana Fish, Wildlife & Parks would be responsible for enforcement of a no-wake boat speed rule. A new rule may require alteration of daily work plans by enforcement personnel; however enforcement personnel currently patrol these waters

Landowners alleged that boat wakes are causing accelerated bank erosion, damaging the ecosystem and endangering swimmers. They stated that boat wakes are damaging private property and a dike that protects private property from flooding. The proposed no-wake rule would reduce bank erosion, protect riparian habitat and reduce boating and swimming conflicts.

Fish, Wildlife & Parks conducted surveys on this reach of the Flathead River in 1992, 2002, and 2008 to estimate the number of boating trips on the river and sloughs. Estimated summer boat numbers in the river and sloughs almost doubled between 2002 and 2008 and more than quadrupled since 1992.

The proposed no-wake speed rule may affect land and recreational use of the slough by restricting high speed boating and water skiing. This adverse impact may be offset by potential beneficial impacts to land and water users favoring fewer disturbances. If a no-wake boat speed was adopted, all boaters and boat types will still be able to use the slough. Opportunity for high speed boating would decrease, while slow speed motor boating and nonmotorized boating may increase. The quality of nonmotorized use may increase. High speed boating opportunity exists on other nearby water bodies. High speed boating may be displaced to other locations. It is not determined if there will be a net change in quality or quantity of recreation opportunities nor a net adverse or beneficial impact, since both environments are attractive to users and landowners.

A private landowner has placed a conservation easement on property along the northern portion of the slough to conserve fish and wildlife values and riparian habitat. Adoption of the proposed boating rules would have a beneficial impact, increasing protection of these lands and values by reducing shoreline erosion and maintaining riparian habitat.

On Fennon Slough, river current and wind waves are of relatively little influence on erosion rates since there is almost no current in the slough and the narrow widths of the slough reduce the potential for large wind waves to form. Bank soils consist of fine material, silt, sand and clay particles. Boat wakes erode banks and banks consisting of fine materials are more susceptible to erosion. In recent years with the invention of wake boarding, a type of waterskiing, boats are intentionally designed and constructed to produce very large wake waves. Boat designs incorporate ballast to displace more water creating a larger wave. Landowners on Fennon Slough contend that these boats

have become more popular in recent years and have contributed to increased bank erosion rates.

The no-wake rule would reduce the size of boat wakes and thus reduce their erosive potential. This would be a benefit and meet the purpose of the no-wake rule petition.

PART IV. PUBLIC PARTICIPATION

1. Public Involvement:

The landowner petition was reviewed by a Region 1 FWP Citizen Advisory Committee (CAC) in December 2010. The CAC sent recommendations to adopt the petition for public comment to the FWP Commission but did not recommend adopting the buoy maze. In January 2011, the FWP Commission tentatively adopted the no-wake petition and directed FWP to complete an environmental assessment and begin public outreach.

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

- Two public notices in each of these papers: Daily Interlake, Hungry Horse News, Bigfork Eagle.
- One statewide press release.
- Public notice on the Fish, Wildlife & Parks web site: *http://fwp.mt.gov*.
- Public meeting is scheduled at the FWP headquarters office, 490 N Meridian Road, in Kalispell, Montana, on Tuesday, February 22, at 6:00 p.m.
- FWP Commission will review public comment and make a final decision on the petition at the regular Commission meeting in April, 2011.

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

This level of public notice and participation is appropriate for a project of this scope having limited impacts.

2. Duration of comment period:

Written comments will be accepted through 5:00 p.m., March 4, 2011, and can be mailed to the address below:

Jessica Fitzpatrick
Montana Fish, Wildlife & Parks
1420 East 6th Avenue
PO Box 200701
Helena, MT 59620
Fax Number (406) 444-7456
jfitzpatrick@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:

Through the preparation of this EA, FWP found no significant impacts to the human or physical environment from the proposed action.

2. Persons responsible for preparing the EA:

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

Montana Fish, Wildlife & Parks
- Parks Division
- Wildlife Division
- Enforcement Division
- Legal Bureau

Flathead County Conservation District

APPENDICES

A. Photographs of eroding banks along the shoreline of Fennon Slough and captions provided by the petitioners.

APPENDIX A
Photographs of eroding banks along the shoreline of Fennon Slough and captions provided by the petitioners.

Muddy water after several skiing passes

Flathead River Bank collapse