



**Decision Notice & Finding of No Significant Impact on
Upper Prickly Pear FAS Site Development:**

December 15, 2014

Description of Proposed Action:

FWP proposes to develop the Upper Prickly Pear FAS, including an access road, parking area, bridge over the unnamed spring creek, concrete vault latrine, boundary and riparian fencing, and regulatory signs. In addition, FWP proposes to improve the aquatic and spawning habitat of the unnamed spring creek tributary to Prickly Pear Creek by increasing stream length, replacing the culvert with a bridge, and limiting livestock grazing.

Public Comment:

FWP accepted public comment for a 30 day period in September 2014. The EA was advertised through the FWP website. Copies were available at the main FWP office in Helena and R4 office in Great Falls. Six people commented on the EA during the open comment period. Three people were in favor of the proposed development, 2 had comments/concerns and 1 against the development.

Responses to Comments:

Comment: New site should be catch and release only. Concerned that site will be "fished out".

Response: The development of Upper Prickly Pear FAS will give anglers more opportunities to fish. This access is not expected to adversely impact the overall fish population. FWP regularly monitors fish populations in this area of Prickly Pear Creek and regulation changes will be considered if it is determined that angler harvest is a limiting factor to trout populations in this section.

Comment: Concern that fisherman will walk in stream & disrupt stone habitat needed for spawning.

Response: The development of these FAS is expected to increase the incidence of wade fishing; this increased use is not expected to limit availability and use of appropriate gravels by spawning fish. Prickly Pear Creek is open to fishing during the general fishing season, which runs from the third Saturday in May to November 30. This seasonal closure protects spawning rainbow trout in the spring and pre-emergent brown trout fry in the fall. Foot access to the stream on the property is good and a trail at the high water mark is not necessary.

Comment: Concerns for a variety of issues regarding the development of site for public access. Weeds, traffic & noise on York Road, dust, hunting, floodplain, parking lot noise, groundwater, surface water, funding, permits and size of the site.

Response: FWP has been granted a floodplain permit from the Lewis & Clark County for this site. FWP has also been granted a SPA permit for stabilization at Olsen Road to prevent washout of the Olsen Road (County maintained road). This improvement will have a positive impact for the residents on Olsen Road and any visitors at the FAS site. There is grassy acreage that will substantially improve riparian vegetation via limited livestock grazing and restoration of wooded riparian vegetation. By limiting livestock grazing, this will promote vegetation growth which will in turn improve the surface and groundwater quality. This site has seen negative impacts due to past mining and industrial uses. It is a priority of FWP to improve water quality for this stream. FWP will not be building any large structures on the site. The vault latrine is on hold until we feel the structure is feasible. The development of this site is to give the public a place to take part in a variety of outdoor recreation opportunities. Our development will be to continue to clean up the garbage/debris that has been on site for some time. FWP also plans on making a great deal of improvements that will have a positive impact on wildlife/fish/riparian habitat, as well as a well upkeep on the site for all types of outdoor recreational opportunities.

Some other concerns that involve York Road is beyond the scope of this project. York Road is fully functioning, county owned road that is vital for access to many residents/business' in the area. FWP had the MDOT District Traffic Engineer review the EA and he responded that it "does not have any traffic related concerns relative to the proposed action that would require mitigation or further engineering study." on the project and how it will affect traffic on York and Olsen Roads. The site will have a small gravel parking area for visitors to park. It will be designed for placement of 6-8 parking curbs. FWP will be open to work with neighbors to put up fencing to block any direct view for the few houses that are less than 600 feet to the parking area. This site will be a day use only site and not allow any overnight camping, use of ATV's or dirt bikes. Our Game Wardens will be available to monitor the area and respond to any disturbance calls. FWP can also install and monitor a traffic counter to have estimated numbers of visitors using the site to help provide feedback in the management of the site. We have reviewed the concerns about York Road and will monitor the area. The issues with York Road are beyond the scope of this project. FWP will take note of these concerns.

Funding is something of concern for all state agencies. FWP has received many offers of support to volunteer on our clean -up efforts and maintenance services. The Fishing Access Site Program Manager has a few names/groups that have already stepped up to volunteer their time at this site. We will utilize these services to help manage the costs associated with clean up. The majority of clean up has already been done by the Prickly Pear Land Trust.

FAS sites are sprayed for weeds using state certified applicators and using chemicals approved by the EPA. During the 2014 growing season, region 4 FAS sites are being sprayed by local County staff applicators. As a state agency we must maintain a weed management program on all state lands. The development will take place on less than 25 % of the 36 acres. The size of this piece is significantly larger than some of our FAS sites in region 4. This site is located in HD388, which means it is a weapons restriction area (archery, shotgun, handgun, muzzleloader, or crossbow only). If tighter restrictions are necessary, FWP will meet and discuss options and make any appropriate changes if they are necessary.

Decision

Based on the Environmental Assessment and FWP evaluation, it is my decision to move forward with the site development plans. I find there to be no significant impacts on human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that the Environmental Impact Statement is not required.



Gary Bertellotti,
FWP Region 4 Supervisor