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## DECISION NOTICE

### Flathead Lake State Park - Wild Horse Island Unit Public Dock Installation

September 19, 2016

#### DESCRIPTION OF PROPOSED PROJECT

Montana State Parks (MSP) proposes the placement of a floating, 8'x60' dock at Wild Horse Island in Skeeko Bay. This dock would provide public access for loading and unloading passengers, and would also provide administrative access for work crews engaged in natural resource management and general park maintenance. During shoulder seasons the dock would be available for visitor boat mooring. If shoreline degradation from the beaching of boats becomes too severe in the future, a public dock could be configured to provide better boat mooring opportunities as well. There are no public docks located on the island currently, and park visitors typically disembark by climbing over the bow of their boats and leaping to shore.

#### ALTERNATIVES CONSIDERED

**Alternative A: No Action** – MSP does not make any improvements.

Under this alternative, MSP would not place a public dock on Wild Horse Island. Visitors would continue to disembark from their watercraft by beaching or mooring in the bay. There would be no alteration to the aesthetics of Skeeko Bay.

**Alternative B: Preferred Alternative** – MSP proceeds with installation of a public boat dock at Skeeko Bay. Under the preferred alternative, a dock would be placed at one of two locations in Skeeko Bay. Skeeko Bay is the most heavily utilized public landing on the park.

#### ALTERNATIVES CONSIDERED AND DISMISSED – ALTERNATE LANDING SITES

Wild Horse Island has six developed public boat landing sites: Skeeko Bay, Eagle Cove, Osprey Cove, East Shore, Driftwood Point, and Rocky Bar. Each landing site was examined for boat dock feasibility.

##### **Driftwood Point, Osprey Cove, East Shore**

These three sites were eliminated from consideration for the location of a public dock due to remoteness and lack of direct connection to the park's developed trail system, restroom facilities, and

historic structures. Driftwood Point does not have optimal water depth for a boat dock, and it is situated near several private lots. Osprey Cove and East Shore landings both take frequent, heavy wind and wave action from the east and offer very little protection for a floating dock.

### **Rocky Bar**

Rocky Bar was eliminated from consideration due to the unprotected nature of this landing site from prevailing southwest winds. In addition heavy boat traffic between Cromwell Island and Wild Horse Island cause routine, significant wave action. This site is divided from the public restroom and developed trail system by a steep and rocky ridge approximately 375 vertical feet above the shoreline, making access very strenuous.

### **Eagle Cove**

Eagle Cove was eliminated due to its lack of protection from heavy wind and wave action from the north. This landing does have a trailhead that connects to the park's primary trail system, but it is located approximately 1.25 miles from the only public restroom on the island. This site is the second most visited landing on Wild Horse Island, but still accounts for only a small percentage of overall visitation to the park.

## **PUBLIC PROCESS AND COMMENT**

A draft environmental assessment for this proposal was presented to the public for review via a 30-day review process that ran April 30, 2016, to May 30, 2016. The proposal was advertised through news releases in Missoula, Polson, Kalispell, and Helena daily newspapers, as well as on the Montana State Parks web page ([stateparks.mt.gov](http://stateparks.mt.gov)). A total of 101 written responses were received during this period.

### **Comments Supportive of the Preferred Alternative**

A total of 16 comments were received that supported the public dock proposal. Comments are paraphrased below.

#### **Improved Access (10 comments):**

- Gaining easier access was the most common reason in support of installing a boat dock
- A public dock would provide visitors a simpler way to load and unload from their boats to the island
- A public dock would provide for visitor convenience
- A public dock would provide improved access and would allow for the disabled, elderly, and young children to access and enjoy the site more easily

#### **Safety (3 comments):**

- A public dock would provide for improved safety
- Concerned for trying to get to shore from a boat without a dock

#### **Facility Development (2 comments):**

- Wild Horse Island is not wilderness – develop facilities to increase visitor safety and access to visitors

### **Comments Supportive of the Preferred Alternatives, but with Concern:**

A total of three comments were received that supported the public boat dock, but also expressed concern.

**Shoreline Damage (2 comments):**

- Concern that a public dock would not do enough to mitigate damage caused by repeated beaching and tying off of boats to vegetation

**Safety (1 comment):**

- Noted that the public dock would be for loading and unloading, but not mooring, which would require the driver to drop their group off and then tie the boat elsewhere

**Dock Congestion (1 comment):**

- Concern about the dock being for loading and unloading only, and how this would affect mooring at the dock
- Boaters would tie their boat directly to the dock rather than moving somewhere else; this would prevent access to other visitors that try to load or unload

**Weather (1 comment):**

- Warned how changing seasons could affect a floating dock, including forces like ice, wind, logs, and waves

**Comments Opposed to the Preferred Alternative**

A total of 81 comments were received that opposed installing a public boat dock on Wild Horse Island. Comments are paraphrased below.

**Increased Visitation and Associated Human Impacts (51 comments):**

- Overuse of site
- Degradation of resources such as trails, shoreline, vegetation
- Increase in general human impacts to resource, such as trash, littering, human waste, poaching, antler shed hunting, overnight camping, wildfires, noxious weeds
- Overburdened by the number of visitors
- Social trails due to localized use
- Trespassers

**MSP Response:**

Several comments speculate that a public dock on the island would increase visitation to the park, and that increased visitation would have negative impacts. Between 2011 and 2015, visitation to the six units on Flathead Lake State Park collectively increased by 23% to 281,000 estimated visits, while visitation to the Wild Horse Island unit has stabilized with an average of 17,200 estimated visits during the same time frame. Given the distance from the mainland, the key factor determining visitation to the island appears to be more a function of ownership or access to a boat or commercial transport.

MSP generally promotes the use of state parks, and increased visitation is not necessarily negative. It is clear, however, that many of the people who commented would like MSP to analyze this issue further.

**A Public Dock Would Violate the Primitive Park Legislative Intent (43 comments):**

- Keeping character and quality: wild, primitive, limited development
- Goes against original intent of Primitive Park Act
- Quality of experience threatened
- Harassing wildlife

- Diminished habitat
- Increased human-wildlife conflicts
- Fragile and sensitive ecosystem

**MSP Response:**

The installation of a dock would not violate the limits on development within a primitive park as outlined in 23-1-117 MCA. The presumption is that a public dock would greatly increase visitation, thus reducing the opportunity for a quality experience and increasing impacts to wildlife and habitat. MSP believes that the quality of a visit to the park would be enhanced by the addition of a public dock. A public dock is a basic amenity that is offered at all units of Flathead Lake State Park. MSP adheres to 23-1-126 MCA known as the *Good Neighbor Policy for Public Recreation Lands*, which directs land managers to seek a goal of no impacts to adjoining private property owners from noxious weeds, litter, noise, and trespassers. One of the intended outcomes of a public dock would be to eliminate the motivation for trespass on private docks. MSP disagrees that a public dock would diminish wildlife habitat or increase human-wildlife conflicts.

**There is no safety problem, and visitors should be responsible for their own safety (28 comments):**

- Visitors should take responsibility for their own actions
- There is no safety problem currently

**MSP Response:**

Park Managers are tasked with integrating public safety and risk management into all aspects of park operations. This includes proactive and preventative measures to reduce occupational or recreationally related injuries to staff and visitors. There is strong potential for injury when visitors must leap from a boat onto uneven and wet surfaces in order to visit this park, and MSP believes it is appropriate and prudent to offer an alternative. This is also the case with MSP staff, who routinely patrol the island and conduct management activities. It is our belief that loading and off-loading staff, tools, and materials without a dock unnecessarily puts park staff at risk of injury.

**A Public Dock Would Increase the Need for Management Presence (24 comments):**

- Currently limited presence by FWP
- High amount of resource needed, but not available
- Need a person to police the dock
- Conflicts between sailboats and motorboats will occur
- Too many people trying to use the dock at one time would create conflict
- Needs to enhance law enforcement

**MSP Response:**

MSP believes that Wild Horse Island requires a higher level of staff presence regardless of a public dock. Through the *Montana State Parks and Recreation Strategic Plan 2015-2020*, the State Parks and Recreation Board has directed staff to classify Montana's state parks and redirect resources to the most significant, relevant, and accessible state park units. Flathead Lake State Park has been designated a Class 1A park, placing it among the most significant of Montana's state parks. This will likely translate to more staffing presence at all units of the park in the near future.

**Use of Public Funds (21 comments):**

- Use money to develop public amenities elsewhere in the park
- Hire additional staff to maintain park or patrol park

- Direct funds to other sites on Flathead Lake
- Invest in boats designed for beaching
- Funding already a challenge
- Monitor trails and garbage
- Enhance management and maintenance
- Develop a land use, visitor, or maintenance plan to protect the island

**MSP Response:**

MSP agrees that there are other high priority financial needs throughout Flathead Lake State Park. A facility condition inventory of the park was completed in 2015 by Great West Engineering, identifying over \$2.6 million in maintenance backlog needs. The report identified \$23 million in deferred maintenance for Montana’s 55 state parks as a whole. Regardless, MSP must still prioritize and direct investments into projects that provide for the safety of park visitors and staff and enhance visitor services.

**Commercialization (19 comments):**

- Benefit for commercial charter companies over individuals
- Exploitation; dock reduces liability of commercial entities
- Burden on homeowners; tourists get lost and go to cabins for directions

**MSP Response:**

MSP does not have control over the number of shuttle services that provide transport to the island, as they are exempt from the commercial permitting process by law. The FWP Commission adopted commercial use rules in 2006 (ARM 12.14.101 to 170) and concluded that “commercial use rules do not apply to the transferring of vehicles or people to or from a department site.” The number of commercial shuttle services providing access to Wild Horse Island has expanded significantly in recent years regardless of the presence or absence of a public dock.

Although the *Flathead Lake Islands Management Plan of 2009* provides for limited permitting of compatible (beyond shuttle services) commercial uses on the park, there are currently no active commercial permits issued on the island.

**Weather (2 comments):**

- Dock provides limited ability for boats to maneuver in a storm, causing damage to boat and dock
- Dock needs some sort of breakwater

**MSP Response:**

Skeeko Bay was specifically selected as the preferred site for a public dock, in part, due to the shelter provided by the bay. This site would be far more protected from weather than all of the mainland park unit docks.

**A. Comments that Offered Alternatives**

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Comments were received that offered alternatives to installing a public boat dock.

**Dock Alternative: (17 comments):**

- Move dock elsewhere: Melita Bay or Eagle Cove
- Smaller dock: 20 or 40 feet
- Staff ask permission of cabin owners for use of their docks

- Nonmotorized boats only: restrict access to crafts such as kayaks and canoes
- No-wake zone
- Official use dock only
- Use mooring posts rather than vegetation or logs
- Harden bank at Skeeko Bay

**MSP Response:**

A number of comments were submitted that offered alternatives to the placement of an 8'X60' public dock in Skeeko Bay. Some of these suggestions were previously analyzed in the environmental assessment. Eagle Cove, for example, was determined to provide insufficient protection from heavy wind and wave action. Some suggestions were outside the scope of this review or the authority of MSP. Creating a no-wake zone or limiting access to nonmotorized watercraft are examples. Some of the suggestions merit further analysis, however, and may provide options for addressing the initial goals of providing safe access to the island in the future.

**DECISION**

Based on public sentiment that a public dock would be detrimental on Wild Horse Island, MSP will postpone this action until further analysis can be conducted. Over the next four years, MSP will collect data regarding visitor impacts to the park, human-wildlife conflicts, trespass violations, and safety concerns. MSP will also analyze the recently completed *Peer State Analysis Report* that explores how neighboring state park systems address similar water-based state park units. Information gathered during this time frame, along with input from visitors and stakeholders, will determine if a subsequent proposal will be offered for public review.

This action is subject to appeal, which must be submitted to the FWP State Parks Division Administrator in writing and postmarked within 30 days of this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the department or participated in the decision-making process, and how MSP might address the concerns of the appeal.

  
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David Landstrom  
Region One State Parks Manager

9/19/2016  
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Date