

**Draft Environmental Assessment**  
(Friday, October 4, 2002)

A Proposal by  
**Montana Fish, Wildlife and Parks**

**STUART MILL BAY ACQUISITION**

**Prepared by**  
Montana Fish Wildlife and Parks

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*Deer Lodge  
MUSE*

# Stuart Mill Bay Acquisition

## I. Introduction

The purpose of this document is to meet the requirements of the Montana Environmental Policy Act by preparing an Environmental Assessment on the proposed acceptance of fee title and management responsibilities to the Stuart Mill Bay property by Montana Fish, Wildlife and Parks. The Conservation Fund would purchase the property from the existing landowner, Mountain Lion LLC, if Natural Resource Damage Program funds were approved for State acquisition. After The Conservation Fund purchases the property, it would sell it to the State of Montana through the Natural Resource Damage Program. Fee title to the property would then be given to Montana Fish, Wildlife and Parks, and the property would be managed for fish and wildlife habitat and public recreation. The SMB property comprises approximately 328 acres adjacent to Georgetown Lake in Deer Lodge County, MT.

## II. Authority and Direction

Under the proposed action, Montana Fish, Wildlife and Parks (FWP) would accept fee title ownership and management responsibilities of the 328-acre Stuart Mill Bay (SMB) property for the purpose of protecting fish and wildlife habitat, and assuring public access. This action would further FWP's responsibility under 87-1-201, MCA to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. The legal authority for FWP to acquire an interest in land is provided by 87-1-209 and 87-1-301, MCA. These statutes require the FWP Commission to approve the acquisition of all interests in land by FWP, and in this case, due to the size and value of the property, the State Board of Land Commissioners must give final approval.

## III. Location of Project

Legal Description: T5N, R13W, Section 19 in Deer Lodge County, Montana. All of the land above the high water mark of Georgetown Lake in Section 19, less cabin sites being sold by Anaconda Company to individual lessees and, also, less the Mill Spring Lode Mining Claim No. 2157, less Stuart Springs Tract 1-10, inclusive, containing 328 acres, more or less. See Figure 1 (attached).

## IV. Description of Proposed Action

FWP proposes to accept fee title and management responsibilities to the 328-acre SMB property on Georgetown Lake after it is purchased using funds from the Natural Resource Damage Program (NRDP). The SMB property has approximately two miles of lake frontage and includes 48 acres of wetlands, 90 acres of grasslands, and

190 acres of forestlands. These lands provide fish and wildlife habitat, scenic views, public recreation and public access. The property encompasses most of Stuart Mill Bay. A separate parcel of about 40 acres that encompasses Stuart Mill Creek and Stuart Mill Spring splits the SMB property. The forestland portion of the property south of the Georgetown Lake access road includes four small in-holdings that have homes. This forestland portion is densely forested with second growth lodgepole pine and Douglas fir on steep west and north-facing slopes. As one of the few areas around Georgetown Lake left without hillside or hilltop development, the property provides important water quality to the lake and scenic views with its backdrop of the Anaconda Pintlar Range.

Through this proposed action FWP seeks to retain the property's public recreational uses and natural resource and scenic values and preclude subdivision and development of the property.

Possible developments to this site may include road improvements, and latrine and boat launching facilities. These, along with a management plan, will be addressed specifically in a future environmental assessment.

**V. Purpose and Need for the Proposed Action**

The purpose of the proposed action is to place the 328-acre property into public ownership, under FWP management, so the property can continue to provide public values, which include critical fish and wildlife habitat, public recreation and access, and scenic views. These public values are in danger of being negatively impacted and/or lost. The current owner of the property, Mountain Lion LLC, has indicated that it plans to subdivide and develop the property if it is not placed into public ownership in the next year. Seasonal and year-round habitat for a variety of fish and wildlife species would be protected. Year-round public recreational use for the human population would be provided. The proposed action would protect an important staging area and passageway for the rainbow and brook trout that spawn in Stuart Mill Creek.

**VI. Name, Address and Phone Number of Project Sponsor (if other than the agency)**

The Conservation Fund

**VII. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.**

Anaconda-Deer Lodge County (local)  
Natural Resource Damage Program (State)

## **VIII. Description of Reasonable Alternatives to the Proposed Action**

### **1. No Action Alternative:**

Under the "No Action" alternative, FWP would not accept fee title and management responsibilities for the property. FWP has been selected by TCF and NRDP as the most suitable owner and manager of the property. Therefore, if FWP does not accept fee title and management responsibilities, it would in effect make the acquisition of the property impractical. The current property owner has indicated that if the property is not acquired for public benefit, it will proceed with developing the property.

### **2. Alternatives Considered but Dropped from Further Evaluation**

NRDP considered an alternative of purchasing the entire property and then subsequently selling most of the 190-acre upland portion subject to limited public access provisions and development restrictions. Public access and development restrictions would have been accomplished via restrictive covenants, a conservation easement(s) and/or recreational access easement(s). The funds from that subsequent sale could then be returned to the NRDP Restoration Fund for other restoration or replacement projects in the Upper Clark Fork River Basin. The NRDP proposed this alternative in its July 2002 *Pre-Draft*, but also noted therein that there were "significant uncertainties with this alternative that would require further research, discussion, and negotiation and there are inherent costs and obligations involved with holding both conservation and access easements." The NRDP, after further research into this option, concluded it would be difficult to arrive at an acceptable proposal that would generate enough money to make the resale alternative cost-effective. The difficulties and transaction costs associated with pursuing this alternative outweighed its financial benefits. This does not preclude a future resale option, however, such a resale would be subject to an environmental and public review process and any proceeds would have to be returned to the Restoration Fund.

In conclusion, the NRDP did not find an alternative that would accomplish similar benefits of public access, recreation, and resource protection as the proposed action.

## **IX. Evaluation of Impacts on the Physical Environment**

### **1. Land Resources**

**Impact of Proposed Action:** No long-term negative impact would occur as a result of this proposal. Historic undeveloped open space, public use & natural resource values, will be maintained in the future.

**No Action Alternative:** The property may be sold for residential development and/or recreational purposes. Sale of the property for private residential or recreational

development would exclude public use of the area and could impact watershed, fish, and wildlife habitat values.

## 2. Air Resources

Impact of Proposed Action: There would be no long-term impact

No Action Alternative: If the property were developed, the potential use of wood heat in new residential homes may result in a small negative impact to the air resources in the area.

## 3. Water Resources

Impact of Proposed Action: There would be minimal impact resulting from FWP's management of the property.

No Action Alternative: If the property were sold for residential or private recreational development, negative impacts to the watershed may occur. Residential or commercial sewage drain fields resulting in increased nutrient loads could negatively impact water quality in Georgetown Lake.

## 4. Vegetation

Impact of Proposed Action: There would be no significant impact resulting from FWP's management of the property. Vegetation would be managed by guidelines in the management plan for the property. Shoreline development would be minimal and existing vegetation subject to little disturbance.

No Action Alternative: If the property were sold for residential or private recreational development, negative impacts to the current vegetation structure may occur. The type and extent of development would determine the degree to which negative impacts would occur.

## 5. Fish/Wildlife

Impact of Proposed Action: This action would result in a positive long-term impact. The property will continue to provide valuable habitat for a variety of fish and wildlife species. No adverse effects are expected on the diversity or abundance of game species, non-game species or threatened and endangered species under FWP management. There would be no introduction of non-native species in the area.

No Action Alternative: If the property were subdivided there could be significant impacts. The physical loss of habitat could be significant, and the increase in human activity and resulting disturbance and displacement of animals could have greater consequences.

## **X. Evaluation of Impacts on the Human Environment**

### **1. Noise/Electrical Effects**

**Impact of Proposed Action:** There would be no impact. The current levels of noise associated with public recreational activities on the property would continue.

**No Action Alternative:** This would allow for more possibilities for increased noise levels and electrical transmissions with an increase in human activity.

### **2. Land Use**

**Impact of Proposed Action:** No impact. The proposed action would result in little change to the current human use of the property. There may be a minor increase in recreational use. The property has historically been open to public use and informally managed as a dispersed campground, day-use site and fishing access site for decades.

**No Action Alternative:** Changes could occur in land use practices, habitat quality, current fish and wildlife use and numbers plus public recreational opportunity if the property were sold for private residential or recreational use.

### **3. Risk/Health Hazards**

**Impact of Proposed Action:** There would be no impact.

**No Action Alternative:** There would be no impact.

### **4. Community Impacts**

**Impact of Proposed Action:** There would be no anticipated long-term negative impacts to the community. Positive impacts through continued public access availability to the lake & lakeshore would be preserved.

**No Action Alternative:** This alternative could result in loss of open lands and recreational opportunities.

### **5. Public Services/Taxes/Utilities**

**Impact of Proposed Action:** The proposed action would not significantly or negatively affect current local or state tax bases or revenues, nor existing utility systems and energy consumption. Anaconda-Deer Lodge County's letter of support indicates the county believes the public benefits outweigh any economic loss to the county. FWP paid over \$42,000 for 2001 taxes & assessments in Anaconda - Deer Lodge County. This proposed fishing access site would be added to other tax liabilities assessed to FWP in the future at the same rate as if the property continued to be privately owned.

No Action Alternative: This alternative could allow increased residential subdivision in the future. Development would likely increase the tax base, increase traffic on roads and expand needs for utilities and other services.

#### 6. Aesthetics/Recreation

Impact of Proposed Action: The proposed action would perpetuate the existing aesthetic and recreational qualities of the property. It would maintain high public recreational opportunities into the future.

No Action Alternative: Potential subdivision could reduce the aesthetic and recreational quality of the area, as well as restricting or eliminating patterns for public use established for decades.

#### 7. Cultural/Historic

Impact of Proposed Action: There would be no known impact. While no cultural survey has been conducted, there are no known cultural or historic sites on the property. State Historic Preservation Office clearances would be required before any state development activities commenced.

No Action Alternative: There would be no known impact.

#### 8. Administrative/Management costs

Impact of Proposed Action: Operation and maintenance costs associated with public use and management of the property are estimated at \$2,500 per year. TCF has agreed to provide \$5,000 over a two-year period to cover the initial operation and maintenance costs. Cost of site improvements to the existing semi-primitive campground will be determined when FWP obtains the property.

No Action Alternative: No cost.

### **XI. Evaluation of Significance**

The proposed action should have no cumulative negative effect. However, there would be positive cumulative effects for wildlife, recreation, water quality, scenic values and open space.

### **XII. Evaluation for Need for an EIS**

Based on the above assessment, which has not identified any significant negative impacts from the proposed action, an EIS is not required and an EA is the appropriate

level of review. The overall impact from the successful completion of the proposed action would provide long-term benefits to both the physical and human environment.

### **XIII. Public Involvement**

A public meeting was conducted by the Natural Resource Damage Program on the acquisition of the Stuart Mill Bay property on September 24, 2002 at 7 PM at the Community Service Center in Anaconda, MT. Five FWP personnel attended the meeting. Over 100 citizens attended, 32 gave oral comments, with thirty speaking in favor of the acquisition, while two were opposed. The Natural Resource Damage Program has received 265 total letters of support of the acquisition and one letter in opposition.

Montana Fish Wildlife and Parks Commission and the State Land Board approval are necessary before the project is finalized.

#### **Public Hearing:**

Conducted on September 24, 2002  
Anaconda Community Service Center  
Anaconda, Montana

The public comment period on the EA will be:  
October 4 – November 4, 2002

Comments on this proposal should be addressed to:

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Montana Fish, Wildlife and Parks  
317 W. 5<sup>th</sup> St.  
Anaconda, MT 59711

### **XIV. EA Preparation**

The EA was prepared by: Bill Semmens - FWP  
The EA was reviewed by: Mack Long – FWP  
John Firebaugh – FWP  
Wayne Hadley – FWP  
Debby Dils – FWP  
Gates Watson – TCF,  
Mark Sommer - TCF

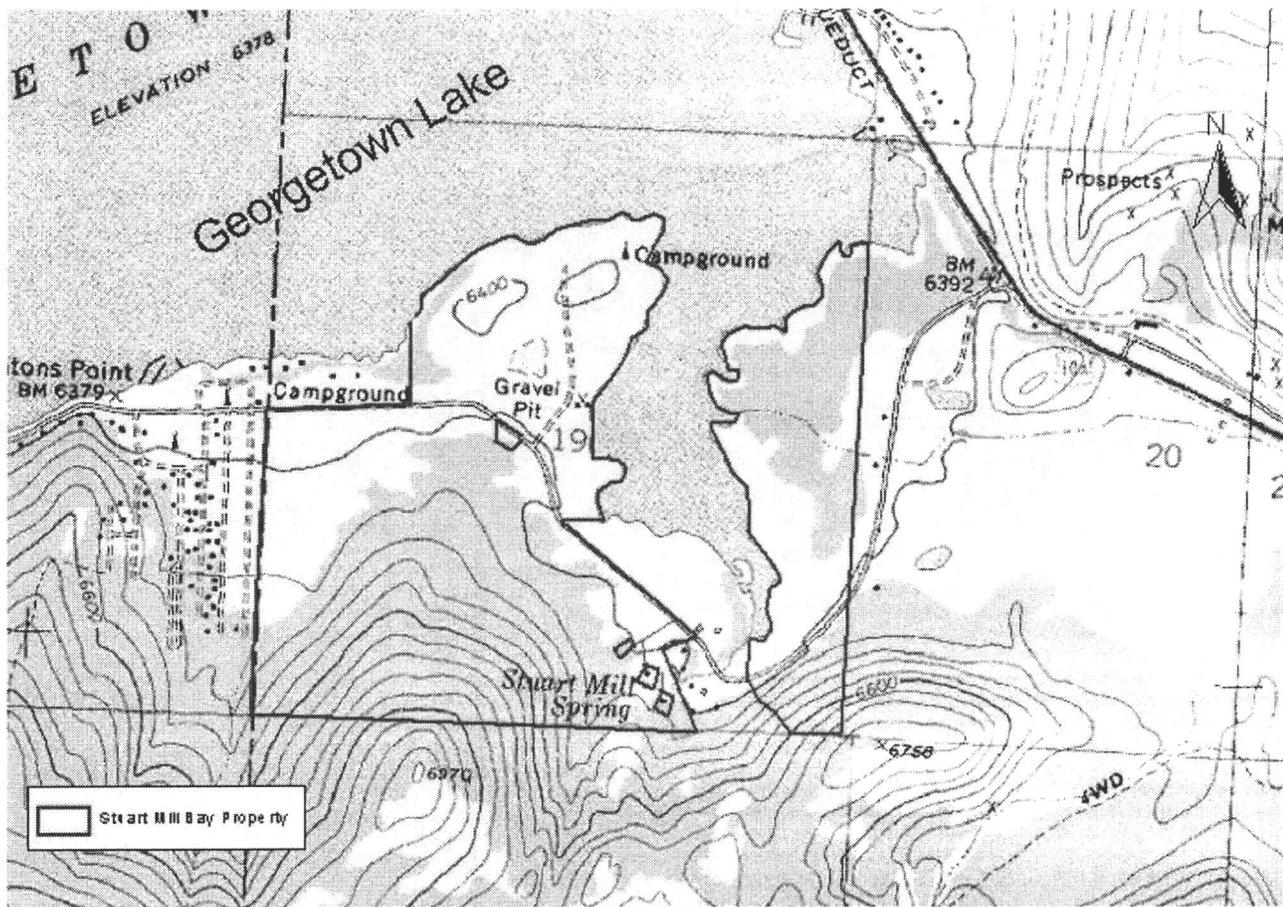


Figure 1. Map of Stuart Mill Bay property.

