



Montana Fish, Wildlife & Parks

Montana Fish, Wildlife & Parks
RR 1 - 4210
Glasgow, MT 59230

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October 22, 2004

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Sheridan County Sheriff
Sheridan County Planner
U.S. Fish & Wildlife Service
John Brenden (MFWP Commission)
Darlene Dascher

Ladies and Gentlemen:

Please find enclosed a Draft Environmental Assessment (EA) prepared for the proposed action by Montana Fish, Wildlife & Parks (MFWP) to acquire property in northeastern Montana for the purpose of establishing a State Park. Specifically, the proposed acquisition would include an entire section of land that encompasses Brush Lake; located approximately 31 road miles southeast of Plentywood. If the described properties are acquired, an additional/separate EA would be produced by MFWP in order to explain proposed recreational improvements. This additional EA would also be available for public review and comments.

Please submit any comments that you have by 5:00 P.M., November 22, 2004 to the Region 6 Parks Manager, Woody Baxter, at the address listed above.

Thank you for your interest on this project.

Sincerely,

Jim Satterfield
Regional Supervisor

MEPA COMPLIANCE

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of Proposed Action:** Acquisition of private property for the purpose of establishing a State Park in northeastern Montana.
2. **Agency Authority for the Proposed Action:** Enacted by the Montana Legislature, Statute 23-1-102 directs Montana Fish, Wildlife & Parks (MFWP) to “make a study to determine the scenic, historic, archaeological, scientific, and recreational resources of the state. The department may by purchase, lease, agreement, or acceptance of donations acquire for the state any areas, sites, or objects that in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state historical sites.”

During the 2003 State Legislative Session, a Senate Resolution (SJR 15) was passed which directed MFWP to make Brush Lake the first state park in Region Six. The state legislature also granted spending authority to MFWP to pursue this project.

3. **Name of Project:** Brush Lake State Park – land acquisition
4. **Name, Address and Phone Number of Project Sponsor (If other than the agency)**
MFWP
RR. 1 – 4210
Glasgow, MT 59230
5. **Estimated Completion Date:** A portion to be completed December 2004
Current Status of Project (% complete): 50%
6. **Location Affected by Proposed Action (county, range and township)**
Location: Approximately 31 road miles southeast of Plentywood, MT, and 5 miles east of Dagmar, MT
Legal Description: All of Section 22, T33N, R58E in Sheridan County, Montana
(Proposed site to be acquired would include all of the lake (i.e. Brush Lake), and all land around the perimeter of Brush Lake that is within Section 22.)

7. Project Size: Estimate the number of acres that would be directly affected that are currently:

Approximate size: 640 acres (approx. 370 acres in deeded land and 270 acres of lakebed)

- (a) Developed:
 - residential 0 acres
 - industrial 0 acres

- (b) Open Space/Woodlands/
Recreation 0 acres

- (c) Wetlands areas..... 14 acres

- (d) Floodplain 0 acres

- (e) Productive:
 - irrigated cropland ... 0 acres
 - dry cropland 246 acres
 - forestry 0 acres
 - rangeland 110 acres

- (f) other(*lakebed*)..... 270 acres

8. Map/site plan: See attached location maps in Appendix A.
See attached land ownership map in Appendix B.

9. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action.

In its heyday during the 1920's, 30's and 40's, Brush Lake would attract thousands of enthusiastic visitors each year, from various communities of northeastern Montana and northwestern North Dakota. Besides the attraction of the clear, clean water of the lake, there were facilities for lodging, dining and dancing on the lake's perimeter. It was the place for relaxation and socializing in an outdoor setting. Through time, the buildings and infrastructure of that era were either accidentally burned or were taken down. In more recent times, the lake's water continues to attract users of motorboats, personal watercraft, sailboats, and canoes.

Due to the unique chemical make-up of the water, there are no fish in the lake. Therefore, the lake has the uncommon recreational setting of eliminating the possibility of conflicts between anglers and boat users. Much of the shoreline of Brush Lake is lined with fine sand, thus is a very popular body of water for people to swim, or simply to 'cool down' on a hot summer day. Uncomfortably hot ambient air temperatures being common in this part of Montana.

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The majority of the visitation on the lake's shoreline is found in two locations, the north end and the south end. (See Land Ownership map, Appendix B.)

North end – Marie Jensen Family

Presently, the Marie Jensen family, the landowner of the land on the north two-thirds of the lake, does not limit folks from 'trespassing' on their land. The north end of the lake can be reached by a dirt trail. This part of the lake's shoreline has no facilities and does not have commercial presence. The visitation in this area consists of folks who camp, picnic, swim and boat. This area does not have any scheduled maintenance or bathroom facilities, thus the area is often littered with trash, and human waste. Occasionally, local groups or a Good Samaritan will clean up the area.

South end – Brush Lake Resort Inc.

On the south end of the lake is a previous commercial endeavor that includes 12 cabins, a bathhouse, a restaurant building and a metal pole barn. Through 2002, Brush Lake Resort Inc. allowed controlled recreational use on their land, which was managed by a family that ran the concession. The concession operation leased the land and facilities from the Corporation, but has not had an operations scheduled since the fall of 2002.

At this time, the commercial operation is closed down. The cabins are in need of significant repair or in some cases are beyond repair. The cabins appear to have not been utilized by the public for several years. The bathhouse and the restaurant buildings, which served sandwiches and soda, were in operation until the fall of 2002. In the past, the south end of the lake provided the public with camping and picnic pads, along with a concrete boat ramp. The concession charged fees to visitors to use this area.

The majority of recreationists to Brush Lake come from the surrounding communities of Plentywood, Scobey and Culbertson, Montana, and Grenora and Williston, North Dakota. For most of these towns, Brush Lake is the closest body of water and in some cases, the only body of water where the local public can do the types of recreation this lake offers.

Proposal:

For the sole purpose of establishing and developing a Montana State Park, MFWP proposes to acquire the entire legal section of property that surrounds and includes Brush Lake. In order to acquire the described land, negotiations with two private landowners would be required. At the time this document is written, the following agreements and understandings have been made, subject to approval by the MFWP Commission and State Land Board:

- Through a purchase agreement, MFWP would agree to pay the Marie Jensen Revocable Trust \$119,000 for a total of 450 acres. (Map showing Jensen property, Appendix B.)
- MFWP would agree to buy the entire mineral rights (approximately 370 mineral acres) owned by the Marie Jensen Revocable Trust, and Elliott E. and Judith C. Jensen for an additional \$10,000. Marie Jensen, Elliott E. and Judith C. Jensen will reserve a non-transferable life estate in the mineral interest that requires that if they enter into any mineral leases during the life estate, those mineral leases will include a special stipulation that disallows any surface occupancy or surface disturbance on the property.
- MFWP would agree to buy all of the mineral rights owned by the Northwest Farm Credit Services for \$2,160 (approximately 80 mineral acres) under the Jensen surface ownership,

while reserving a 7% royalty interest.

- The 246 acres of existing Conservation Reserve Program (CRP) lands on the Jensen property will be left in CRP until September 30, 2007, which is the end of the existing contract period. Elliott Jensen will steward, retain the contract obligations, and benefit from this CRP property until September 30, 2007.
- MFWP is in the process of having appraised the 190 acres owned by Brush Lake Resort Inc., which occupies the south end of the lake. (Map showing Brush Lake Resort Inc. property, Appendix B.) Once the appraisal is complete MFWP would negotiate with the owner of the property for acquisition. MFWP would notify the public of the MFWP Commission action on that parcel. The MFWP Commission action notification would include public disclosure of the anticipated cost of that parcel.

The federal government holds coal rights, under Section 22. According to the BLM, federal coal lying beneath private surface ownership will not be leased without the consent of the qualified surface owner.

At the time this document is written, no formal agreement has been reached on a purchase price for the 190 acres of property owned by Brush Lake Resort Incorporated.

As an established state park, and as part of the Montana State Parks system, it is projected this site would include designated camping sites, designated day-use/picnic sites, a group-use shelter, boat docks and a boat ramp. As a State Park, the property may also include maintenance buildings, a concession building and rental cabins. Any forthcoming recreational improvements by MFWP would be addressed in a separate Environmental Assessment, which would allow further review and public input.

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

(a) **Permits:** -None required for acquisition process-

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
- Federal 'Wallop-Breaux' Motor Boat monies	*\$89,250
- Montana State Parks Acquisition fund	*\$41,910

*The proportional break-down of funding sources are approximate at this time in the acquisition process.

*These costs only include the acquisition of Marie Jensen Revocable Trust and the purchase of the entire mineral rights owned by the Marie Jensen Revocable Trust, Elliott E. and Judith C. Jensen and Northwest Farm Credit Services ("North end").

*Costs and funding sources for acquisition of the Brush Lake Resort, Inc., surface ownership and mineral ownership under the Brush Lake Resort Inc. property has not yet been determined. Funding for Brush Lake Resort Inc. parcel is expected to also use Federal Wallop-Breaux and state parks special revenue funds ("South end").

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
U.S. Fish & Wildlife Service (USFWS)	On the north end of the lake, MFWP would honor existing USFWS Wetland Agreement (#99x,1 in Sheridan County, MT) on approx. 14 acres of land that would be purchased from the Marie Jensen Revocable Trust with approval of the federal grant of Wallop-Breaux funding.
U.S. Department of Agriculture (USDA)	The 246 acres of existing Conservation Reserve Program (CRP) lands on the Jensen property will be left in CRP until September 30, 2007. Elliott Jensen will steward and benefit from this CRP property until September 30, 2007.
Montana Board of State Land Commission and MFWP Commission	Approval of acquisition

11. List of agencies consulted during preparation of the MEPA Checklist:

- Sheridan County Planner – Plentywood, MT
- U.S. Fish & Wildlife Service - Medicine Lake, MT
- U.S. Fish & Wildlife Service – Ecological Services, Helena, MT
- Montana Natural Heritage Program – Helena, MT
- Montana State Historical Society, Historical Preservation Office (SHPO) – Helena, MT
- MFWP – Wildlife Division, Fisheries Division, Parks Division – Glasgow, Helena and Culbertson, MT offices

PART II. MEPA CHECKLIST

PHYSICAL ENVIRONMENT

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

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

2. AIR Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		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-I projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also sec 2a)		X				2.e.
f. Other <u>None</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

2.e. The acquisition of this property and the establishment of a state park would not result in any discharge, which would conflict with federal or state air quality regulations.

PHYSICAL ENVIRONMENT

3. WATER	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
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				
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-I, will the project affect a designated floodplain? (Also see 3c)		X				3.1.
m. For P-R/D-I, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		X				3.m.
n. Other: <u>None</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

3.1. This project is not in a designated floodplain, nor would it affect a designated floodplain.

3.m. The acquisition of this property and the establishment of a state park would not result in any discharge, which would conflict with federal or state water quality regulations.

PHYSICAL ENVIRONMENT

4. VEGETATION Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
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				4.e.
f. For P-R/D-I, will the project affect wetlands, or prime and unique farmland?		X				4.f.
g. Other: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 4.e. The action proposed and reviewed in this EA would cause no changes in the vegetation environment. However, the intent of this acquisition is to develop state park recreation facilities at this site. Activities such as soil disturbance during improvement construction and vehicular traffic tends to lead to the establishment and spread of noxious weeds. With the guidance of MFWP Region Six *Noxious Weed & Exotic Vegetation Management Plan – 2003 –2006*, weed control efforts (chemical, mechanical and biological) would be put in place by MFWP, with the coordinated efforts with the Sheridan County weed supervisor.
Any forthcoming recreational improvements by MFWP that would cause soil/vegetation disturbance would be addressed in a separate Environmental Assessment, which would allow further review and public input.
- 4.f. Approximately 14 acres of property that would be purchased from the Marie Jensen Revocable Trust is currently under USFWS Wetland Easement Agreement #99x,1 in Sheridan County, MT. Upon purchase of the property, MFWP would honor this agreement in full as written.

PHYSICAL ENVIRONMENT

5. FISH/WILDLIFE	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
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-I, 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-I, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		X				5.i.
j. Other: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

5.g. MFWP District Wildlife Biologist, Scott Thompson, stated that the establishment of a state park on the Brush lake properties, would be compatible with game bird and mammal species. (Scott Thompson, MFWP, Culbertson, MT 10/12/04.)

USFWS Wildlife Biologist, Beth Madden, stated that the establishment of a state park on the Brush Lake properties, would be compatible with wildlife species found in the area. (Beth Madden, USFWS, Medicine Lake National Wildlife Refuge, Medicine Lake, MT 10/8/04.)

5.h. MFWP contacted USFWS Ecological Services, Mark Wilson, in reference to T&E species concerns. Wilson stated that upon the acquisition of the described properties, and prior to any recreational improvements being developed, MFWP must present his office with a map and a description/concept plan of the proposed improvements. In turn, Ecological Services will address any concerns they may have in reference to protecting T&E species in the area. (Mark Wilson, USFWS, Ecological Services, Helena, MT, 10/14/04.)

5.i. With the acquisition of the described property and the establishment of a state park there would not be the introduction or export of any species not presently or historically occurring in the receiving location.

HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Increases in existing noise levels?		X				
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: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

7. LAND USE	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X			7.a.
b. Conflicted 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				
e. Other: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7.a. Approximately 42% of the total acreage of the described property in this project is lakebed, underwater. The existing use of the majority of the property is valued as dry cropland and rangeland. Currently, no livestock is utilizing the property, and 246 acres is under the Conservation Reserve Program (CRP). The acquisition of this land under the described proposal would allow the existing CRP lands on the Jensen property to be left in CRP until September 30, 2007, which is the end of the existing contract period. Elliott Jensen will steward, retain the contract obligations, and benefit from this CRP property until September 30, 2007.

HUMAN ENVIRONMENT

8. RISK/HEALTH HAZARDS	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
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 plans or creates a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-I, will any chemical toxicants be used? (Also see 8a)		X				8.d.
e. Other: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

8.d. For the acquisition phase of this project, no chemical toxicants would be involved. Any forthcoming recreational improvements by MFWP would be addressed in a separate Environmental Assessment, which would allow further review and public input.

HUMAN ENVIRONMENT

9. COMMUNITY IMPACT	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
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: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
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			10.b.
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				10.c.
d. Will the proposed action result in increased used of any energy source?		X				10.d.
e. Define projected revenue sources						10.e.
f. Define projected maintenance costs.		X				10.f.
g. Other:: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 10.b. Enacted by Montana Legislature, Statue 87-1-603 states that MFWP are exempt from property taxes on state park lands. If both properties are acquired for a state park, taxable amounts would be lost to county revenues.
- 10.c. Any forthcoming recreational improvement by MFWP would be addressed in a separate Environmental Assessment, which would allow further review and public input.
- 10.d. Any forthcoming recreational improvement by MFWP would be addressed in a separate Environmental Assessment, which would allow further review and public input.
- 10.e. (See Part I. 10.b. Funding of this document for projected revenue sources)
- 10.f. Any forthcoming recreational improvement by MFWP would be addressed in a separate Environmental Assessment, which would allow further review and public input.

HUMAN ENVIRONMENT

11. AESTHETICS/RECREATION	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
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?			X			11.c.
d. For P-R/D-I, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				11.d.
e. Other: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

11.c. If a Montana State Park would be established at this site, the quality and quantity of the recreation/tourism at this site would be altered. Both would be positively impacted due to the improvements, allowing a greater number of visitors more legal and safe access to the site.

HUMAN ENVIRONMENT

12. CULTURAL/HISTORICAL RESOURCES	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
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-I, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		X				12.d.
e. Other: None						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

12.d. Any forthcoming recreational improvements by MFWP would be addressed in a separate Environmental Assessment (EA), which would allow further review and public input. During the development of this EA addressing future recreational improvements, the Cultural Records Manager of the Montana Historical Society, state Historical Preservation Office (SHPO) would be contacted in order to address the presence of cultural resources and/or the protection of any cultural resources.

HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action, considered as a whole:						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources, which 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-I, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		X				13.f.
g. For P-R/D-I, list any federal or state permits required.						13.g.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

13.f. The acquisition of the described private property for the sole purpose of establishing a Montana State Park is not expected to generate substantial public controversy.

13.g. There are no federal or state permits required for the acquisition of described property.

PART III MEPA CONCLUSION SECTION

1. 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 comparison of the alternatives with the proposed action/preferred alternative:

Alternative A: MFWP does not acquire Brush Lake property for a State Park (No Action Alternative).

With this alternative, the existing situation would probably continue, where public trespassing would persist on the private properties located on the perimeter of Brush Lake. The uncontrolled practices of off-road vehicular traffic, littering, overnight camping, unauthorized social gatherings and improper sanitary habits would likely continue under this Alternative.

Alternative B: MFWP acquires the Brush Lake property for a State Park.

With the implementation of Alternative B, the many recreational needs of the public would be addressed. The establishment of a State Park on the described legal section of property would provide easy and legal accessibility to all the lands bordering Brush Lake. With this access, the public would be able to take part in several recreational activities, including but not limited to, motorized and non-motorized boating, overnight camping, picnicking, swimming, nature viewing, hiking, historical/cultural education, and natural resource education. The state park might also provide the following facilities: group shelters, picnic tables, fire rings, showers, restrooms, boat ramps and boat docks. The majority of these facilities would be accessible for some disabilities under the guidance of the American Disabilities Act.

2. Based on the significance criteria evaluated in this EA, is an EIS required? NO

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

This environmental review revealed no significant negative impacts from the proposed action; therefore, an EIS is not necessary, and an Environmental Assessment is the appropriate level of analysis.

3. 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?

At this time, public involvement and disclosure has been minimal due to the serious attempt to provide privacy and confidentiality to the landowners from which the properties may be acquired. This EA is an initial form of public involvement and comment opportunity. If the described properties would be acquired for a state park, an additional EA, public meetings, and awareness by the media would all be generated.

The proposed project of acquiring property for the purpose of a State Park will be addressed at the following meetings:

- Montana Fish, Wildlife & Parks Commission meeting (Tentative December 2004)
- Montana Board of State Land Commissioners (Tentative December 2004)

DRAFT

4. Duration of comment period if any:

The public will have thirty (30) days to comment on this EA. Written comments will be accepted until 5:00 p.m. November 22, 2004, and can be mailed to the address below.

Montana Fish, Wildlife, & Parks
Attn: Woody Baxter
Rt 1-4210
Glasgow MT 59230

E-mail: gwbaxter@state.mt.us

5. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

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PART IV. NARRATIVE EVALUATION AND COMMENT

This proposed project conforms to the goals of MFWP Parks Division and Region Six as spelled out in Montana Fish, Wildlife & Parks *Six-Year Plan – 2001-2006*. Specifically, the plan conveys the need to establish state parks in the northeast portion of Montana (MFWP – Region 6). Currently, of the seven administration Regions in MFWP, Region Six is the only Region that does not have a state park within its geographical boundaries.

During the 2003 Montana State Legislation, a Senate Resolution (SJR 15) was passed which asked MFWP to make Brush Lake the first state park in Region Six. The state legislators also granted spending authority to MFWP for this project.

This environmental assessment identified several minor impacts to the environment, some impacts were positive and others can be mitigated. The proposed establishment of a Montana State Park would greatly enhance outdoor recreational opportunities in northeastern Montana.

APPENDICES

- A. Site Location Maps (2)
- B. Land Ownership Map

APPENDIX B - Land Ownership Map

