

Montana Fish, Wildlife and Parks
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ENVIRONMENTAL ASSESSMENT CHECKLIST

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: Stuart Mill Bay Encroachment Land Sale

Project Location: Stuart Mill Bay Fishing Access Site, Georgetown Lake, Deer Lodge County, Region 2 FWP (T5N, R13W, Section 19, SE4; Figures 1 and 2).

Project Description: Sale of approximately 0.5 acre to landowners of inholdings within the Stuart Mill Bay Fishing Access Site to adjust for encroachments on Montana Fish, Wildlife and Parks (FWP) land.

History:

In March 2003, the Montana Department of Fish, Wildlife and Parks (FWP) acquired approximately 363 acres of privately owned land in the vicinity of Stuart Mill Bay on Georgetown Lake. The Department manages this land as the Stuart Mill Bay Fishing Access Site (FAS). Within the 363 acres are several small, private inholdings. The inholdings owned by the two applicants (Neely and Goldberg) have existing minor encroachments on the land acquired by FWP (Figures 3 and 4). The encroachments predate acquisition of the FAS by FWP, and consist, in part, of a garage, well, propane tank, etc. A boundary survey commissioned by FWP after acquiring the FAS revealed the encroachments. In June 2006, the landowners were notified of the encroachments, and asked to order surveys to delineate appropriate boundary adjustments for existing encroachments. FWP has since received and reviewed copies of surveys for both parcels (Figures 3 and 4), and has current estimates of value for the land requested for sale.

Proposed Action:

Montana Fish, Wildlife and Parks proposes to sell approximately 0.5 acre within the Stuart Mill Bay Fishing Access Site to two adjacent inholding landowners. The purpose of the sale is to resolve the encroachments on FWP land in a manner that does not affect public use or the recreational or habitat values of the FAS. The acreage proposed for sale totals approximately one-half acre (Figures 3 and 4). The land is valued at \$12,678/acre (Goldberg 0.15 acres = \$1902.00; Neely 0.35 acres = \$4437.00). The proceeds of the sales (\$6,339.00) will be deposited in FWP's real property trust account, which generates funds for property maintenance. The sales will convey ownership to the land in fee title.

Other groups or agencies contacted or which may have overlapping jurisdiction:

None

PART 2. ENVIRONMENTAL REVIEW

Table 1. Potential impact on physical environment.

| Will the proposed action result in potential impacts to: | Unknown | Potentially Significant | Minor | None | Can Be Mitigated | Comments Provided |
|--|---------|-------------------------|-------|------|------------------|-------------------|
| 1. Unique, endangered, fragile, or limited environmental resources | | | | X | | |
| 2. Terrestrial or aquatic life and/or habitats | | | | X | | |
| 3. Introduction of new species into an area | | | | X | | |
| 4. Vegetation cover, quantity and quality | | | | X | | 1.4 |
| 5. Water quality, quantity and distribution (surface or groundwater) | | | | X | | |
| 6. Existing water right or reservation | | | | X | | |
| 7. Geology and soil quality, stability and moisture | | | | X | | |
| 8. Air quality or objectionable odors | | | | X | | |
| 9. Historical and archaeological sites | | | | X | | 1.9 |
| 10. Demands on environmental resources of land, water, air & energy | | | | X | | |
| 11. Aesthetics | | | | X | | |

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

- 1.4. Surface disturbance from an existing road and past homesite development has disturbed or eliminated vegetation on the FWP land proposed for acquisition by the landowner. Acquisition will remove the disturbed area from FWP ownership. No further disturbance of FWP land is anticipated.
- 1.9 The State Historic and Preservation Office (SHPO) was contacted about the proposed sale. No known historic or archaeological sites exist within the area proposed for sale due to lack of prior survey. However, SHPO stated that there is low likelihood of impact to cultural feature on the site, and a recommendation for cultural survey was unwarranted (SHPO 2007).

Table 2. Potential impacts on human environment.

| Will the proposed action result in potential impacts to: | Unknown | Potentially Significant | Minor | None | Can Be Mitigated | Comments Provided |
|--|---------|-------------------------|-------|------|------------------|-------------------|
| 1. Social structures and cultural diversity | | | | X | | |
| 2. Changes in existing public benefits provided by wildlife populations and/or habitat | | | | X | | |
| 3. Local and state tax base and tax revenue | | | | X | | 2.3 |
| 4. Agricultural production | | | | X | | |
| 5. Human health | | | | X | | |
| 6. Quantity and distribution of community and personal income | | | | X | | |
| 7. Access to and quality of recreational activities | | | | X | | 2.7 |
| 8. Locally adopted environmental plans & goals (ordinances) | | | | X | | |
| 9. Distribution and density of population and housing | | | | X | | |
| 10. Demands for government services | | | | X | | |
| 11. Industrial and/or commercial activity | | | | X | | |

2.3 Loss of tax revenue from FWP will be compensated by tax revenue from private landowners.

2.7 Existing structures predate acquisition and development of the FAS so have no impact on present or future recreational use.

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

Does the proposed action involve potential risks or adverse effects, which are uncertain but extremely harmful if they were to occur? No

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant? No

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:

No Action Alternative: Considered but dismissed. The landowners have structures that encroach on FWP land. This creates title issues that must be resolved prior to any potential sale of their land.

Permanent Easement Alternative: Sale of a permanent easement to the landowners was considered but dismissed. Permanent easements create a title encumbrance on FWP land, and may result in administrative expense in monitoring the encumbrance over time.

Boundary Adjustment Alternative: This alternative involving the exchange of equal amounts and values of land by the landowner and FWP was considered but dismissed. Most of the existing lots in this subdivision are less than one acre in size, and finding a location on existing lots that the landowner could exchange without diminishing the value of their property might prove difficult or impossible given county distance requirements for septic systems and wells. While one lot is larger than one acre, the additional administrative and survey costs involved in this alternative outweigh any diminution of land value by FWP.

Sale in Fee Alternative: This is the preferred alternative. The acreages to be disposed of are small and do not materially affect the FAS. Sale eliminates title encumbrances and potential administrative cost for FWP.

Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency: None

Individuals or groups contributing to, or commenting on, this EA:

Region 2 FWP personnel (parks, wildlife)

EA prepared by: Candace Durran, Land Conservation Specialist

Date Completed: December 18, 2007

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Comments due by: 5 p.m. on January 4, 2008.

Comment period will run for 17 days, beginning December 19, 2007. Comments must be received no later than 5 p.m., January 4, 2008.