Draft
Environmental Assessment

MOUNTAIN ACRES FISHING ACCESS SITE
PROPOSED ACQUISITION

May 2011

Montana Fish, Wildlife & Parks

Mountain Acres FAS Proposed Acquisition
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Proposed state action:** Montana Fish, Wildlife and Parks (FWP) proposes to purchase approximately six-acres of land currently owned by the Mountain Acres Mobile Home Park to allow public access and stream restoration of Big Spring Creek. The proposed action would be a fee title acquisition for $64,000. The property is located on the south side of Big Spring Creek on the north side of Lewistown, Montana.

   This proposed acquisition would enhance a collaborative effort between FWP, Fergus Conservation District (FCD), Trout Unlimited and others to develop a recreation corridor and provide stream restoration on this and other nearby parcels. As part of the stream restoration project to return Big Spring Creek to its historic channel pattern, approximately 500 feet of stream would be added on the Mountain Acres parcel proposed acquisition. This Environmental Assessment (EA) addresses the acquisition of the property only. A separate EA would be issued prior to any stream restoration or site development work.

2. **Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605, which directs FWP to acquire, develop and operate a system of fishing accesses. FWP has the authority to develop outdoor recreational resources in the state per 23-2-101 MCA: *"for the purpose of conserving the scenic, historic, archaeologic, scientific, and recreational resources of the state and providing their use and enjoyment, thereby contributing to the cultural, recreational, and economic life of the people and their health."*

   Furthermore, state statue 23-1-110 MCA and ARM 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides. ARM 12.8.602 requires FWP to consider the wishes of users and the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the proposed project in relation to this rule. See Appendix 1 for HB 495 qualification.

3. **Project sponsor:**
   Montana Fish, Wildlife & Parks
   4600 Giant Springs Road
   Great Falls MT 59405
   (406) 454-5855

4. **Anticipated Timeline**:
   Public Comment Period: May 20 – June 20 2011
   Decision Notice Published: June 2011

Commission Approval Requested to Proceed: July 2011

5. **Location:** The parcel is in Lewistown city limits at Township 15 North, Range 18 East, Section10; the center of the parcel is approximately 47.07248º; 109.4357º. It is currently bordered on the north by Big Spring Creek in Fergus County. This site is located on Lower Big Spring Creek a tributary to the Judith River (Missouri Drainage). The aerial photo in Figure 1 shows landownership of parcels adjoining the proposed acquisition.

Figure 1: Landownership of Parcels Adjoining Proposed Acquisition
Map of proposed parcel in relationship to adjacent parcels. The proposed acquisition parcel is marked in red. Existing Big Spring Creek alignment is marked as light blue dashed line on lower map. Proposed new alignment is a dark blue line. Location is T15N, R18E S10; center of parcel is approximately 47.07248º; 109.4357º.

Figure 2: Proposed Acquisition in relation to FAS's in the area

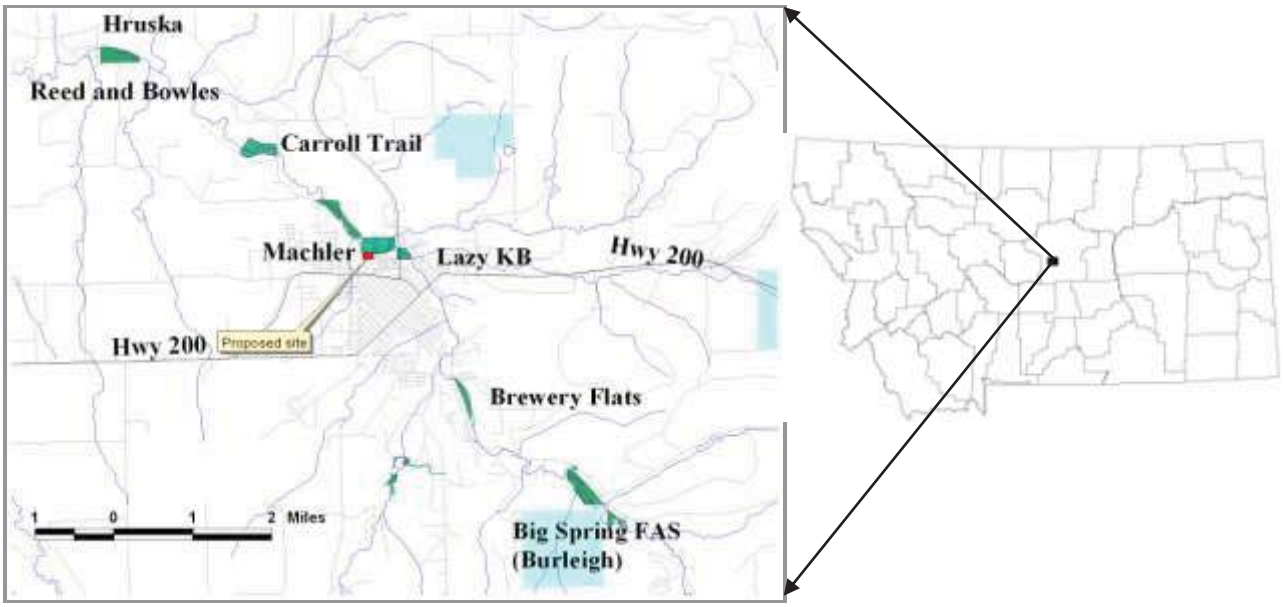

Photo 1. View to the north from the west side of the six-acre parcel. Lewistown's water treatment plant is to the left (west).

Photo 2. View to the northeast from the same location as Photo 1. The trailer in the background would be removed if acquired.

6. Project size:

	Acres		Acres
(a) Developed:		(d) Floodplain/Riparian	5.7
Residential	0		
Industrial	0	(e) Productive:	
		Irrigated cropland	0
(b) Open Space/Woodlands/Recreation	0	Dry cropland	0
		Forestry	0
(c) Riparian Wetlands Areas	2	Rangeland	0
		Other	0

Total parcel size to be acquired is 6.274 acres. Most of the parcel is in floodplain as identified by the FEMA Floodplain Map database with approximately .5 acres out of the floodplain.

7. Local, State or Federal agencies with overlapping or additional jurisdiction:

(a) Permits: None required for proposed acquisition. If acquired, all appropriate permits would be acquired prior to stream restoration.

(b) Funding:

Fish and Wildlife Conservation Trust:	$54,000
Fishing Access Site Acquisition Fund	$10,000
Total Funding:	$64,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities: Fergus County Weed District conducted a weed inventory of the parcel.

8. **Narrative summary of the proposed action:**

Existing Environment: The proposed acquisition of the 6.274-acre parcel owned by the Mountain Acres Mobile Home Park is within the Lewistown city limits. If purchased, this vacant area would be subdivided from the current Mountain Acres Mobile Home Park property. If acquired, the landowners have agreed to deeded access to the parcel from Fergus Street in Lewistown. A portion of the parcel is in the floodplain and is the preferred location of the new channel location. The north side of the creek is owned by Mark Machler and has an easement held by FWP. This easement provides for public access to Big Spring Creek, the stream restoration project, and allows the landowner to continue farming the land. The proposed acquisition parcel is bordered by a fence and Big Spring Creek on the north, the Mountain Acres Mobile Home Park to the east, commercial property and parking area to the south, and the city water treatment plant to the west. The property consists of intermountain grassland dominated by mature riparian trees primarily willows as well as various grasses. There are established areas of spotted knapweed and Canada thistle on this parcel, as well as poison hemlock and some leafy spurge along the creek. If acquired, the current owners would remove the mobile home trailer and miscellaneous debris from the property prior to transfer.

Big Spring Creek is one of the largest spring-fed streams in Montana. It runs northwesterly 30 miles, mainly between the Big Snowy and Judith mountains. Big Spring Creek is central Montana's premier trout fishery supporting an excellent naturally reproducing rainbow and brown trout fishery. Population surveys conducted during the past several years indicate Big Spring Creek has very high trout numbers just downstream of the property. From 1995 – 2005 total trout $\geq$ 10 inches varied from 1,250 – 3,230 per mile immediately downstream with 2,273 in 2005. During the last two decades, the estimated fishing pressure on Big Spring Creek has varied from 8,500 – 14,000 angler days. In 2003 there were about 9,000 angler days on Big Spring Creek. Big Spring Creek is very difficult to fish using a boat, because of its small size, sharp meanders and high current velocity. Bank fishing is the most feasible angling approach, which necessitates several fishing access sites to allow anglers to legally walk above the normal high water mark. Traditionally, landowners along Big Spring Creek have granted anglers access. There is concern about continued fishing opportunity on private lands along Big Spring Creek as the demand for recreational property accelerates. Public access to Big Spring Creek currently consists of seven fishing access sites (FAS), the state hatchery at Big Spring Creek, and some access within the Lewistown city limits.

Game fish opportunities in the Big Spring Creek include brown trout, rainbow trout and mountain whitefish. Other fish species in this reach of the creek include: brook trout, fathead minnow, lake chub, longnose dace, longnose sucker, mottled sculpin, mountain sucker, northern pike, northern redbelly dace, walleye, and white sucker.

Need and Benefits: Big Spring Creek was channelized into its current location in 1961 by a private landowner, and stream length was reduced by 3,800 feet. Channel down cutting has resulted in an entrenched channel with very limited flood-plain,

limited pools, and meanders. Stream straightening in this area caused so many problems with erosion and sediment transport downstream, that it was one of the main reasons the 1975 Montana Streambed and Land Preservation Act (310 law) was enacted.

This proposed acquisition constitutes one parcel on a larger stream restoration project to restore a more natural riffle pool stream and enlarge the floodplain, increasing the stream length, fish numbers, and riparian vegetation. It is anticipated that trout numbers would increase at least 50% or as much as the increase in stream length. A similar project upstream at Brewery Flats nearly doubled trout numbers.

In 2007, FWP purchased a 62-acre conservation easement of the Machler property on the north side of Big Spring Creek for the stream restoration project. The majority of the stream restoration would take place on the Machler easement as shown on the map located on page 3 of this EA (Figure 1). Mountain Acres management and owners initially expressed strong reservations about the restoration project but have recently become supportive and have offered this piece for sale.

The Mountain Acres site is the preferred site for the relocation for hydrologic and social reasons. Preliminary engineer plans indicate the proposed restoration work would reduce risks in the flood plain. Location of the new stream channel on this parcel may help mitigate Mountain Acres Mobile Home Park resident's concerns about moving the stream away from the mobile home park, with the addition of 500 feet of stream for increased access to the creek and increased riparian area along the creek through the proposed stream restoration project and acquisition of the parcel.

This parcel would enhance access, particularly for youth in Lewistown, since is within the city limits. The location provides youth and other pedestrian-safe access within walking and biking distance. Big Spring Creek is a popular trout stream that, unlike larger productive fisheries, requires multiple access points since it is too deep to wade and too small to float.

Proposed Improvements and Management: Plans are to manage the area as a fishing access site and riparian area. All areas would be managed as open space. A riparian buffer of 25 - 35 feet would be maintained along Big Spring Creek. FWP would install signs identifying the site as well as informational signs of no camping, "pack it in, pack it out", respect the river and adjacent property, aquatic nuisance species, noxious weeds, and relevant regulations. If acquired and upon completion of a boundary survey, FWP would install property boundary and survey monument signs.

If acquired, FWP would implement FWP's Statewide Integrated Noxious Weed Management Plan to control the existing weeds on the parcel and improve the site's overall condition through noxious weed management. Weeds were identified during an on-site visit including spotted knapweed, Canada thistle, and some leafy spurge along the bank. Fergus County has conducted a weed inventory as required by 7-22-2154 MCA.

Future Development of the Site: This EA addresses only the proposed acquisition of the parcel and does not evaluate any development on the property. A separate EA would be prepared and made available for public comment in advance of any stream restoration or site development plans. However, it is prudent to discuss long-term plans for the property within this document since the purpose of the acquisition is part of the stream restoration planned in the area. If acquired, this site would be used for pedestrian access with no immediate plans to develop the site (provide parking, latrine or other amenities typically associated with fishing access sites).). Any potential future development to provide parking or installation of a latrine would likely occur in the current storage area located at the southeast corner of the parcel, an 0.8 acre area that is not located in the floodplain.

9. Alternatives:

Alternative A: No Action

If no action were taken, the property would not be purchased and the property would continue under private ownership. If not acquired, the opportunity to expand stream length, the fishery, and public access would be limited.

Preferred Alternative B: Proposed Action

In the preferred alternative, FWP would acquire the 6.274-acre Mountain Acres vacant lot parcel in fee title for $64,000 including deeded access to the parcel from Fergus Street in Lewistown. The purpose of the proposed acquisition is to facilitate the long-term stream restoration along the Big Spring Creek to increase the overall stream length, providing additional fish habitat, and to provide public access to this fishery. FWP would install information and regulation signs, as well as property boundary markers.

10. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

A weed inventory has been completed by Fergus County. Adherence to the FWP Statewide Integrated Noxious Weed Management Plan and required application records would be submitted to the Montana Department of Agriculture if the parcel is acquired.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. 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				

The proposed acquisition would not impact the land. If acquired, a separate environmental assessment would address impacts to the land resources for the stream restoration.

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-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		NA				

The proposed acquisition would have no effect on ambient air quality. If acquired, a separate environmental assessment would address impacts to the air for the stream restoration.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

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

The proposed acquisition would not impact the water quality. If acquired, a separate environmental assessment for the stream restoration would address impacts to the water quality. Most of the parcel (approximately 5.7 of the 6.247 acres) is in the active floodplain in the FEMA Floodplain map database. However, the proposed ownership change would have no impact to the floodplain.

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4. VEGETATION Will the proposed action result in?	IMPACT Unknown *	None	Minor *	Potentially Significant	Can Impact Be Mitigated*	Comment Index
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				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X		YES	4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		NA				

This property consists of intermountain grassland interspersed with riparian trees and shrubs primarily willows. The proposed acquisition would not impact the vegetation and if acquired, a separate environmental assessment for the stream restoration would address impacts to the vegetation.

4c. A search of the Montana Natural Heritage Program's (MNHP) species of concern database found no vascular or non-vascular plants of significance within the boundaries of the project area.

4e. There are established areas of spotted knapweed, Canada thistle, and leafy spurge. Poison hemlock was also found on the parcel. Increased use at the site may lead to increased weed infestation. However, FWP would provide weed management in adherence with the Statewide Integrated Noxious Weed Management Plan, using an integrated approach including chemical, biological, and mechanical methods. Weed management would facilitate the restoration of desirable vegetation and should prevent the spread of weeds. Fergus County Weed District has conducted a weed inspection. FWP contracts with Fergus County Weed District for weed management for all fishing access sites in Fergus County.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
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				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				5g.
h. ****For P-R/D-J, 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.)		NA				
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		NA				

The proposed acquisition would have no bearing on the game and non-game species that frequent the property and is not considered critical habitat for any species, according to FWP Region 4 wildlife biologist Tom Stivers (retired) and fisheries biologist Anne Tews.

5f. A search of the Natural Resources Information System provided by the Montana Natural Heritage Program (MNHP) showed that no threatened or endangered species are in the vicinity of the property. Neither the FWP wildlife biologist nor the fisheries biologist for the area has any concerns with the proposed acquisition impacting fish and wildlife in the area.

According to Tom Stivers, FWP wildlife biologist, bald eagles pass through this site, but resident populations have not been observed. Upland game birds (pheasants and Hungarian partridge) and numerous song birds may use the property seasonally. Primary wildlife species that occur in the immediate vicinity of the proposed acquisition include white-tailed deer and water fowl. Fox and cotton-tail rabbit frequent the property, mink and muskrat may also be found at times. Numerous animals follow Big Spring Creek, usually sub-adult animals that are looking for an area to become established in. Animals that have been known to come across the property, rarely, but at times, include: elk, mule deer, moose, mountain lion, black bear, coyote and bobcat.

5g. If acquired, angling including catch and release fishing and fish harvest would likely increase at the site, however, the proposed acquisition is not expected to negatively impact or place additional stress on fish or wildlife populations.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
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				

The proposed acquisition will have no change in noise level or electrical levels.

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

The proposed action would not alter or interfere with the productivity or profitability of the existing land use. Currently, the parcel is used for storage, as seasonal horse pasture and has several worm beds. The land is intermountain grassland dominated by riparian trees and shrubs that serves as important habitat for a variety of mammals, bird species and fish. The proposed action involves purchase of the parcel and does not involve construction or development of any kind. A separate environmental assessment would be conducted prior to any development or stream restoration at the site.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
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		YES	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		NA				

8a. If acquired, FWP would manage weeds in adherence with the Statewide Integrated Noxious Weed Management Plan using an integrated approach including chemical, biological, and mechanical methods. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe handling techniques. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination. Increased use at the site may lead to increased weed infestations; however, the implementation of the weed management plan should mitigate this risk.

A Hazardous Materials Inspection was conducted September 10, 2010. See Appendix 3 for the inspection report dated September 13, 2010. No evidence was found of any hazardous materials having been used or stored on the parcel or the area adjacent.

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

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

If acquired, the parcel would become part of a public recreation corridor. The proposed acquisition is intended to be part of a stream restoration project to restore approximately 5,000 feet of stream and would increase stream length by nearly 50%. The Strategic Plan of the Big Spring Creek Watershed Council supports the project and identified it as a priority project. If acquired, the preferred option is to build about 500 feet of stream through the Mountain Acres property. If acquired, any future stream restoration proposals would be addressed in a separate EA. Dependent on funding, the stream restoration may be done in phases. The proposed acquisition of the Mountain Acres parcel would provide legal and safe fishing and recreation access for the public. The site would be maintained for pedestrian access with no immediate plans to develop the site with the typical fishing site amenities such as a parking lot or latrine. If the site were to be developed in the future, a separate environmental assessment would be completed at that time.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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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				10b.
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				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources		X				10e.
f. **Define projected maintenance costs.						10f.

10b. If acquired, there would be no change in the tax base or revenue since FWP pays property taxes on properties acquired through the FAS program at the same rate as private citizens as required by MCA 87-1-603.

10e. The funding source for this acquisition is the Montana Conservation Trust Fund ($54,000) and the Fishing Access Site Acquisition Fund ($10,000). There would be no fees or revenue associated with the use of this site if acquired by FWP.

10f. Annual maintenance costs are expected to average $400 per year for weed control for the first several years. FWP contracts with the Fergus County Weed District for weed control. Maintenance costs would be included in the Region 4 Fishing Access Site Operations and Maintenance budget. Fergus County indicated since the parcel has not been under weed management, the weed control costs would be higher initially and would decrease over time as the weeds need less management and are better controlled.

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*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

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

11c. If acquired, the site would be used to build about 500 feet of stream through the parcel, increasing the amount of fishable stream on this parcel for anglers to access the Big Spring Creek. The Department of Commerce Tourism Report has been received and is attached as Appendix 2.

The proposed FAS acquisition would increase the quality and quantity of recreation on lower Big Spring Creek. FWP would enhance the site by increasing public access, controlling weed infestations, and preventing degradation of the site.

If acquired, the aesthetics would be greatly improved with the removal of the old trailer and miscellaneous debris found throughout the parcel. The area would be posted with regulation and informational signs and maintained to keep the property as litter-free and weed-free as possible.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

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

The proposed acquisition would not impact any cultural or historical resources. Prior to any stream restoration work, the State Historical Preservation Office (SHPO) would be contacted to evaluate impacts and to obtain clearance to proceed.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

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

When considered over the long-term, the proposed acquisition poses significant positive effects towards public access to this parcel along the Big Spring Creek in Lewistown MT.

The proposed acquisition would provide FWP with the foundation for future stream corridor restoration efforts to improve fisheries and riparian habitat and reestablish a more natural channel and floodplain form to this reach.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed acquisition would have no significant negative cumulative effects on the physical and human environments. When considered over the long-term, the proposed action poses significant positive effects towards the public access to this parcel and enhancing the fishery along Big Spring Creek.

The need for access to Big Spring Creek for adequate public access to this premier trout fishery is significant. In today's trend toward home developments in rural areas, the public is fortunate to have the option to purchase this parcel in fee title. It is becoming more difficult for sportsmen, recreationists and general outdoors enthusiasts to access public lands and waterways. The proposed action is to purchase the Mountain Acres parcel. A future environmental assessment will consider the effects of the proposed stream restoration and re-meandering of Big Spring Creek. Increased visitation is likely once the land is public. No floodplains, wetlands, unique or prime farmland will be impacted by the purchase.

The minor impacts that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. FWP would implement the Statewide Integrated Noxious Weed Management Plan to mitigate the spread of weeds often associated with increased use. The natural environment would continue to exist to provide habitat to migratory and permanent wildlife species and would be open to the public for access for fishing and recreating. The proposed acquisition would have minimal impact on the local wildlife species that frequent the property and would have a positive impact on the fishery in the long-term.

PART IV. PUBLIC PARTICIPATION

1. **Public Involvement:**
   The public will be notified by way of legal notices in the *Lewistown News-Argus*, in the Great Falls *Tribune* and the Helena *Independent Record* in addition to a statewide press release. A public notice will also be posted on the Fish, Wildlife & Parks web page: http://fwp.mt.gov/publicnotices. A direct mailing will be sent to adjacent landowners and interested parties. Additionally, copies will be available for public review at FWP Region 4 Headquarters and the FWP Lewistown Area Resource Office. This level of public notice and participation is appropriate for a project of this scope having few minor impacts.

   Public meetings to address questions for this EA can be arranged upon request within the comment period.

2. **Duration of comment period.**
   A 30-day comment period is proposed as appropriate for the scale of this project. Comments will be accepted until 5PM June 20, 2011. Comments should be sent to Region 4 Regional Fisheries Manager George Liknes at glikness@mt.gov or mailed to: Montana Fish, Wildlife & Parks, Mountain Acres Acquisition, 4600 Giant Springs Rd., Great Falls MT 59405, or on the Fish, Wildlife & Parks public notice web page.

PART V. EA PREPARATION

1. 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.

Based upon the evaluation of impacts to the physical and human environment under MEPA, this environmental assessment revealed no significant negative impacts from the proposed action and identified a very limited number of minor impacts from the proposed action, therefore an EIS in not required and an environmental assessment is the appropriate level of review.

2. Person(s) responsible for preparing the EA:

Pam Boggs
EA Coordinator
PO Box 200701
Helena, MT 59620-0701
pboggs@mt.gov

George Liknes
Regional Fisheries Manager
4600 Giant Springs Rd
Great Falls, MT 59405
(406) 454-5855
gliknes@mt.gov

3. List of agencies consulted during preparation of the EA:

Fergus County Weed District

Montana Department of Commerce – Tourism

Montana Fish, Wildlife & Parks
- Director's Office – Lands Unit
- Director's Office – Legal Unit
- Fish and Wildlife Division
  - Fisheries Bureau
  - Wildlife Bureau
- Parks Division

Montana Natural Heritage Program – Natural Resources Information System (NRIS)

Appendices

1 HB 495 Project Qualification Checklist
2 Department of Commerce Tourism Report
3 Hazardous Material Inspection

APPENDIX 1

HB495 PROJECT QUALIFICATION CHECKLIST

Date: August 17, 2010 **Person Reviewing** Pam Boggs

Project Location: Mountain Acres parcel T15N, R18E, section 10 in Fergus County

Description of Proposed Work: FWP proposes to acquire a six acre parcel owned by and adjacent to the Mountain Acres Mobile Home Park along Big Spring Creek in Lewistown.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Check all that apply and comment as necessary.)

[ ]A. **New roadway or trail built over undisturbed land?**
Comments: No new roadways or trails.

[ ] B. **New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: No new construction.

[ ]C. **Any excavation of 20 c.y. or greater?**
Comments: No excavation.

[ ]D. **New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: No parking lot.

[ ] E. **Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: No shoreline alteration.

[ ] F. **Any new construction into lakes, reservoirs, or streams?**
Comments: No new construction.

[ ] G. **Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: No construction. SHPO would be contacted if acquired and prior to development. Work would not proceed until clearance has been received.

[ ] H. **Any new above ground utility lines?**
Comments: No new utility lines.

[ ] I. **Any increase or decrease in campsites of 25% or more of an existing number of campsites?**
Comments: No camping.

[ ] J. **Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?**
Comments: No.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

Appendix 2

TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Carol Crockett, Tourism Development Specialist
Travel Montana-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Mountain Acres Fishing Access Site Proposed Acquisition

1. **Project Description:** Montana Fish, Wildlife & Parks proposes to acquire approximately 6 acres of land currently owned by the Mountain Acres Mobile Home Park. It is located on the south side of Big Spring Creek on the north side of Lewistown, Montana in Fergus County. This site is located on Lower Big Spring Creek. The parcel can be accessed by a public street maintained by the City of Lewistown. The proposed acquisition is part of a collaborative effort to restore approximately 5,000 feet of stream by re-meandering the creek which would increase the stream length of Big Spring Creek by nearly 50%. The proposed acquisition would be used to build about 500 feet of stream through the Mountain Acres property. The property is in floodplain and is currently used as a storage area of inert materials for the mobile home park owner including old rail road ties and logs, old street signs and playground equipment, concrete blocks, and includes a bathroom sink and a dilapidated mobile home. The property is also used occasionally to graze horses.

1. Would this site development project have an impact on the tourism economy?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy. We are assuming that the agency has determined it has the necessary funding for the on-going operations and maintenance once this project is complete.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to improve the quality and quantity of tourism and recreational opportunities. We are assuming that the agency has determined it has the necessary funding for the on-going operations and maintenance once this project is complete.

Signature Carol Crockett, Visitor Services Manager Date: September 9, 2010

Appendix 3
Hazardous Materials Inspection of Proposed Mountain Acres FAS Parcel

Griffith Environmental Consulting Inc.
5089 Hedges Drive
Helena, MT 59602
406-458-5720
406-459-4830 (cell)
406-422-0017 (fax)
e mail: egriffithgec@gmail.com

13 September 2010

Ms. Darlene Edge
MT. Dept. of Fish Wildlife and Parks
Field Services Division, Land Section
1400 Eighth Avenue
Helena, MT 59601

RE: Hazardous Material Inspection for the Mountain Acres Mobile Home and RV Park in Lewistown, MT.

Dear Ms. Edge,

After reviewing the information provided by FWP, I scheduled a visit to the mobile home park and the 6 acre parcel planned for sale to accommodate realignment of Big spring Creek back to its original channel. I met with the owner's representative, Mr. Joe Wilson and the on-site manager to inspect the parking area adjacent to the 6 acre parcel and through which access will be granted to the public as well as the 6 acre parcel. My primary concerns were potential storage of hazardous materials in the "parking area"and how the adjoining 6 acre parcel had been used over the last 50-60 years.

According to Mr. Wilson, the only drummed material stored on the site was an asphalt tackifier used for repairing the paved streets. At the present time there are no drummed materials stored in the fenced parking area or the adjoining 6 acre parcel. None of the approximately 15 vehicles inside the parking area appeared to have any problems with fuel or oil leakage and I saw no fuel storage containers in or around them. Other than the vehicles, the parking area contained several motorcycles, assorted trailers, small dumpsters, and miscellaneous wheels and trailer axles.

The 6 acre parcel was quite wet on Friday, September 10, 2010 during my inspection due to several days of rain. As a result, the western part of the parcel clearly displayed all the attributes of a wetland. Because of the high water table and a spring discharge and small pond on the south side there was no vehicular access and thus very little debris. There were several trails that meandered through the western and southern portions of the parcel that appeared to have been heavily used by the 5 horses pastured there. In the east central part of the 6 acre parcel there were discarded concrete culvert sections that had been used to protect water risers, sections of concrete sidewalk, pipe street sign posts with concrete bases, and a small amount of discarded asphalt paving. None of these materials pose a threat to the residents of the trailer park or the waters of Big Spring Creek. Just west of the northwest corner of the parking area is a mobile home frame with its axle assembly and 40 feet west of it are several soil piles used to raise red worms for fishing.

Appendix 3
(continued)

Other than a complete mobile home, two small utility trailers, miscellaneous wheels and axles for mobile homes, and minor debris from dismantled mobile homes, there were no significant human impacts to the parcel. I found no drums, discarded 5-gallon containers, paint cans, or any containers that once stored chemicals of any kind. None of the soil piles or concrete debris piles had any sign of contamination from fuels or discarded chemicals. There were no areas of dead vegetation or extensive weed patches indicative of adverse impacts from soil disturbance or chemical disposal. Given the very clean nature of the parcel, (other than a great deal of horse manure) I found no reason to collect any soil samples.

Conclusions

I found no evidence of any hazardous materials having been used or stored on the 6 acre parcel or the small fenced "parking area" adjacent to it. Given the restricted access to these parcels and the fact the 6 acre parcel is bordered by a fence and Big Spring Creek on the north, the mobile home park to the east, the "parking area" and construction company to the south, and the city water treatment plant to the west, opportunities to dispose of any wastes are severely restricted.

Given the site's limited access and my inspection that revealed no physical signs of any hazardous materials, there do not appear to be any problems regarding hazardous materials on this property or adjoining properties.

Respectfully,

Earl F Griffith

Earl F Griffith P.G.

Wyoming #1033

14 September 2010