



Decision Notice

Milltown State Park Parcels Acquisition

Montana Fish, Wildlife and Parks, Region 2
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Missoula, MT 59804
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Description of Proposed Project

Montana State Parks proposes to acquire three parcels of land totaling approximately 465 acres to develop a State Park at the current Milltown Reservoir Sediments Superfund Site at the Confluence of the Clark Fork and Blackfoot Rivers in Missoula County. If acquired, these parcels--along with approximately 78 acres currently owned by Montana Fish, Wildlife & Parks (FWP)--would form the core of the Milltown State Park site and enable its development.

FWP would accept the transfer of two parcels currently owned by the State of Montana (one held by the Natural Resource Damage Program and another by the Department of Environmental Quality) and the donation of a third from Five Valleys Land Trust.

- **Parcel A** is the former NorthWestern Energy property (approximately 416 acres). As a result of the Superfund cleanup, it was acquired by the State of Montana in December 2010 and includes the reconstructed floodplain of the Clark Fork River as well as the lower Blackfoot River. The area is managed by the State's Natural Resource Damage Program (NRDP). As river restoration work finishes, NRDP would transfer the property to FWP.
- **Parcel B**, the Milltown Bluff property (approximately 13.6 acres), is located on the south side of the Clark Fork River above the former dam site. The land was acquired by the State of Montana in February 2011 and is managed by the Montana Department of Environmental Quality (DEQ). Upon completion of a visitor overlook, DEQ would transfer the property to FWP.
- **Parcel C** is the Jacobs property (approximately 35 acres) located to the east and southeast of the Deer Creek County Road. In 2010, the Missoula-based Five Valleys Land Trust (FVLT) purchased the privately held parcel adjacent to the proposed park site to provide a critical access point and trail link. FVLT would donate the land to FWP for inclusion in the park.



Need and Benefits

FWP acceptance of the three parcels would fulfill the long-standing community expectation of public ownership for the Milltown Superfund site and the restored confluence. For the last eight years, the Milltown Superfund Redevelopment Working Group (MSRWG, or “Working Group”), a broad-based citizens’ group, has cooperated with local, state and federal agencies, local non-profit organizations and the public to plan for the future of the Milltown Superfund Site. The transfer of the Milltown parcels is essential to the park development envisioned by the 2008 conceptual design plan crafted by the Working Group, and its partners FWP, Missoula County, the National Park Service’s Rivers, Trails, and Conservation Assistance Program, and the Idaho-Montana Chapter of the American Society of Landscape Architects.

The state park proposed at Milltown is a complex, multi-year effort that would be carried out into future years contingent on funding availability, agency priorities and community support. Elements envisioned in the overall park development include, in approximate order of importance:

1. Acquisition of the NorthWestern Energy Company property (416 acres), the Milltown Bluff property (13.6 acres) and the Jacobs property (35 acres);
2. Gateway and Confluence development: Construction of trails; two pavilions with a plaza in front; and other park and access features such as toilets, signs, benches, picnic tables, doggie stations, bike racks, site grading, gates, and revegetation;
3. Design of a 700-foot pedestrian bridge across the Clark Fork River;
4. Construction of the pedestrian bridge across the Clark Fork River;
5. Construction of hiking trails and minimal park facilities in the reconstructed floodplain;
6. Development of the Jacobs property (Parcel C) with the construction of a parking lot, park amenities and trail connecting to the pedestrian bridge over the Clark Fork River;
7. Acquisition of a trail easement and construction of a trail along the Blackfoot River to access FWP property acquired from The Nature Conservancy (TNC) in 2010; and
8. Evaluation of safety improvements to a 300-foot railroad tunnel (below the Milltown Bluff) to allow pedestrian/cyclist access.

In addition to raising funds for park development for items 4 thru 8, Montana State Parks and its partners along with community support will need to work to secure operation and maintenance (O&M) funds to extend beyond the five-year window currently funded by the Natural Resource Damage Program.

Lands transferred or donated in this acquisition would constitute the core of the new state park. Portions of Parcel A along the lower Blackfoot River (the Milltown Gateway) and the Confluence area are envisioned to be the first areas to be developed, in late 2011 and 2012, with a riverfront trail, park amenities and a proposed footbridge. That work would be discussed and analyzed in a subsequent FWP environmental assessment. Other park project components would be proposed and assessed as funding and resources are secured.

Alternatives

Alternative A--Proposed Action: FWP would accept the transfer/donation of three parcels totaling approximately 465 acres.

FWP proposes to accept the transfer/donation of the three parcels of land to accomplish a vital task in the redevelopment of the Milltown Superfund site and adjoining lands as a new state park. FWP ownership of the three parcels, along with lands acquired in 2010, would consolidate the initial Milltown State Park boundaries and allow for the park's recreational and interpretive development.

Alternative B--No Action: FWP would not accept the transfer/donation of the three parcels. Under the No Action Alternative, FWP would not accept the land transfer, and Montana State Parks would not proceed with development of a state park at Milltown.

Properties already owned by the State of Montana (Parcels A and B) would remain, respectively, under the management of the NRDP and DEQ. If Parcel A was not acquired, then the proposed state park would not move forward. Previously dedicated NRDP funds for park development, and operations and maintenance would be released to support other projects. FVLT would likely pursue another conservation buyer for the Jacobs property (Parcel C). If no interested buyer were found, the property could be put on the real estate market for a private buyer (and potentially developed for residential use), and likely FVLT would require a conservation easement to protect resource values. Public access would not necessarily be provided by such an easement.

Public Process

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information.

The legal notice for the Milltown Park Acquisition EA was published twice each in the *Independent Record* (Helena; June 24, July 8) and *Missoulian* (June 24, July 8) newspapers. Montana State Parks issued a state-wide news release on June 24. FWP distributed approximately 56 copies of the EA, and approximately 39 postcard and 70 email notifications of the EA's availability to adjacent landowners and interested individuals, groups and agencies. The EA was available for public review on FWP's web site (<http://fwp.mt.gov/>, "Submit Public Comments") from June 24 through July 25, 2011.

Comment Summary

During the official comment period, FWP received 17 comment letters and emails (hereafter, "letters"): eight letters were from individual members of the public and nine were from agencies and organizations. The nine agency/organization letters included one tribal government (the Confederated Salish and Kootenai Tribes), six local government agencies (Missoula County Public Works; Bonner Milltown Community Council; Missoula Historic Preservation Office; Missoula City-County Office of Planning and Grants; Board of Health, Missoula City-County Health Department, and the Missoula County Commission) and two nonprofit organizations (the Clark Fork Coalition and the Garden City Flyers Disc Golf Club).

From the comments, there was almost unanimous support or qualified support for the proposed action to acquire these three parcels of land. One comment, from the Missoula Office of Planning and Grants, clarified current zoning of the parcels. Specific concerns or recommendations are addressed below:

- You have my full support to buy every piece of riverfront property that comes up. Raise my taxes to do it!!
- I strongly support the proposal to acquire the property in the Milltown area for the park. Just make sure you get a good deal on the price and they don't jack it up because it's state money.
- I firmly support funding of the Milltown State Park land acquisition and think this is a great use of my money from the purchase of hunting and fishing licenses.

FWP Response: *Thank you for the support. The proposed acquisitions, however, involve no funds from either hunting and fishing licenses or state taxes. Parcels A and B are already owned by the State of Montana (acquired through NRDP funds and a donation respectively) and would be transferred to Montana State Parks, while Parcel C would be donated by Five Valleys Land Trust.*

- I support the purchase of the proposed Milltown State Park Land acquisition efforts that includes the transfer of three parcels of land in the Milltown area to form a park. I do not support creating ornate recreational facilities such as a boat launch, picnic shelter, toilet buildings, large parking lots or baseball and soccer fields. I want this park to be OPEN SPACE with no improvements to it. I just want the blank land to be there. I don't want restaurants, boat shelters or other recreational buildings.

FWP Response: *Thank you for the support. Acquisition of these parcels is the first step toward developing the state park, which would include modest facilities. Development of these park facilities would be detailed and analyzed in future Environmental Assessments, which would be available for public comment.*

- The Tribes have played a major role in the remediation and restoration of the Milltown Site and have long supported the redevelopment of the Milltown Site as a state park to be managed by Montana Fish, Wildlife and Parks (MFW&P). Therefore the Tribes are pleased to state their support for the transfer of land to MFW&P for the purpose of developing a state park at the Milltown Site as described in the referenced Environmental Assessment.

Concurrent with the Tribes support of the land transfer the Tribes wish to continue discussions with the MFW&P regarding coordination and consultation between the two governments during the design, construction, and long-term management phases of the state park. We think the discussions have been mutually beneficial and that both parties share a commitment to developing a process that clearly defines each government's roles and responsibilities and that will facilitate the development of a state park at the Milltown Superfund Site for the benefit and enjoyment of the public.

FWP Response: *We agree and look forward to ongoing discussion and collaboration.*

- This letter is written in support of the acquisition of the 3 parcels of land to be included in the Milltown State Park.... Specifically, we feel that Parcel C, the Jacobs property, has great potential to be used as a disc golf (olf) course.... We, the Garden City Flyers Disc Golf Club, have been successfully working with area resource managers to minimize the impacts of the sport at existing courses while providing a quality recreational experience not only for disc golfers (olfers) but other users of these areas, too. We feel that we could use these and other practices to create a quality course on the Jacobs property that would provide a recreational activity capable of being enjoyed by people of all ages at a very low cost to the overall project.

FWP Response: *Montana State Parks will assess a wide range of potential recreational activities at the Milltown State Park as it develops a park management plan.*

- It is my opinion the draft EA is deficient in that it does not mention or address impacts to public roads created by the project.

The primary means of physical access to the property is provided by Tamarack Road and Juniper Drive....Careful consideration should be given to the impacts created by this action to these roads. Such things as congestion, current physical condition of the roads, potential intersection improvement created by increased traffic attributable to this proposal, suitable parking, impacts to neighboring properties, seasonal recreational traffic (as experienced along the Blackfoot River) are just a few of my concerns which have not been addressed by the EA.

While I do support the acquisition of these parcels by FWP and the project, the EA needs to be revised to address these issues and develop an appropriate mitigation strategy to either prevent or reduce impacts experienced at similar parks.

FWP Response: *Thank you for raising this issue. Montana State Parks will work with Missoula County to address road impacts. While Milltown State Park is expected to have several access points in addition to the Tamarack Road entry, potential impacts to roads will be addressed in future environmental assessments as the agency moves forward with development. In particular, the Tamarack-Juniper Drive issues would be addressed in the next EA that will analyze impacts in the development of the Milltown Gateway and Confluence areas.*

- The parcels included in the development appear to be zoned C-RR1 - Residential, C-I1 - Light Industry, unzoned, and ZD#37 - a single family residential citizen initiated zoning district. C-RR1 allows for public and quasi-public building and uses (parks) as special exceptions and C-I1 and ZD#37 do not allow for public and quasi-public uses (parks) Because these zoning districts do not permit parks as an allowed use the State would be required to go through a zoning related public process for the proposal....

The draft EA also makes no reference to proposed floodplain development being compliant with floodplain regulations. Please reference that all improvements within the Clark Fork floodplain, including the proposed bridge and all structures, are subject to regulatory compliance with the Missoula County Floodplain Regulations (2004). The floodplain regulations should also be cited in your list of References.

FWP Response: *Thank you for providing this correction and clarification regarding zoning on the Milltown parcels. Montana State Parks intends to request a public hearing before the board of adjustment in the near future, as required by MCA 76-2-402. On floodplain development, the EA analyzes the impacts of acquisition; development impacts relating to the floodplain will be assessed in future EA documents.*

Decision

Based upon the Environmental Assessment (EA) and the applicable laws, regulations, and policies, I have determined that the proposed action would not have significant effects on the human and physical environments associated with the parcels. Therefore, we conclude that the EA is the appropriate level of analysis and the preparation of an Environmental Impact Statement is unnecessary.

By this notification, the draft EA is hereby made the final EA with this Decision Notice, since very minimal changes (noted in FWP responses above) are required to the draft document.

It is my decision to recommend the acquisition of the three Milltown Park parcels to the FWP Commission. This action requires the approval of the FWP Commission and the Montana Land Board at their August public meetings before it can be finalized.



7/31/11

Lee Bastian, FWP Regional Park Manager

Date