Montana Fish, Wildlife & Parks

Region 4
4600 Giant Springs Road
Great Falls MT 59405-0901

Environmental Assessment Decision Notice:
Bank of the Rockies Property Acquisition, Big Spring Creek
November 5, 2013

Proposal

Montana Fish, Wildlife and Parks (FWP) proposes to acquire approximately 20.72-acres of land in Fergus County, Montana for $188,000. The purpose of the proposed acquisition is to provide additional public angler access to Big Springs Creek, allow the department to pursue future stream restoration projects, and provide an opportunity for expansion of the Lewistown City Trail network. The proposed property is located in Township 15 North, Range 18 East, section 9 of Fergus County immediately to the south and east of the Carroll Trail FAS, and NW of the Lewistown Waste Water Treatment Plant. It encompasses approximately one mile of creek frontage. This Environmental Assessment (EA) addresses only the proposed acquisition, any site developments or stream restoration efforts will require subsequent environmental assessments.

Montana Environmental Policy Act Process (MEPA) and Public Involvement

On August 16, 2013, FWP released a draft EA for the Band of the Rockies Property Acquisition, Big Spring Creek. The EA evaluated the potential impacts of the following alternatives:

Alternative A: No Action

If the No Action alternative were adopted, the property would not provide public access to Big Spring Creek. The Lewistown City Trail network would not be expanded through this site. Phase 2 of the stream channel restoration would likely not be implemented. The land would likely remain in private ownership which would limit public access to Big Spring Creek. The No Action alternative would not fulfill the objectives of the project which are to provide public access to the stream for recreation.

Preferred Alternative B: Proposed Action

The preferred alternative is to purchase the 20.72 acre Bank of the Rockies property. This alternative would satisfy objectives of FWP to provide public access and recreational opportunities to Big Spring Creek. Following the acquisition FWP would pursue the stream channel restoration effort in a separate process in order to improve natural function to a degraded portion of the creek and improve fish habitat. The purchase would

provide 2.5 stream miles of continuous access to central Montana's premier trout fishery and an opportunity to expand the Lewistown city trail system. The property is in a good location to provide easy, safe access to the creek and recreation. Use is expected to be high due to its proximity to the city limits.

Summary of Public Comment

A total of 19 comments were received during the public comment period. Seventeen were in agreement with the proposal and found no problems with the EA while two were opposed. One of the comments was from a local sporting group. The two opposing comments were directly related to the cost of the property. Comments and the department's responses are as follows:

FOR

1. *Comment: I fully support this acquisition as it is important to safeguard and preserve a blue ribbon trout site and a significant wetlands area for birds and other animals. This area of the creek has the highest fish count on Big Spring Creek to my knowledge. It is superb fishing in this area.*

2. *Comment: I am in complete support of this proposal. This will be a valuable acquisition to provide better access for fishing Big Spring Creek.*

3. *Comment: I am in complete support of the proposed acquisition of the Bank of the Rockies Property by FW&P.*

4. *Comment: I am in favor of the 20.7 acre purchase of land along Spring Creek. It would do much to improve access, the economy of Lewistown, and the fish population.*

5. *Comment: My family agrees with the proposed acquisition for the ecological and recreational reasons noted in the EA.*

6. *Comment: I fully support the idea! Please move forward with this.*

7. *Comment: I am in support of the proposed action of the Bank of the Rockies Property Acquisition, Big Spring Creek Draft Environmental Assessment...*

8. *Comment: Please do purchase this property. It has creek frontage, adjacent wetlands connectivity, is used by both "tubers" and fishermen, and would connect several public parcels leading to greater probability of successful creek restoration ("Machler Project"). Removing the old buildings would be a real plus to aesthetics along the creek.*

9. *Comment: I think this is a good purchase and a good investment for Montana anglers. It's close to town, with easy access...even for kids on bikes. I fully support this proposed purchase.*

10. *Comment: I support acquiring the 20 acre parcel on Big Spring Creek. Keep up the good work!*

11. *Comment: I support the purchase of the parcel to enhance and enlarge public access to the Big Springs Creek aquifer.*

12. *Comment: I concur with the draft EA and support the acquisition of a quality fishery and valuable riparian area.*

13. *Comment: I support Alternative B the Acquisition of the Big Spring Creek property from Bank of the Rockies. What a great addition to the existing FWP properties in the area, and what a great deal from the Bank of the Rockies.*

14. *Comment: This would be a great acquisition for the state and a important future access for the people of Montana.*

15. *Comment: I have no problem with the environmental assessment. If this property is not grossly overpriced then we (the people who pay taxes) should buy the land.*

16. *Comment: The EA looks fine.*

17. *Comment: See appendix A.*

    Response: Your comments of support are duly noted.

AGAINST

18. *Comment: Not worth the money or effort, I oppose the purchase.*

19. *Comment: I am one of the old fogies that am uncomfortable any time government entities purchase private property with tax or government dollars. This purchase, however, does sound almost logical...It just rubs the wrong way when private property is lost to government, and when an individual wanting to enhance his property has to compete with the deep pockets of government branches when they simply raise fees, dip into tax coffers, or put us in the red because of what they want. For the record, I would oppose the purchase at this point; want to know what the price is, and who might be a competitive bidder.*

    Response: This property is being sold to FWP substantially below the fair market value of $250,000. The funding for this project comes from the Montana Fish and Wildlife Conservation Trust and the Monsanto PCB Mitigation settlement for Big Spring Creek. The Montana Fish and Wildlife Conservation Trust was established by the U.S. Congress in 1998, funded by proceeds from the sale of cabin sites on Canyon Ferry Reservoir that had previously been leased from the Federal government. The Trust has agreed to grant $60,000 towards the cost of the property. The Monsanto PCB mitigation settlement would provide $128,000. No FWP license fees or tax dollars would be used to purchase the project.

The proposed action is consistent with the scope of the Monsanto settlement to mitigate impacts to the public from the PCB issues associated with Big Spring Creek. The public benefits from the proposed action would be long term and significant.

Decision

Based on the Environmental Assessment, public comment, and FWP evaluation, it is my decision to proceed with Alternative B, the proposed action of acquiring approximately 20.7-acres of land as described in the EA.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

Gary Bertellotti
FWP Region Four Supervisor

Appendix A

August 29, 2013

Mr. Clint Smith
Montana Fish, Wildlife & Parks
P.O. Box 938
Lewistown, MT 59457
clsmith@mt.gov

Dear Clint,

The Snowy Mountain Chapter of Trout Unlimited appreciates the opportunity to review and provide comments on the Bank of the Rockies Property Acquisition, Big Spring Creek Environmental Assessment (EA). We are familiar with this property, many of our members have fished it often, and we support the proposed action to acquire this property

Below are the reasons we support the proposed action to acquire this property –

- Acquisition of this property would connect the Carroll Trail Fishing Access Site (FAS) to the FWP Machler conservation easement and Lazy KB FAS to allow recreationists access to about 2.5 contiguous miles of Big Spring Creek.

- Acquisition of this property would eliminate trespass issues on the west bank of Big Spring Creek through the south half of the Carroll Trail FAS which isn't clearly posted. Fortunately, the Bank of the Rockies has not enforced this, but the next landowner, other than FWP could.

- The City of Lewistown is an excellent partner in this project and we believe they will cooperate to the extent they can to provide the best public use opportunities of the land they own on the west side of the subject property and to this acquisition. This is something the FWP can achieve that a private landowner may not be able to accomplish.

- A majority of this land is either wetland or floodplain and has minimal opportunity for construction of home sites or other facilities and we are not aware of competition to purchase this property.

- The irregular boundaries of this property make it a more suitable acquisition by FWP rather than a private entity.

- The trout population in this section of Big Spring Creek is among the highest on the entire watershed at over 1,000 trout greater than 10" in length per mile. I doubt FWP can find a higher quality fisheries than this for the price.

- Acquisition of this property is essential to phase two of the proposed restoration of this segment of Big Spring Creek.

- There will be many benefits of this acquisition to expand the Lewistown Hiking Trail System.

- Implementation of a noxious weed control program would reduce infestations on the property and adjacent downstream FAS.

If you have any questions concerning these comments, please do not hesitate to contact Mike Getman of the Chapter at mhg4556@gmail.com or 1-406-366-6391.

In conclusion, we hope you will approve the proposed action of this EA to acquire this property.

Sincerely,

Mike Chapman
President Snowy Mountain Chapter of Trout Unlimited