



FOR IMMEDIATE RELEASE: April 21, 2014
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Decision Notice Issued on EA for the Development of the Gateway and Confluence Areas at Milltown State Park

(Missoula, MT) - Montana State Parks (stateparks.mt.gov) announced today that a Decision Notice has been issued on the Environmental Assessment (EA) for development of the Gateway and Confluence Areas at the new Milltown State Park. The decision is to pursue the park development in the Milltown Gateway and Confluence Areas, pending resolution of access issues. By notification of this Decision Notice, the Draft Environmental Assessment (EA) is hereby made the Final EA.

Under the proposal, Montana State Parks would construct trails, parking areas, viewpoints, river access points and related public access and user facilities in the Milltown Gateway and Confluence Areas.

The proposed development would provide the initial infrastructure essential to protect public safety and park resources.

Funding for the initial phase of the park development would be provided through the Montana Natural Resource Damage Program, the U.S. Department of Housing and Urban Development and U.S. Environmental Protection Agency.

The public comment process for the proposed project was from January 24, 2014 through February 24, 2014. The proposal received 23 comments: 10 were supportive of the proposed project, one against, and 12 comments discussed general park management or additional topics.

To view the Decision Notice and Draft/Final EA click on:

http://stateparks.mt.gov/news/publicNotices/environmental-assessments/pn_0020.html or visit stateparks.mt.gov and click on "public notices".

This action is subject to appeal, and must be submitted to the Parks Division Administrator (at 1420 E. 6th Avenue in Helena, MT 59620) in writing and postmarked within 30 days of this decision notice (by May 21). The appeal must specifically describe the basis for appeal, explain how the appellant has previously commented to the Department or participated in the decision making process and explain how FWP might address the concerns of the appeal.

The Decision Notice pertains to the EA conducted as part of the Montana Environmental Policy Act. The Milltown project was also reviewed under the National Environmental Policy Act because of the HUD funding. Missoula County, in its capacity as Responsible Entity under 24 CFR Part 58 relative to Economic Development Initiative funding at Milltown State Park, has also determined that this project will have no significant impacts on the human environment, and submitted to the U.S. Department of Housing and Urban Development a Request for Release of Funds. HUD, upon receipt of the request for release of funds, will accept objections to its release of funds and Missoula County's certification for a period of fifteen days. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to: U.S. Department of Housing and Urban Development, Region VIII Office, 8ADE, 1670 Broadway Street, Colorado 80202-4801.

For directions or more information about Milltown State Park visit:

<http://stateparks.mt.gov/milltown/>

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A division of Montana Fish, Wildlife & Parks
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DECISION NOTICE:
Proposed Milltown State Park Gateway and Confluence Area Development

DESCRIPTION OF PROPOSED PROJECT

Montana State Parks (MSP), a division of Montana Fish, Wildlife & Parks (MFWP), proposes 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. The project's purpose is to provide, under MSP management, enhanced recreational access and facilities for public use at the Gateway Area along the lower Blackfoot and the Confluence Area. The establishment of formal facilities would initiate the transfer of jurisdiction of the confluence area lands from the Montana Department of Justice Natural Resources Damage Program (NRDP) to MFWP as described in the *2011 Proposed Land Transfer: Milltown State Park Parcels Environmental Assessment*.

ALTERNATIVES CONSIDERED

Alternative A: No Action

Under a no-action scenario, the land at the Confluence and Gateway Areas would remain with the State of Montana, and under the jurisdiction of the NRDP, which could retain management authority of the site.

Under a no-action alternative, there would be no infringement on the floodplain. Some recreational opportunities would likely be available to the public but the amenities envisioned under the Milltown State Park Conceptual Design plan would go unrealized. Demand for recreational use at the Confluence Area is expected to be high, and unmanaged use poses threats to both the natural and human environments. In the absence of appropriately designed access, undirected public use could lead to potential conflicts with the local community over parking in inappropriate places, blockage of emergency access, and garbage and human waste problems. In addition, unmanaged use could cause damage to the newly planted vegetation that would threaten riparian areas, stream banks and the natural channel design.

A no-action alternative would not satisfy a long-standing public expectation for a park at the confluence of the Blackfoot and Clark Fork Rivers. Since 2003, a citizens' working group has

promoted Superfund redevelopment projects for the Milltown area. Also, if the proposed access facilities were not established it would greatly diminish the unique qualities of the proposed future trail and footbridge system proposed by the Milltown Superfund Redevelopment Working Group and the County, linking to the Kim Williams Trail further west and upstream access sites.

Alternative B (Preferred): Development of the Gateway and Confluence Areas

Under this alternative, MSP would construct trails, parking areas, viewpoints, river access points and related public access and user facilities in the Milltown Gateway and Confluence Areas. These developments would provide the initial infrastructure essential to good park management. MSP would construct an access road and two parking areas. The walk-in river access point allows access for river recreationists to the Blackfoot River just above its confluence with the Clark Fork River, but is downstream from the I-90 bridge piers. An Americans with Disabilities Act (ADA) compliant riverfront trail would connect the Gateway Area and the Confluence Area. In addition to the main riverfront trail, another 1,450 feet of paved connector trails (6-8 feet in width) and 1,264 feet of unpaved trail (4-5 feet in width) are proposed in the Confluence Area. Spur trails that lead across the floodplain to reach the water's edge would be primitive with no fill imported.

Site development would also include an interpretive plaza that overlooks the confluence of the Blackfoot and Clark Fork Rivers and former dam site, and a timber-framed shelter with a stone or concrete plaza and interpretive signage. Park benches and picnic tables will be incorporated at locations throughout the park. Construction plans also include a timber-framed group use shelter, approximately 24 x 36 feet, with a concrete floor. The shelter would be located adjacent to the Confluence Area parking area. At the administrative area in the Confluence, MSP proposes a ranger station (less than 2,000 square feet) and maintenance shop. The ranger station would allow for a visitor contact area and office space for park staff. The maintenance shop would house park vehicles, tools, equipment and maintenance supplies. The footprint for the administrative center will also include the original shop. Development would also include the installation of four precast vault latrines, one at the Gateway, two adjacent to the Confluence parking area and one near the park administrative area.

Properly developed and managed recreational facilities would serve local communities, the state, and the country as a whole. The recreation opportunities that western Montanans already enjoy, especially fishing, floating, hiking, bird watching and biking, would be greatly improved. In addition, rich local history and the story of a high profile, river restoration effort would be explored through interpretive signage and educational methods. Combining outdoor recreational opportunities, heritage tourism, and environmental education, the Milltown State Park should prove itself a force for community revitalization and serve as a new motor of economic activity in the Milltown area.

PUBLIC PROCESS AND COMMENT

A draft Environmental Assessment (EA) for the proposed project was made available for public review and comment from January 24, 2014 through 5:00 pm February 24, 2014. Legal notices for the Milltown State Park: Proposed Gateway and Confluence Area Development were

published twice each in the *Missoulian*, and *Helena Independent Record*. The EA was posted on the Montana State Parks website and a statewide press release issued. A list of interested parties was generated, which consisted of neighbors, conservation groups, Montana state legislators, and federal, state and county departments or agencies. Most of those on the list received an email notification though 81 people received a postcard and 29 received a hard copy version of the EA. In addition, Montana State Park staff attended a meeting of the Bonner-Milltown Community Council to give a briefing on the proposal.

MSP received 23 comments on the proposal. Four came from organizations (Friends of Two Rivers, the Bonner-Milltown History Center, the Bonner-Milltown Community Council and the Milltown Superfund Redevelopment Working Group) three came from agencies (City of Missoula Parks and Recreation, Missoula County, and the Montana Natural Resource Damage Program), and 16 from individuals. Of the 23 comments, 10 were supportive of the proposed project, one did not support the proposed project due to concerns that development would potentially increase traffic and safety issues along Highway 200 at the intersection with Tamarack Road, and 12 discussed general park management or additional topics.

The following is a summary of themes contained in the comments received and response where applicable:

1. Many of the comments offered support for the project. The following are representative:
 - “We are enthusiastically looking forward to the development of the Milltown State Park!”
 - “I support and look forward to the completion of the Milltown State Park and the opening of the Blackfoot River section above the confluence area.”
 - “I am glad to see that the Milltown State Park is now slated for development.”
 - “I support the development of a state park at the Milltown confluence.”
2. Some comments conveyed a sense of urgency in developing the park.
 - “Adequate access to the Confluence is a serious obstacle and resolution of this problem, in our opinion, is taking far too long. While we appreciate the complexities of the negotiations, it appears that the State lacks the determination to achieve a relatively simple solution and we urge the various departments involved to join together to produce a quick and favorable resolution to the access issue.”
 - “Development of the Gateway area can begin almost immediately starting the process of re-introducing the public to the idea of access to the park through a series of graduated openings.

MSP Response: We appreciate the public’s support for the development of facilities at the site. Converting an historic industrial site into a state park has its challenges. MSP appreciates the public’s patience with the process necessary to move to the long-term goal of a high-quality state park born from a Superfund site.

3. Some comments provided input on the proposed parking area, parking issues on Tamarack Road, and public transit.

- “We would urge a plan for overflow parking for such occasions.... We also wonder if, when the parking lot is full, people won't attempt to park along Juniper just before the railroad underpass at the end of Juniper. As the road is now, that would present a safety issue. But maybe some overflow parking could be created along the road if there is enough right-of-way to do so.”
- “I would like to see a large public parking lot with public bus access at this park site. Please have no parking signs posted on the street, when the park is completed so all the floaters will go to the park to access the river safely and are not walking down the middle of the road as in years past.”
- “It is imperative that ‘No Parking’ signs be placed along Tamarack and Juniper Drive after the park is built to discourage parking and confrontational problem between local residents and floaters.”

MSP Response: Initial park designs included a second overflow parking area but early public feedback suggested that was excessive. The current proposal is designed to accommodate immediate public parking needs and also accommodates bus traffic and the potential for public transit. Moving forward, park staff would monitor access patterns and parking to provide for resource protection and public safety. Where appropriate, MSP would also work closely with Missoula County to assist in addressing parking concerns along Tamarack Road.

4. Other comments offered thoughts on types/levels of facility development or general recreation management related to Milltown State Park. The following are representative:

- “While the park is surrounded by water, currently there is no potable water available in the area. We feel that a supply of water needs to be developed for both park and public use.”
- “In my experience, special accommodations for dogs prevent problems associated with dogs that are bound to happen in public gathering areas, regardless of posted rules and regulations.”
- “If the access path down to the river from the parking lot were paved and sloped gently enough it would be possible for someone with the right equipment and the right kind of logistical support to raft the river.... [I]f the slope and paving of the access trail were done according to disability standards now, it would save expensive retrofitting in the future.”
- “[A] system of security needs to be developed with fencing and gates at all access points, including the trail from the Gateway, that can be closed and locked at day’s end thus avoiding potential abuse of the area by illegal nighttime activities, not to mention, vandalism.”
- “Campsites that can be accessed by water are always a treat for canoeist/kayakers and would be a significant tourist draw.”
- “I especially look forward to the completion of the proposed bridge that will connect the Kim Williams trail to the Bonner area. I commute by bike from Turah to

downtown Missoula in the Summer/Fall months and would feel much safer if I didn't have to ride on the shoulder of Hwy 200 around through East Missoula. There is no mention of the bridge and hope that is still part of the final plan.”

- “If the project’s purpose is to enhance recreational access and facilities in the location of a restored natural river, the project should include bendway weirs to preserve the banks, improve the fishery, and restore the whitewater features of the river channel which pre-existed the Milltown dam and reservoir.”
- “[I]n regards to New Castle Court which is located next to the site of the future parking lot, it would be nice to see some sort of privacy barrier set up to separate the heavy traffic from the people who live there.”
- “I’m puzzled by all the left over tree stumps I see dotted across the landscape... I think they should be dug up and burned as "Slash Piles... I also hope that some of the trees that have been planted were Aspens.... I would also like to see a 10 acre non-boating fishing lake built on the property where it can be accessed by everyone...”
- “I do not support a developed park with waterslides, kayak white water adventure course, boat docks, gift shops or anything that is commercial.... I worry that Parks and Recreation does not have the money to maintain the area and that proper law enforcement will not take place to patrol the shorelines and monitor trash pick up.”

MSP Response: To the extent possible, suggestions that could be accommodated within the scope of the proposed project will be considered as the project moves forward. Those suggestions outside the scope of the proposed project and EA are appreciated and could be considered as part of future proposals. Regular maintenance and enforcement presence is taking place currently and an allocation from the NRDP long-range restoration plan will provide operational funding for the next several years.

5. Some comments mentioned the hazards to recreationists posed by the I-90 bridge piers.
 - “The I-90 bridge piers constitute a source of concern during periods of high water. We regret that this safety concern exists and encourage the State to make every effort to mitigate the situation by rebuilding the bridges in a safe manner.”
 - “We encourage the State to replace the I-90 bridges with safe structures without piers in the Blackfoot River.”

MSP Response: MSP continues to stay engaged in discussions regarding the I-90 bridge piers and concerns related to safety for recreational floating. Moving forward, MSP will be a willing collaborator in efforts to find solutions to safety concerns related to the piers.

6. One comment described the opportunity for connecting recreational opportunities provided at Milltown State Park, particularly trails, with those of the greater Missoula area. The comment also expressed concerns about impacts of river recreation to the corridor.
 - “Development of the trail system at Milltown State Park should be assessed in relation to the broader trail corridors in the areas surrounding the park.... Consideration of additional and pending river recreation and access points, including

Hellgate Park, Max Wave and West Broadway Island should be included in determining access options at Confluence Park.”

MSP Response: MSP has a continued commitment to working with local communities to enhance public recreation opportunities. Milltown State Park presents a variety of opportunities to connect with larger trail connections and river recreation opportunities. As development of the park moves forward, MSP staff will engage with partners in the greater Missoula area to support recreational development that serves a broad interest.

7. One comment from NRDP provided minor technical edits and clarifications for the draft environmental assessment.

MSP Response: Most of these suggestions have been integrated into the draft EA document. The changes do not change the scope of the proposed action or the analysis completed in the draft.

DECISION

Based on the analysis in the Draft Environmental Assessment and the applicable laws, regulations and policies, I have determined that the proposed action will not have significant effects on the human or physical environment. Therefore an Environmental Impact Statement will not be prepared. It is my decision to implement Alternative B and construct trails, parking areas, viewpoints, river access points and related public access and user facilities in the Milltown Gateway and Confluence Areas. By notification of this Decision Notice, the Draft EA is hereby made the Final EA. The Final EA and this Decision Notice are available from Montana State Parks at the above address.

This action is subject to appeal, which must be submitted to the FWP Parks Administrator in writing and postmarked within 30 days of this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the Department or participated in the decision making process, and how MSP might address the concerns of the appeal.

I note additionally that Missoula County, in its capacity as Responsible Entity under 24 CFR Part 58 relative to Economic Development Initiative funding at Milltown State Park, has also determined that this project will have no significant impacts on the human environment, and submitted to the U.S. Department of Housing and Urban Development a Request for Release of Funds. The U.S. Department of Housing and Urban Development will accept objections to its release of funds and Missoula County’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce; (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency

acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to: U.S. Department of Housing and Urban Development, Region VIII Office, 8ADE, 1670 Broadway Street, Colorado 80202-4801. Potential objectors should contact HUD to verify the actual last day of the objection period.



4/21/14

Chet Crowser
Regional Park Manager

Date

FINAL ENVIRONMENTAL ASSESSMENT (MEPA) AND ENVIRONMENTAL REVIEW (HUD-NEPA)

Milltown State Park: Proposed Gateway and Confluence Area Development

January 2014

Missoula County

Department of Grants & Community Programs

In collaboration with –

Montana State Parks

A Division of Montana Fish, Wildlife and Parks

Summary

1 Project/Activity Information, Executive Summary, Determinations, and Certification:

Project Name: Milltown State Park Development: Proposed Gateway and Confluence Area Development

Project Location: The project area is located near the unincorporated communities of Milltown and Bonner, adjacent to the Clark Fork and Blackfoot Rivers, roughly five miles east of Missoula along Interstate 90 in Missoula County (See Figure 1).

Trails and park amenity development are proposed at this time along the Blackfoot River from the Gateway (Tracts 2, 3, and 4 COS 05753) to the Confluence Area (Tract 1, Section 20 and 21. T13N, R18W.)

Project Funding Program: Dept. of Housing and Urban Development (HUD) Economic Development Initiative - EDI Special Project.

Project Loan or Grant Number: MT FWP B-10-SP-MT-0261

Project Total Development Cost (provide best estimate): \$3,307,500 (Secured funding sources are detailed on page 15.)

Project HUD assistance: \$730,500

Grant Recipient: Montana Department of Fish, Wildlife & Parks
[24 C.F.R. Part 58(a)(5)]

Grant Recipient's Address: 3201 Spurgin Road, Missoula, MT 59804

Project Representative: Michael Kustudia, Park Manager, Milltown State Park

Project Representative's Telephone Number: 406-542-5533

Responsible Entity (RE): Missoula County /Montana Fish Wildlife & Parks
[24 C.F.R. Part 58.2(a)(7)]

Certifying Official:

[24 C.F.R. Part 58.2(a)(2)]

John Adams, Environmental Certifying Officer, Missoula County Department of Grants and Community Programs

Purpose of this Document: The Montana Department of Fish, Wildlife, and Parks (FWP) has received an Economic Development Initiative Special Project grant,

administered through the U.S. Department of Housing and Urban Development (HUD). As the grant recipient, FWP is the responsible entity. See 24 CFR 58.1(b)(7) and 24 CFR 58.2(a)(7)(ii)(c). For such grants, HUD requires the responsible entity to “assume the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA....” 24 CFR 58.4(a). This document details the procedure, analysis, and results of that review.

In addition, this document satisfies the requirements of the Montana Environmental Policy Act (MEPA). Section 23-1-110, Montana Code Annotated (MCA) and Administrative Rules of Montana (ARM) 12.2.433 guide public involvement and comment for improvements at state parks. ARM 12.8.602 requires the Department to consider the wishes of 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 state parks. This document describes the proposed project in relation to these rules and the MEPA. Finally, through cooperation between FWP, HUD, and Missoula County, this document furthers the HUD directive at 24 CFR 58.14 to “reduce duplication between NEPA and comparable review requirements of the State.” See also 40 CFR 1506.2(b) and (c).

Statement of Purpose and Need for the Proposed Action:

[40 C.F.R. Part 1508.9(b)]

Montana State Parks, a division of Montana Fish, Wildlife & Parks, proposes to develop a State Park at the current (and ultimately, former) Milltown Reservoir Sediments Superfund Site at the confluence of the Clark Fork and Blackfoot Rivers in Missoula County. The project's purpose is to provide, under FWP management, enhanced recreational access and facilities for public use in the area surrounding the confluence of the two rivers. FWP plans to construct trails, a parking area, viewpoints, and related public access and user facilities in the Milltown Gateway and Confluence Areas.

The need for the project stems from the long-standing community expectation of public ownership for the Milltown Superfund Site and the restored confluence. The Milltown Superfund cleanup, one of the largest in the nation, is more than a century in the making. In 1908 a massive flood washed millions of tons of toxic mine waste into the Clark Fork River system from the Butte mining district. Generations later, in 1983, the Milltown Reservoir was listed by the U.S. Environmental Protection Agency (EPA) on the National Priority List (NPL) after the discovery that several million tons of heavy metal contaminated sediments had accumulated behind the dam, polluting the groundwater beneath with high concentrations of arsenic. As EPA describes on its web site, "Superfund is the name given to the environmental program established to address abandoned hazardous waste sites. It is also the name of the fund established by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 [CERCLA], as amended."¹

After more than 20 years of study, planning and negotiation, work began on one of the nation's largest Superfund cleanups in the fall of 2006. In the seven years since, more than three million tons of toxic sediments, as well as the dam and associated structures, have been removed. The State of Montana has completed the final phases of its restoration plan seeking to reestablish natural stream channels and native vegetation. On December 16, 2010, the Clark Fork River was routed into its newly built channel, thus restoring the confluence of the Clark Fork and Blackfoot Rivers for the first time in more than a century.

Overlaid on the restoration work is a redevelopment effort aimed at capitalizing on opportunities afforded by the cleanup for economic development and community revitalization. According to the EPA, across the nation 550 Superfund sites totaling more than 244,000 acres have already been redeveloped or are at least ready for productive use, which in turn has generated roughly \$2.7 billion in annual income and created some 80,000 jobs.

For the last ten years, a broad-based citizens' group, the Milltown Superfund Site Redevelopment Working Group, has been tasked by the Missoula County Commission to plan for the future of the Milltown site after the cleanup and restoration. In 2007-08, the Working Group, in cooperation with FWP, led a community process to craft a detailed

¹ <http://www.epa.gov/superfund/about.htm>, last visited Sept. 25, 2013.

conceptual design plan to develop a state park at the restored confluence of the two rivers.

This project would begin to implement that conceptual plan and put into action some of the core redevelopment principles the Working Group identified in its 2005 conceptual plan approved by Missoula County:

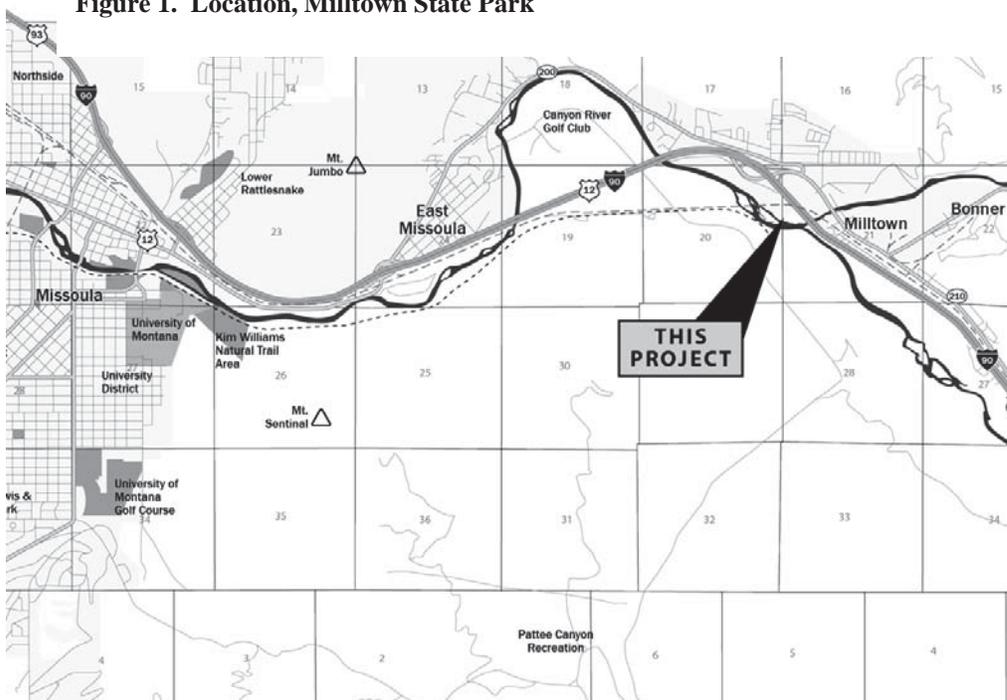
- Transfer lands to public ownership, and designate the lands as a state park;
- Maintain the majority of the area in a natural setting;
- Foster safe public river access and recreational opportunities compatible with the natural environment of the area; and
- Provide educational opportunities and facilities that allow people of all ages to learn about the history of the area and restoration efforts.

Properly developed and managed recreational facilities would serve local communities, the state, and the country as a whole. Visitors along the well-traveled I-90 corridor between Yellowstone and Glacier National Parks may find Milltown State Park a welcome stop. The recreation opportunities that western Montanans already enjoy, especially fishing, floating, hiking, bird watching and biking, would be greatly improved. In addition, the story of a successful, high-profile, river restoration effort will be explored through interpretive signage and educational methods.

Beyond quality of life benefits, the creation of a new state park could also bring substantial economic benefits to a low-to-middle income community. In Montana, visitors to state parks spent \$289 million in 2010, with more than 40 percent of that spending coming from nonresidents. (*2010 Economic Impact Survey of Visitors to Montana State Parks*, Bureau of Business and Economic Research, University of Montana, December 2010.)

Park development at Milltown would serve as a capstone for a Superfund project that will stand out as a national showcase for successful, integrated environmental remediation, ecological restoration, and site redevelopment. Combining outdoor recreational opportunities, heritage tourism, and environmental education, the Milltown State Park should prove itself a force for community revitalization and serve as a new motor of economic activity in the Milltown area.

Figure 1. Location, Milltown State Park



Description of the Proposed Action:

(Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding. [24 C.F.R. Part 58.32, 40 C.F.R. Part 1508.25])

Proposal Summary

Milltown State Park comprises six sections, as depicted in Figure 2: the Confluence and the Gateway Areas, where the developments analyzed in this document will be located; the Blackfoot Parcel, upstream of (and, currently separated by a privately held property from) the Gateway Area; Bandmann Flats; the Overlook; and the Clark Fork River Floodplain. The development conceptualized at Milltown is a complex multi-phased effort, the final shape of which depends, to a great extent, on funding. The Initial Phase portion of the project under review at this time could begin as early as 2014, and will involve the initial site development of the Gateway and Confluence Area for public recreational use. The general work tasks include:

1. Grading;
2. Improvement of park access routes;
3. Construction of visitor parking areas;
4. Development of a walk-in river access site (i.e., hand-carry put in/take out);
5. Development of a riverfront trail and connecting trails; and
6. Visitor facilities, such as an interpretive plaza, vault latrines, park benches and picnic tables, group use shelter and ranger station, fencing and security lighting.

Figure 3 shows the new park, looking east (aerially) from a point above Bandmann Flats and Deer Creek Road. Figure 4² shows the initial-phase site plan of the future park. Figure 5 shows the Confluence site plan, and Figure 6 depicts the Gateway Area site plan. More information on the various aspects of the proposed development follows.

² Higher resolution versions of Figures 4, 5 and 6 are available; see Attachments 19, 20 and 21.

Figure 2. Milltown State Park Sections, 2013



Figure 3. Area View, Milltown State Park



Figure 4. Milltown State Park, Initial Phase Site Plan



Figure 5. Gateway Site Plan, Milltown State Park Initial Phase



Grading

Much of the Confluence Area was submerged by the Milltown dam and reservoir. Following several drawdowns of the reservoir and during the dam removal, the Confluence Area was graded into its present state. As part of the river restoration work, the State of Montana Natural Resource Damage Program (NRDP) has re-graded the steep river bank along the Clark Fork River to a 4:1 slope. This “restoration grade” is considered part of the Superfund-related Restoration Action, and has already been evaluated for environmental impacts as part of that process.

With the “restoration grading” complete, FWP will finalize a grading plan that will incorporate visitor experience concerns as well as mimic what may have been a natural topography. The proposed development features of the Gateway and Confluence areas are depicted in Figures 4 and 5.

Access Road

A stipulation from the NRDP funding agreement requires that Montana State Parks secure permanent road access to the Confluence Area before roads and parking areas can be constructed. Montana State Parks continues to explore options for permanent public access into the Confluence Area, and for the siting of trails, river access and interpretive exhibits. Two roads enter the project area: 1) the access road that crosses the International Paper (IP) land to the west of the Confluence; and 2) access via Juniper Drive, a state road managed by Missoula County that enters the park through a low, narrow, and aging railroad underpass owned by Burlington Northern Santa Fe and leased by Montana Rail Link (MRL). A third option under consideration is parking outside the park boundary, which would only permit bike and pedestrian access into the Confluence.

Montana State Parks originally proposed, and continues to pursue, construction of a paved access road approximately 2,400 linear feet long and 18-feet wide. The road would begin at the state-owned but county-maintained Juniper Drive and cross approximately 1000 feet of property owned by IP before entering state park property. FWP currently has a conditional use agreement with IP for public access to the park; that permit, however, has a clause that would allow it to be revoked with 120-days notice. Missoula County, a FWP project partner, is currently pursuing the acquisition of a road easement across the IP property to secure permanent public access to the park. This assessment considers road impacts from the 1,400-foot section on state property.

Missoula County assumes for purposes of this assessment that adequate public access to the park will be secured. Additionally, Missoula County assumes that the current emergency vehicle access via IP will continue to exist.

Parking Areas

Proposed road access into the Confluence Area would serve one small parking area (10 spaces) near the administrative area and existing shop building and terminate at an approximately 48,000-square-foot parking area adjacent to the walk-in river access site. The second parking area will accommodate roughly 90 vehicles and will also feature a bus turnaround/pullout. A third (small) parking area would be located at the Gateway.

Walk-in River Access

The walk-in river access point allows access for river recreationists to the Blackfoot River just above its confluence with the Clark Fork River, but is downstream from the I-90 bridge piers. At this time, access will not include a boat ramp, but rather the water's edge will be accessible via a staircase and/or an unpaved switchback trail. The original 2008 conceptual park design had proposed a boat ramp and a small parking area near the old dam site. FWP's 2009 grant proposal to the NRDP considered the boat ramp but did not include it because of neighborhood concerns about traffic and uncertainty over the formation of the river channel downstream of the former dam after its removal. Development of a boat ramp may be pursued at a later date, following the stabilization of the river channel and other use factors at the site.

Riverfront Trail and Ancillary Developments

Fundamental to the proposed park design is a riverfront trail that connects the Gateway (the area nearest the Blackfoot River pedestrian bridge, known as the Black Bridge) and the Confluence Area. The American with Disabilities Act (ADA)-compliant, paved trail would be 10-feet wide (except, possibly, the I-90 undercrossing where it may narrow slightly) and approximately 3,335 feet long. The trail will run underneath Highway 200, the MRL railway trestle, and both I-90 bridges. The trail would terminate on its northwest end at a landing for a proposed pedestrian bridge across the Clark Fork River. (See Figure 3.) That bridge, still in a conceptual design stage and unfunded, would be detailed in a future environmental assessment.

In addition to the main riverfront trail, another 1,450 feet of paved connector trails (6-8 feet in width) and 1,264 feet of unpaved trail (4-5 feet in width) are proposed in the Confluence Area. Spur trails that lead across the floodplain to reach the water's edge will be primitive with no fill imported.

Associated with the Gateway Area is the potential acquisition of a riverfront trail easement along the lower Blackfoot River to connect two parcels of the new Milltown State Park. The trail would begin at the Gateway and head upstream approximately 4000 feet toward the Blackfoot Parcel park boundary near the site of the old Bonner Dam,. FWP received a funding allocation in the 2013 Natural Resource Damage Program Long-Range Plan to pursue the easement and trail development and also to develop a trailhead at the Gateway Area, near the Black Bridge. Contingent on successful negotiations with the landowner, that trail acquisition and development would be assessed in a future environmental analysis.

Site development includes the installation of four precast vault latrines, one at the Gateway, two adjacent to the Confluence parking area and one near the park administrative area.

Interpretive plaza plans include an overlook of the confluence of the Blackfoot and Clark Fork rivers and former dam site with a timber-framed shelter and a stone or concrete

plaza with interpretive signage. Park benches and picnic tables will be incorporated at locations throughout the park.

Construction plans also include a timber framed group use shelter, approximately 24 x 36 feet, with a concrete floor. The shelter would be located adjacent to the Confluence Area parking area.

At the administrative area in the Confluence, Montana State Parks proposes a ranger station (less than 2,000 square feet) and maintenance shop. The ranger station would allow for a visitor contact area and office space for park staff. The maintenance shop would house park vehicles, tools, equipment and maintenance supplies. The footprint for the administrative center will also include the original shop. Working with partners at Missoula County, and drawing possibly on historic mitigation funds set aside under the Superfund settlement, Montana State Parks is exploring options to modestly renovate the 900 square foot building to display and interpret representative examples of Milltown dam artifacts and history.

Funding

In 2010, the proposed project received \$2.6 million in grant funds from the Montana Natural Resource Damage Program (NRDP) for land acquisition (now completed), initial site development, and operations and maintenance (O&M) support. The project sponsors also received a \$730,500 Economic Development Initiative (EDI) appropriation through the U.S. Department of Housing and Urban Development for site development. In addition, the U.S. Environmental Protection Agency has contributed \$200,000 for the I-90 bridge undercrossing trail footprint. In 2013, FWP received an additional \$2.4 million to complete the Milltown State Park development that includes the Gateway and Confluence development and additional O&M from the NRDP's *2012 Final UCFRB Aquatic and Terrestrial Resources Restoration Plans*.

Existing Conditions and Trends:

(Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 C.F.R. Part 58.40(a)])

The Milltown Superfund project is partially located on the former Northwestern Energy property, which was acquired by the State of Montana in December of 2010. In 2011, FWP received approval to accept (ultimately) the transfer of 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. The property includes the reconstructed floodplain of the Clark Fork River as well as the river right bank of Blackfoot River in Milltown, from the Bonner pedestrian bridge, known locally as the Black Bridge, downstream to the confluence and terminating at the railroad bridge crossing the Clark Fork River. Additionally, the park encompasses land on Bandmann Flats, the Milltown Bluff and the Blackfoot River, for total acreage of approximately 535 acres.

The cleanup and restoration work at Milltown site is complete. The remediation (i.e. the removal of the dam and the worst of the contaminated sediments) was largely completed

in 2009. Remediation and restoration work (the reconstruction of the river channel and flood plain) were completed in 2012. At this time, the Clark Fork River floodplain (that is, the area across the confluence to the southeast of current park development) is in a fragile state of recovery. Newly graded areas have been seeded and planted with native trees and shrubs. The area, currently closed to the public, is under the authority of the State's Natural Resource Damage Program, which will continue its management oversight into the coming years. It is understood that ultimately that management authority will be transferred to FWP and that management under the auspices of a state park designation will help ensure responsible public use and protection of the restored areas. Any development of trails and park amenities in the floodplain area will be detailed in a future environmental assessment.

The former Northwestern Energy land along the Blackfoot River corridor (the Gateway and Confluence Areas) will be the site of trail and park development, possibly beginning in 2014. At this time, the Blackfoot River corridor between the two park sections is a steep embankment that is largely inaccessible to the public, though there is a social trail and transients have been known to camp under the I-90 bridges. While there are some native plants on the margin, weeds, such as spotted knapweed and common tansy, are found throughout.

The Milltown Bluff property 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 transferred to FWP in late 2012 for inclusion in the new state park. As part of the Milltown Superfund remedial action, the Montana Department of Environmental Quality developed an overlook and parking area in late 2011.

The Bandmann Flats property is located to the east of Deer Creek County Road. Five Valleys Land Trust (FVLT) purchased a privately held parcel adjacent to the proposed State Park lands at Milltown to provide a critical access point and trail link between Missoula, the future State Park on the old Milltown Dam site and nearby communities. FVLT transferred the property to FWP for inclusion in the State Park in October of 2011. Future trail construction on the property would begin after the environmental assessment and public review is conducted and sufficient development resources secured.

Alternatives to the Proposed Action

Alternatives and Project Modifications Considered [24 C.F.R. Part 58.40(e), 40 C.F.R. Part 1508.9]

(Identify and discuss all reasonable alternative courses of action that were considered and were not selected, such as alternative sites, designs, or other uses of the subject site(s). Describe the benefits and adverse impacts to the human environment of each alternative, in terms of environmental, economic, and design contexts, and the reasons for rejecting each alternative. Also, finally discuss the merits of the alternative selected.)

The current Milltown State Park plan is the product of an iterative process that began with the formation of the Milltown Superfund Redevelopment Working Group in 2003. Documents that detail the scope of planning include a 2005 Conceptual Redevelopment

Plan,³ a 2008 Conceptual Park Design,⁴ a 2009 NRDP grant proposal and a 2012 modified plan.

Interpretive Center at the Confluence

In 2005, the Redevelopment Working Group released a conceptual redevelopment plan that called for the development of an interpretive center at the Confluence Area to celebrate and explore local history (that is, a large structure, in contrast with the currently planned open-air “interpretive plaza.” The Redevelopment Working Group recognized the preservation of the Milltown-Bonner history and heritage as fundamental to the area’s economic and community well being. A design charrette (workshop) held in the community in 2007 and subsequent public meetings explored the interpretive center idea and ultimately led to a recommendation for a trail-oriented, “dispersed interpretation” alternative without a structure. Factors weighing against an interpretive center include insufficient public awareness and support, problematic access routes, on-site space constraints as well as funding and staffing challenges.

The 2008-09 Conceptual Design

From the 2007 design charrette came a conceptual design plan for the park, which was approved by the Missoula County Commission in 2008. That plan was used for a 2009 grant proposal to the Montana NRDP, approved in 2010.

The 2009 proposal sought NRDP funding to implement the vision outlined by the 2008 conceptual design plan, beginning with development at the Gateway Area and a connecting trail along the Blackfoot River to the Clark Fork River, downstream to the Confluence Area, the former Milltown Dam site. Adjacent to a possible pedestrian bridge over the Blackfoot River, the Gateway Area was envisioned as a focal point for activity along the river that includes interpretive signage, trails, picnic area, pavilion, and walk-in river access points for fishing and floating.

Design and engineering consultants were retained in the summer of 2011. With the 2008 conceptual design plan as a starting point, the consultants began work on a final site plan. It soon became apparent that significant changes to the development environment had occurred in the 2008-2012 timeframe. While the 2008 conceptual design plan has been a valuable document in moving the park idea forward, it was insufficiently detailed from a park management perspective and based on some assumptions that have not come to pass. In addition, new factors have arisen that affect the development context. These are some examples:

³ Draft Conceptual Redevelopment Plan for the Confluence of the Clark Fork and Blackfoot rivers and adjacent communities. Milltown Superfund Site Redevelopment Working Group. February 2005. See <http://www2.epa.gov/sites/production/files/documents/ReportToCommissionersWithAppendices.pdf>, last visited Sept. 25, 2013.

⁴ Milltown/Two Rivers Park Conceptual Design Plan. Milltown Superfund Site Redevelopment Working Group. July 15, 2008. See http://www.co.missoula.mt.us/wq/milltowndam/MilltownRedevelopment/pdfs/Final_Concept_Plan_Report.pdf, last visited Sept. 25, 2013.

- The original plan had proposed walk-in river access at the Gateway Area. Today, FWP views access upstream of the I-90 bridge piers as a serious concern given the better understanding of the severe river safety hazards posed by the I-90 bridge piers in the Blackfoot River channel between the Gateway Area and the Confluence Area. This issue prompted a reassessment of the expected public use of the overall site and raised serious concerns about inviting the public to access the river in the Gateway Area, knowing that the I-90 bridge piers hazard was immediately downstream. The full extent of this condition was unknown or at least unexplored at the time of the 2007-08 design process and the subsequent NRD grant submittal in early 2009.
- The 2008 plan (and the 2009 NRDP grant submittal) proposed developments at the Gateway Area that were mostly on private land. Despite amicable discussions with the landowner, that parcel is not available for potential state park inclusion or development of park-related access at this time, nor is it anticipated to be in the foreseeable future.
- In the years since 2008, public use of the Clark Fork River by floaters (tubers in particular) has grown dramatically, leading to nuisance and safety issues for residents adjacent to Tamarack/Juniper Drive, along the principal route to the Confluence Area. The proposed development of the Confluence Area will provide a safe, defined alternate location to the public's current use of the county road right-of-way at the hairpin curve downstream from the Confluence Area.

The 2012 Plan

In response to these significant changes, Montana State Parks and its co-applicants proposed to shift the development focus from the Gateway Area to the Confluence Area, while still retaining the central element of the Gateway to Confluence riverfront trail connection. There are several advantages to this approach:

- It focuses development on lands already owned by the State of Montana.
- From a risk mitigation perspective, it directs river users to an access point downstream of the I-90 bridges. In addition, it takes advantage of the established staging area used by the Army Corps of Engineers at the Confluence Area by converting the staging area into the parking area and river access point.
- It helps resolve increasing conflicts between river recreationists and residents along Tamarack/Juniper Drive in the area of the hairpin curve downstream from the Confluence Area.
- In comparison to the Gateway, the Confluence Area provides a larger land base to accommodate the expected public use the site will receive.

In early 2012 Montana State Parks asked for and received an NRDP grant modification to reflect changes in the development context. That proposal is detailed herein.

No Action Alternative [24 C.F.R. Part 58.40(e)]

(Discuss the benefits and adverse impacts to the human environment of not implementing the no action alternative.)

Under a no-action scenario, the land at Confluence and Gateway areas would remain with the State of Montana, and under the jurisdiction of the NRDP. NRDP could retain management authority or transfer it to another agency, division or entity.

Under a no-action alternative, there would be no infringement on the floodplain. Some recreational opportunities would likely be available to the public but the amenities envisioned under the Milltown State Park Conceptual Design plan would go unrealized. Demand for recreational use at the Confluence Area is expected to be high and unmanaged use poses threats to both the natural and human environments. In the absence of appropriately designed access, undirected public use could lead to potential conflicts with the local community over parking in inappropriate places, blockage of emergency access, and garbage and human waste problems. In addition, unmanaged use could cause damage to the newly planted vegetation that would threaten riparian areas, stream banks and the natural channel design.

A no-action alternative would not satisfy a standing public expectation for a park at the confluence of the Blackfoot and Clark Fork. Since 2003, a citizens' working group has promoted Superfund redevelopment projects for the Milltown area. The public park is the capstone achievement, one first proposed in 2005. Also, if the proposed pedestrian trail and bridge access facilities were not established it would greatly diminish the unique qualities of the proposed trail and footbridge system proposed by the Redevelopment Working Group and the County, linking to the Kim Williams Trail further west and upstream access sites.

Summary of Findings & Conclusions

(Briefly summarize all important findings and conclusions, discussing direct impacts, indirect impacts, and cumulative impacts.)

Missoula County believes that Milltown State Park will have a salutary effect on both the human and natural environments. Regarding the human environment, the park will provide a valuable historical resource, as well as an opportunity to access important natural and recreational resources. Regarding the natural environment, the park and the presence of the staff should help protect the banks and other natural resources of the site. This project is a result of and integrated with the Superfund cleanup of the Milltown Reservoir, and provides a fitting bookend to that project.

Summary of Recommended Mitigation Measures

[24 C.F.R. Part 58.40(d), 40 C.F.R. Part 1508.20]

(Summarize the proposed mitigation measures identified and intended for implementation to eliminate or minimize adverse environmental impacts.)

1) The County recommends that FWP implement recommendations by the U.S. Fish and Wildlife Service: “We highly recommend you provide adequate signage at the Park to educate the public about bull trout⁵ protection, including picture displays of bull trout for identification and information for fishermen about the current bull trout regulations, especially at put-in and take-out river access locations. Proper identification has been noted as a particular FWP management problem on the Blackfoot River.”

2) The County recommends that FWP fully implement proposed efforts to mitigate any potential negative impacts to bull trout, specifically:

Fishing Pressure:

The Blackfoot and Clark Fork Rivers are closed to intentional fishing for bull trout and incidental catches must be released in prompt fashion.

Montana’s 2012 Western District fishing regulations state:

All waters are closed to angling for bull trout and all fish must be immediately released unless otherwise authorized in the Western District Exceptions.... Federal rules prohibit the attempted take of bull trout unless specifically authorized by state or tribal regulation.

If fishing pressure on bull trout were to prove significant in the Confluence Area, FWP could propose additional measures, such as prohibiting bait fishing or even closure.

In addition, educational and interpretive programs at the confluence of Milltown State Park--a site known to the Salish-Pend d’Oreille as the Place of Big Bull Trout--will highlight the role the threatened species has played in the natural and human history. Such efforts will enhance public understanding about the need for bull trout conservation.

Bank Preservation:

Park development at Milltown is a redevelopment effort associated with the remediation and restoration of the Milltown Reservoir Superfund site. Since its inception the park development has been predicated on the notion of building on those efforts. River restoration is another central part of the story at Milltown and resource management plans will reflect that.

In the coming years, matters relating to river bank preservation and stabilization at Milltown will be monitored and maintained by the

⁵ A Threatened species under the Federal Endangered Species Act.

Montana Natural Resource Damage Program, which has led the river restoration project.

General Management:

Montana State Parks is still developing a management plan for Milltown State Park. Once developed, the plan will include management goals similar to those in other state park management plans, such as:

- 1) To provide a range of compatible recreational opportunities, while maintaining the natural character of the park and providing for public health and safety.
- 2) To preserve and where necessary, restore the natural ecological processes and conditions that exist in the park.
- 3) To ensure that current fish & wildlife habitat is maintained and that opportunities for species propagation are not diminished. Montana State Parks is committed to managing Milltown State Park in such a manner that it does not negatively impact bull trout in present or future.

2) The County strongly recommends that FWP conduct a comprehensive radon survey for any enclosed structure and take action as indicated by the results.

Conditions for Approval

(List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts or other relevant documents as requirements. [24 C.F.R. Part 58.40(d), 40 C.F.R. Part 1505.2(c)])

Should any cultural, historic objects be discovered, disturbance should be halted pending consultation with State Historic Preservation Office (SHPO) and relevant tribal historic preservation offices.

Overlapping Jurisdictions/Oversight of FWP's Project

Missoula County, Department of Community and Planning Services
Montana Department of Environmental Quality
Montana Department of Justice Natural Resource Damage Program
Montana Department of Natural Resources and Conservation
Montana Department of Transportation
U.S. Environmental Protection Agency

Additional Studies Performed

(Summarize and attach all special studies performed to support the environmental assessment analysis.)

No special studies were completed to support this analysis. However, there has been a wealth of research completed relative to the Superfund site that informed this analysis. Please see:

- *Biological Assessment of the Milltown Reservoir Sediments Operable Unit Revised Proposed Plan and of the Surrender Application for the Milltown Hydroelectric Project (FERC No. 2543), Aug 2004.*
- *Biological Opinion for threatened and endangered species USEPA Superfund Program Revised Proposed Clean-up Plan for the Milltown Reservoir Sediments Operable Unit of the Milltown Reservoir/Clark Fork River Superfund Site, Dec 2004.*
- *Water Supply and Milltown Reservoir Sediments Operable Units of the Milltown Reservoir Sediments/Clark Fork River Superfund Site. First Five-Year Review Report. U.S. Environmental Protection Agency Region VIII. Sept. 2011.*

Finding:

[24 CFR Part 58.40(g)]

Finding of No Significant Impact
 (The project will not result in a significant impact on the quality of the human environment)

Since a Finding of No Significant Impact has been determined through the analysis described in this document, an Environmental Impact Statement is not required. Anticipated impacts to affected resources can be mitigated through placement and design of the project's elements.

Finding of Significant Impact
 (The project may significantly affect the quality of the human environment)

Environmental Review Preparer's Information:

Environmental Preparers' names, titles, and organizations (printed or typed):

Michael Kustudia, Milltown State Park Manager, Montana Fish, Wildlife & Parks
 John Adams, Environmental Certifying Officer, Missoula County Department of Grants and Community Programs

Environmental Preparers signatures:

Date: _____

Responsible Entity, Representative's Information/Certification:

Responsible Entity, Representative's name, title, and organization (printed or typed):

John Adams, Environmental Certifying Officer, Missoula County Department of Grants and Community Programs, Missoula County

Responsible Entity, Representative's signature: _____

Date: _____

2 **Statutory Checklist (ref.: 24 C.F.R. Part 58.5 – Related Federal laws and authorities)**

(For each listed statute, executive order (E.O.), or regulation, record the determinations made. Summarize all reviews and consultations completed as well as any applicable permits or approvals obtained. Attach supporting evidence that all required actions have been accomplished. Summarize any conditions or mitigation measures required. Then, state a determination of compliance or consistency.)

Factors **Summary of consultations, supporting documentation, determinations, & mitigation measures**

Historic Preservation

[36 C.F.R. Part 800]

The project will have no effect on historic resources. The potential use of the site by indigenous people suggested potential concern about cultural resources, which was investigated. In 2011, the State Historic Preservation Office (SHPO) provided this guidance: “Based on the amount of disturbance in the area we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.” (See Attachment 2.) Accordingly, FWP will contact SHPO should cultural resources be discovered during this project.

FWP has also engaged in extensive consultation regarding this project with the Confederated Salish and Kootenai Tribes (CKST) of the Flathead Nation, which used this area prior to European-American settlement. Additionally, Missoula County initiated consultation with the CSKT, as identified in Attachment 4. The CSKT indicated in a July, 2012, letter (see Attachment 4) that the Tribe understands this phase of park development and believes it appropriately mitigates any potential impacts to cultural resources:

The MFWP and Missoula County have coordinated and consulted with CSKT throughout the planning for Park development. The design for the initial development phase incorporates features to mitigate potential impacts to cultural resources. The CSKT are satisfied with the adequacy of the consultation and coordination that has occurred for the initial phase of Park development. The CSKT will continue to provide consultation and coordination to MFWP during construction, maintenance and management of the Park to ensure that unanticipated impacts to resources of CSKT concern are mitigated. Should the proposal for the initial development phase of Milltown State Park be modified in terms of geographic scope or design then consultation with the CSKT should be re-initiated. Consultation with the CSKT should also be initiated for subsequent phases of Park development.

Additionally, on March 12, 2013, Missoula County contacted the Nez Perce Tribe and Fort Peck Tribes Tribal Historic Preservation Officers to request any comment or concerns said tribes might have. No comments were received.

The consultation with local and state authorities regarding both archeological and cultural historic resources fulfills obligations for such consultation under Section 106 of the National Historic Preservation Act, and evidence that there should be no impact to

historic or cultural resources from this project. FWP, through its Montana State Parks division, has a cultural resource specialist, Sara Scott, involved in the Milltown project, who will assist in identifying and addressing any emergent issues.

Floodplain Management

[24 C.F.R. Part 55, E.O. 11988]

FEMA's floodplain maps for this area are outdated: last amended in 1988, they were completed when the Milltown Dam was still in existence, and much of the confluence park area was literally under water. As HUD Field Environmental Officer David Rigirosso advised in an October, 2011, email, "The bottom line from HUD's perspective on this matter is that all decisions are being made based on current accurate information, so the 1988 FEMA map information is irrelevant in this discussion." However, given the extent of the change of flows resulting from removal of the Milltown Dam, obtaining a Letter of Map Revision from FEMA involves remapping much of the Clark Fork and Blackfoot Rivers – a nontrivial undertaking. Accordingly, the County has sought the most accurate pre-LOMR information available from relevant authorities.

The most accurate current information is provided by the State of Montana's NRDP, which has guided reconfiguration of the Confluence Area as this federal Superfund site has been remediated. As identified in Attachment 3, the NRDP's Doug Martin stated in a July 13, 2012, letter, that:

Specific to the comments you are seeking, hydraulic modeling utilizing current engineering standards and technology has been conducted by our private engineering consultant, River Design Group. The results indicate that following the dam's removal, the water surface elevation for a 100 year flood event has been lowered approximately 25 feet from the former reservoir pool elevation. This former reservoir pool elevation is documented in on FIRM Panel 30063C1485E (8/16/88).

For the state park improvements planned at the Milltown site, virtually all the constructed features will be well above the predicted 100 year flood elevation, which varies from elevation 3,247' immediately downstream from the eastbound I-90 bridge structure on the Blackfoot River to approximately elevation 3,240' at the lower extend of the proposed park development. Some very short areas of proposed trial development exist below these elevations, primarily in the area when a hand-launch boat launch is proposed. Note that the main parking area for the park is at elevation 3,270', approximately 24' higher than the predicted 100 year flood elevation of the adjacent river. It is also important to note that the proposed Milltown State Park will be a day-use only site with no overnight camping opportunities.

From my review of the proposed park development, as well as my on-going involvement with the design efforts over the past year, the park facilities will not impact a revised FEMA Special Flood Hazard Area due to the significantly lower flood elevation that is a result of the dam's removal. The EPA and NRDP are currently jointly working on a Letter of Map Revision (LOMR) for the overall site. This revision is not likely to be complete and through the extensive approval process prior to the desires construction of the park facilities and components in Winter 2013. This floodplain revision you are currently working through will provide a means for the project to be safely and responsibly implemented, with the solid new floodplain elevations that have been modeled in-hand.

Please note that the timeline mentioned in the letter has been pushed back into 2014. In addition, note that the correct map is 1485D; E is the current draft which, however,

effectively shows the same thing and is, as noted, irrelevant. The only portion of the proposed park development that intrudes on the floodplain are several primitive trails to waterside and the portion of the walk-in hand launch access which goes to water's edge. Because this small portion of the project does and must intrude upon the floodplain, Missoula County initiated the 8-step process for considering floodplain impacts. On June 2, 2012, Missoula County published notice of the action seeking comments in the *Missoula Independent* (see Attachment 3). On June 20, 2012, Missoula County posted the early floodplain notice to:

Floodplain Management Section
Montana Department of Natural Resources and Conservation
P.O. Box 201601
Helena, MT 59620-1601

Natural Resource Damage Program
Montana Department of Justice
P.O. Box 201425
Helena, MT 59620-1425

Montana Department of Fish, Wildlife & Parks
Resource Assessment Unit
P.O. Box 200701 1420 East Sixth Avenue
Helena, MT 59620-0701

Montana Department of Environmental Quality
P.O. Box 200901
1520 East Sixth Avenue
Helena, MT 59620-0901

Montana Department of Natural Resources & Conservation
1625 Eleventh Avenue
P.O. Box 201601
Helena, MT 59620-1601

Montana Environmental Quality Council
P.O. Box 201704
Helena, MT 59620-1704

Montana State Historic Preservation Officer
P.O. Box 201202
1410 Eighth Avenue Helena, MT 59620-1202

U.S. Environmental Protection Agency Montana Office
Federal Building
10 W. 15th Street Suite 3200
Helena, MT 59626

U.S. Fish & Wildlife Service Sub-office Coordinator
585 Shepard Way
Helena, MT 59601

Missoula Conservation District
3550 Mullan Road, Suite 106
Missoula, MT 59808-5125

Todd Klietz, Missoula Floodplain Officer
Office of Planning & Grants
Missoula, MT 59802
[hand delivered]

Philip Maechling/Leslie Schwab, Historic Preservation Officer
Office of Planning & Grants
Missoula, MT 59802
[hand delivered]

Mary Price, Staff Scientist
Legal Dept., Confederated Salish & Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

Responses were received only from NRDP, as outlined above, and included in Attachment 3. The response indicated no concerns.

The HUD 8-step process requires the Responsible Entity to, in the wake of public notice, evaluate alternatives to locating the proposed action in the floodplain (Step 3). There are no practical alternatives to locating the project in the floodplain. Instead, the Milltown State Park is what the FEMA, in its implementation of Executive Order 11988, defines as a functionally-dependent use: “a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.” (44 CFR 59.1) FEMA (and thereby HUD) permits acquisition and projects within the floodplain when they are either a functionally dependent use (44 CFR 9.11(d)(1)(i)) or “a structure or facility which facilitates an open space use” (44 CFR 9.11(d)(1)(ii)). While this project meets both standards, such projects are still subject to the 8-step process. However, as a functionally dependent use (intended to facilitate access to the river and at the confluence of the Blackfoot and Clark Fork Rivers) there is no alternative to locating the project adjacent to the river. FWP did consider no provision of access to the rivers; this does not meet the project’s purpose and need. FWP also considered provision of a boat ramp for users, but concluded that the more minimal walk-in access was appropriate at this time.

HUD’s process also requires the Responsible Entity to identify indirect and direct impacts associated with any actions taken within the floodplain (Step 4). The only action that FWP intends to take within the floodplain is to provide hand-carry access to the river by an unpaved trail into the water. The County does not anticipate any measurable direct

or indirect impacts as a result of this minimal action; no fill is anticipated which could affect downstream properties, while any erosion should be minimal. This action does not encourage future development in the floodplain.

HUD's process also requires the Responsible Entity to explain how the project will be designed to minimize harm to or within the floodplain (Step 5). No harm is anticipated; however, FWP will monitor the put in and take action should bank erosion or other effects become pronounced.

Step 6 of HUD's process to re-evaluate alternatives identified in Step 3. Step 3 did not identify any practical alternatives. Given the proposal for a functionally-dependent use, there is no alternative to locating Milltown State Park adjacent to the river. Given the desire to provide access to the historic confluence, there is no alternative to locating at the confluence. Project impacts are expected to be extremely minimal, while the benefits of both river access and other portions of the Milltown State Park's mission (such as historic interpretation and green space) are anticipated to be significant. Accordingly, Missoula County believes the project should proceed.

Step 7 of HUD's process is to publish final notice of the intended floodplain incursion (included in Attachment 3). Missoula County posted final notice to the parties identified above on December 13, 2013, and published the same in the *Missoulian* on Sunday, December 15, 2013. No comments were received in the prescribed comment period. FWP will proceed to Step 8 of HUD's process: implementation.

Wetlands Protection

[E.O. 11990]

The U.S. Fish and Wildlife Service Wetlands Inventory (<http://www.fws.gov/wetlands/Data/Mapper.html>) suggests that a substantial portion of the park consists of wetlands. However, these data predates both NRDP contouring of the site and dam removal. Given this lack of contemporary data, Missoula County consulted with the Missoula Water Quality District, and determined that the park proposed for development will not include wetlands. See Attachment 5 and Attachment 6.

Coastal Zone Mgt. Act

[Sections 307 (c), (d)]

Not applicable in CO, MT, ND, SD, UT, and WY

The CZMA is not applicable in Montana.

Sole Source Aquifers

[40 C.F.R. Part 149]

See Attachment 6, wherein the appropriate EPA representative concludes that "EPA believes that impacts to the aquifer from the overall project and from this component are positive. There is nothing to preclude this project as it relates to the Missoula Valley Sole Source Aquifer designation as defined in the Safe Drinking Water Act Section 1424(e)."

Endangered Species Act

[50 C.F.R. Part 402]

After (1) reviewing the lists of threatened, endangered, proposed, and candidate species/critical habitat developed by the U.S. Fish and Wildlife Service and (2) considering the effects of the proposed federal activity within the anticipated EIA, this office has determined that no species warranting protection under the authorities of the Endangered Species Act would be affected by the subject federal activity. Because of the project's location—bounded by the rivers, I-90, and Milltown and Bonner—the potential for impacts to ESA animal species is very low: grizzly bear, lynx, yellow-billed cuckoo, and wolverine, do not utilize this area as sustainable (long-term) habitat. However, these species could pass through this area, which is a wildlife movement corridor (see discussion at the end of this section). Relative to plant species, whitebark pine is not located in this area, and water howellia is not located here (it occurs only in the Swan Valley, in wetlands).

The last species of potential concern, then, is bull trout. Almost all of the project is up out of the floodplain, and it will have little likelihood of causing long-term erosion or other negative impacts to water quality. FWP is committed to ensuring that the access point will not increase incidental fishing takes, and has proposed a number of mitigatory measures:

“Fishing Pressure:

The Blackfoot and Clark Fork Rivers are closed to intentional fishing for bull trout and incidental catches must be released in prompt fashion. Montana's 2012 Western District fishing regulations state:

All waters are closed to angling for bull trout and all fish must be immediately released unless otherwise authorized in the Western District Exceptions.... Federal rules prohibit the attempted take of bull trout unless specifically authorized by state or tribal regulation.

If fishing pressure on bull trout were to prove significant in the Confluence Area, FWP could propose additional measures, such as prohibiting bait fishing or even closure to fishing.

In addition, educational and interpretive programs at the confluence of Milltown State Park--a site known to the Salish-Pend d'Oreille as the Place of the Big Bull Trout--will highlight the role the threatened species has played in the natural and human history. Such efforts will enhance public understanding about the need for bull trout conservation.

Bank Preservation:

Park development at Milltown is a redevelopment effort associated with the remediation and restoration of the Milltown Reservoir Superfund site. Since its inception the park development has been predicated on the notion

of building on those efforts. River restoration is another central part of the story at Milltown, which resource management plans will reflect.

In the coming years, matters relating to river bank preservation and stabilization at Milltown will be monitored and maintained by the Montana Natural Resource Damage Program, which has led the river restoration project. The state's restoration work on river banks has used woody debris structures and vegetated coir logs.

General Management:

FWP is still developing a management plan for Milltown State Park. However, FWP anticipates including management goals similar to those in other state park management plans, such as:

- 1) To provide a range of compatible recreational opportunities, while maintaining the natural character of the park and providing for public health and safety.
- 2) To preserve and where necessary, restore the natural ecological processes and conditions that exist in the park.
- 3) To ensure that current fish and wildlife habitat is maintained and that opportunities for species propagation are not diminished.

Montana State Parks is committed to managing Milltown State Park in such a manner that it does not negatively impact bull trout in present or future.”

The mitigatory strategies outlined here lead us to conclude that the project will have No Effect on bull trout or Critical Habitat for that species. Indeed, this project is the conclusion of a larger project that should have significant, positive impacts on bull trout. Attachment 7 documents the County's consultation with the U.S. Fish and Wildlife Service and that agency's recommendations in this regard.

In addition to ESA requirements, the State of Montana has its own list of Species of Concern (SOC)⁶, including westslope cutthroat trout. FWP manages this native trout similar to bull trout, with catch and release regulations. Another SOC is the peregrine falcon, which nests on adjacent US Forest Service (USFS) property along the Blackfoot River. Future trail construction up towards a known peregrine aerie may need to consider timing restrictions, but this area is far enough away that threats posed by the Gateway and Confluence development are minimal.

⁶ A native animal breeding in Montana that is considered to be “at risk” due to declining population trends, threats to its habitats, and/or restricted distribution. The purpose of Montana's SOC listing is to highlight species in decline and encourage conservation efforts to reverse population declines and prevent the need for future listing as Threatened or Endangered Species under the Federal Endangered Species Act. Further information: <http://fwp.mt.gov/fishAndWildlife/species/speciesOfConcern/>

Table 1. Montana Species of Concern and Threatened/Endangered Species observed or expected to occur in Milltown State Park.

Common name <i>Species</i>	Status*	Habitat	Status in Vicinity of Parcels
<u>Species of Concern</u>			
Bull Trout <i>Salvelinus confluentus</i>	Threatened, SOC, Tier 1	Mountain streams, rivers, and lakes	Uses the Blackfoot River and Clark Fork River as a migratory corridor.
Westslope Cutthroat Trout <i>(Oncorhynchus clarki lewisi)</i>	Sensitive, SOC, Tier 1	Coldwater streams	Uses the Blackfoot River and Clark Fork River as a migratory corridor.
Canada Lynx <i>(Lynx Canadensis)</i>	Threatened, SOC Tier 1	Subalpine conifer forests	The area has low quality lynx habitat.
Fisher <i>(Martes pennant)</i>	SOC, Tier 2	Mixed conifer forest	The area has low quality fisher habitat.
Hoary Bat <i>(Lasiurus cinereus)</i>	SOC, Tier 2	Conifer and riparian forests	Suitable habitat, no surveys have been done to document presence/absence.
Wolverine <i>(Gulo gulo)</i>	SOC, Tier 2	Conifer forests	The area has low quality wolverine habitat. Potential movement area, not verified.
Bald Eagle <i>(Haliaeetus leucocephalus)</i>	Delisted, no longer SOC, Tier 1. Special management requirements under Bald and Golden Eagle Protection Act	Riparian and conifer forests along rivers and lakes	Current nest sites located over 1 mile from project area, no impacts expected from development at the confluence. New potential nest site may require timing restrictions for construction activities, see additional comments in text.
Clark's Nutcracker <i>(Nucifraga Columbiana)</i>	SOC, Tier 3	Conifer forests	Birds occasionally move through the Confluence Area.
Flammulated Owl <i>(Otus flammeolus)</i>	SOC, Tier 1	Low-mid elevation conifer forests with large trees	No suitable habitat at the Confluence Area.
Great Blue Heron <i>(Ardea Herodias)</i>	SOC, Tier 3	Riparian woodlands	Rookery located at the upper end of the former Milltown Reservoir, over a mile from the Confluence Area. No anticipated impacts on foraging or nesting areas.
Northern Goshawk <i>(Accipiter gentilis)</i>	SOC, Tier 2	Mixed conifer forests	No nesting habitat at the confluence, no impacts expected.
Pileated Woodpecker <i>(Dryocopus pileatus)</i>	SOC, Tier 2	Moist conifer forests	No nesting habitat at the confluence, no impacts expected.
Peregrine Falcon <i>(Falco peregrinus)</i>	Delisted, SOC, Tier 2	Cliffs, forages over riparian, wetland habitats	Nesting area located up the Blackfoot, no impacts expected from development of the Confluence Area.
Veery <i>(Catharus fuscescens)</i>	SOC, Tier 2-3	Riparian forests, shrubby habitats	Documented using riparian shrub habitat in the Milltown Reservoir area. No habitat at the confluence.
Pacific Wren <i>(Troglodytes pacificus)</i>	SOC, Tier 2	Moist conifer forests	No habitat at the confluence.

Common name Species	Status*	Habitat	Status in Vicinity of Parcels
Western Skink (<i>Eumeces skiltonianus</i>)	SOC, Tier 2	Rock outcrops	Suitable habitat, not verified.
Western Toad (<i>Bufo boreas</i>)	SOC, Tier 2	Wetlands, lakes, floodplain pools	Verified in the Turah area; may use uplands adjacent to Clark Fork and Blackfoot rivers.
A. Millipede (<i>Adirityla cucullata</i>)	SOC	Dry mixed conifer forest clearings	Unknown status, little habitat at the Confluence Area.
A. Millipede (<i>Austrotyla montani</i>)	SOC	Mixed conifer forests	Unknown status, little habitat at the Confluence Area.
A. Millipede (<i>Corypus cochlearis</i>)	SOC	Mixed conifer forests	Unknown status, little habitat at the Confluence Area.
<u>Potential Species of Concern</u>			
Barrow's Goldeneye (<i>Bucephala islandica</i>)	PSOC, Tier 3	Wetlands	Documented to occur in the area during migration. No expected impacts from development of the Confluence Area.
Hooded Merganser (<i>Lophodytes cucullatus</i>)	PSOC, Tier 2	Rivers and riparian wetlands	Potential breeding habitat in oxbow wetlands along the Clark Fork River upstream of the former dam site. Documented to occur in the area during migration. No expected impacts from development of the Confluence Area.
An Ice Crawler (<i>Grylloblatta campodeiformis</i>)	PSOC		Unknown due to its nocturnal habits and activity at temperatures just above freezing.

*Tier 1 status identifies those species in greatest conservation need.

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act. This act prohibits disturbance of nesting eagles, and requires protection of nest sites. Bald eagles nest near Milltown State Park, and forage along the river. Known nest sites are located upstream and downstream over 1 mile from the project area. Development of the confluence area is not expected to negatively impact either of these nests. A new pair of bald eagles may be building a nest closer to the confluence area. If this nest becomes active, some mitigation measures may be needed to prevent disturbance to the nest during development of the confluence area. These could include timing restrictions on heavy construction to avoid critical incubation and small nestling stages. Most construction activities would likely not need timing restrictions. FWP biologists and state park personnel will continue to monitor the situation and make adjustments as needed. Once construction is completed, day use by the public in the confluence area is not expected to disturb the eagles during subsequent nesting years. The potential nest is on private land adjoining the park. Future management of this potential new bald eagle nesting area will be addressed in the management plan for Milltown, if nesting is verified.

Other wildlife issues are present at the Milltown site, which holds geographic significance. Milltown State Park sits in a wildlife movement corridor between the Northern Continental Divide and the Selway-Bitterroot and Salmon ecosystems. Two

ivers, three valley trenches, three mountain ranges, multiple finger ridges and multiple draws and smaller drainages all converge together at Milltown State Park. Confluence Areas of drainages are especially important for wildlife travel corridors, with wildlife naturally filtering through these areas. On an annual basis MFWP or MDOT pick up road-killed ungulates, black bears and mountain lion along the interstate and frontage road between the Highway 200 off ramp and the Turah Exit. Grizzly bears, lynx and wolverine have been observed in close proximity to the site and may use the area to travel between ecosystems, but the Park does not provide sufficient habitat for sustaining these species. Black bears, moose, elk and bighorn also find habitat within and adjoining park boundaries. While it is unlikely that the currently proposed Park development will negatively affect these species, recommended best practices would include using bear-resistant containers and avoiding the use of salt as a de-icer as it can attract bighorn sheep. In addition, restoring the riparian vegetation along the river corridor, especially under the I-90 and railroad underpasses, will allow for improved and increased cover and connectivity between the ecosystems.

Wild & Scenic Rivers Act

[Sections 7 (b), (c)]

Attachment 8 documents that the wild and scenic river closest to Missoula is the South Fork of the Flathead, which is designated from its origins in the Bob Marshall Wilderness (approximately 47 miles northwest of Missoula, “as the crow flies”). Separated from the proposed Milltown State Park by 47 miles of rugged country and a significant hydrologic divide (Blackfoot/Flathead), no impact on the South Fork is anticipated from this project. Given that the project is not in the beds of any relevant river, and that the Flathead and Clark Fork confluence is scores of miles downstream of Missoula (see Figure NWSR-B), a Secretarial Determination is unnecessary.

Attachment 8 also documents that no Nationwide River Inventory NWSR-eligible stretches are proximate enough to the project to be impacted. Accordingly, the project will have no impacts to either National Wild and Scenic Rivers or NRI-identified river segments eligible for NWSR designation.

Air Quality

[Clean Air Act, Sections 176 (c) & (d), & 40 C.F.R. Part 6, 51, & 93]

Ambient Air Quality

Construction of the parking lot and grading at Milltown State Park have virtually no effect on community air quality. EPA’s environmental justice map, reviewed on October 22, 2012, at <http://epamap14.epa.gov/ejmap/ejmap.aspx?wherestr=59801>, indicated that the project area is not a nonattainment area for PM 2.5 or 8-hour ozone (see Attachment 9).

The Missoula City-County Health Department, queried, expressed no concerns regarding air pollution and Milltown State Park project.

Radon

Missoula County is within a zone in which EPA states that counties “have a predicted average indoor radon screening level greater than 4 pCi/L (picocuries per liter) (red zones).” See <http://www.epa.gov/radon/pdfs/zonemapcolor.pdf> and <http://www.epa.gov/radon/zonemap.html#mapcolors>.) Additionally, a 1993 study by Missoula’s County Health Department concluded, “The study results indicate that approximately half of the homes monitored were above the Environmental Protection Agency’s recommended action level of 4 picoCuries per liter (pCi/l). However there is a wide range of values and to date no pattern has emerged to pinpoint ‘safe’ areas in Missoula County.”⁷

According to EPA estimates, “Radon is the number one cause of lung cancer among non-smokers,” and EPA and the Surgeon General recommend that all homes be tested for radon levels. (See <http://www.epa.gov/radon/healthrisks.html>.) The County strongly recommends that FWP conduct a comprehensive radon survey at its proposed location for the administrative building and any other enclosed structures, and take action as indicated by the results.

Farmland Protection Policy Act

[7 C.F.R. Part 658]

Because a portion of the park is “prime farmland if irrigated,” consultation was initiated with the Natural Resources Conservation Service. Attachment 10 details the NRCS determination that the site need not be given further consideration for protection.

Environmental Justice

[E.O. 12898]

Executive Order 12898 requires the Responsible Entity to consider disproportionately high and adverse human health or environmental effects of its programs/activities on minority and low income populations. In this instance there are two tests: 1) will park visitors be disproportionately minority or low income and subject to adverse effects through their visitation; and 2) does park development adversely affect an adjacent population that is disproportionately minority or low income.

Concerning the first test, Milltown State Park is managed by a state agency as a resource for all Montanans. There is no reason to believe that park users will be disproportionately minority or low income populations. Further, based on this review there is no reason to believe that visiting the park would have adverse impacts on the population of visitors.

Concerning the second test, the Bonner-Milltown area is, very likely, disproportionately low income. However, based on this review, there is no reason to believe that creation of the Milltown State Park will have a negative health or environmental impact on the local population. If anything, based on community input, the park will be of benefit to the community by providing new open space and minor economic development.

⁷ Kikkert, Douglas. 1993. Radon Levels in Missoula and Surrounding Vicinity. Missoula City County Health Department.

Given these conclusions, no further consideration of environmental justice is necessary.

HUD Environmental Standards

Summary of consultations, supporting documentation, determinations, & mitigation measures

Noise Abatement & Control

[24 C.F.R. Part 51B]

HUD is directed by the Noise Control Act of 1972 to administer its programs in ways which reduce noise pollution and by the Housing Act of 1949 which sets for the national goal of “a decent home and suitable living environment for every American Family.” The Code of Federal Regulations establishes environmental standards, criteria, and guidelines for determining project acceptability and necessary mitigating measures relating to exposure to noise at HUD-subsidized projects, at 24 CFR § 51. Further developed in HUD’s Noise Guidebook,⁸ these guidelines and standards are designed to ensure that HUD-subsidized projects are located in suitable living environments. Compliance with standards and guidelines is considered as part of the environmental assessment (EA) completed for HUD-subsidized projects.

The noise assessment process requires projecting what the amount of proximate traffic by different modes of transportation will be in ten years, then estimating the noise exposure at the site based on those traffic projections. The magnitude of the external noise environment is measured as the value of the day-night average sound level. Day-night average sound level (DNL) is the 24-hour average sound level, in dB, obtained after addition of 10 dB to sound levels in the night from 10 p.m. to 7 a.m. Traffic projections and other data can be input into HUD’s Day-Night Level Calculator to estimate DNL at the Noise Assessment Location (NAL).⁹ HUD’s noise regulations require that noise sensitive site exterior areas intended for active and passive recreation and areas of congestion have a maximum DNL of 65 dB; 55 dB is preferred.¹⁰

Due to the proximity of Interstate 90, Highway 200, and Montana Rail Link, preliminary estimates showed much of Milltown State Park to have a DNL in excess of 75 dB. Accordingly, the Responsible Entity consulted HUD’s regional Field Environmental Officer, who, in turn, consulted with the Washington office of HUD. The consensus of HUD HQ and the Field Environmental Officer was that “the currently planned site

⁸ The Noise Guidebook. Undated. U.S. Department of Housing and Urban Development, Office of Community Planning and Development [Including Noise Assessment Guidelines. Undated.], at 50.

⁹ <http://www.hud.gov/offices/cpd/environment/dnlcalculatortool.cfm>. Assessment can also be completed by measuring sound levels at the site, but this is significantly more complicated and expensive, without a commensurate increase in reliability. HUD recommends use of the calculator. The Noise Guidebook. Undated. U.S. Department of Housing and Urban Development, Office of Community Planning and Development [Including Noise Assessment Guidelines. Undated.], at 101.

¹⁰ 24 CFR § 51.101(a)(8).

reuses do not constitute “noise sensitive” uses pursuant to HUD’s noise hazard assessment regulations contained at 24 C.F.R. Part 51, Subpart B.” See Attachment 11. I concur. Given this, no further consideration of noise levels at the park are indicated.

**Toxic Chemicals & Gases,
Hazardous Materials,
Contamination, &
Radioactive Substances**
[24 C.F.R. Part 58.5(i)(2)(i)]

24 CFR Part 58.5(i)(2)(i) states that “it is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants....” The Milltown site has historically hosted hazardous substances (principally putting at risk the aquifer and/or water quality at the site); it appears that these concerns have been ameliorated by EPA’s actions to remediate this Superfund site.

Major portions of Milltown State Park are located within the boundaries of the Milltown Reservoir Sediments Superfund (MRSS) site. An historic flood in 1908 washed in approximately 6.6 million cubic yards of heavy-metal contaminated mine waste into the river, much of it piling up behind the newly built dam and contaminating the aquifer below with arsenic. Goals for the remediation include:

- Restore the groundwater to its beneficial use within a reasonable time period using monitored natural attenuation;
- Protect downstream fish and macroinvertebrate populations from releases of contaminated reservoir sediments, which occur with ice scour and high flow events;
- Provide permanent protection from catastrophic release through dam failure; and
- Provide compliance with the ESA and wetland protection through consultation with the USFWS, the Confederated Salish and Kootenai Tribes and the relevant state agencies.

The selected remedy in the Record of Decision (ROD) (EPA 2004) for the Milltown site consisted primarily of three components: 1) reservoir drawdown and dam removal; 2) contaminated sediment removal; and 3) realignment, re-grading and revegetation of the Clark Fork River channel. The ROD also established surface water, groundwater, and vegetation standards that are to be achieved during and after completion of remedial action and restoration activities. The primary contaminants of concern are arsenic, copper, lead, cadmium and zinc in both groundwater and surface water.

Remediation and restoration construction work began in 2006 and was completed in 2012. As part of the Superfund cleanup, approximately three million tons of contaminated sediment have been removed; the Milltown Dam and Powerhouse have

been removed; the Clark Fork and Blackfoot Rivers now flow freely; and the Clark Fork River channel and floodplain have been re-designed and revegetated. The groundwater monitoring in the area shows a decreasing trend in arsenic concentration and three of the 10 compliance monitoring wells are now below the drinking water standard (10 ppb As). The EPA estimates that the drinking water aquifer will be restored in less than a decade.

In 2011, EPA completed its first Five Year Review of the Milltown Cleanup (triggered with the start of Remedial Action in 2006). The finding of the Five Year Review (*Water Supply and Milltown Reservoir Sediments Operable Units of the Milltown Reservoir Sediments/Clark Fork River Superfund Site*) is that the site risks are controlled and public health and the environment are protected. The report issued the following protectiveness statement:

The remedy at the [Milltown site] is expected to be protective of human health and the environment upon completion, and in the interim, exposure pathways that could result in unacceptable risks are being controlled.(p. 32)

The next Five Year Review will be conducted in 2016.

Given that EPA has substantially cleaned this site; that EPA will continue to monitor the site to ensure that it is not contaminated; and that the historic contaminants principally had an exposure vector (drinking of contaminated well or river water) that will not affect either visitors or park staff (inasmuch as drinking water will not be provided, except to staff from off site), Missoula County concludes that the site is “free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants....”

**Siting of HUD-Assisted
Projects near Hazardous
Operations**

[24 C.F.R. Part 51C]

Environmental Health Specialist Travis Ross, with the Missoula City-County Health Department, advised in an email dated March 13, 2013, that the only above-ground tank within one mile of the park is at the old Stimson Mill, near the Northeast entrance guard shack (see Attachment 15). That tank, 500 gallons, is for gasoline. Additionally, EHS Ross noted the possibility of another tank. On April 3, 2013, this office spoke with EHS Ross; he stated that there is a 1,000 gallon diesel tank somewhere to the west of the main structures in the Stimson yard, but the exact location is unclear. Visual reconnaissance on April 3, 2013 was unsuccessful.

The HUD acceptable separation distance (ASD) calculator indicates that, for a 1,000 gallon tank, the ASD is 277 feet (see Attachment 15). A Google Earth screen capture with the measurement tool indicates that the closest the new park comes to the Stimson yard is 491 feet. Given that the entire yard is beyond ASD, a more precise location is unnecessary; it is impossible that the 1,000 gallon tank is within ASD.

Given these data, the County concludes that Milltown State Park is not located near a hazardous operation.

Airport Clear Zones & Accident Potential Zones

[24 C.F.R. Part 51D]

The site is approximately 9 miles from Johnson-Bell Field, according to the Google Earth measurement tool. Plainly, it is not within an airport clear zone or accident potential zone. No further consideration is required in this regard.

3 Environmental Assessment Checklist (ref.: Environmental Review Guide HUD CPD 782, 24 C.F.R. Part 58.40, 40 C.F.R. Parts 1508.8 & 1508.27)

(Evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) – No impact anticipated; (2) Potentially beneficial; (3) Potentially adverse; (4) – Requires mitigation; (5) – Requires project modification. Note names, dates of contact, telephone numbers, and page references. Attach additional materials as needed.)

<u>LAND DEVELOPMENT</u>	Code	Summary of consultations, supporting documentation, determinations, & mitigation measures
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Conformance with Comprehensive Plans & Zoning

Code 4. The Missoula County Department of Community and Planning Services states that the Milltown State Park complies with the use and guiding principles of the relevant 1998 Urban Comprehensive Plan Update (see Attachment 12). A portion of the project site is not zoned for parks (again, see Attachment 12). To bring the project into compliance with zoning regulations, FWP worked with Missoula County in 2013 to rezone its Milltown properties to a zoning classification conducive to public lands and institutions.

Compatibility & Urban Impact

Code 1. See Attachment 18.

Slope

Code 1. The State’s NRDP regraded the site as part of its Restoration Action. See Attachment 18.

Soil Suitability

Code 1. FWP will ensure no unsuitable soils are extant and relevant to the project. See Attachment 18.

**Hazards & Nuisances
Including Site Safety**

Code 4. FWP will mitigate potential risks from I-90, the MRL tracks, and open water. Some risk will remain. See Attachment 18.

Energy Consumption

Code 2. The project encourages walking, biking, and nonmotorized boating as recreation activities. See Attachment 18.

Noise – Contribution to community noise levels

Code 1. There is no reason to believe that the park will be loud. Additionally, hemmed in as it is by MRL tracks and I-90, any noise it contributes will be drowned out by the greater sounds of that infrastructure.

**Air Quality – Effects of
Ambient air quality on
Project & contribution to
Community pollution levels**

Code 1. The minimal parking on site will not provide enough particulates or exhaust to impact community air quality at measurable levels. I-90 and Hwy 200 probably have some impact on the site via exhaust; the County judges this impact both unavoidable and minimal enough to be acceptable.

**Environmental Design –
Visual quality – coherence,
Diversity, compatible use &
Scale**

Code 2. FWP, EPA, NRDP, and others are to be lauded for their efforts to design the park.

<u>SOCIOECONOMIC</u>	Code	Summary of consultations, supporting documentation, determinations, & mitigation measures
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**Demographic
Character Changes**

Code 1. This project will not impact the demographic character of the area, while the park itself is isolated from any imagined negative neighborhood characteristics by its isolation within the river-railroad-freeway triangle.

Displacement

Code 1. Reclaiming a reservoir will not affect any existing housing.

**Employment & Income
Patterns**

Code 1. The sparse staff assigned to the park are statistically insignificant to larger employment and income patterns.

**COMMUNITY FACILITIES
AND SERVICES**

Code

**Summary of consultations, supporting
documentation, determinations, &
mitigation measures**

Educational Facilities

Code 1. No population change, and therefore not applicable.

Commercial Facilities

Code 1. No population change, and therefore not applicable.

Health Care

Code 1. No population change, and therefore not applicable.

Social Services

Code 1. No population change, and therefore not applicable.

Solid Waste

Code 1. Served by Allied Waste Services.

Waste Water

Code 1. Vault toilets will be utilized.

Storm Water

Code 1. The project will be graded and strategies such as swales utilized to minimize run off.

Water Supply

Code 1. Existing wells on the site reportedly went dry after the dam removal. There is currently no water supply on site, and none will be provided the public. Staff will be provided bottled water.

Public Safety

- Police

Code 1. See Attachment 18.

Public Safety

- Fire

Code 1. See Attachment 18.

Public Safety

- Emergency Medical

Code 1. See Attachment 18.

**Open Space &
Recreation**

- Open Space

Code 2. The project provides new open space to area citizens.

**Open Space &
Recreation**

- Cultural Facilities

Code 1. See attachments 2 and 4.

Transportation

Code 1. See Attachment 18.

Water Resources

Code 1. Outside of surface water, not applicable.

Surface Water

Code 1. See discussion under ESA and throughout.

**Unique Natural Features
& Agricultural lands**

Code 2. The project is designed to show off the unique natural (and historic) features of this particular place. Accordingly, any impacts will be beneficial. Regarding farmland, see discussion above under FFPA.

Vegetation & Wildlife

Code 2. The whole project is devoted to restoration of vegetation. Combined, riparian and wetland habitats make up less than 5 percent of the surface area of Montana, yet support the richest diversity and density of birds in the state. Confluence areas of drainages are especially important for travel corridors, and these areas often support wider riparian habitats than non-confluence areas. Wildlife naturally filter through these areas, especially bears and lions. Based upon black bear GPS collared data and lion and bear

conflict reports, these species move along the Blackfoot and Clark Fork Rivers to connect with larger, adjacent landscapes. Planned riparian habitat restoration projects will enhance and improve wildlife habitat and connectivity for a variety of species within the Park. Please also see discussion under ESA above.

<u>OTHER FACTORS</u>	Code	Summary of consultations, supporting documentation, determinations, & mitigation measures

(Note: The Responsible entity must additionally document compliance with 24 C.F.R. Part 58.6 in the Environmental Review Record, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirement of the HUD Airport Runway Clear Zone/Accident Potential Zone regulation @ 24 C.F.R. Part 51, Subpart D.)

4 Regulatory Checklist (ref.: 24 C.F.R. Part 58.6 – Other requirements):

 24 C.F.R. Part 58.6(a): Flood Disaster Protection Act of 1973, as amended:

(NOTE: Applicable only when project/activity site is located in a community participating in the National Flood Insurance Program, administered by the Federal Emergency Management Agency.)

Is the project/activity located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)?

 Yes X No

FEMA Map Number:

NOTE: Please see the extended discussion above relative to the floodplain. The only portion of the project that occurs within the floodplain is the access trail. This trail represents a miniscule investment, and cannot be insured. The Responsible Entity completed the HUD 8-step process relative to encroachment on the floodplain.

If the answer to this question is yes, the project/activity cannot proceed unless flood insurance is obtained through the National Flood Insurance Program.

Insurance Policy Number: NA _____

 NA **24 C.F.R. Part 58.6(b): National Flood Insurance Reform Act of 1994, Section 582, (42 U.S.C. 5154a):**

(NOTE: Applicable only when the project site is located in an area where HUD disaster assistance is being made available.)

Is the project located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)?

Yes No

FEMA Map Number:

If "Yes", would the HUD disaster assistance be made to a person who had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance and that person failed to obtain and maintain the flood insurance?

Yes No

If "Yes", the HUD disaster assistance cannot be made to that person in the Special Flood Hazard Area to make a payment (including any loan assistance payment) for repair, replacement, or restoration for flood damage to any personal, residential, or commercial property.

Insurance Policy Number: _____

N/A **24 C.F.R. Part 58.6(c): Coastal Barrier Improvement Act of 1990, as amended:**

(NOTE: Not applicable in the HUD Region VIII area. There are no coastal barriers identified in HUD Region VIII and in HUD Office of Native Americans, Northern Plains, States of CO, MT, NE, ND, SD, UT, and WY.)

_____ **24 C.F.R. Part 58.6(d): Civilian Airport Runway Clear Zone and/or Military Airport Clear Zone:**

(NOTE: Applicable only if the project/activity involves HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D.)

Does the project involve HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D?

Yes No

Source documentation:

Google Earth measurement tool.

If yes, the responsible entity must advise the buyer that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information. For the appropriate content, go to:

<http://www.hud.gov/offices/cpd/environment/review/ga/airporthazards.pdf>.

5 Attachments:

Attachments are available visiting the Public Notice section of the Montana State Parks website at stateparks.mt.gov. or upon request by contacting Michael Kustudia at 542-5533 (mkustudia@mt.gov).

Attachments 1-2 – State Historic Preservation Office correspondence.

Attachment 3.1 – Floodplain consultation correspondence, part one.

Attachment 3.2 – Floodplain consultation correspondence, part two.

Attachment 4 – Confederated Salish and Kootenai Tribes (CSKT) consultation correspondence.

Attachments 5-6 – Wetlands and aquifer consultation correspondence.

Attachment 7 – ESA consultation correspondence.

Attachments 8-9 – Wild and Scenic Rivers and Environmental Justice correspondence.

Attachments 10-11 – Farmland conversion and noise guideline correspondence.

Attachments 12-15 – Missoula County planning department correspondence.

Attachment 16-17 – Additional tribal correspondence.

Attachment 18 – HUD Environmental Assessment Checklist.

Attachment 19 – Site map graphic (high resolution).

Attachment 20 – Gateway Area graphic (high resolution).

Attachment 21 – Confluence Area graphic (high resolution).

Attachment 22 – MEPA/HB 495 checklist.

Attachment 23 – Tourism report.

List of Sources, Agencies, and Persons Consulted

[40 C.F.R. Part 1508.9(b)]

(List and attach all evidence of inquiries and responses received at all stages of consultation and analysis.)

List of Sources, Agencies, and Persons Consulted				
[24 CFR Part 58.40 & 40 C.F.R. Part 1508.9(b)]				
Sources, Agencies, and Persons Consulted	Date of Inquiry	Attachment	Date of Response	Attachment
Montana State Historic Preservation Officer Pete Brown P.O. Box 201202 1410 E ighth Avenue	10/17/2012	Attachment 1	10/17/2012	Attachment 1
Mark Wilson, U.S. Fish & Wildlife Service 585 Shehard Way Helena, MT 59601	6/27/2012 Additional contacts with USFWS scientist Dan Brewer, October 2011.	Attachment 7	7/11/2012	Attachment 7
Todd Kliez, Missoula Floodplain Office Office of Planning & Grants Missoula, MT 59802	4/12/2012	Attachment 13	Multiple contacts in person and by email.	
Philip Maechling, Historic Preservation Officer Office of Planning & Grants Missoula, MT 59802	4/12/2012	Attachment 13	10/17/2012	Attachment 1
Carol Russell Office of Ecosystem Protection and Remediation U.S. Environmental Protection Agency 1595 Wynkoop St Denver, CO 80200-1129	4/23/2012	Attachment 6	6/19/2012	Attachment 6
Chris Lounsbury, Director Missoula County Emergency Services 200 West Broadway Missoula, MT 59802	4/12/2012	Attachment 13	4/25/2012	Attachment 14
Jim Carlson, Director, Environmental Health Missoula City-County Health Dept. 301 West Alder Missoula, MT 59802	4/12/2012	Attachment 13	4/17/2012 (Nielsen)	Attachment 6
Jon Harvala Missoula City-County Health Dept. 301 West Alder Missoula, MT 59802	4/12/2012	Attachment 13	4/17/2012 (Nielsen)	Attachment 6
Denise Alexander, Principal Planner Missoula Office of Planning & Grants 200 West Broadway Missoula, MT 59802	4/12/2012	Attachment 13	2/25/2013	Attachment 12
Casey Wilson, Principal Cartographer (Wetlands) Missoula Office of Planning & Grants 200 West Broadway Missoula, MT 59802	4/12/2012	Attachment 13	4/23/2012 4/26/2012	Attachment 5

Sources, Agencies, and Persons Consulted	Date of Inquiry	Attachment	Date of Response	Attachment
Mary Price, Staff Scientist Confederated Salish and Kootenai Tribes of the Flathead Reservation P.O. Box 278 Pablo, MT 59855	6/27/2012	Attachment 4	7/24/2012	Attachment 4
Travis Ross Missoula City-County Health Dept. 301 West Alder Missoula, MT 59802	Telephone, February 2013		3/13/2013	Attachment 15
Keith Baird, Tribal Historic Preservation Officer Nez Perce Tribe P.O. Box 365 Lapwai, ID 83540-0365	3/7/2013	Attachment 16	No response	NA
Curley Youpee, Tribal Historic Preservation Officer Fort Peck Agency P.O. Box 1027 Poplar, MT 59255	3/12/2013	Attachment 17	No response	NA
Kristi Dubois, wildlife biologist, Montana Fish, Wildlife & Parks 3201 Spurgin Road Missoula, MT, 59084	Summer 2013	NA	Multiple contacts in person and by email	
Vickie Edwards, wildlife biologist, Montana Fish, Wildlife & Parks 3201 Spurgin Road Missoula, MT, 59084	Summer 2013	NA	Multiple contacts in person and by email	
Jamie Jonkel, wildlife biologist, Montana Fish, Wildlife & Parks 3201 Spurgin Road Missoula, MT, 59084	Summer 2013	NA	Multiple contacts in person and by email	
Ladd Knotek, fisheries biologist, Montana Fish, Wildlife & Parks 3201 Spurgin Road Missoula, MT, 59084	Summer 2013	NA	Multiple contacts in person and by email	

Appendices

NA

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