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Region 2
3201 Spurgin Road
Missoula, MT 59804

September 14, 2020

Dear Interested Citizens:

Thank you for your thoughtful reviews and comments on a proposal by Montana Fish, Wildlife & Parks (FWP) to acquire approximately 0.9 acre in fee-title adjacent to Fort Owen State Park near Stevensville in Ravalli County. As part of this proposal, FWP also would abandon public access to a portion of a road easement along a shared private road that also accesses a private ranch. FWP proposes to acquire this land with the intention of providing additional public access and developing a parking lot for visitors to the State Park. (Development including a parking area will be addressed in a separate and later proposal, which will include public review and comment opportunity as part of its process.) This current acquisition proposal is designed to address public access and private property concerns that have lingered for decades.

Enclosed is a decision document in which I explain my rationale for recommending that the Montana State Parks and Recreation Board approve the acquisition of additional land for Fort Owen State Park as proposed under the preferred action (Alternative A). Upon completion of the public involvement process and by inclusion of the amendment and information noted in this Decision Notice, FWP accepts the draft environmental assessment (EA) as final. The decision document also includes all public comment on the proposed acquisition and development.

FWP will request approval for the acquisition of this proposed addition to Fort Owen State Park at the regular Montana State Parks and Recreation Board meeting, scheduled for September 17 via Zoom. This meeting is open to the public, as are other regularly scheduled Board meetings. (See the Montana State Parks webpage <http://stateparks.mt.gov/> [under "Montana State Parks & Recreation Board"] for the meeting agenda, including details of how to participate via Zoom.)

Please feel free to contact me at 406-542-5500 with any questions you may have. Thank you for your interest and participation.

Sincerely,

Randy Arnold
Regional Supervisor

RA:sr

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Decision Notice for the Draft Environmental Assessment: Proposed Land Acquisition for Fort Owen State Park

September 2020

PROPOSAL

Type of Proposed State Action

Montana State Parks, a Division of Montana Fish, Wildlife & Parks (Department or FWP), proposes to acquire fee-title acquisition to an approximately 0.9-acre property (parcel) located immediately south of Fort Owen State Park (SP), which is located 1-mile northwest of Stevensville in Ravalli County. The parcel, currently owned by MGY Ranch, Inc., would be acquired and added to Department's existing 1.0-acre Fort Owen SP. The Department would also discharge (abandon or relinquish) a small portion of its approximately 1.2-acre public roadway easement along the private road immediately east of the current park boundary; this access easement allows the public to travel from public Highway 269 north along the private road to the SP.

NARRATIVE SUMMARY OF THE PROPOSED ACTION

From the time Fort Owen was added to state ownership in the 1950s, the managing agencies, including the Department, have struggled to provide appropriate public access and parking, while also protecting property rights and privacy for the neighboring private landowner. The existing one-acre State Park is surrounded by a private ranch, with ranch traffic and public access along a shared road. (This shared access road leading north from Highway 269 is a private road, but the Department holds a road easement along the road portion from the highway to the north end of the State Park, to allow the public and Department personnel to access the state park.) Given the current configuration, it is nearly impossible for a member of the public or Department staff to park at the site without trespassing on ranch property. In addition, the proximity of ranch buildings, including residences, to the park creates almost a daily privacy and security concern for the ranch residents and visitors. Conversations with owners of the ranch beginning in the 1980s (perhaps earlier) were never able to gain enough traction to lead to a long-term solution.

In late 2017, MGY Ranch, LLC, purchased the private ranch, and discussions were initiated toward finding a solution that would provide consistent legal access for all members of the public, as well as create appropriate separation of public and private lands. The parties have reached agreement where the Department proposes to acquire approximately 0.9 acre of property in fee-simple purchase. With this purchase, the Department would then work toward developing a parking area--once a cultural resources survey has been completed and any appropriate protections and mitigation measures have been developed and approved if needed to protect any identified historic resources on this new addition. (Development of a parking lot would involve a later, separate project proposal, including a Draft EA and opportunity for public involvement/ comment.)

As part of the acquisition, the Department would also abandon the public portion of the roadway easement located east of and adjacent to the existing park boundary, to ensure the public parks in the new parking area and not on private ranch property. The Department would retain administrative and emergency access to this portion of the abandoned easement to allow for site maintenance and management.

If the project is approved and the acquisition is completed (and no sooner than the end of the current "peak" visitor season on September 8, 2020), Fort Owen State Park would be closed to the public until a cultural resource survey is complete. Following a later, separate project proposal for development of a parking area (including a Draft EA and opportunity for public involvement/ comment)--and if the new

parking area project were to be approved--then construction could be completed in time for a tentative re-opening date of May 1, 2021.

ALTERNATIVES

Alternative A--Proposed Action: The Department would purchase approximately 0.9 acres from MGY Ranch and also discharge a portion of the existing easement for public use.

Under this alternative, FWP would acquire additional property to incorporate into its existing Fort Owen SP. The Department would also abandon a portion of its current public roadway easement (the portion east of the existing park boundary) along the private access road leading north off Highway 269. The goal of the property acquisition would be to later develop a parking area, through a separate project proposal and EA process.

Alternative B--No Action: The Department would not purchase the property

If no action is taken, FWP would not purchase the property, and public access and neighbor privacy would continue to be an issue. Due to inadequate parking and restricted access, the public would have limited access to this important historic site, and the neighboring landowner would continue to suffer from public intrusion onto private property.

Alternatives Considered or Suggested but Eliminated from Further Analysis

- Move the historic building to another location. (St. Mary's Mission, located just west of the Town of Stevensville, has been frequently suggested). This alternative would conflict with historic preservation Best Management Practices that recommend that historic buildings be left in their original location.
- Close the site to public access and continue to maintain historic buildings and preserve cultural resources. This alternative was rejected due to the interest from the public to have access to this important historic site and the willingness of the adjacent landowner to work with the Department to secure a long-term solution.

AMENDMENTS, ADDITIONS OR CLARIFICATIONS TO THE DRAFT EA

- The subject of this Decision Notice (DN) is the August-2020 Draft EA for FWP's proposed land acquisition (addition) for Fort Owen State Park and abandonment of a portion of the public access easement. (FWP would retain administrative access to this portion of the abandoned easement.) As stated in the Draft EA (Sections 1.1, 1.7, 3.7), any development of a parking area on the 0.9-acre addition would be addressed under a future Draft-EA public review and comment process. That EA would follow completion of a cultural resource investigation (in compliance with the Montana Antiquities Act and related administrative rules) and subsequent consultation with the State Historic Preservation Office (SHPO). Results of that work would help inform development of plans for a proposed parking area as well that proposal's Draft EA.
- In the Draft EA (Section 1.6.b), the "Funding Amount" is listed as \$60,000. FWP clarifies that this is the overall purchase cost for acquiring the 0.9-acre land parcel and abandoning a short portion of the existing public-road easement.

PUBLIC REVIEW PROCESS

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and to make a decision based on this information. FWP released a draft environmental assessment (Draft EA) for public review of this proposal (Proposed Land Acquisition for Fort Owen State Park), and it was available for public review and

comment for a 30-day period from August 6 through September 4, 2020. The Draft EA was also posted on FWP's website <http://fwp.mt.gov> (under "Recent Public Notices") and the Montana State Parks website <http://stateparks.mt.gov/> (under "Public Comment & Notices") from August 6 through September 4, 2020, and comments could be made directly on the EA's webpages or submitted to Region 2 FWP via mail or email.

Legal notices announcing the availability of the Draft EA were published once each in the *Independent Record* (Helena, Aug 5), *Missoulian* (Aug 5), and *Ravalli Republic* (Hamilton, Aug 5) newspapers. FWP distributed 12 printed copies of the EA, and 55 email notifications, of the EA's availability, to adjacent landowners and interested individuals, groups and agencies. A statewide News Release was prepared and distributed August 13, 2020 to a standard list of media outlets interested in FWP issues.

PUBLIC COMMENTS

Summary of Public Comment

FWP received 11 emailed and mailed comments related to the proposed acquisition at Fort Owen State Park (see Appendix). Nine comments were from individuals, and 2 comments were from groups (Friends of Fort Owen, and Historic Saint Mary's Mission). The comments were submitted from 4 Montana locales: 8 from Stevensville (including the 2 groups), and 1 each from Florence, Hamilton and Emigrant.

Relative to FWP acquiring the property and abandoning a portion of the easement, all 11 comments received were in general support of the proposal. Of the 11 commenters supporting the acquisition and abandonment of a portion of the easement, all supported the proposed action.

Comments Supporting the Acquisition

Comments supporting the acquisition included [number in brackets refer to the Commenter # (and paragraph #) in the Appendix]:

Overall project

- *The new landowner has offered this opportunity and we would perhaps miss a lifetime opportunity to resolve this problem. [5]*
- *We wholeheartedly support the proposed acquisition of the 0.9 acres from the Fort Owen Ranch. [10.3]*

Addressing trespass and visitor confusion

- *I can attest to the great interest from both visitors and residents in Fort Owen State Park, and the need to improve access and parking. I also know there are many examples of trespassing and confusion by visitors onto the private ranch property, buildings, etc. [1]*
- *Parking at this park is poorly laid out and for first time visitors can be confusing causing them to encroach onto the private property. Having a public parking area that is obviously separated from the private property would be an excellent acquisition. [4]*

Abandonment of a portion of the road easement

- *I'd hear that the public wandering into the ranch building areas and corral areas was a problem with the previous owners and abandoning that part of the road easement will help with that. [7.1]*
- *I support the Fort Owen Park Acquisition and think it's OK to abandon part of the road easement. [3]*

Gratitude to the landowner

- *The recent owner, Myla Yahraus, is a true blessing to the Bitterroot Valley as she works with FWP on both state park and river access issues. [8.5]*

Community benefits

- *There are opportunities for enhanced interpretation, education, and activities at Fort Owen State Park, including school group tours, living history, etc., all of which build support and advocacy for the State Park, and for FWP's historic preservation efforts. [1]*
- *I absolutely support this proposal as written. Increased parking is critical to the public involvement in this historic site. [5]*
- *More visitors will stimulate traffic for Historic St. Mary's Mission and the businesses in Stevensville. [8.4]*
- *Space to accommodate a future parking lot will allow the Park to be used by school groups, accommodate vehicles turning around, and reduce the public trespass onto the Fort Owen Ranch. [10.3]*

Suggested changes to the proposed plan focused on:

- *Possibly adding more than the proposed 0.9 acres to the park. [9, 11.2]*

Response to Public Comments

The following comments and FWP responses include specific questions, suggestions or comments received during the public comment period. We acknowledge and thank those who provided positive comments, but responses are not given below. *Public comments* below were grouped and paraphrased for FWP Response below. [Numbers in brackets refer to the Commenter # (and paragraph #) in the Appendix.]

1. *Adding more than the proposed 0.9 acres to the State Park. Would it be possible to acquire additional lands. [9, 11.2]*

FWP Response. The size of the acquisition is limited by both the Parks Division's financial constraints and the willingness of the landowner to sell ranch lands. The proposed acquisition fits both of those criteria and has been deemed adequate to provide parking for the overall size of the State Park.

2. *Providing walk-in access to the park. It would be valuable to be allowed to walk to the State Park. [7.2]*

FWP Response. The public access easement allows for non-motorized and pedestrian access, as well as vehicle access. However, it is important to note that the access road passes through a working ranch, so those entering should be prepared to encounter ranch traffic, including large trucks, tractors, haying equipment and the like.

3. *Is FWP compensated for abandoning a portion of the easement? [3]*

FWP Response. The negotiated price includes both the value of the acquisition and consideration from the landowner for the portion of the easement that will be abandoned.

4. *Will FWP retain administrative access to the north side of Fort Owen State Park? [10.3]*

FWP Response. Yes, as stated in section 1.7 (paragraph 3) of the Draft EA, "The Department would retain administrative and emergency access to this portion [to be abandoned] of the easement to allow for site maintenance and management."

5. *Future parking lot Development. Several comments were directed toward the future parking lot development, including questions about viewshed impacts, size of the parking lot, and length of vehicles that would be allowed to access the site [7.1, 8.5, 10.4, 11.3]*

FWP Response. We appreciate the interest and suggestions for the eventual development of the parking area at Fort Owen State Park. However, this current Draft EA is specific to the acquisition of land for potential future development. As stated in the Draft EA (Section 1.7, paragraph 4):

If the project is approved and the acquisition is completed (and no sooner than the end of the current “peak” visitor season on September 8, 2020), Fort Owen State Park would be closed to the public until a cultural resource survey is complete. Following a later, separate project proposal for development of a parking area (including a Draft EA and opportunity for public involvement/comment)--and if the new parking area project were to be approved and built—then construction could be completed in time for a tentative re-opening date of May 1, 2021.

FWP hopes you will review the parking-area development Draft EA (when it comes out later for its own public comment period) and submit your comments to the proposed parking lot design at that time. Everyone who commented on this current acquisition proposal is also on the distribution list that we will use to send out notification for the parking development Draft EA when it is issued.

DECISION AND RECOMMENDATION

Based upon the Draft Environmental Assessment and the applicable laws, regulations, and policies, I have determined that the proposed action will not have negative effects on the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis, and the preparation of an Environmental Impact Statement is unnecessary.

This proposal for FWP to acquire 0.9 acre of property for potential future development as a parking lot received overwhelming support during the public review period. In consideration of these facts and with the addition of this Decision Notice and its Amendments and information herein, I adopt the Draft EA as final.

I have selected the proposed action (Alternative A), to acquire the fee-title to the land from the private landowner and abandon a portion of the public easement identified in the Draft EA. Therefore, I am pleased to recommend that the Montana State Parks and Recreation Board (at its regularly scheduled September 17, 2020 virtual meeting¹ via Zoom) approve FWP’s proposal to acquire fee-title to the 0.9-acre property adjacent to Fort Owen State Park. I also recommend that the Board agree to FWP abandoning a portion of the public easement identified in the Draft EA.



Randy Arnold
Region 2 Supervisor
Montana Fish, Wildlife & Parks

9/14/2020
Date

¹ See the Montana State Parks webpage <http://stateparks.mt.gov/> (under “Montana State Parks & Recreation Board”) for the meeting agenda, including details of how to participate via Zoom.

APPENDIX. All comments for the proposed acquisition of additional land for Fort Owen State Park and its Draft EA, received by FWP during the comment period of August 6 through September 4, 2020. (Comments received via: E = email, M = mail.)

Com- men- ter #	Via	Para- graph	Comment
1	E		As the former Executive Director of the Stevensville Main Street Association, which also managed the Stevensville Visitor Center, I can attest to the great interest from both visitors and residents in Fort Owen State Park, and the need to improve access and parking. I also know there are many examples of trespassing and confusion by visitors onto the private ranch property, buildings, etc. The Alternative A-Proposed Action will address the concerns of both the Park visitors and the landowner, and will significantly enhance the Park as an asset to the community, region, and state. There are opportunities for enhanced interpretation, education, and activities at Fort Owen State Park, including school group tours, living history, etc., all of which build support and advocacy for the State Park, and for FWP's historic preservation efforts.
2	E		Well, yea!...It's about friggin' time!!.....
3	E		I support the Fort Owen Park Acquisition and think it's OK to abandon part of the road easement. I assume the landowner is compensating the FWP for that abandonment? if not it should be part of the deal as it certainly benefits them.
4	E		As a resident of Stevensville and a prior user of this state park, I support Alternative A. Parking at this park is poorly laid out and for first time visitors can be confusing causing them to encroach onto the private property. Having a public parking area that is obviously separated from the private property would be an excellent acquisition.
5	E		I absolutely support this proposal as written. Increased parking is critical to the public involvement in this historic site. The new landowner has offered this opportunity and we would perhaps miss a lifetime opportunity to resolve this problem if the Park Board does not proceed this with land purchase. Thanks for your consideration.
6	E		This treatment is Long over due. Please care for this State Park as you do with others....Invest time and dollars. This is where Montana began.
7	E	1	I'm in favor of this acquisition and the abandonment of the small area of the easement to the east of the the Fort Owen State Park. I'd hear that the public wandering into the ranch building areas and corral areas was a problem with the previous owners and abandoning that part of the road easement will help with that. I also like the idea of having more space for parking, because it's been hard to visit the site when there's only parking for 2-3 vehicles.
		2	On a separate matter, not related to this EA, it would be valuable to be allowed to walk to the State Park. As I understand it, Otto Capp harrassed people who did so and I don't know how the current owner feels about it.
8	M	1	Fort Owen State Park represents a significant piece of history as a major trading post in the Pacific Northwest.
		2	Serving as Executive Director of Historic St. Mary's Mission for twenty years, I know the history well, as the two historic sites have very strong connections. Our tour guides are unable to tell the St. Mary's story without including John Owen and the development of Fort Owen. John Owen was an advocate for the return of the Jesuit Missionaries to build a new chapel which was completed in 1866. Father Anthony Ravalli and John Owen became close friends and shared many meals and conversation.
		3	Our guests often ask about visiting Fort Owen, which we strongly encourage, giving caution to the poor parking situation.
		4	The proposed land acquisition to develop parking for Fort Owen State Park is crucial for both the park and landowner. A designated parking area will be visible from the Stevi Cut-off Road and encourage people to tour Fort Owen. More visitors will stimulate traffic for Historic St. Mary's Mission and the businesses in Stevensville.

		5	The different owners of the Fort Owen Ranch over many years have struggled with the public trespassing on their land. The recent owner, Myla Yahraus, is a true blessing to the Bitterroot Valley as she works with FWP on both state park and river access issues. With the proposed fencing and parking area, the public will understand the boundaries of the land locked state park and have more respect for the limitations. The privacy and security of the Fort Owen Ranch will increase and help eliminate many of the current problems.
		6	Montana communities are all about helping each other. The addition of a parking lot at Fort Owen State Park will enable the citizens of the Bitterroot Valley to promote the history and visitation.
9	E		Please add me to the list of those who support the state purchasing 0.9 acre at Fort Owen to provide space for a parking area. I would even favor purchasing a larger area but if officials think 0.9 will do it, I am fine with that. Hope this happens,
10	E	1	The Friends of Fort Owen was incorporated in 2018 as a 501(3c) in response to citizen concerns about the public's ability to visit Fort Owen State Park and because of a fear that Montana State Parks was about to back away from caring for this historically significant site. It has been caught in a downward spiral: because there has been inadequate parking, there is very little documented visitation, and because there is little visitation, it could never compete for priority funding.
		2	Friends of Fort Owen believe that has been an unacceptable situation and support your ongoing efforts to correct this deficiency. Fort Owen State Park is not only important to the community of Stevensville, but to the County and State of Montana as well. We have grown in membership and have recently succeeded in securing two grants (\$35,000) which we plan to contribute toward the repair of the barrack's roof and to develop a historic preservation strategy to support our future grant requests.
		3	We wholeheartedly support the proposed acquisition of the .9 acres from the Fort Owen Ranch to enable the future construction of a parking area. The lack of parking has been an ongoing problem. Space to accommodate a future parking lot will allow the Park to be used by school groups, accommodate vehicles turning around, and reduce the public trespass onto the Fort Owen Ranch. We also accept the need to abandon the public easement on the north side of the park, however think that State Parks should still have an agreement with the land owner to be able to access the north side of the park for administrative purposes.
		4	Although we are supportive of this acquisition that will enable the resolution of the long standing access and trespass problem, there is some concern that the development of a parking area directly south of the park will block the view of the arch and barracks from the highway and as one drives toward the park. We hope the design and landscaping of the future parking area will mitigate the visual impact of vehicles parking in front of the park.
		5	We wish to thank Montana State Parks for your persistence in pursuing a resolution to this long standing problem and we look forward to seeing the completion of the constructed parking lot and the associated entrance facilities in the future.
11	E	1	Good day. Please let it be known that I am in favor of the acquisition of the parcel noted to increase the size of Fort Owen State Park.
		2	My only change would be to round it up to 1.0 acre instead. When you're talking about parking, every little bit helps if it means being able to get school buses in and out easily.
		3	The restriction on other over length vehicles, RVs etc., should remain however.