

***Montana Fish, Wildlife and Parks***  
1420 E 6th Ave, PO Box 200701 Helena, MT 59620-0701  
(406) 444-2452

## **ENVIRONMENTAL ASSESSMENT CHECKLIST**

### **PART 1. PROPOSED ACTION DESCRIPTION**

**Project Title:**

Intake Fishing Access Site - Bureau of Land Management Conveyance to Montana Fish, Wildlife & Parks

**Application Date:** December 1, 2020

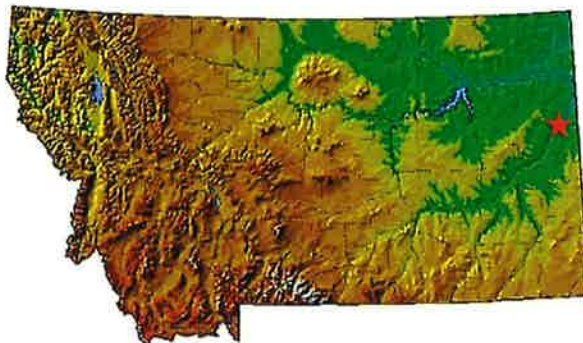
**Name, Address and Phone Number:**

Montana Fish, Wildlife and Parks, Region 7  
352 I-94 Business Loop  
Miles City, MT 59301  
(406) 234-0900

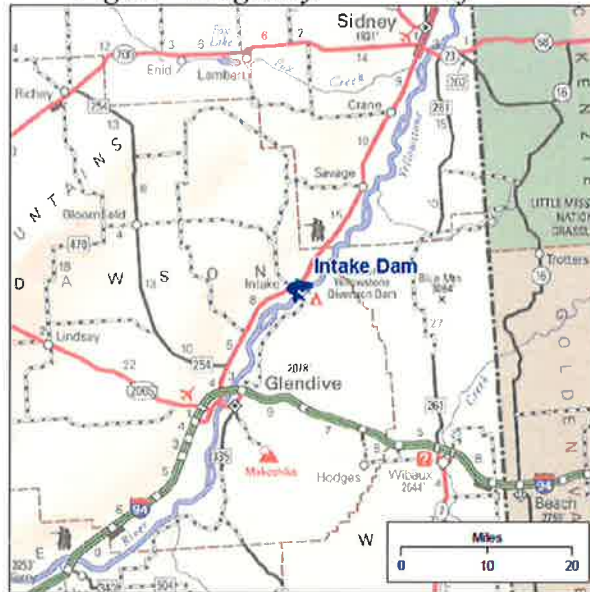
**Project Location:**

Intake Fishing Access Site (FAS) is located along the Yellowstone River 19 miles north of Glendive, Montana in Dawson County in Sections 25 & 36, of Township 18 North, Range 56 East. See Figures 1, 2, and 3 for FAS location and ownership details.

*Figure 1. General Location of Intake FAS (red star).*



*Figure 2. Highway Location of Intake FAS.*



*Figure 3. Area Managed as Intake FAS (color by ownership - blue is FWP, yellow is Bureau of Land Management, and orange is FWP lease from Bureau of Reclamation).*



### **Description of Project:**

The proposed action is FWP accepting ownership of 6.41 acres of Bureau of Land Management (BLM) land located within the existing campground at Intake FAS (Figure 3). While conducting a land surveys related to management of the Intake FAS, it was discovered that 6.41 acres of

land within the existing campground belongs to BLM. After consultation with BLM, BLM proposed conveying the 6.41 acres to FWP via the Recreation and Public Purpose Act (R&PP) Patent process. BLM completed an Environmental Site Assessment July 2019 (Appendix A), solicited for public comment in the Federal Register September 10, 2020 (Appendix B), and on November 6, 2020 provided a decision notice to FWP approving the conveyance (Appendix C). FWP is supportive of the BLM decision notice but acceptance is contingent upon FWP completing this Environmental Assessment including public comment, issuing a decision notice after the public comment period and getting approval from the Fish and Wildlife Commission to accept the land conveyance. Through this draft EA, FWP is soliciting public comment to accept BLM's conveyance of the 6.41 acres within the Intake FAS to FWP.

Intake FAS provides the first public access point immediately downstream of Intake Diversion Dam on the Yellowstone River. The site allows recreation and boating access to a 71-mile river stretch downstream to the confluence with the Missouri River. The FAS is considered a critical location for fishing, boating and floating access and is expected to receive moderate to heavy angler use (in 2019, visitation estimate at Intake FAS was 20,084 visitors). The annual paddlefish spawning migration up the Yellowstone River, from Lake Sakakawea in North Dakota, is restricted by Intake Dam which concentrates fish and anglers during the May-June paddlefish season. Historically, 80% of the annual paddlefish harvest on the Yellowstone River occurs at Intake FAS. Existing facilities at the FAS include a day use area with gravel access road and parking area, 2 picnic shelters, a concrete boat ramp, 2 vault latrines, and potable water (Photo 1), and a campground with numerous primitive camp sites, 3 vault latrines, picnic tables and fire rings (Photo 2).

*Photo 1. Intake FAS day-use parking lot - looking East.*



*Photo 2. Intake FAS campground – looking West.*



The property conveyed by BLM would be managed under existing FWP public use regulations. FWP will continue to manage the land for public use and river access at the Intake Fishing Access Site, as it has for the last 50 years. Management includes routine maintenance, control of vehicles, and other accepted FWP recreation area management policies. Protection of the natural resources, the health and safety of visitors, and consideration of neighboring properties are considered and incorporated into this site.

**Other groups or agencies contacted or which may have overlapping jurisdiction:**

Bureau of Land Management has conducted the following efforts towards conveyance of the 6.41 acres at Intake FAS to Montana Fish, Wildlife & Parks: 1) on-site survey to confirm BLM ownership at Intake FAS, 2) completed an application to the Recreation and Public Purpose Act Patent (R&PP), 3) completed an Environmental Site Assessment of said land, 3) posted the proposed real estate action and solicited for public comment in the Federal Register, and 4) Issued a Decision Notice letter to FWP for the proposed conveyance.

## **PART 2. ENVIRONMENTAL REVIEW**

Table 1. Potential impact on physical environment.

| Will the proposed action result in potential impacts to:             | Unknown | Potentially Significant | Minor | None | Can Be Mitigated | Comments Provided |
|--|---------|-------------------------|-------|------|------------------|-------------------|
| 1. Unique, endangered, fragile, or limited environmental resources   |         |                         |       | X    |                  | 1a                |
| 2. Terrestrial or aquatic life and/or habitats                       |         |                         |       | X    |                  | 1a                |
| 3. Introduction of new species into an area                          |         |                         |       | X    |                  | 1a                |
| 4. Vegetation cover, quantity and quality                            |         |                         |       | X    |                  | 1a                |
| 5. Water quality, quantity and distribution (surface or groundwater) |         |                         |       | X    |                  | 1a                |
| 6. Existing water right or reservation                               |         |                         |       | X    |                  | 1a                |
| 7. Geology and soil quality, stability and moisture                  |         |                         |       | X    |                  | 1a                |
| 8. Air quality or objectional odors                                  |         |                         |       | X    |                  | 1a                |
| 9. Historical and archaeological sites                               |         |                         |       | X    |                  | 1a                |
| 10. Demands on environmental resources of land, water, air & energy  |         |                         |       | X    |                  | 1a                |
| 11. Aesthetics   |         |                         |       | X    |                  | 1a                |

### **Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

1a: The proposed action maintains the “status quo” for management of Intake FAS provided the last 50 years. If approved, this action will not alter the physical environment in any way. The “No Action” alternative also will have no impacts to the physical environment in any way.

Table 2. Potential impacts on human environment.

| Will the proposed action result in potential impacts to:                               | Unknown | Potentially Significant | Minor | None | Can Be Mitigated            | Comments Provided |
|--|---------|-------------------------|-------|------|-----------------------------|-------------------|
| 1. Social structures and cultural diversity  |         |                         |       | X    |                             |                   |
| 2. Changes in existing public benefits provided by wildlife populations and/or habitat |         |                         | X     |      | If MOU or Lease Established | 2a                |
| 3. Local and state tax base and tax revenue  |         |                         |       | X    |                             |                   |
| 4. Agricultural production   |         |                         |       | X    |                             |                   |
| 5. Human health  |         |                         | X     |      | If MOU or Lease Established | 2b                |
| 6. Quantity and distribution of community and personal income                          |         |                         |       | X    |                             |                   |
| 7. Access to and quality of recreational activities                                    |         |                         | X     |      | If MOU or Lease Established | 2b                |
| 8. Locally adopted environmental plans & goals (ordinances)                            |         |                         |       | X    |                             |                   |
| 9. Distribution and density of population and housing                                  |         |                         |       | X    |                             |                   |
| 10. Demands for government services  |         |                         | X     |      | If MOU or Lease Established | 2b                |
| 11. Industrial and/or commercial activity  |         |                         | X     |      | Unlikely                    | 2c                |

## **Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

2a: The proposed action maintains the “status quo” for management of Intake FAS provided the last 50 years. This includes maintaining the recreational opportunities and infrastructure improvements provided to the public at the site. The “No Action” alternative could require management changes related to camping and infrastructure improvements. The “No Action” alternative would require additional coordination with BLM to manage the site. In some cases, the same level of improvements in the campground and the public benefits from using the site and enjoying the areas wildlife populations could be reduced. These impacts under the “No Action” alternative could be partially mitigated if an MOU or lease is established between the two agencies.

2b: Similar to comment 2a above, for frequent and long-time users of the campground, the preferred alternative will ensure continued outdoor opportunities that improve the quality of living and associated health benefits. The “No Action” alternative, should coordination between the two government agencies be slow or complex, could reduce the quality of outdoor experiences and reduce the health benefits for individuals that frequently use the campground. See mitigation impacts listed for the “No Action” alternative in comment 2a above.

2c: The preferred alternative would not impact the ability of FWP to regulate and permit commercial or industrial activities at Intake FAS. Conversely, the “No Action” alternative would likely reduce or prohibit the ability to permit commercial or industrial activities due to varying laws, regulations and policies for each agency. It is assumed that permitting of commercial or industrial activities will vary enough between the two agencies that mitigating these differences would not be practical in an MOU or lease agreement.

**Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?**

No

**Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?**

There are no new impacts to the preferred alternative which allows FWP to continue current management of the site as it has for 50 years. This alternative maintains the “status quo” without additional coordination between the two agencies or changes to the site or services provided to the public. BLM’s decision notice supports conveying the 6.41 acres within the campground to FWP. The use of the R&PP patent simplifies ownership of the site and derived recreational uses. This also ensures the existing recreational infrastructure improvements in the campground (gravel access road, primitive camping sites, vault latrine, and property fencing) invested by FWP on the 6.41 acres over the years will stay and continue to serve the public.

Conversely, there are perceived cumulative impacts from the “No Action” alternative due to complexities of joint ownership by two government agencies at the campground. Some of these complexities could be mitigated through an MOU or lease agreement but others, like commercial permitting, may not be achievable under split ownership. See comments under table 2 for more details.

**Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:**

Under a “No Action” alternative, the ownership of the existing campground would be split between FWP and BLM. Moving forward, the campground would require establishing a Memorandum of Understanding (MOU) with BLM or a lease agreement that would allow FWP to continue operation, maintenance, and repairs of the site. Depending on differences in management rules, regulations and policies for both agencies, the same level of public use and services provided at the site the last 50 years could be complex or no longer allowed. For example, fees charged for camping or other commercial or industrial activities may not be practical. Mutual agency goals could be achieved under the “No Action” alternative but would add substantial complexity for most aspects of site management and reduces flexibility in decision making, responsiveness to site needs, and potentially reduces public services or opportunities currently provided at the site. At minimum, the cost of the “No Action” alternative is increased staff time and funds dedicated to coordination between the two agencies to establish mutual goals in a MOU or lease agreement. For these reasons, accepting the free conveyance of the 6.41 acres from BLM through the R&PP patent is a superior alternative to the “No Action” alternative.

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

This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (EQC, 1996). A completed checklist designed to assist state agencies in identifying and evaluating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property follows:

### PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

#### DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES

NO

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Does the action result in either a permanent or indefinite physical occupation of private property?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Does the action deprive the owner of all economically viable uses of the property?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Does the action deny a fundamental attribute of ownership?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is <b>NO</b> , skip questions 5a and 5b and continue with question 6.] |
| <input type="checkbox"/> | <input type="checkbox"/>            | 5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?  |
| <input type="checkbox"/> | <input type="checkbox"/>            | 5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Does the action have a severe impact on the value of the property?  |

- \_\_\_\_\_ X \_\_\_\_\_ 7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]
- \_\_\_\_\_ \_\_\_\_\_ 7a. Is the impact of government action direct, peculiar, and significant?
- \_\_\_\_\_ \_\_\_\_\_ 7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
- \_\_\_\_\_ \_\_\_\_\_ 7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

**Individuals or groups contributing to, or commenting on, this EA:** NA

**EA prepared by:** Kenneth "Mike" Backes

**Date Completed:** December 1, 2020

# **Environmental Site Assessment**

## **Initial Assessment Report**

### **Disposal of Real Property**

### **Intake Campground R&PP**

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## Summary

The purpose of this report is to evaluate and present the results of an Environmental Site Assessment on the land proposed for conveyance in response to an application for a Recreation and Public Purposes Act Patent. An Initial Assessment is used as the second level of analysis for an Environmental Site Assessment (ESA) when the likelihood of contamination is low, but there is a potential that human intrusion may have resulted in a recognized environmental condition (REC) being present on the property.

This Initial Assessment was conducted by Bureau of Land Management (BLM) on the portion of the Intake Campground that was constructed on BLM managed lands. Montana Fish, Wildlife and Parks (FWP) applied to the Miles City Field Office (MCFO) for a Recreation and Public Purposes Act (R&PP) Patent for the portion of the campground that was developed on BLM. FWP has developed and maintained the existing campground for over 20 years, and not until the recent resurvey, finalized on Feb. 4, 2019, was it confirmed that part of the campground was in fact on BLM managed public lands. This real property conveyance action is to resolve the inadvertent unauthorized development on public lands. The Initial Assessment has been prepared to disclose the presence of RECs on the 6.41 acres for patent for the existing campground to FWP in the following location:

Principal Meridian, Montana, Dawson County  
T. 18 N., R. 56 E.,  
sec. 25, lot 6;  
sec. 36, lot 9.

The area described contains 6.41 acres.

The result of the Initial Assessment indicates no contamination on the site; therefore, a Phase I ESA is not needed.

***The Initial Assessment has not revealed any evidence of hazardous substances, petroleum products, or environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. No further inquiry is needed to assess RECs; therefore, disposal of this real property for patent is recommended.***

## Introduction

The Initial Assessment is a process designed to identify any RECs in connection with a property. RECs are “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment,” as defined by the most recent standard by the American Society for Testing and Materials (ASTM) Designation E 1527-13 Standard Practice for ESAs. An Initial Assessment is used when the likelihood of contamination is low, but there is a potential that human intrusion may have resulted in a REC being present on the property.

The BLM performed an Initial Assessment ESA to meet the agency requirements to comply with section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for real property disposal. An on-site field inspection was done in association with the ESA process on July 19, 2018. Every effort was made through interviews, records searches, and site reconnaissance to identify concerns associated with this property. No evidence was

found of hazardous or solid waste having been stored, treated, handled or disposed on or adjacent to the subject parcel.

*The Initial Assessment has not revealed any evidence of hazardous substances, petroleum products, or environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. No further inquiry is needed to assess RECs; therefore, disposal of this real property for patent is recommended.*

## Contaminant Survey Questionnaire

### BLM Concerns

No RECs were found within the boundaries of the site.

## Government Records and Historical Sources Research

### REC

No RECs were found within the boundaries of the site.

| Description of Site: Intake Campground R&PP Application MTM-110962   |   |  |            |              |
|--|---|--|------------|--------------|
| <b>1. Environmental Records Reviewed</b>   |   |  |            | <b>Found</b> |
| <b>Records Reviewed</b>  | <b>Minimum Search Distance from Property Boundary</b> | <b>Agency</b>  | <b>Yes</b> | <b>No</b>    |
| Emergency response Notification System (ERNS)  | On the Property                                       | EPA  |            | X            |
| State Superfund as Appropriate   | 1 Mile  | MT-DEQ   |            | X            |
| National Priority List (NPL)   | 1 Mile  | EPA  |            | X            |
| Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS)   | .5 Mile   | MT-DEQ   |            | X            |
| Treatment, Storage, and Disposal Facilities (TSDF)   | 1 Mile  | MT-DEQ   |            | X            |
| Resource Conservation and Recovery Act generators (RCRA)   | On or adjacent to the property                        | MT-DEQ   |            | X            |
| Emergency Response Reports (SARA 304)  | On or adjacent to the property                        | MT-DEQ   |            | X            |
| Underground Storage Tanks (UST)  | On or adjacent to the property                        | MT-DEQ   |            | X            |
| Leaking UST (LUST)   | .5 Mile   | MT-DEQ   |            | X            |
| Landfills and Dumps  | .5 Mile   | DEQ/BLM/County   |            | X            |
| Contaminated Well Records  | On or adjacent to the property                        | MT-DWR/DEQ   |            | X            |
| <b>2. Historical Sources. At least one historical source dating back to 1940 must be used.</b>   |   |  |            |              |
| <b>Aerial Photographs</b>  | _____ to _____  | <b>Describe past uses of the property and adjoining property</b> |            |              |
| Google Earth Imagery 1996/2016   |   |  |            |              |
| NAIP Imagery 2017  |   |  |            |              |
| <b>Recorded Land Title Records:</b>  |   |  |            |              |
| Master Title Plats   |   |  |            |              |
| Historical Indexes: 1889 to present off of <a href="http://www.glorerecords.blm.gov">www.glorerecords.blm.gov</a>  |   |  |            |              |
| <b>Building Department Records: Not Applicable/Not Available</b>   |   |  |            |              |
| <b>Zoning/Land Use Records: Not Applicable/Not Available</b>   |   |  |            |              |
| <b>Other (Describe):</b>   |   |  |            |              |
| EPA Environfacts Website: Shown no known occurrences. It looks at Air, Waste, Compliance, Toxics, Land, Water, Radiation, Facilities, and Other that have been recorded. |   |  |            |              |
| EPA Toxics Release Inventory (TRI) Database: Shown no known occurrences.   |   |  |            |              |

## Site Reconnaissance

### Subject Property Conditions

On 07/19/2018 an onsite reconnaissance was conducted. One vaulted toilet with an underground storage is the only building or structure located on the said property. Three picnic tables and fire rings are located at the established picnic/camping areas. A graveled road runs along the inside of the campground.

This Initial Assessment ESA has been performed, in conformance with the scope and limitations of ASTM Practice E-1527-13, on the parcel of land at the Intake Campground. No evidence of potential liabilities or hazardous substances, petroleum products, or environmental conditions and/or CERCLA 120(h) concerns is in connection with this real property.

04/29/2019 a Site Questionnaire Interview Form was completed by FWP employee Site Manager Jamie Hould. On 05/20/2019, an additional site reconnaissance was completed to confirm the Site Questionnaire information.

### Adjacent/Surrounding Property Conditions

The adjacent/surrounding property includes; the Yellowstone River to the south of the Intake Campground, farming to the east, the remainder of the campground to the west and north. There is also a canal to the north of the campground.

### REC

No RECs were found within the boundaries of the site.

### Solid Waste and Physical Hazards

None, other than latrine.

## Site Questionnaire Interview Form

Completed on 04/29/2019, the Site Questionnaire Interview Form (See Appendix 3) by FWP employee Jaime Hould. He has been with the FWP for 11+ years. He was also on site during the Site Reconnaissance on 07/19/2018.

## Closing Sections

### Conclusions and Recommendations

The Initial Assessment has not revealed any evidence of hazardous substances, petroleum products, or environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. No further inquiry is needed to assess RECs; therefore, disposal of this real property for patent is recommended.

## Approvals & Signatures

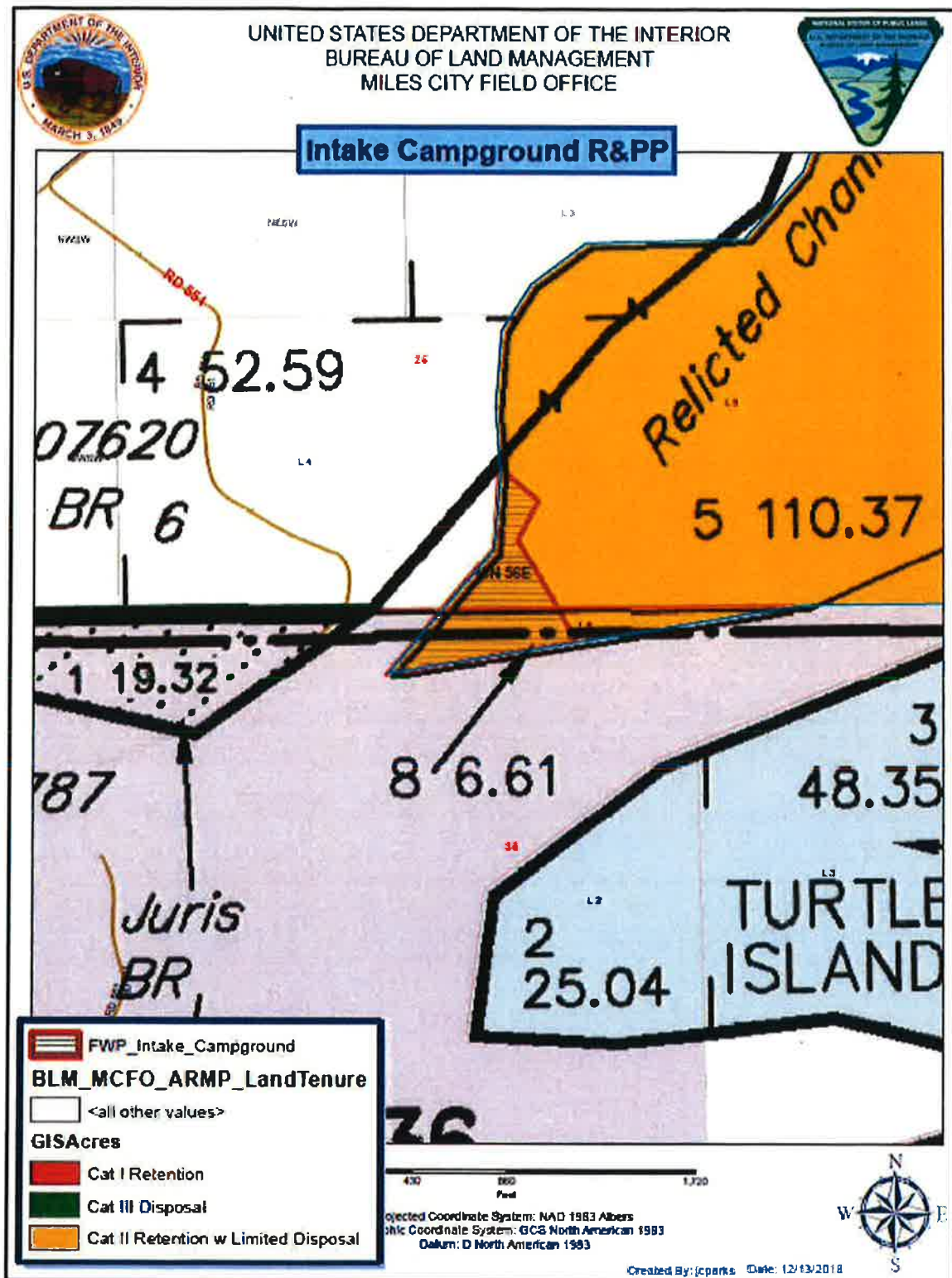
Preparer: Jacalynn C. Parks (date) signature: \_\_\_\_\_

 7/8/2019

Reviewer: Jim Ledger (date) signature: \_\_\_\_\_

Manager: Eric D. Lepisto (date) signature: \_\_\_\_\_

## APPENDIX 1 - MAPS






UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE



**Intake Campground R&PP**



0 175 350 700  
Feet

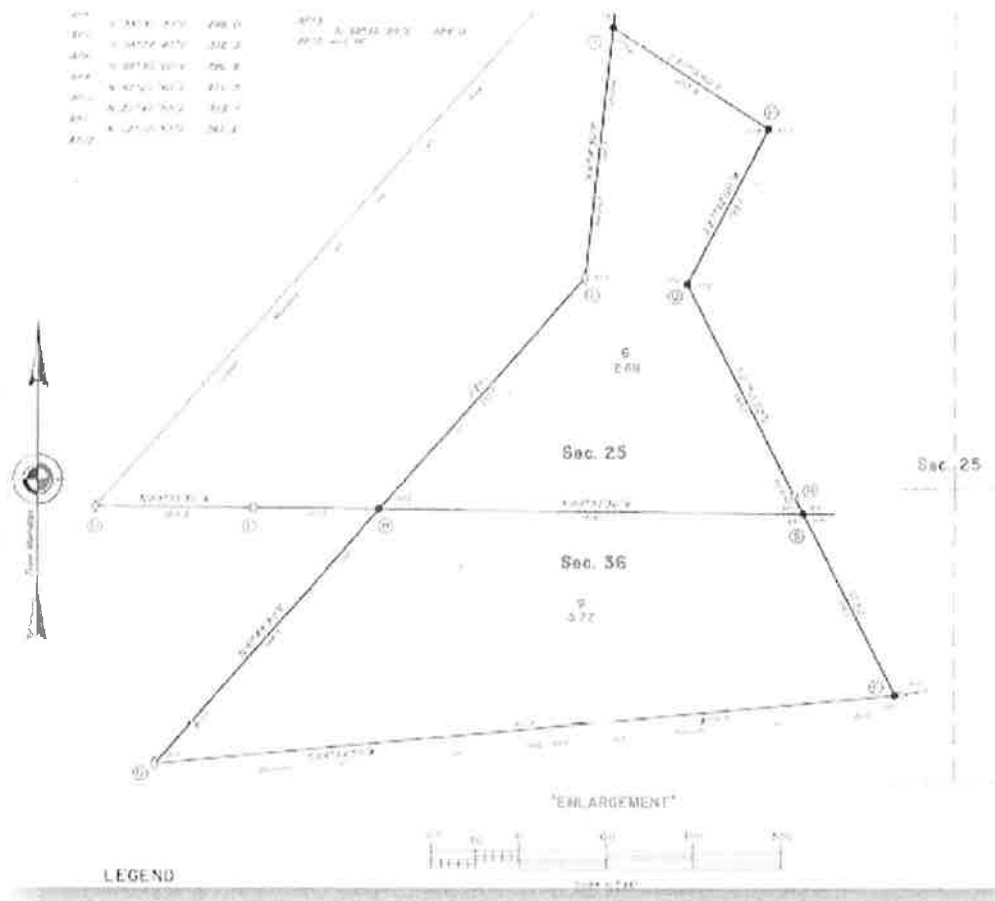
 FWP\_Intake\_Campground

Projected Coordinate System: NAD 1983 Albers  
Geographic Coordinate System: GCS North American 1983  
Datum: D North American 1983

Created By: joparks



*Map showing the area of the Intake Campground surveyed for the R&PP*



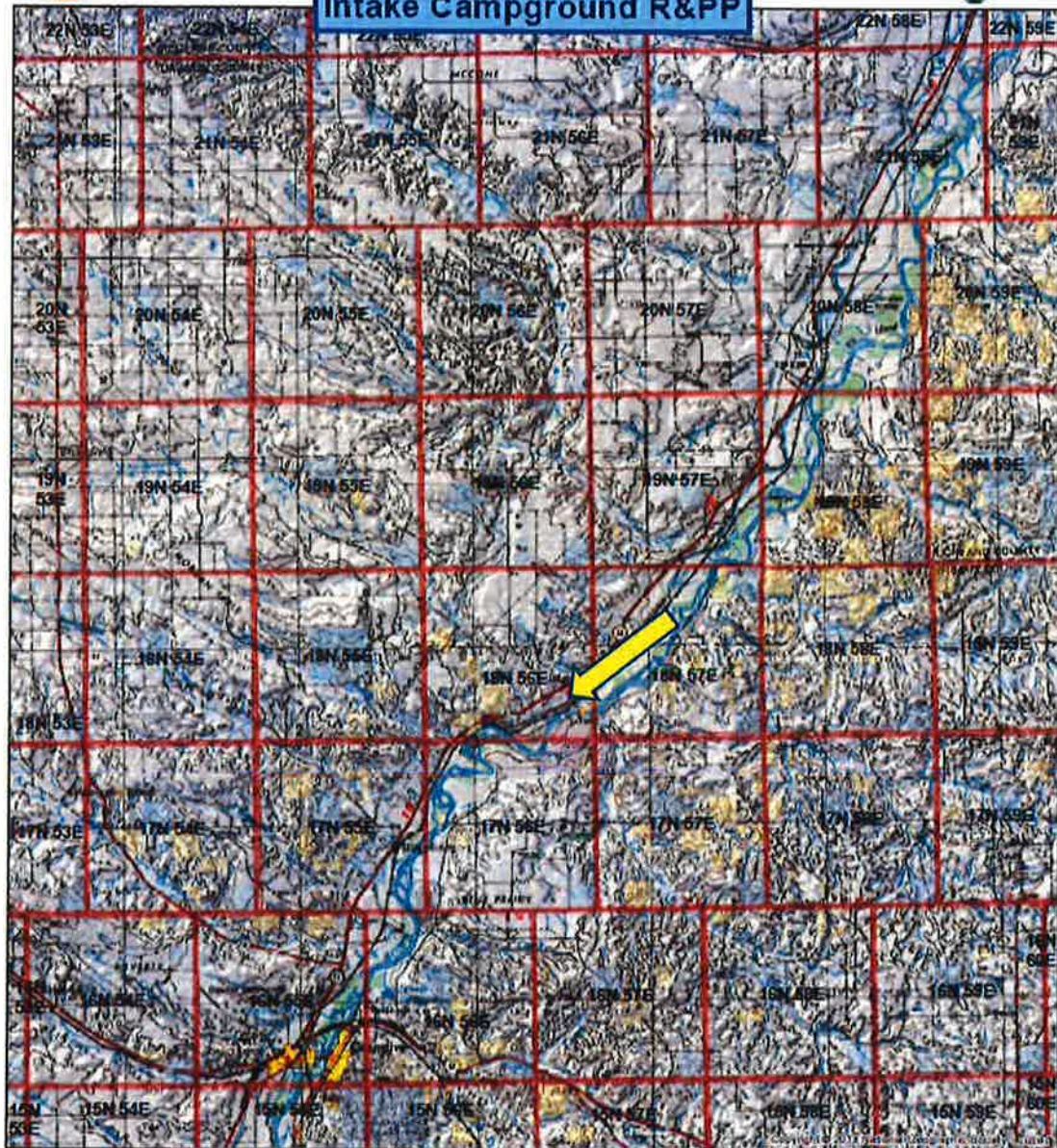
*Survey of R&PP for Intake Campground*



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE



**Intake Campground R&PP**



0 20,000 40,000 60,000  
Feet

 FWP\_Intake\_Campground

Projected Coordinate System: NAD 1983 Albers  
Geographic Coordinate System: GCS North American 1983  
Datum: D North American 1983



Created By: jcparks Date: 7/8/2019

*Location overview of Intake Campground off of Highway 16, 16 miles northeast of Glendive, MT*



*Google Earth Imagery Date 6/9/2016*



*Google Earth Imagery Date 6/9/2016*



***Google Earth Imagery Date 8/7/1996 Campground established***



## APPENDIX 2 – PHOTOS







**CONDITIONS OBSERVATIONS  
OF PROPOSED REAL ESTATE DISPOSAL**

**INSTRUCTIONS**

This form may be used by both the BLM as Owner/Occupant and by the BLM Site Inspector or Contractor completing the Site Conditions Observations Inspection. If the form is to be completed by the BLM as the owner/occupant, the form should be completed prior to the site inspection to allow visual confirmation of the information provided.

If a response to a question is YES, comment in the space provided. If additional space is needed, use separate sheets of paper referencing the paragraph number. The preparer(s) will sign and date the appropriate blocks on the final page.

**PROPERTY DATA**

Serial No. MTM-110962 Intake Campground R&PP  
Principal Meridian, Montana, Dawson County  
T. 18 N., R. 56 E.,  
    sec. 25, lot 6;  
    sec. 36, lot 9.  
The area described contains 6.41 acres.

**FWP/Operator/Representative for Questionnaire**

FWP/Occupant Name: Jamie Hould  
Address: FWP, Industrial Site W, Miles City, MT 59301  
Date Prepared: 4/29/2019  
Phone: (406) 234-0900  
Organization: Fish, Wildlife, and Parks

**Site Inspection for Site Conditions Observation**

Name: Jacalynn C. Parks  
Title: Realty Specialist/AEP  
Date: 07/19/2018  
Date: 05/20/2019

## ISSUES

1. Is the *property* or any *adjoining property* currently used for an industrial use?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed during Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

2. To the best of your knowledge, has the *property* or any *adjoining property* been used for an industrial use in the past?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed during Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

3. Is the *property* or any *adjoining property* currently used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, landfill, as a waste treatment, storage, disposal, processing, mine or mineral processing facility (mill site), or recycling facility?

Owner/Occupant: ☒ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown

Comments: Vault latrine located on site with approximately 800 gallon storage tank.

Observed During Site Visit ☒ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown

Comments: **The latrine is on site and in service, it was the only facility on site. It is kept up and clean. The storage tank seemed to be functioning and cleaned often.**

4. To the best of your knowledge, has the *property* or any *adjoining property* been used in the past as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, landfill, waste treatment, storage, disposal, processing, mine or mineral processing facility (mill site), or recycling facility?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

## LAND ISSUES

5. Are there currently or, to the best of your knowledge, have there been previously any damaged or discarded automotive or industrial batteries, or pesticides, paints, or other chemicals in individual containers of greater than 5 gallons (19 L) in volume or 50 gallons (190 L) in the aggregate, stored on or used at the **property** or at the facility.

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

6. Are there currently or, to the best of your knowledge, have there been previously any industrial **drums** (typically, 55 gallons (208 L)) or sacks of chemicals located on the **property** or at the facility?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

7. Has **fill dirt** been brought onto the **property** that originated from a contaminated site or that is of an unknown origin?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

8. Are there currently or, to the best of your knowledge, have there been previously any **pits, ponds, or lagoons** located on the **property** in connection with waste treatment or waste disposal?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

9. Is there currently or, to the best of your knowledge, has there been previously any **stained soil** on the **property**?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

10. Are there currently or, to the best of your knowledge, have there been previously any registered or unregistered **storage tanks** (above or underground) located on the **property**?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

11. Are there currently or, to the best of your knowledge, have there been previously any **vent pipes, fill pipes, or access ways** indicating an underground storage tank on the **property** or adjacent to any structure located on the **property**?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

## STRUCTURE ISSUES

12. Are there currently or, to the best of your knowledge, have there been previously any **flooring, drains, or walls** located within the facility that are stained by substances other than water or are emitting foul odors?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

13. Are there any lead paint, asbestos, fluorescent lights, PCBs, or related issues?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

## OTHER ISSUES

14. If the **property** is served by a private well or nonpublic water system, have contaminants been identified in the well or system that exceed guidelines applicable to the water system or has the well been designated as contaminated by any government environmental/health agency?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

15. Does the **owner or occupant** of the **property** have any knowledge of **environmental liens** or governmental notification relating to past or current violations of environmental laws with respect to the **property** or any facility located on the **property**?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

16. Has the **owner or occupant** of the **property** been informed of the past or current existence of **hazardous substances or petroleum products** or environmental violations with respect to the **property** or any facility on the **property**?

Owner/Occupant: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown

Comments: N/A

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

17. Does the **owner or occupant** of the **property** have any knowledge of any **environmental site assessment** of the property or facility that indicated the presence of **hazardous substances or petroleum products** on, or contamination of, the **property** or recommended further assessment of the **property**?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

18. Does the **owner or occupant** of the **property** know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any **hazardous substance or petroleum products** involving the **property** by any owner or occupant of the **property**?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

19. Does the **property** discharge waste water on or adjacent to the **property**, other than storm water, into a sanitary sewer system?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

20. To the best of your knowledge, have any **hazardous substances or petroleum products**, unidentified waste materials, tires, automotive or industrial batteries, or any other waste materials been dumped above grade, buried, and/or burned on the **property**?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

21. Is there a **transformer, capacitor, or any hydraulic equipment** for which there are any records indicating the presence of PCBs?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

22. To the best of your knowledge, has there been a spill or release of a hazardous substance, including oil and petroleum products, on the property?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

23. To the best of your knowledge, has there been a spill or release of a hazardous substance, including oil and petroleum products, on the adjoining properties?

Owner/Occupant: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Observed During Site Visit \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Unknown

Comments: \_\_\_\_\_

Additional issues that could result in Recognized Environmental Conditions on the Subject Property or on adjacent property or in the surrounding area that could affect the Subject Property: N/A

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**FWP as Occupant/Representative - Inquiry and Response**

Preparer represents that to the best of the preparer's knowledge the above statements and facts are true and correct and, to the best of the preparer's actual knowledge, no material facts have been suppressed or misstated.

Signature: \_\_\_\_\_

Date: 04/29/2019

Name (Printed): Jamie Hould

Title/Organization: FWP

**BLM as Owner and Site Conditions Observations**

The *preparer* of the *questionnaire* must complete and sign the following statement:

Preparer represents that to the best of the preparer's knowledge the above statements and facts are true and correct and to the best of the preparer's actual knowledge no material facts have been suppressed or misstated.

Site Visit Observations

Signature: \_\_\_\_\_

Date: 07/19/2018

Name (Printed): Jacalynn C. Parks

Title/Organization: Realty Specialist/AEP Bureau of Land Management

Site Visit Follow-Up

Signature: \_\_\_\_\_

Date: 05/20/2019

Name (Printed): Jacalynn C. Parks

## APPENDIX 4 - BLM RECORDS REVIEW

**Yes or No** Have there been any special use permits, leases, or concessionaire activities including mining, landfills, solid waste transfer facilities, log transfer facilities, small arms ranges, lodges, resorts, campgrounds, or similar activities associated with this property? If yes, comment.

**Comment:** This is an existing campground.

**Yes or No** Have activities on the property (BLM or other) included any of the following: nurseries, warehouse, vehicle maintenance, or mixing of chemicals, paints, pesticides, petroleum products or wastes? If yes, comment.

### Have any of the following conditions been met:

1. Any hazardous substance was stored for 1 year or more:

**Yes or No** a. In quantities greater than or equal to 1000 kilograms (2,205 pounds) or the hazardous substances that are of CERCLA reportable quantity found at 40 CFR part 302.4, whichever is greater?

**Yes or No** b. Hazardous substances that are also listed under 40 CFR part 261.30 as acutely hazardous wastes when stored in quantities equal to or exceeding 1 kilogram (2.2 pounds).

2. Release of hazardous substances in quantities equal to or exceeding substances reportable quantity found at 40 CFR part 302.4.

**Yes or No**

3. Disposal of any hazardous substance, regardless of quantity on the property.

**Yes or No**

4. Any threat of a release of hazardous substance or release of a petroleum product or its derivatives, including aviation fuel and motor oil, excluding *de minimus* quantities.

**Yes or No**



55858

Federal Register / Vol. 85, No. 176 / Thursday, September 10, 2020 / Notices

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[LLMTC02200-L14400000-FR0000-20 MO# 4500144853; MTM-110962]

**Notice of Realty Action: Recreation and Public Purposes Act Classification and Segregation for Intake Campground, Dawson County, MT****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM) has examined certain public lands in Dawson County, Montana, and has found them suitable for classification for conveyance to Montana Department of Fish, Wildlife and Parks (MT FWP) under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, and Section 7 of the Taylor Grazing Act dated June 8, 1934. The lands consist of 6.41 acres. MT FWP proposes to continue to manage the land for public use and access as the Intake Campground and Fishing Access Site.

**DATES:** Submit written comments regarding this classification on or before October 26, 2020. Comments may be mailed, or hand delivered to the BLM office address below. Comments may be submitted electronically at the link below. The BLM will not consider comments received by telephone or email.

**ADDRESSES:** Mail written comments to Bureau of Land Management, Miles City Field Office, Jacalynn Parks, 111 Garryowen Road, Miles City, MT 59301. Submit comments electronically via website <https://go.usa.gov/xd6VB>. Copies of the Environmental Assessment are available at the BLM Miles City Field Office (MCFO) at this same address and website.

**FOR FURTHER INFORMATION CONTACT:** Jacalynn Parks, Realty Specialist, telephone: 406-233-2800, email: [jcparks@blm.gov](mailto:jcparks@blm.gov). Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1-800-877-8339 to leave a message or question for Ms. Parks. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** MT FWP has not applied for more than the 6,400-acre limitation for recreation uses in a year, nor for more than 640 acres for each of the programs involving public resources other than recreation. MT FWP has submitted a statement in compliance with the applicable

regulations. In 2001, the BLM conducted a dependent resurvey to determine accretion and avulsion of land along the Yellowstone River, and identified the lands under consideration to be in inadvertent trespass by the MT FWP's Intake Campground located along the Yellowstone River. In August 2018, MT FWP applied to the BLM MCFO for an R&PP patent for the 6.41 acres. An official survey was executed in 2018 to create lot boundaries and legal land descriptions for the proposed R&PP patent. Intake is a very popular public fishing and recreation site for the State and provides public use amenities, including a boat ramp for river access. The lands under consideration are not needed for any other Federal purposes and would be best served to continue to be available for public access and fishing facilities as managed by MT FWP. Conveyance of the surface estate would allow MT FWP to continue the operation and maintenance of the existing campground and facilities for the public. The lands examined and identified as suitable for conveyance under the R&PP Act are legally described as:

**Principal Meridian, Montana**

T. 18 N., R. 56 E.,  
Sec. 25, lot 6;  
Sec. 36, lot 9.

The area described contains 6.41 acres.

The BLM examined these lands through an environmental analysis and found the land suitable for classification and conveyance to MT FWP and signed a Finding of No Significant Impact. Conveyance of the lands for recreational or public purposes use is in conformance with the 2015 BLM MCFO Resource Management Plan, as amended, and in the public interest.

All interested parties will receive a copy of this Notice once it is published in the **Federal Register**. A copy of the **Federal Register** Notice will be published in the newspaper of local circulation once a week for 3 consecutive weeks. The regulations at 43 CFR 2741 addressing requirements and procedures for conveyances under the R&PP Act do not require a public meeting.

Upon publication of this Notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including locations under the mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. The segregative effect shall terminate upon issuance of a patent, upon final rejection of the application, or 18

months from the date of this notice, whichever occurs first.

The conveyance of the land will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

3. All mineral deposits in the land so patented, and the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations as established by the Secretary of the Interior, together with all necessary access and exit rights.

4. Conveyance of the parcel is subject to valid existing rights.

5. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or occupation on the leased/patented lands.

6. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

7. A limited reversionary provision stating that title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that, without the approval of the Secretary of the Interior or his delegate, the patentee or its approved successor attempts to transfer title to or control over the lands to another, the lands have been devoted to a use other than that for which the lands were conveyed, the lands have not been used for the purpose for which the lands were conveyed for a 5-year period, or the patentee has failed to follow the approved development plan or management plan. No portion of the land shall, under any circumstance, revert to the United States if any such portion has been used for solid waste disposal or for any other purpose which may result in the disposal, placement, or release of any hazardous substance.

**Classification Comments:** Interested persons may submit comments involving the suitability of the land for use as a campground, while maintaining, preserving, and improving the campground. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

**Application Comments:** Interested persons may submit comments regarding the specific use proposed in the application and plan of development and management, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly relating to the suitability of the lands for the use as a campground, while maintaining, preserving, and improving the campground.

Any adverse comments will be reviewed by the BLM Montana/Dakotas State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will become effective on November 9, 2020. The lands will not be offered for conveyance until after the classification becomes effective.

Before including your address, phone number, email address, or other personal identifying information in any comment, be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 43 CFR 2741.5.

Eric D. Lepisto,  
Field Manager, Miles City Field Office.  
[FR Doc. 2020-20007 Filed 9-9-20; 8:45 am]  
BILLING CODE 4310-DN-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management [Docket No. BOEM-2020-0018]

#### Outer Continental Shelf, Alaska Region, Cook Inlet, Proposed Oil and Gas Lease Sale 258

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Call for information and nominations.

**SUMMARY:** The Bureau of Ocean Energy Management (BOEM) is issuing this Call for Information and Nominations (Call) for proposed Lease Sale 258 in the Cook Inlet Planning Area in 2021, as included in the current 2017–2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Program (2017–2022 Program) that BOEM published on November 18, 2016. The purpose of this Call is to solicit industry nominations for areas of leasing interest, including nominations

or indications of interest in specific blocks within the Call Area. BOEM will also use the Call to gather comments and information for consideration in planning for this proposed OCS oil and gas lease sale. Given the long lead time needed to prepare for a lease sale, BOEM is beginning the planning process for this potential sale at this time. However, this Call is not a decision to hold a lease sale in the Cook Inlet Planning Area, but to evaluate the area described herein for potential oil and gas leasing.

**DATES:** All nominations and comments submitted in response to this Call must be received by BOEM no later than October 13, 2020. BOEM will consider submissions sent by mail so long as they are postmarked by the last day of the comment period.

**ADDRESSES:** *Public Comment Submission Procedures:* All public comments should be submitted through one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. In the field entitled, “Search,” enter “BOEM-2020-0018” and then click “Search.” Follow the instructions to submit public comments and view supporting and related materials available for this notice;

2. *U.S. Postal Service or other delivery service to the following address:* Chief, Leasing Section, BOEM, Alaska Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503-5823. Send your comments in an envelope clearly labeled, “Comments on the Call for Information and Nominations for Proposed Lease Sale 258 in the Cook Inlet Planning Area.”

*Nominations/Indications of Industry Interest Submission Procedures:* To ensure security and confidentiality of proprietary information to the maximum extent possible, please send nominations/indications of interest and other proprietary information to Chief, Leasing Section, BOEM, Alaska Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503-5823. Send your nominations in an envelope clearly labeled, “Nominations for Proposed Lease Sale 258 in the Cook Inlet Planning Area.”

**FOR FURTHER INFORMATION CONTACT:** Patricia LaFramboise, Regional Supervisor, Leasing and Plans, Bureau of Ocean Energy Management, Alaska Region, 3801 Centerpoint Drive, Suite 500, Anchorage, AK 99503-5823, telephone (907) 334-5200.

**SUPPLEMENTARY INFORMATION:**  
*2017–2022 OCS Oil and Gas Leasing Program:* The Secretary of the Interior signed the “Record of Decision (ROD)

and Approval of the 2017–2022 OCS Oil and Gas Leasing Program” on January 17, 2017, and the 2017–2022 Program became effective on July 1, 2017. Information on the development of the 2017–2022 Program, PEIS, and ROD is available on BOEM’s website at: <http://www.boem.gov/Five-Year-Program-2017-2022/>.

During development of the 2017–2022 Program, BOEM analyzed three options for the Cook Inlet Program Area: (1) Targeted Leasing, (2) Beluga Whale Critical Habitat Exclusion, and (3) the No Sale Option. In the ROD, the Secretary chose the Targeted Leasing Option for the proposed Cook Inlet Lease Sale 258. Under the Targeted Leasing process, BOEM uses scientific information and stakeholder feedback to determine which specific areas offer the greatest resource potential, while minimizing potential conflicts with environmental values, subsistence uses, and other uses.

*Environmental Review Process:* BOEM intends to prepare an Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA), covering the proposed lease sale described in this Call. BOEM is publishing, concurrently with this Call, a NOI to prepare an EIS. The lease sale EIS will evaluate the potential effects of leasing on the human, marine, and coastal environments, and through this process BOEM may develop measures and lease stipulations to mitigate adverse impacts for the options being analyzed. Several consultations will be conducted concurrently with the NEPA process. These consultations include, but are not limited to, those required by the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, Section 106 of the National Historic Preservation Act, and Executive Order 13175—“Consultation and Coordination with Tribal Governments.” These consultations will assist BOEM in its leasing decisions.

*BOEM’s Leasing Process:* BOEM’s regulations for planning and holding an oil and gas lease sale are found at 30 CFR 556.300–309.

(1) Call for Information and Nominations: See section below.

(2) Area Identification: Based on the information and nominations submitted in response to this Call, BOEM will develop a recommendation of the area proposed for further leasing consideration and environmental analysis. Upon approval by the Secretary, BOEM will announce the proposed area identified for leasing in the **Federal Register**, in accordance with 30 CFR 556.302(a)(3).



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Montana/Dakotas State Office  
5001 Southgate Drive  
Billings, Montana 59101  
<http://www.blm.gov/montana-dakotas>



November 6, 2020

In Reply Refer To:  
MTM 110962 (MT924)

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**  
7012 3050 0001 4366 8976

### DECISION

|  |   |                                |
|--|---|--------------------------------|
| State of Montana                       | : |                                |
| Department of Fish, Wildlife and Parks | : | Recreation and Public Purposes |
| P.O. Box 200701                        | : | Conveyance Application         |
| Helena, Montana 59620                  | : | MTM 110962                     |

### REQUEST FOR IMMEDIATE CONVEYANCE APPROVED

By application dated August 27, 2018, Montana Fish, Wildlife and Parks (MT FWP) requested that the following described lands be classified for conveyance pursuant to the Recreation and Public Purposes (R&PP) Act:

Principal Meridian, Montana

T. 18 N., R. 56 E.,  
sec. 25, lot 6; and  
sec. 36, lot 9.

The area described contains 6.41 acres.

The land was classified suitable for conveyance to MT FWP under the provisions of the R&PP Act, as amended, and the Taylor Grazing Act, by publication of a Notice of Realty Action (NORA) in the *Federal Register* on September 10, 2020. Your request for immediate conveyance is approved. The special pricing schedule allows for the conveyance to governmental entities at no cost for recreational purposes.

The patent to the land will reserve to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United

States, pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

2. Reserving to the United States, its current and future permittees and lessees, a minimum of 40 feet width ingress and egress on existing and future roadways across the parcel; and
3. All mineral deposits in the land so patented, and right of the United States, or persons authorized by the United States, to prospect for, mine, and remove such deposits from the same under applicable laws and regulations as the Secretary of the Interior may prescribe.

The patent will be subject to the following:

1. Valid existing rights; and
2. Pursuant to the authority contained in Section 3(d) of Executive Order 11988 of May 24, 1977 (42 FR 26951), and the Act of June 14, 1926 (44 Stat. 741), a restriction which constitutes a covenant running with the land, the land may be used only for recreation site by MT FWP as in their Project Description (POD).

THE PATENTEE, by accepting the patent, covenants and agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind arising from the past, present, or future acts or omissions of the patentee, its employees, agents, contractor or lessees, or any third party, arising out of, or in connection with, the patentee's use, occupancy or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and its employees, agents, contractors or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property that has already resulted or does hereafter result in: (1) Violations of Federal, State and local laws and regulations that are now, or may in the future, become applicable to the real property; (2) Judgments, claims, or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s) as defined by Federal or State environmental laws, off, on, into, or under land, property, and other interests of the United States; (5) Activities by which solids or hazardous substances or wastes, as defined by Federal and State environmental laws are generated, released, stored, used, or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substance(s) or waste(s); or (6) natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

PURSUANT to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(h)) (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1988 (100 Stat. 1670), notice is hereby given that the above-described land has been examined and no evidence was found to indicate that any hazardous substances have been stored for one year or more, nor had

any hazardous substances been disposed of or released on the subject property. No evidence of hazardous substances, petroleum products, or recognized environmental conditions was found.

**PROVIDED**, that the title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that the patentee has not substantially developed the lands in accordance with the approved plan of development on or before the date five years after the date of conveyance. No portion of the land shall under any circumstance revert to the United States if any such portion has been used for solid waste disposal or for any other purpose which may result in the disposal, placement, or release of any hazardous substance. If, at any time, the patentee transfers to another party ownership of any portion of the land not used for the purpose(s) specified in the application and approved plan of development, the patentee shall pay the Bureau of Land Management the fair market value, as determined by the authorized officer, of the transferred portion as of the date of transfer, including the value of any improvements thereon.

**PROVIDED** further that the Secretary of the Interior may take action to revert title in the United States if the patentee directly or indirectly permits its agents, employees, contractors, or subcontractors (including without limitation lessees, sublessees, and permittees) to prohibit or restrict the use of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, sex or national origin.

In addition to the above, the grant of the herein described land is subject to the following reservations, conditions, and limitations:

(1) The patentee or its successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241), and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) for the period that the land conveyed herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits;

(2) If the patentee or its successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964, and the requirements imposed by the Department of the Interior issued pursuant to that title, during the period during which the property described herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits, the Secretary of the Interior or his delegate may declare the terms of this grant terminated in whole or in part;

(3) The patentee, by acceptance of this patent, agrees for itself or its successors in interest that a declaration of termination in whole or in part of this grant shall, at the option of the Secretary or his delegate, operate to revert in the United States full title to the lands involved in the declaration;

(4) The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee;

(5) The patentee or its successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility conveyed;

(6) The reservations, conditions, and limitations contained in paragraphs (1) through (5) shall constitute a covenant running with the land, binding on the patentee and its successors in interest for the period for which the land described herein is used for the purpose for which this grant was made, or for another purpose involving the provision of similar services or benefits; and

(7) The assurances and covenant required by sections (1) through (6) above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h).

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from the receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and

**(4) Whether the public interest favors granting the stay.**

Pursuant to the provisions of 43 CFR 4.21(a), the patent will issue 30 days after receipt of this decision unless an appeal and a petition for stay are filed with the Interior Board of Land Appeals.

Enclosed is a waiver of the 30-day appeal period which allows for immediate conveyance and patent issuance. If you concur with the conveyance and choose to waive the appeal period, please sign the waiver, scan it and email it to [tlorenz@blm.gov](mailto:tlorenz@blm.gov). If you have any questions, please contact Tami Lorenz at 406-896-5053.



Donato Judice  
Deputy State Director  
Division of Energy, Minerals, and Realty

**2 Enclosures**

1-Form 1842-1 (2 pp)

2-Waiver (1 p)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

|                                   |   |
|-----------------------------------|---|
| 1. NOTICE OF APPEAL.....          | A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the <i>FEDERAL REGISTER</i> , a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).   |
| 2. WHERE TO FILE NOTICE OF APPEAL | BUREAU OF LAND MANAGEMENT<br>MONTANA STATE OFFICE<br>5001 SOUTHGATE DR<br>BILLINGS MT 59101   |
| WITH COPY TO SOLICITOR            | FIELD SOLICITOR<br>ROCKY MOUNTAIN REGION<br>2021 4TH AVE N, STE 112<br>BILLINGS MT 59101  |
| 3. STATEMENT OF REASONS           | Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).   |
| WITH COPY TO SOLICITOR.....       | FIELD SOLICITOR<br>ROCKY MOUNTAIN REGION<br>2021 4TH AVE N, STE 112<br>BILLINGS MT 59101  |
| 4. SERVICE OF DOCUMENTS           | A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.  |
| 5. METHOD OF SERVICE.....         | If the document being served is a notice of appeal, service may be made by (a) Personal delivery, (b) Registered or certified mail, return receipt requested, (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box, or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail, (c) Delivery service, if the last address of record is not a post office box, or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.   |
| 6. REQUEST FOR STAY.....          | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.<br><br>Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay. |

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

#### 43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota, and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Highway One, Grand Junction, CO 81506.

(Form 1842-1, September 2020)

MTM 110962

WAIVER

Montana Department of Fish, Wildlife and Parks hereby waives the 30-day appeal period and requests immediate issuance of the patent.

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(title)

\_\_\_\_\_  
(date)