MONTANA STATE PARKS
stateparks.mt.gov

2300 Lake Elmo Drive
Billings, MT 59105

NOTICE OF DECISION

August 14, 2017

To the Interested Public and Agencies:

A Draft Environmental Assessment (EA) was prepared for proposed domestic water storage and septic upgrades at Hell Creek State Park (HCSP). The draft EA was circulated for 30 days and legal notices were published in the Jordan Tribune, Billings Gazette, Helena Independent Record, Miles City Star and the Lewistown News-Argus as well as posted on the Montana State Parks website.

24 total public comments were received. We thank those that made comments and these comments are noted. Comments received expressed disagreement regarding the proposed locations of the infrastructure improvements within Hell Creek Marina's 55-acre concession area. Several comments voiced concern over details of the private engineering consultant's provided design of the septic system. Responses to specific comments are included below. Comments outside the scope of the proposed project are not addressed here in this decision. Several comments were made regarding the county road to Hell Creek State Park. $2.0 million of state parks funding has been allocated by the Montana Legislature to the Montana Department of Transportation/Garfield County to make improvements to the Hell Creek Road.

Montana Fish, Wildlife & Parks (FWP) has decided that proceeding with the proposed public health and safety infrastructure upgrades is the preferred alternative; to replace and relocate the public water storage system serving the park and to remove the fish cleaning station from the existing system and construct a dedicated septic treatment system. Both are priority public health and safety infrastructure improvement projects identified in two independent consultant reviews of the public facilities at HCSP. The infrastructure locations will be as shown in the environmental assessment.

If you have questions regarding this decision notice, please address them to me at dhabermann@mt.gov or call me at (406) 247-2954. Thanks for your interest in Hell Creek State Park.

Sincerely,

Douglas D. Habermann

Douglas D. Habermann
Regional Parks Manager

Public Comment Responses

Comments received more than once are responded to together. Comments are paraphrased, in some cases, to allow one response.

1. **Cost of the project and future management of Hell Creek State Park.** A private engineering consultant firm prepared the estimates for the proposed infrastructure improvements. Due to the remote location of the site, the public bidding and contracting requirements, and the short construction season available to minimize impacts to park visitors, construction costs are higher than in urban areas of Montana. The Montana State Parks and Recreation Board has approved moving forward with this project as essential for the health and safety of the public and FWP employees. The project design was done with cost as a primary determinate factor. The 2015 Montana Legislature approved funding for infrastructure improvements at HCSP. Regardless of future operation and management, the public, including park visitors, overnight guests at the Hell Creek Marina, and staff require and should expect safe and reliable drinking water and septic service. These infrastructure improvements will benefit the visitors at Hell Creek, including those using concession services, for decades into the future.

2. **The improvements should not be located on the identified Concessionaire area.** FWP is granted use of 337 acres by the USACE for "public and recreational purposes" via Contract No. DACW45-1-93-6035. The agreement includes a listing of anticipated improvements on this 337 acres (Appendix C – Development Plan). The agreement between the Hell Creek Marina (HCM) and FWP grants the HCM the right to provide exclusive commercial services to the public as identified in the contract. The contract does not preclude FWP from installing necessary site infrastructure and utilities in areas of the 55 acres for other purposes that are reasonable. As depicted on Attachment A of the contract, numerous site infrastructure improvements are identified and documented in the concession contract (originally awarded in 1999). Park roads, the fish cleaning station and RV dump station, the water well and portions of the existing water and septic system are within that area. The locations identified have been determined to be both the most feasible and economic locations and to have the least impact on the park visitors, including park visitors utilizing concession services. Most of the utility infrastructure improvements will be buried and not preclude future expansion of concession operations. The upgraded public water system will be able to serve the concession operation, which is required by state law and the USACE to be potable.

3. **Why isn't the system located elsewhere on FWP lease land?** The system needs to be proximate to the point of use both to reduce initial costs as well as make maintenance easier and less expensive. The 2015 Hell Creek State Park Master Site and Management Plan identified that only 15 percent of the park (excluding the concession area) as suitable for development and found that very little of that area has not been utilized. The 20,000-gallon water cistern will be buried and the septic drain field will be located on the most suitable location.

4. **The improvements would infringe on the HCM's main source of income.** The improvements are not located where any concession operations are currently occurring.

5. **What are the future plans for Hell Creek?** Although this comment is outside the scope of the project, this is a reasonable question. The immediate health and safety needs and benefit to the visitors of Hell Creek State Park are being addressed by this project. The lease arrangement between the USACE and MFWP extends through April 30, 2021.

6. **Why abandon the old system and could it be kept as a backup?** As determined by two independent engineering studies, the current system is past its usable life and only would require additional costs to keep it, even as a backup system. The cistern is in an exposed and highly erodible location.

7. **Can the outfitter camps be hooked into the system?** Yes. The HCM provides water to the outfitter camps and this would ensure that that water is potable and safe to drink and use.

8. **Engineering and design concerns.** A professional engineering firm has been retained for the project per State statute requirements. All proposed design solutions for the proposed public water and sewer system infrastructure improvements will be reviewed and approved by the Montana Department of Environmental Quality(DEQ) as is standard for public facilities.

This project is subject to appeal, which must be submitted to the FWP Director in writing and postmarked within 30 days of the date on this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to FWP or participated in the decision-making process, and lay-out how FWP might address the concerns in the appeal.