

Response to Public Comments

Dover Island Acquisition Checklist Environmental Assessment

PREPARED BY:

STATE OF MONTANA

NATURAL RESOURCE DAMAGE PROGRAM

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August 2021

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Introduction

The Montana Department of Justice Natural Resource Damage Program (NRDP) proposes to partially fund a property acquisition by the Yellowstone River Parks Association (YRPA) to purchase the Dover Island property, located at 3114 Dover Road, Billings, Montana, in Yellowstone County. YRPA has arranged for other funding to match the State funding to complete the purchase. The property is approximately 288.87 acres in total size and is bordered by the Yellowstone River to the south and east, and agricultural or light industrial land to the east, west, and north. The subject property consists of native hay fields and forested river bottom land, except for a portion near Dover Road that contains several buildings including two houses, a barn, a garage, a shop, several outbuildings, gravel and dirt access roads and parking area, and an irrigation ditch system. Partial funding by NRDP is consistent with the *Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the ExxonMobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill* (restoration plan). Impacts of terrestrial habitat acquisitions on the resources injured by the Yellowstone River oil spill were addressed in Chapter 6 of the restoration plan. YRPA will be holding fee title to the property.

The public comment period started on June 28, 2021 and concluded 32 days later on July 29, 2021. The checklist Environmental Assessment was posted on the NRDP web page: <https://dojmt.gov/lands/notices-of-public-comment/>. An email was sent on June 28 to an email mailing list that NRDP maintains for the Yellowstone Restoration Plan project.

The NRDP received two comment letters during the public comment period. See Appendix A for copies of the comment letters, which are also available on the NRDP web site at <https://dojmt.gov/lands/notices-of-public-comment/>. Both letters indicated general support of the acquisition. This document summarizes the comments received and provides responses.

Comment Summary and Response:

Two comments letters were received in general support of the project.

Comment 1: This project is a win-win for Billings generally and Billings Heights particularly. It will preserve nearly 300 acres for the protection of native flora and fauna, allow restoration of the riparian habitat, particularly of cottonwoods in the floodplain, and conserve it in perpetuity for the enjoyment of the public, free of charge.

Response: Thank you for your support for this project.

Comment 2: Dover Island looks like a good piece of property. I think it would be a great addition to any recovery plan. I would like to see it remain wildlife habitat (the parts w/o buildings on it). What would happen with buildings on the property? Being next to a river makes it very attractive.

Response: Thank you for your support for this project. The property is subject to a Nature Conservancy conservation easement specifically to maintain the Property's role in sustaining free-ranging wildlife species and to preserve the cottonwood forest and other native plant communities associated with the Yellowstone River's dynamic riparian and riverine system. The

Yellowstone River Parks Association will hold fee title to the property. The Nature Conservancy easement allows maintenance of the existing buildings.

State's Recommended Changes to the Document

The NRDP does not recommend any changes to the document.

Appendix A
Copies of Comment Letters

Flugge, Meranda

From: Bennett, LeeAnn <lbennett@ku.edu>
Sent: Tuesday, June 29, 2021 7:01 PM
To: Natural Resource Damage Program
Cc: Bennett, LeeAnn
Subject: [EXTERNAL] Comment: Dover Island EA

Follow Up Flag: Follow up
Flag Status: Flagged

NRDP@mt.gov:

Dover Island looks like a good piece of property. I think it would be a great addition to any recovery plan. I would like to see it remain wildlife habitat (the parts w/o buildings on it). What would happen with buildings on the property? Being next to a river makes it very attractive. Thanks for letting me comment.

Sincerely,

Lee A. Bennett

Flugge, Meranda

From: Roger Williams <rogerswilliams41@gmail.com>
Sent: Tuesday, June 29, 2021 6:50 PM
To: Natural Resource Damage Program
Subject: [EXTERNAL] Dover Island Acquisition

Follow Up Flag: Follow up
Flag Status: Flagged

This project is a win-win for Billings generally and Billings Heights particularly. It will preserve nearly 300 acres for the protection of native flora and fauna, allow restoration of the riparian habitat, particularly of cottonwoods in the floodplain, and conserve it in perpetuity for the enjoyment of the public, free of charge. Congratulations!

--

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