



**Region One
490 North Meridian Road
Kalispell, MT 59901**

**DECISION NOTICE
and
Finding of No Significant Impact
for the
Wild River Conservation Easement Project**

February 18, 2020

Description of Proposed Project

Montana Fish, Wildlife and Parks (FWP) proposes to purchase a conservation easement on approximately 50 acres along the Kootenai River between the Yaak River confluence and the town of Troy, Montana. The property is owned by The Vital Ground Foundation (Vital Ground), who has been working over the last several years to purchase this property and protect it from residential development. The project is part of an area identified by grizzly bear scientists as the best linkage between the Purcell and Cabinet Mountains in the Cabinet-Yaak recovery area. FWP conserved a large portion of this linkage in 2012 with our 28,000-acre Kootenai Valleys conservation easement. Vital Ground is working to conserve the remaining gaps in this area. This project would continue our collaborative effort by helping Vital Ground conserve this property and its important riparian and upland habitat.

Conservation of the property would protect habit and a movement corridor for one endangered and three threatened species listed under the Endangered Species Act: the endangered white sturgeon and the threatened grizzly bear, Canada lynx, and bull trout. Fifteen Montana State species of concern (SOC) and one special status species (SSS) use the property and neighboring areas. Residential development of this property would increase human-wildlife conflicts and inhibit movement of wildlife, and this conservation easement project would preclude those issues.

Vital Ground would continue to own and manage the land and FWP will hold a conservation easement which would preclude future residential or commercial development and ensure the property is managed to benefit fish and wildlife habitat in perpetuity. Public access to the property will be allowed for fishing and bird watching opportunities. The conservation easement would not require Vital Ground to provide hunting access on this property due to the property's small size and the proximity to Highway 2 and neighboring residences. The conservation easement document has provisions to ensure protection of important fish and wildlife habitat found on this property, as well as assurances for limited public recreation access. The CE designates one building area on the property where Vital Ground could

construct two structures: a facilities management/operations shop and a storage structure. It also provides the option to develop a public parking area in the future, if needed. A management plan was developed by Vital Ground, with input from FWP, to guide the day-to-day management of the property, as well as to inform long-term goals for improving the property's habitat quality.

Montana Environmental Policy Act (MEPA) Process and Public Involvement

FWP released a draft environmental assessment (EA) for public review on January 29, 2020, and asked for public comment through February 17, 2020. FWP ran legal ads describing the proposed project, the availability of the draft EA, and the public hearing information in the *Flathead Beacon*, *Daily Inter Lake*, *The Western News*, *The Montanian*, and *Helena Independent Record*. FWP also mailed postcards to neighboring landowners. The draft EA was posted on FWP's official website and was also available at the Region One headquarters in Kalispell and online for people with internet access or through internet service at public libraries.

The EA evaluated the potential impacts of the following alternatives:

1. Alternative A: No Action

Under the No Action Alternative, FWP would not purchase a conservation easement on the property. Some or all of the lots could be sold in the future to fund other acquisitions by Vital Ground if they determined another area had a higher conservation value for grizzly bears. The public would not have guaranteed access to this property.

2. Alternative B: Proposed Action

Under the Proposed Action, FWP would acquire a conservation easement on approximately 50 acres of property along the Kootenai River just northwest of Troy, MT which is owned by The Vital Ground Foundation. Residential and commercial development of this property would be prevented in perpetuity. Limited public access would be secured under the terms of the conservation easement, though Vital Ground would not be required to allow hunting access on the property given its proximity to the highway and dwellings.

Summary of Public Comment

FWP received 26 public comments on the proposed conservation easement acquisition. Below is a summary of concerns or questions raised and FWP's response:

- One concern was that hunting was not one of the requirements of the EA.

FWP Response: FWP often requires hunting access when placing a conservation easement on a property, but this property is a special case in that it is small, only 50 acres, and located between Highway 2 and the Kootenai River. There are also nearby residences. FWP thought it best to leave future hunting opportunities on the property to the landowner's discretion.

- A second concern was that the property would be removed from the tax rolls because of the conservation easement.

FWP Response: Placing a property under conservation easement does not remove land from the tax rolls and cannot reduce the amount of taxes paid below the amount assessed before the

easement was put in place. Montana Code Annotated 76-6-208(1) states, “[a]ny land subject to such easement may not be classified into a class affording a lesser assessed valuation solely by reason of the creation of the easement.”

- A third concern was that sportsman’s license dollars would be funding this conservation easement.

FWP Response: This conservation easement would be funded by a U.S. Fish and Wildlife Recovery Land Acquisition Grant which comes from the Land and Water Conservation Fund (LWCF). The money for LWCF comes from excise taxes on offshore oil and gas drilling. Montana state hunting and fishing license dollars would not be used to purchase this conservation easement.

- A fourth concern was how the area will be developed to accommodate fishermen and birdwatchers.

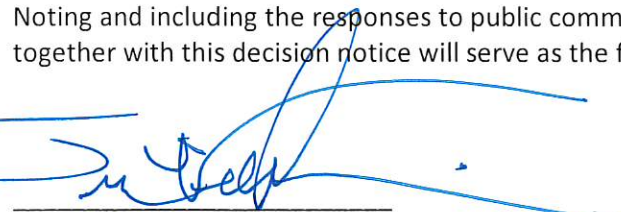
FWP Response: The conservation easement designates the location of the access point to the property for public use. It also shows where a parking lot could be developed in the future. If FWP assists with development of additional amenities on this property, the proposed plans would be subject to another environmental review and public comment process.

FWP Recommended Alternative and Final Decision

In reviewing all the public comment and other relevant information, and evaluating the environmental effects, I recommend that the Fish and Wildlife Commission approve the purchase of a conservation easement on the Wild River property as proposed in the Alternative B, the Proposed Action.

Through the public review process described above, the public raised some concerns with the project, but all concerns were either addressed in the EA or did not directly apply to this project. FWP found no significant impacts on the human or physical environments associated with this proposal; therefore, the EA is the appropriate level of analysis and an environmental impact statement is not required.

Noting and including the responses to public comments, the draft EA will become the final EA and together with this decision notice will serve as the final documents for this proposal.



Jim Williams
Region One Supervisor



Date