



# MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** Oct. 19, 2023

**Agenda Item:** Elk Island Wildlife Management Area Land Exchange

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 10 minutes

---

**Background:** This proposal is to trade 1.07 acres of FWP-owned land for 2.61 acres of private land owned by the Hagler family, adjacent to Elk Island Wildlife Management Area (WMA). The 1.07-acre parcel is an old farmstead that was unintentionally purchased in 2008 as part of a larger WMA addition. The 1.07-acre parcel had been mistakenly surveyed with the land to the south of the road in 2007 (COS 27-770, Richland County), prior to FWP's initial work on the 2008 WMA addition. Both the landowner and regional staff involved in the 2008 transaction agree that the homestead parcel was not intended to be included in the transaction. All transactional documents available to FWP field staff and the landowner simply stated a legal description, without any accompanying map, and thus the error was not readily apparent in documents available for review prior to the purchase. Upon discovering this error, the landowner requested that FWP explore the possibility of correcting the mistake and offered to trade approximately 2.61 acres of land adjacent to the WMA, which contains excellent winter cover for upland game birds and white-tailed deer.

**Public Involvement Process & Results:** The draft environmental assessment was made available for public review and comment from May 17 through June 1, 2023. It was posted on FWP's Public Notice webpage, the Environmental Quality Council (EQC) website, by individual request, and through notice to identified interested parties. FWP received four comments during the public comment period.

**Alternatives & Analysis:** The proposed acquisition is immediately adjacent to the WMA while the 1.07-acre farmstead is across county roads from the rest of the WMA. The proposed acquisition offers better habitat and hunting value and reduces the potential for trespass issues. If FWP does not move forward with the land exchange, there is a tenant that would necessarily be evicted from the property (both the tenant and adjacent landowner had been under the incorrect understanding that the property was in private ownership until all parties recently became aware of the survey mistake). In addition, the former landowner would be prevented from operating on the site, and FWP could incur significant clean-up costs.

**Agency Recommendation & Rationale:** FWP recommends the commission approve the land exchange. This proposal would fix a mistake and help to maintain a long-standing positive relationship with the neighboring landowner, while improving the WMA for wildlife and recreation.

**Proposed Motion:** I move the Fish and Wildlife Commission approve the Elk Island WMA land trade as presented by the department.