

HABITAT MONTANA

REPORT TO THE 68th MONTANA LEGISLATURE

SEPTEMBER 2022



Bad Rock Canyon Wildlife Management Area (Image: Kris Temple)



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TABLE OF CONTENTS

Overview	4
Fee Title Acquisitions and Conservation Easements	4
Habitat Conservation Leases.....	4
Conservation Totals	4
History of Habitat Montana.....	5
House Bill 526	5
Early Years to Present Day.....	6
Partner Support.....	11
Forest Legacy Program.....	11
Benefits Associated with Wildlife Habitat Conservation.....	12
Managing Conservation Land Projects.....	15
Habitat Conservation Accomplishments– Habitat Montana and Other Funding Sources	17
Conservation Easements	19
Fee Title and Land Exchanges	20
Habitat Conservation Leases.....	23

OVERVIEW

This report provides the history of Habitat Montana and summarizes habitat conservation projects completed by Montana Department of Fish, Wildlife and Parks (FWP) for the period (unless otherwise specified) of January 1, 2020-June 30, 2022¹ using Habitat Montana program funds, as well as funding from other sources. Habitat Montana was originally established through legislation passed by the 1987 Montana Legislature (HB526, MCA 87-1-241 et seq.). A program rule (ARM 12.9.511) further directs FWP to apply Habitat Montana policies to all FWP wildlife habitat acquisition programs, where appropriate.

Habitat conservation has been accomplished using a combination of fee title acquisitions, conservation easements, and long-term leases.

Fee Title Acquisitions and Conservation Easements

During the reporting period January 1, 2020-June 30, 2022, FWP purchased one conservation easement, totaling 27,289 acres and one 772-acre fee title acquisition. The purchase cost of these two projects was \$13.61 million (Tables 1 and 2). In addition, FWP conducted a land exchange involving 438 acres of WMA inholdings, which are now administered by FWP.

Habitat Conservation Leases

During Fiscal Years 2021-2022, FWP enrolled 6 habitat conservation leases, totaling 41,295 acres (Table 3). No Habitat Montana funds were used for the purchase of these conservation leases.

Conservation Totals

Specific to Habitat Montana program funding – as of the end of June 2022, 70 properties involving 339,193 acres of wildlife habitat have been protected through conservation easements, costing \$51.9 million in Habitat Montana funds. Fee title acquisitions purchased through the program total 134,133 acres (71 transactions involving 34 wildlife management areas or other sites), costing \$52.2 million in Habitat Montana funds. On average, across the span of the program, for every dollar of Habitat MT expended, an additional ~\$1.19 was contributed from other partners or programs or by landowner donation.

¹ In the past, the Habitat Montana Report to the Legislature was completed in December, covering accomplishments across two *calendar* years. This 2023 Legislative Report was produced in advance of the September 2022 Environmental Quality Council meeting, shifting the report to an earlier reporting period. As a transition from Calendar Year to Fiscal Year accomplishment reporting, and to avoid listing specific project accomplishments twice in two separate reports, this 2023 Legislative Report covers conservation easement and fee title accomplishments from January 1, 2021 through June 30, 2022. We have purposefully excluded accomplishments during July 1, 2020 -December 31, 2020, as those were detailed in the 2021 report. Also new, this report includes a summary of habitat conservation leases completed during the past two fiscal years.

In total, *involving all funding sources including Habitat Montana*, the Wildlife Division is responsible for 590,547 acres in conservation easements, 389,186 acres in fee title, and 71,749 acres of leases/rights of way (associated with Wildlife Division-managed lands).

Since 2004, FWP has also purchased 30-year habitat conservation leases from private landowners using a combination of Upland Game Bird Enhancement Program, Pittman-Robertson, USFWS Landowner Incentive Program, and other funding sources. The leases protect primarily native grassland and sagebrush-grassland habitats from ground disturbing activities such as tillage or building development or from herbicide or fire treatments that would intentionally reduce or eliminate native vegetation. The leases also include public access provisions for hunting or other forms of wildlife-related recreation. During Fiscal Years 21-22, FWP enrolled six habitat conservation leases, totaling 41,295 acres. As of the end of June 2022, the Wildlife Division administers 52 active conservation leases, involving 332,000 acres of wildlife habitat.

HISTORY OF HABITAT MONTANA

The Montana Department of Fish, Wildlife and Parks has been involved with conserving key wildlife habitats since 1940, with the initial purchase of 1,004 acres of crucial elk winter range along the east foothills of the Little Belt Mountains for \$4.50/acre, known today as the Judith River Wildlife Management Area. This set the stage for emphasizing the value of habitat conservation in Montana, which continues today for FWP and a broad array of conservation partners. During these early years, there was no specific funding source to purchase, conserve, and manage important wildlife habitats. When key habitats were for sale and funding was available, land was acquired and became part of the department's system of wildlife management areas, ensuring these habitat areas would continue to support critical wildlife needs, related recreation opportunities, and other values for future generations.

House Bill 526

A fundamental concern dating back to the 1940s, but still true today, is the interest in keeping priority wildlife populations abundant through conservation of key seasonal habitats. Conserving wildlife habitat and providing compatible outdoor recreation are considered by many citizens to be important endeavors that support Montana's way of life. In the 1980s, conservationists discussed the possibility of setting aside consistent funding for the department for purchasing priority habitats when they became available and, of equal importance, to provide consistent funding for managing properties once acquired.

The 1987 Montana Legislature saw the introduction of HB 526, which would be funded with hunting license fees. The debate was between those who did not want the department buying land and those who saw habitat conservation as the foundation for maintaining priority wildlife populations. The compromise by the legislature was authority given to the department to purchase interests in land, with the legislature directing the agency to attempt conservation easements or lease before fee title acquisition. Fee title purchase was still allowed because the legislature understood the landowner would determine which method was in their best interest.

HB 526 became reality and is currently generating about \$3 million per year for conserving important wildlife habitats. Approximately 92% of revenue for this program comes from nonresident hunting licenses. Discussed in more detail under **Managing Conservation Lands**, Habitat Montana also generates about \$900,000 annually for conducting maintenance work.

Early Years to Present Day

From the very beginning of Habitat Montana, FWP tried to implement the intent of the legislation, but its success

was limited. The reason was twofold: first, the department was unfamiliar with conservation easements and needed to develop its expertise in implementing this conservation tool; and second, landowners were skeptical of easements. These two problems no longer exist.

The first year that Habitat Montana funding was available, the department purchased two properties in fee title, the Robb Ledford Wildlife Management Area (WMA) and an addition to the Blackfoot-Clearwater WMA.

In 1989, the second year of operation, two additional WMAs were purchased. A major effort to acquire a conservation easement on the Brewer Ranch changed to a fee title purchase at the request of the landowner. The department assured the FWP Commission that easement terms would be placed on the Brewer property and then sold. This happened five years later.

In 1990, FWP purchased its first wildlife conservation easement (160 acres adjacent to Dome Mountain Wildlife Management Area). In 1992, FWP made an agreement with a landowner to enter into a five-year management agreement which both parties intended to lead to a conservation easement, which did happen in 1998.

A major threshold was crossed in 1994 with the success of exchanging the Brewer property, with easement terms in place, for an easement on the Page/Whitham property north of Fort Peck Reservoir. Interest by the agricultural community accelerated with the involved landowner answering many questions from other interested landowners. Since then, FWP has had a variety of conservation easement project proposals to select from.



FWP staff removed and loaded rails from an old corral as part of a team building exercise on Garrity Mountain WMA, May 2022. (Image: R. Northrup)

The 1991 Legislature directed FWP to review its habitat program. The department hired two consultants, Econ, Inc. to look at FWP administrative functioning for the program, and Canyon Consulting, Inc., to evaluate public participation in the program.

In September 1992, Canyon Consulting recommended implementing a policy that defined the public benefits to be derived from the habitat program. The Commission adopted policies through the administrative rule making (ARM) process, directing FWP to provide the following public benefits (ARM 12.9.510):

- Conserve and enhance land, water, and wildlife
- Contribute to hunting and fishing opportunities
- Provide incentives for habitat conservation on private land
- Contribute to non-hunting recreation
- Protect open space and scenic areas
- Promote habitat-friendly agriculture
- Maintain the local tax base, through payments in lieu of taxes for real estate, while demonstrating that productive wildlife habitat is compatible with agriculture and other land uses.



Fish Creek of the WMA bearing the same name supports spawning habitat for the federally listed bull trout. (Image: R. Northrup)

One of Econ’s main recommendations, to develop a comprehensive statewide plan, was completed in 1994, the “Statewide Habitat Plan, an implementation of FWP Commission Habitat Montana Policy”.

In 1993, the Wildlife Division Administrator asked for a habitat mapping effort from the Regional Wildlife Managers to discern which habitats were the most at risk. The habitats defined in the Statewide Plan are 1) Montane Forest, 2) Intermountain Grassland, 3) Riparian/Wetland, 4) Shrub-Grassland, 5) Prairie Forest, and 6) Prairie Grassland. In a display of unanimity, every region



Area ranchers, sporting clubs, and a stock grower association review and discuss the purpose and benefits of a grazing system on Spotted Dog WMA and an adjacent private ranch, July 2022. (Image: R. Northrup)

identified **Intermountain Grassland, Riparian/Wetland, and Shrub-Grassland** as the habitats most in need of attention. Intermountain Grasslands are choice areas for residential development.



New information sign, Canyon Creek WMA, Fall 2021. (Image: A. Glasscock)

Such developments can disrupt winter range for wildlife as well as affect wildlife movements, migration routes, and genetic connectivity. Riparian and wetland habitats comprise less than 5% of the state but are highly productive habitats. Many species of wildlife depend on these habitats in some stage of their life cycle. Because of site productivity, riparian habitats in particular are often subject to conversion to other uses. Sagebrush-grasslands have diminished across the West, including in Montana. This is a habitat of special concern. Montana is a leader in sagebrush conservation in a state where half of these habitats are in private ownership. Priority habitats of

the program have remained largely the same and are further detailed in the current State Wildlife Action Plan for Montana published in 2015. This document can be downloaded from the FWP website link: <https://myfwp.mt.gov/getRepositoryFile?objectID=70168>

In 1998, the FWP Commission asked for an internal audit of the department's conservation easements. This was divided into two sections, a review of the legal aspects of the easements, and a review of the rigor of the baseline inventory reports. Fifteen easements were chosen by the legal audit contractor, Knight, Masar and Harris, Attorneys at Law. The contractor working on baselines did likewise. The audit, delivered in 1999, showed no major problems with the easements and associated baselines. In 2000, the other 15 easements were reviewed, again with no major problems. The primary author of the report, Robert Knight, came before the Commission to answer questions. He said the language and form of the easements were up to date and there were no specific problems. Department staff from the Wildlife Division, Legal Unit, and Lands Unit work regularly on updating and formulating new conservation easement language to adapt to changing concerns, continued experience, and improvements in conservation easement standards.



Youth elk hunter on land now managed as Bad Rock Canyon WMA. The property is commonly frequented by grizzly bears. (Image: F. Ingelfinger)

A broad base of public support resulted in the 2005 Legislature removing the sunset provision for HB526, making Habitat Montana permanent. The program has resulted in substantial conservation accomplishments, which are summarized in the **Overview** section of this report.

Over the program's history, FWP's work on wildlife land projects has varied. Early efforts using Habitat Montana funds focused on expanding existing wildlife management areas such as the Blackfoot-Clearwater (deer and elk winter range), Judith River (elk winter range) and Ninepipe (wetlands/waterfowl and pheasant habitat) or acquiring new WMA's such as Robb/Ledford (elk winter range), Dome Mtn.(elk winter range), and Mt. Silcox (bighorn sheep winter range). Gradually, the focus shifted toward conservation easements on important habitat types including sagebrush-grassland (Brewer, South Ranch, Fluss, Cowell, Peters); riparian (Hirsch, Bice, Hart); and intermountain grassland (Keogh, Maher, Bolin, and Sieben Rattlesnake Creek) as examples.

With the establishment of the Forest Legacy Program in Montana (see **Forest Legacy Program** section for more information), FWP broadened the scope of habitat conservation to include high

priority forest lands that are at risk of conversion. This has resulted in several predominantly forested lands enrolled in FWP conservation easements, including the Thompson-Fisher, North Swan, Kootenai Forestlands, Haskill Basin, and Lost Trail.

Since the start of Habitat Montana in 1987, the state legislature has adopted statutes with specific requirements for land acquisition and conservation easement processes. FWP's wildlife land processes include the following program and statutory requirements (this list does not include negotiation, due diligence, and other real estate



Rough fescue foothill habitats provide important forage for wintering elk on the Sun River WMA. (Image: R. Northrup)

transaction steps): 1) internal request for habitat proposals; 2) proposal ranking and initial selection using standardized ranking criteria; 3) concurrence from the FWP Director; 4) conduct public scoping (for projects of 640 acres or larger); 5) develop a management plan for the property; 6) work with the county weed coordinator to assure weed management compliance on fee title



Balsamroot on the Bear Creek WMA. (Image: J. Cunningham)

projects; 7) develop a Montana Environmental Policy Act (MEPA) environmental assessment that includes analyses of potential impacts to social/economic values, neighboring properties, tax revenue, government services, employment opportunities, local schools, and private businesses; 8) make documentation available to adjacent landowners as well as the general public; 9) notify the affected county commission with project details and analysis materials; 10) conduct a public hearing during the public review period; 11) publish a decision notice; 12) if the project remains viable, post the proposal for public review prior to final consideration by the Fish and Wildlife Commission; and 13) for conservation easements costing more than \$1 million in state funds or for fee title purchases of more than 500 acres or involving more than \$1 million in value, approval by the Board of Land Commissioners is also required.

projects; 7) develop a Montana Environmental Policy Act (MEPA) environmental assessment that includes analyses of potential impacts to social/economic values, neighboring properties, tax revenue, government services, employment opportunities, local schools, and private businesses; 8) make documentation available to adjacent landowners as well as the general public; 9) notify the affected county commission with project details and analysis materials; 10) conduct a public hearing during the public review period; 11) publish a decision

Partner Support

Habitat Montana came into existence from a need felt by the people of Montana. Montanans cherish their wildlife and outdoor opportunities. Montana hunters, outdoor recreationists, and conservation organizations have long considered the Habitat Montana Program essential to their interests, and without their support this program would not exist today. Conservation organizations have often partnered with FWP to protect tracts of important habitat for their mutual conservation benefit. Partners

include: Private Landowners; The Nature Conservancy; Rocky Mountain Elk Foundation; Ducks Unlimited; Pheasants Forever; Vital Ground; National Wild Turkey Federation; Mule Deer Foundation; Trout Unlimited; Safari Club International; Cinnabar Foundation; The Trust for Public Land; The Conservation Fund; The Confederated Salish-Kootenai Tribes; US Forest Service; US Bureau of Land Management; US Fish and Wildlife Service; USDA Natural Resources and Conservation Service; Bonneville Power Administration; Montana Fish and Wildlife Conservation Trust; National Fish and Wildlife Foundation; Blackfoot Challenge; Montana Wildlife Federation; NorthWestern Energy; PPL-Montana; Theodore Roosevelt Conservation Partnership; Butte Skyline Sportsman Association; Anaconda Sportsmen Club; Montana Audubon; Five Valleys Land Trust; Flathead Land Trust; Bitter Root Land Trust; Montana Association of Land Trusts; and many other organizations. The program has a committed constituency that values enduring conservation.



Partners have been critical for both the acquisition and successful management of WMAs. Conservation and industry organizations and businesses were represented at a tour of forest treatments on the Blackfoot Clearwater WMA, June 2022. (Image: R. Northrup)

Forest Legacy Program

The Forest Legacy Program is administered by the US Forest Service (USFS) in partnership with state agencies. Montana has greatly benefited from this program since its start in the state in 2000. Assigned to FWP by Governor Racicot, the program has complemented Habitat Montana by broadening FWP's scope of priority habitats, to also include forestlands of high habitat importance. With over a decade of experience implementing Habitat Montana, taking on state administration of the Forest Legacy Program was a natural fit for FWP. Forest Legacy's purpose is to conserve privately-owned "working forests" of national significance, primarily through conservation easements. The program serves to keep forests intact and managed for sustainability, supporting forest products, wildlife habitat, clean water and air, and public recreation. Since participating in the program, Montana has been very successful competing nationally to fund projects, primarily in northwest Montana. To date, Forest Legacy has helped fund 247,800 acres of FWP conservation easements and 17,500 acres of fee title acquisitions in the form of wildlife management area lands.

FWP updated the Montana Forest Legacy Program *Assessment of Need* in 2020, replacing the original 2000 publication. Funding partners for these forest projects have included: The Trust for Public Land; The Nature Conservancy; US Fish and Wildlife Service; Rocky Mountain Elk Foundation; F.H. Stoltze Land and Lumber Co.; Stimson Lumber Co.; Bonneville Power Administration; SPP Montana; Montana Fish and Wildlife Conservation Trust; and many other organizations and landowners.

Benefits Associated with Wildlife Habitat Conservation

The intent of Habitat Montana and its associated funding sources, including Forest Legacy, is to conserve wildlife habitat in a manner that recognizes and supports traditional agricultural uses of the land (ARM 12.9.508 et seq.). For over 35 years, Habitat Montana projects have demonstrated how wildlife and agriculture can coexist and even benefit each other. FWP is employing a number of “working lands” measures on Wildlife Management Areas to enhance wildlife habitat productivity while directly benefiting agriculture and local communities. These include:

- Local producers lease farm ground on various Wildlife Management Areas (WMAs) across the state to produce grain and hay crops while assisting with food plots, weed control, and cover restoration.
- Neighboring ranchers lease WMA grasslands for grazing livestock in a manner that provides habitat diversity, enhances palatability of exotic grasses (such as brome grass), and establishes “cooperative grazing systems” with neighboring lands to improve cover and forage over a larger area, restoring plant communities, benefiting wildlife and livestock.
- Parts of select WMAs have periodically been offered for one-time haying or grazing opportunities to enhance specific wildlife habitats while providing helpful relief to area producers who are experiencing extreme drought or who have been adversely affected by large-scale rangeland fires.



Installation of a "bat condo" roost on the Beartooth WMA, Spring 2022. (Image: S. Hilty)

- WMAs provide 37 farming and grazing leases to local producers, involving nearly 100,000 acres of WMA grazing lands and 2,300 acres of farm ground. Another 91,000 acres of adjacent rangelands are incorporated into cooperative grazing systems.
- Forest management prescriptions on WMAs are implemented to directly enhance habitat functions while also benefiting contract foresters, logging companies, and wood product mills.



Area producers, community members, and sporting groups review restoration of riparian habitat on Trout Creek, part of the Spotted Dog WMA, July 2022. (Image R. Northrup)

Although FWP’s core purpose

with Habitat Montana and related programs has been incentive-based strategic habitat conservation, the benefits of conservation easement projects are often broader, including: guaranteed public access to outdoor recreation; soil and water conserved; landscape-scale



Conducting a prescribed burn to reduce fuels after a forest thinning treatment on Nevada Lake WMA, in partnership with MT DNRC Spring 2021. (Image: J. Parke)

ecological functions sustained; watershed quality maintained and improved for communities, fisheries, and other downstream users; species subject to listing under the federal Endangered Species Act are delisted or avoid listing; conservation easement projects have helped keep ranchers on the land, supporting rural and agriculture-based lifestyles and allowing family ranches to expand; conservation easements have averted urban-sprawl in fire-prone forest settings and associated costs related to forest and fire management issues; rural business and agricultural economies have been supported and enhanced; the wood products industry has benefitted by retaining and supporting sustainable working forests; scenic open-space values have been preserved; and other less tangible quality-of-life benefits have been maintained or enhanced for now and future generations.

Consistent with the Mission and Goals of Habitat Montana (ARM 12.9.508 et seq.), FWP wildlife management areas and conservation easements support durable wildlife habitat benefits, are managed to be compatible with wildlife and agriculture, and support economic and cultural values, while enhancing Montana’s quality of life for present and future generations.



Livestock grazing and timber harvest treatments have been used extensively for enhancing wildlife habitats on Mount Haggin WMA. (Image: K. Johnson)

MANAGING CONSERVATION LAND PROJECTS

Ongoing management of conservation lands is a critical function supported in part by Habitat Montana. The following sections provide information on maintenance and taxation of FWP wildlife lands and monitoring and managing conservation easements.

Land Maintenance: Twenty percent of the Habitat Montana revenue is used for operation and maintenance of all FWP wildlife lands. According to statute (87-1-242, MCA), 50% of these funds are deposited in the Habitat Trust Account. The remaining 50% and interest from the Habitat Trust Account are available for funding maintenance projects, totaling approximately \$900,000 annually in recent years. The majority of these funds are used to meet the intent of the Good Neighbor Policy (23-1-126(2), MCA) including fence maintenance, road maintenance, and weed control on FWP fee ownership lands. FWP funding from non-earmarked hunting license revenue, Pittman Robertson funds, state and federal grants, and donations are also used to pay for operations and management costs of WMAs, totaling well over \$1 million that are in addition to Habitat Montana funding. Each year the Wildlife Division completes an average of 15 large maintenance and construction projects at a cost of approximately \$1 million.



New portable solar pump system for improving livestock grazing distribution and associated wildlife habitat benefits, Blackleaf WMA, June 2022. (Image: R. Rauscher)



Clearing conifers that have expanded onto elk winter range, part of a series of forest treatments on the Blackfoot Clearwater WMA, February 2022. (Image: J. Parke)

The 2009 legislature passed a measure that allowed FWP to invest income from forest treatments back into forestry work on FWP lands. Led by a full-time forester, the Wildlife Division has since worked on many WMA forestry projects including on Mt. Haggin, West Kootenai, Woods Ranch, Mt. Silcox, Marshall Creek, Threemile, Calf Creek, Sun River, Gallatin, and Blackfoot Clearwater WMAs. These and anticipated future projects serve to enhance wildlife habitat and address fuel and forest health issues. A separate forestry report by FWP will be available prior to the 2023 Legislative Session.

Taxes: For Wildlife Division lands, FWP pays to the county in which the land resides “a sum equal to the amount of taxes

which would be payable on county assessment of the property were it taxable to a private citizen” (MCA 87-1-603). For tax year 2021, FWP paid \$522,802 in tax payments on Wildlife Division lands.

Conservation Easement Monitoring: Approximately \$25,000 of Habitat Montana funding helps pay for annually monitoring each conservation easement to assure easement compliance and to work with landowners on any issues that may arise. The major terms in FWP conservation easements involve both *protection* and *management* of the Land.

- **Protection:** This refers to easement terms such as subdivision and building limitations on the land; normal farming practices continue, but no new conversion of native habitats to tillage agriculture is allowed; and only commercial activities that are compatible with the conservation values are allowed. Mining or other mineral extractions are addressed in the easement with the goal of minimizing impacts to the conservation values.
- **Management:** This refers to day-to-day practices agreed to in a management plan that assure vegetation, soils, water, and other habitat features are conserved as a part of ongoing agricultural activities, and recreation is maintained at an appropriate level to serve the public good while avoiding conflicts. Management often includes developing and implementing livestock grazing systems, access plans for the recreating public, and habitat restoration. Initial improvements necessary for implementing management plans are often paid for in part using Habitat Montana funds (e.g., parking lots, gates, fences, stock water systems). Once improvements are in place, the ongoing management of conservation easements by FWP is monitoring, maintaining regular communication with landowners, updating management plans as needed, working with and informing new landowners of easement terms, and working on periodic compliance issues.



Trailing cattle on the Buffalo Coulee Conservation Easement. (Image: K. Johnson)

HABITAT CONSERVATION ACCOMPLISHMENTS- HABITAT MONTANA AND OTHER FUNDING SOURCES

The following sections summarize all FWP wildlife conservation easement and fee title projects completed during January 1, 2021- Fiscal Year 2022² and habitat conservation leases completed during Fiscal Years 2021-22. The funding sources vary among projects. A more detailed narrative summary follows under the corresponding headings in the order listed (Tables 1, 2, 3).

Table 1. Wildlife conservation easements (WCE) purchased through the Fish, Wildlife and Parks' Wildlife Division during January 1, 2021 through June 30, 2022. The Landowner donation is not included as part of the purchase cost.

Transaction Date	Site Name	Type	Purchase Cost	Funding Source	Acres
November 17, 2021	Kootenai Forestlands	WCE	\$6,520,000	Forest Legacy - \$6,000,000 National Fish and Wildlife Fndn. - \$470,000 MT Fish and Wildlife Cons. Trust - \$50,000 (Landowner donation of value - \$9,780,000)	27,289
Total Acreage					27,289

Table 2. Fee title land acquisitions (FEE) and land exchanges (LEX) completed through the Fish, Wildlife and Parks' Wildlife Division during January 1, 2021 through June 30, 2022.

Transaction Date	Site Name	Type	Purchase Cost	Funding Source	Acres
May 3, 2021	Spotted Dog WMA	LEX	NA	NA	438
December 21, 2021	Bad Rock Canyon WMA	FEE	\$7,090,000	Forest Legacy - \$4,000,000 Habitat Montana - \$2,500,000 Flathead Land Trust - \$415,000 MT Fish and Wildlife Cons. Trust - \$175,000	772
Total Acreage					1,210

² In the past, the Habitat Montana Report to the Legislature was completed in December, covering accomplishments across two *calendar* years. This 2023 Legislative Report was produced in advance of the September 2022 Environmental Quality Council meeting, shifting this report to an earlier reporting period. As a transition from Calendar Year to Fiscal Year accomplishment reporting, and to avoid listing specific project accomplishments twice in two separate reports, this 2023 Legislative Report covers accomplishments from January 1, 2021 through June 30, 2022. We have purposefully excluded CE, Fee, and LEX accomplishments during July 1, 2020 -December 31, 2020, as those were detailed in the 2021 Legislative Report. Also new, this report includes a summary of habitat conservation leases completed during the past two fiscal years.

Table 3. Habitat conservation leases (HCL) completed during Fiscal Years 2021-22. Funding was primarily from federal Pittman-Robertson Wildlife Restoration funds.

Transaction Date	Site Name	Type	Acres
July 27, 2020	Cedar Creek Grazing Association	HCL	1,7195
October 9, 2020	Handy	HCL	1,389
July 6, 2021	Hoodoo Land Holdings	HCL	14,491
July 19, 2021	Jorgenson	HCL	2,037
October 22, 2021	Keewaydin Ranch	HCL	3,865
May 9, 2022	Tooke Ranch	HCL	2,318
TOTAL ACREAGE			41,295

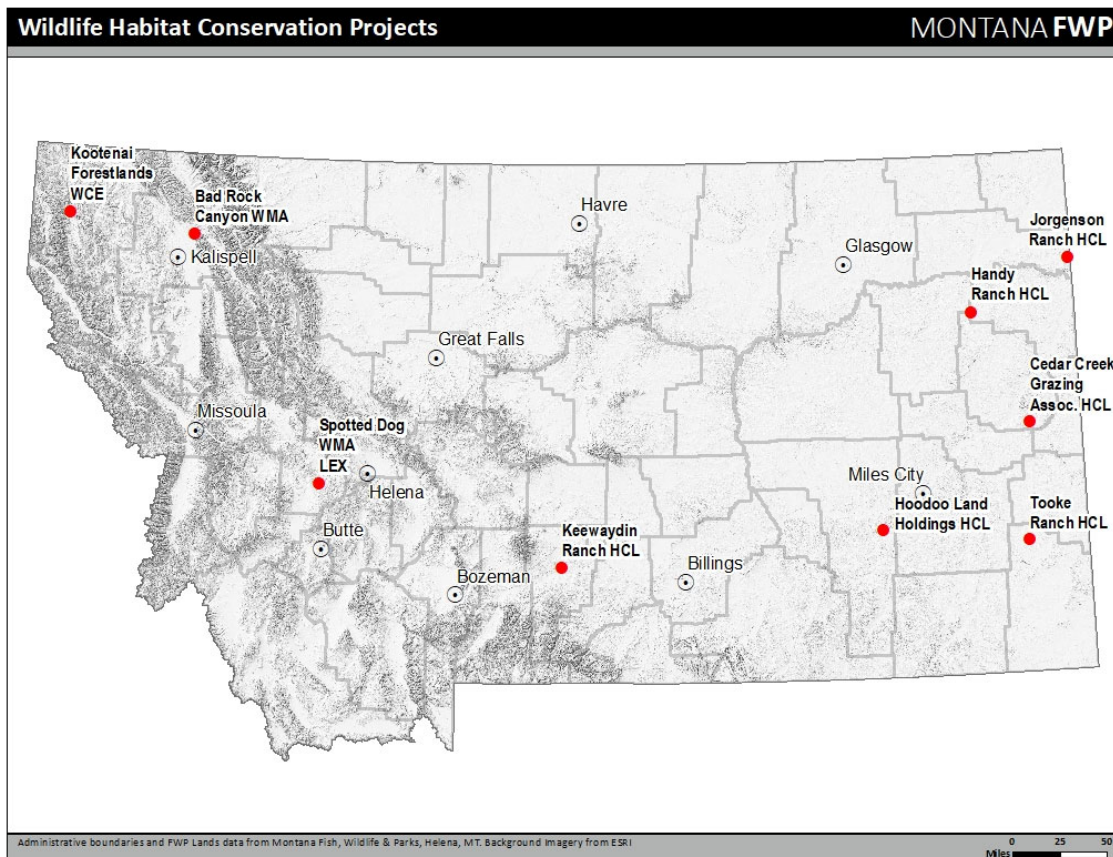


Figure 1. General location of wildlife conservation easement (WCE), land exchange (LEX), and habitat conservation lease (HCL) projects. This includes WCEs and LEXs completed during January 1, 2021-June 2022 and HCLs completed during Fiscal Years 21-22 (July 1, 2020-June 30, 2022). The reporting periods differ to avoid double reporting individual projects as this legislative report transitions from calendar to fiscal-year reporting timeframes. Also, HCLs were not included in earlier reports.

Conservation Easements

Kootenai Forestlands Phase II Conservation Easement

The Kootenai Forestlands Phase II Conservation Easement lands, which are owned by Stimson Lumber Company, support highly productive timberland, wildlife habitat, and recreation. The easement protects the area from subdivision and development. These habitats include key winter range and a movement corridor for elk, deer, and moose as well as critical habitat for the federally listed species – bull trout, grizzly bear, and Canada lynx. The forestlands will continue to be managed for sustainable timber production. The property provides over 26,500 days per year of public hunting and angling use, in addition to other forms of recreation.

Habitat: Coniferous Forest, Riparian, Wetland, Stream

Partners: Stimson Lumber Company, US Forest Service Forest Legacy Program, Trust for Public Land, National Fish and Wildlife Foundation, Montana Fish and Wildlife Conservation Trust



Figure 2. The Kootenai Forestlands Phase II Conservation Easement ensures these private forest lands and adjacent public forests continue to operate as a large, contiguous forest landscape. This is important for wildlife habitat, forest management, watershed integrity, and future fire mitigation and suppression concerns. (Image: Chris Boyer @kestrelaerial.com)

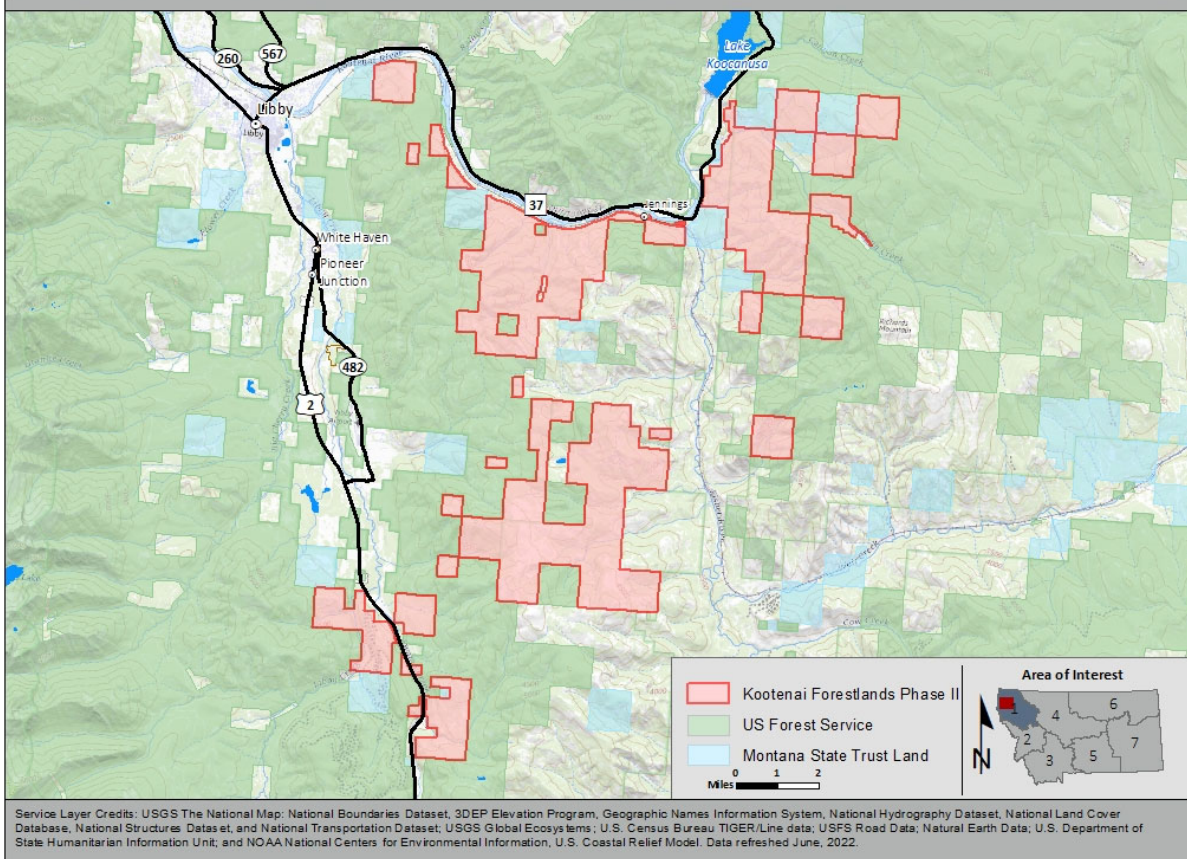


Figure 3. Lands making up the 27,289-acre Kootenai Forestlands Phase II Conservation Easement, east and south of Libby, Lincoln County.

Fee Title and Land Exchanges

Spotted Dog WMA Land Exchange

The Spotted Dog Wildlife Management Area supports extensive elk, deer, and moose winter and spring habitats and productive wetland, riparian, and aspen plant communities that attract a variety of game and non-game wildlife. The WMA also supports considerable hunting, fishing and other outdoor recreation. To help consolidate landownership patterns, reduce public trespass issues onto adjacent private land, and manage grazing livestock, FWP worked with the Cross Canyon Ranch on a land exchange. The project resulted in FWP receiving approximately 438 acres and transferring 460 acres to the Ranch. The land exchange removed an unfenced inholding on WMA and established a continuous ownership of FWP land east and west across the WMA, allowing the public to legally cross into both sides of the WMA, which hadn't existed for the northern part of the WMA prior to the exchange.

Habitats: Intermountain Grassland, Conifer Forest, Aspen, Stream, Riparian, Wetland
Partners: Landowner



Figure 4. Spotted Dog WMA, in the vicinity of a land exchange in cooperation with Cross Canyon Ranch.

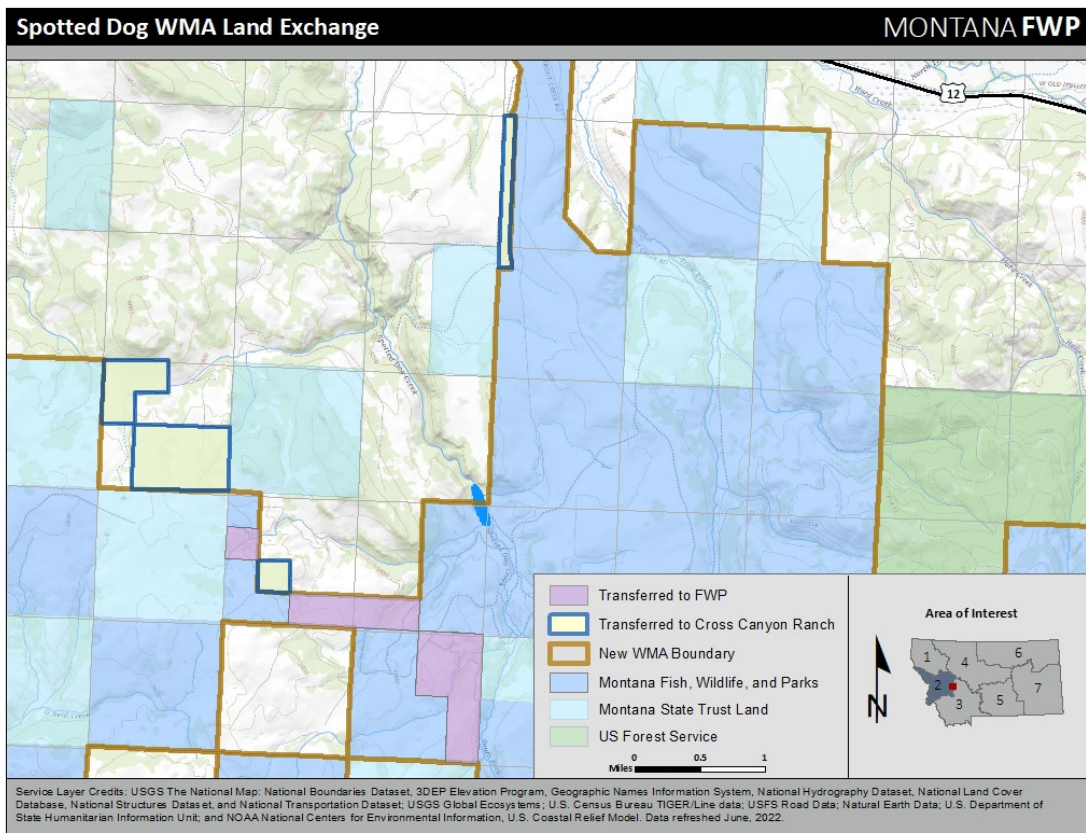


Figure 5. Overview of the land exchange between Cross Canyon Ranch and Montana Fish, Wildlife and Parks to consolidate ownership patterns associated with Spotted Dog Wildlife Management Area.

Bad Rock Canyon Wildlife Management Area

The Bad Rock Canyon WMA is a new property to FWP's system of wildlife management areas. The WMA serves as an important connectivity route for large carnivores between the Swan and Whitefish Mountain Ranges, including grizzly bear, Canada lynx, and wolverine. The area also provides critical elk winter habitat and bull trout spawning habitat. Prior to acquisition, the land was popular for providing public recreation access for fishing and elk hunting.

Habitats: Conifer Forest, Aspen, River, Stream, Riparian, Wetland

Partners: Columbia Falls Aluminum Co., US Forest Service Forest Legacy Program, Flathead Land Trust, Montana Fish and Wildlife Conservation Trust



Figure 6. Productive wetland and mixed conifer and deciduous forest habitats, comprising Bad Rock Canyon WMA. (Image: K. Temple)

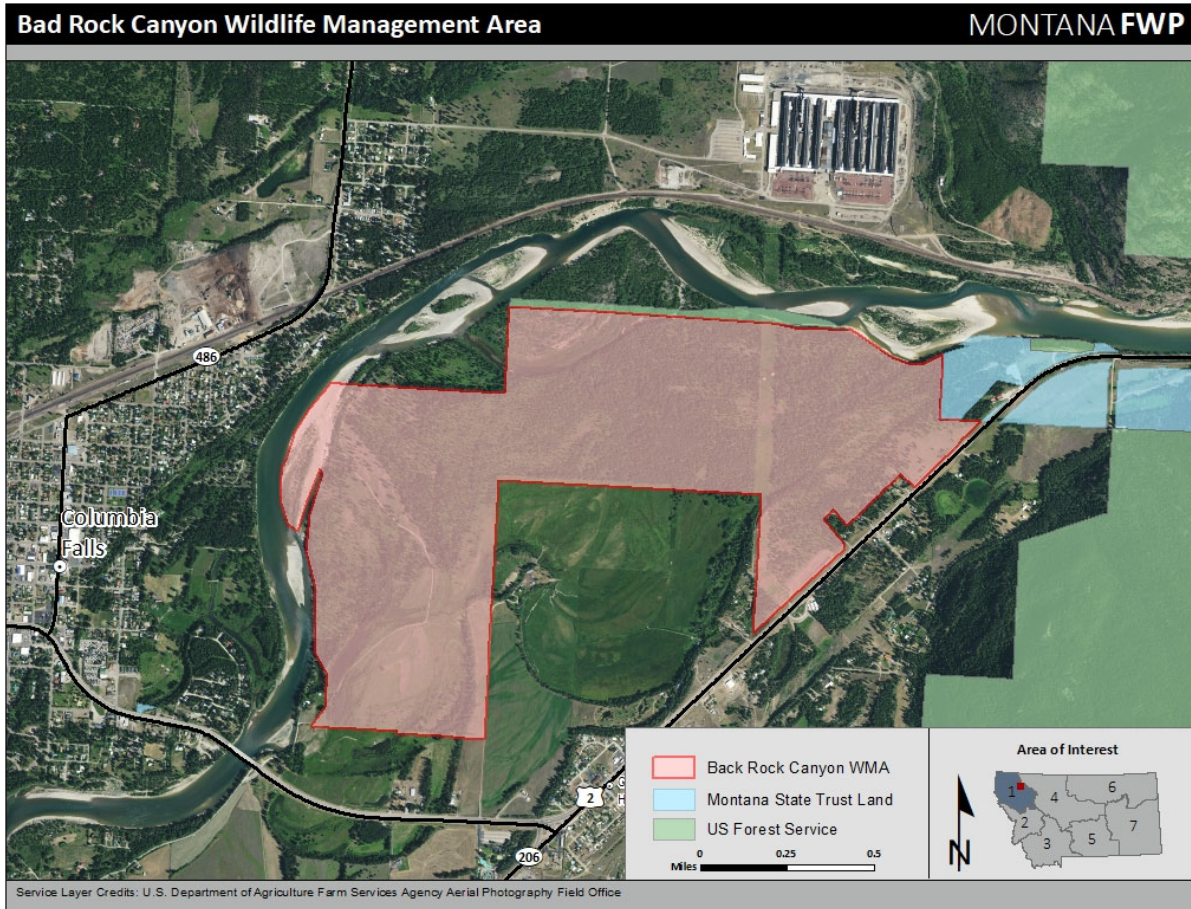


Figure 7. Overview of the 772-acre Bad Rock Canyon WMA east of Columbia Falls and the Flathead River, Flathead County.

Habitat Conservation Leases

First started in 2005, FWP has used 30-year conservation leases as an additional tool for incentivizing conservation on private lands. The intent of these leases is to support basic conservation practices over broad landscapes (e.g., retaining native habitats, not allowing building developments or substantial ground disturbing activities). To date, habitat conservation leases have targeted high value sagebrush grasslands and mixed grass prairie habitats that are particularly important for sage-grouse and four species of migratory grassland birds that have experienced substantial population declines - Sprague’s pipit, Baird’s sparrow, thick-billed longspur, and chestnut-collared longspur. These leases also support a host of other native species, soil and water conservation, and ranching operations. Accomplishments during the past two fiscal years were funded primarily with Pittman Robertson Wildlife Restoration as part of the “Working Grasslands Initiative”.

FWP is working on plans to substantially expand the use of this tool in the future, including completion of a programmatic environmental assessment (completed August 2022) and a possible proposal for the Fish and Wildlife Commission to consider - enrolling up to 500,000 acres of wildlife habitats over the next 5 years, to include priority wetlands, shrub grasslands, mixed grass prairie, riparian, and mountain foothill habitats.



Figure 8. An example habitat conservation lease in southeast Montana that receives heavy use by sage-grouse, as evidenced by extensive scat from the past winter. (Image: M. Foster)
