

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: May 22, 2014

Agenda Item: Musselshell River Project – Tate Ranch

Division: Fisheries

Action Needed: Endorsement to Proceed

Time Needed on Agenda for this Presentation: 5 minutes

Background

The intention of this project is to conserve terrestrial and aquatic habitats and allow for angling, hunting, and other recreational use on 635 acres along about 2 miles of the Musselshell River and associated riparian and upland habitats. The project would include both fee title and a conservation easement, and remove fish barriers that have blocked fish passage for more than a century. Water rights that could benefit the aquatic environment during critical flow periods are included. Robert Tate, the landowner, expressed interest in having a conservation entity acquire the water rights and the land as extensive damage occurred to the existing irrigation infrastructure during the 2011 flood.

Public Involvement Process & Results

FWP has conducted the following:

- April 14 field visit with Fish and Wildlife Conservation Trust;

- Met with the adjoining landowner about the opportunity for a partnership that may include both fee title and a conservation easement;

- Met with another adjoining landowner about opportunities to conduct damaged diversion dam removal and subsequent bank remediation;

- Met with Conoco-Phillips on the potential for an easement donation on a 24-acre right-of-way;

If endorsed to proceed, FWP would formally evaluate the location to include an environmental assessment, with public notices and opportunities for review and comment. Landowners, county Commissions, land management agencies and the general public would be provided opportunities to participate.

Alternatives and Analysis

If approved, the project would include a combination of both fee title and conservation easement, which will protect about 2 miles of the Musselshell River and associated riparian and upland habitats. FWP has obtained an initial commitment of \$100,000 on from the FWCT. FWP sees the proposal as a potential partnership between FWCT, State Fish and Wildlife Grant, Fishing Access Site funding, Conoco Phillips, and a partnership with an adjoining landowner on a conservation easement.

Alternatively, if the project does not move forward, fish passage will continue to be restricted, and the land will likely be subdivided.

Agency Recommendation & Rationale

Region 5 is looking for a Commission Endorsement to Proceed with the project.

Proposed Motion

I move that the Commission endorse the Musselshell Conservation-Tate project, and direct FWP Region 5 to proceed with conservation funding partners and to proceed with negotiations with the adjoining landowner.