

# **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** April 14, 2017

**Agenda Item:** Keogh Conservation Easement Purchase of Additional Rights (R3)

**Division:** Wildlife

**Action Needed:** Endorsement

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

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## **Background**

FWP purchased a 7,106-acre conservation easement (CE) in 1996 in the Whitetail Valley, north of Whitehall, Montana from the Keogh Family. The CE allowed the land to be divided and sold into 160-acre or larger parcels as long as the land remained in agricultural use and subject to terms of the CE. The agricultural subdivision language found in the Keogh CE was commonly used in 1990's and early 2000's era conservation easements but was discontinued in more recent agreements. The language has proven problematic over the years on earlier conservation easements by placing additional strains on staff capacity, increased susceptibility of stewardship violations, and complicating resource management and public access objectives.

The Keogh CE could legally be subdivided into forty-four 160-acre parcels. FWP proposes amending the Keogh Conservation Easement to eliminate the right to subdivide the property. To date, the ranch remains whole and no subdivision has taken place. FWP is considering compensating the Landowner for the loss of the subdivision right. Small-lot residential subdivision is occurring along the southern boundary of the conservation easement. Pressure from these adjacent landowners to buy horse pastures and other small grazing parcels is growing.

The Keogh CE comprises native shrub grassland habitats, intersected by Whitetail Creek and associated riparian habitat. The property includes breeding mountain plovers and supports the western most known prairie dog colony in Montana. It provides winter range for elk, mule deer and antelope. The ranch is enrolled in Block Management and provides hunting access for an average of 400 hunters annually. In addition, the ranch allows public fishing access to their reservoir. The conservation values and recreation opportunities would be negatively impacted if the property was subdivided into small parcels.

## **Public Involvement Process & Results**

There has been no other public involvement to date. Upon Commission endorsement, FWP would conduct appropriate public review and analysis.

## **Alternatives and Analysis**

Alternatives to be analyzed include removing the language from the CE that allows the landowner the right to subdivide the land for agricultural purposes, or leave the language as it is in the conservation easement (no action) with the potential for future subdivision.

## **Agency Recommendation & Rationale**

FWP recommends the Commission endorse this proposal. Removing the right to subdivide the land will protect FWP's investment in this property by helping to maintain the integrity of the conserved habitats and associated recreational opportunities.

## **Proposed Motion**

I move the Fish and Wildlife Commission endorse this proposed amendment to the Keogh Conservation Easement, allowing the Department to conduct further analysis and public review.