

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: November 9, 2010 (conference call)

Agenda Item: West Swan Valley Conservation Project (R1)

Division: Fisheries

Action Needed: Final Approval

Time Needed on Agenda: 10 minutes

Project Description

FWP proposes to acquire two conservation easements that together cover 9,350 acres formerly owned by Plum Creek Timber Company in Lake County. FWP will purchase the conservation easements from The Nature Conservancy, which is buying the property from Plum Creek as part of the Montana Legacy Project. The land lies in a checkerboard pattern within the Swan River State Forest, and includes portions of the Swan River, Woodward Creek, South Woodward Creek, and Whitetail Creek, all important bull trout and westslope cutthroat trout streams. The property also supports deer, elk, moose, grizzly bear, black bear and other native wildlife, and is popular for outdoor recreation.

The Nature Conservancy will sell the conservation easements for a total of \$14.8 million, which is \$3.4 million less than the \$18.2 million appraised value. FWP will use funds from the Bonneville Power Administration (BPA) Fisheries Mitigation Program to purchase one of the easements and funds from the U.S. Fish & Wildlife Service's Habitat Conservation Plan (HCP) program to purchase the other easement. Montana DNRC hopes to purchase these lands for addition to the Swan River State Forest once the FWP conservation easements are in place.

Alternatives & Analysis

FWP presented four alternatives in the draft environmental assessment (EA): conservation easement; fee purchase; combination of easement and fee purchase; and no-action. The three action alternatives meet FWP objectives for habitat and access, and none has significant negative impacts. Fee ownership could provide some habitat benefits over the conservation easement alternative, but at an increased management cost to FWP. The conservation easement appropriately protects key fish, wildlife and public recreation resources at a substantially reduced long-term cost to FWP. The no-action alternative, however, would leave the land unprotected, with the potential for adverse impacts to important fish and wildlife habitat and access values.

Public Involvement Process & Results

FWP published the draft EA on August 6, 2010, and accepted public comment through September 24, 2010. In a September 29 decision notice, FWP recommended Commission approval of the West Swan Valley Conservation Project. The Commission approved the project on October 7, authorizing FWP to pursue conservation easement protection for the West Swan Valley property. However, because FWP received the property appraisal after the close of the public comment period, FWP decided to reopen the comment period for two weeks (October 15 – 29). FWP informed the public of the appraisal results, the opportunity for a bargain purchase of the conservation easement, and FWP's preferred alternative to acquire a conservation easement. FWP received 29 comments, of which 17 (including the Lake County Commission) supported the conservation easement alternative, 3 supported fee acquisition, and 8 opposed the project and supported the no-action alternative. FWP issued an Amended Decision Notice on November 3, 2010, recommending purchase of the conservation easements to protect 9,350 acres in the West Swan Valley.

Agency Recommendation & Rationale

FWP recommends the Commission approve use of the BPA and HCP funding to purchase the West Swan Valley conservation easements. This approach best meets FWP objectives of securing permanent habitat protection and public recreational use, while minimizing FWP land management costs.

Proposed Motions

- (1) I move that the Commission reconsider and rescind its October 7 approval of the West Swan Valley project.

(2) *(If #1 is approved)* I now move that the Commission authorize the Department to use BPA and HCP funds to purchase two conservation easements to conserve approximately 9,350 acres in Lake County, as proposed in the Department's Amended Decision Notice of November 3, 2010, for the West Swan Valley Conservation Project.