



# Montana Fish, Wildlife & Parks

Region One  
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FAX: 406-257-0349  
Ref: JS067-10  
November 3, 2010

Ladies and Gentlemen:

I have amended my previous decision document for the proposed West Swan Conservation Project. The amended decision notice is attached and includes our response to all public comments received during the public comment periods as well as my final recommendation and rationale.

## **Background**

We initiated the West Swan Conservation Project with the release of the public draft environmental analysis document (EA) in early August 2010. The draft EA evaluated the environmental impacts of three conservation alternatives as well as the no-action alternative. Unfortunately, the information about costs or appraisals for the conservation alternatives was not available at the time the document was released; we anticipated that the cost information would be available before the close of the public comment period, which was extended to mid September to accommodate that information.

On September 30, I issued a decision notice that recommended that the FWP Commission approve any one of three action alternatives, pending the outcome of the appraisal and landowner negotiations. The Commission then scheduled this item for a final decision on October 7 with the expectation that the appraisal information would be available at least one week before the Commission meeting. Unfortunately, the appraisal was not finalized until October 4. After FWP reviewed the appraisal and met with the seller, the agency then selected the conservation-easement-only alternative as their preferred alternative for the October 7 FWP Commission meeting. FWP issued a press release on October 6 providing the public the appraisal information and indicating that FWP preferred the conservation easement alternative and would recommend that alternative to the FWP Commission; the FWP Commission then approved this alternative at their meeting on October 7.

Because there was not enough time for the public to adequately consider the appraisal and alternative cost information as part of the public comment period, FWP reopened the public comment period on October 15 for two weeks and notified the public about this additional comment period, the reasons for the reopened comment period, and what our preferred alternative was by e-mail, press release, and legal notices in local newspapers.

## **Amended Decision Document**

The attached amended decision notice includes a summary of the public comments from the most recent public comment period (October 15 through 29) along with FWP responses to these comments. The summary of previous public comments and FWP responses from August 6 through September 24 are unchanged and included in Appendix A of the decision notice.

This document also provides a final recommendation to the FWP Commission along with our rationale for this recommendation. We are asking the FWP Commission to rescind their earlier decision in light of additional public comment during their scheduled conference call at 9:00 a.m. on November 9 and make a new decision to forward to the State Land Board for their consideration on November 15.

Individuals who want to listen or participate in this conference call can do so through video-conference equipment stationed in any FWP Regional headquarter office (e.g., Missoula, Kalispell) or by going to the FWP Commission room located at the FWP headquarters in Helena.

## **Summary of Action Alternatives**

The original proposed conservation action alternatives were to: 1) purchase a conservation easement only, 2) purchase fee-title interest only, or 3) purchase a combination of both conservation easement and fee-title on approximately 9,350 acres of former Plum Creek Timber Company lands in the Swan Valley. The project lands are located in a checkerboard pattern with the Swan River State Forest lands mostly west of Highway 83 in Lake County.

## **Results of Final Federal Standard Appraisal**

In July 2010, FWP hired Clark Wheeler and Associates of Bozeman, Montana, to complete a yellow-book or federal standard appraisal on the value of the proposed conservation easement over approximately 9,350 acres of former Plum Creek Timber Company lands in the west portion of the Swan River State Forest. These lands are under contract for sale to the Nature Conservancy. The property was appraised as two parcels based on highest and best use with a total fee-value of \$21,810,000. The conservation easement value was estimated to be \$18,260,000 or approximately 84% of the fee-value. After negotiations, The Nature Conservancy agreed to sell the conservation easement to FWP for \$14,800,000, which is about 19% below appraised value and about 68% of the fee value.

## **Draft EA is Final EA- Amended Decision Notice**

No modifications were made in the original environmental documents you received. Please consider your previous copies of the draft EA as the final EA. This document is an amended version of my previous decision notice. This amended decision notice replaces our previous decision notice as it incorporates our responses to all public comments, recommends a specific action, and provides a rationale.

## Final Decision Recommendation

It is my recommendation that the FWP Commission approve the purchase of a conservation easement on the approximately 9,350 acres of former Plum Creek Timber Company land (see Appendix B for map) from The Nature Conservancy at approximately \$14.8 million, about \$3.46 million below appraised value. I recommend FWP pursue funding from both the Bonneville Power Administration and U.S. Fish and Wildlife Service Habitat Conservation Plan Land Acquisition Program on project lands as shown on the map in Appendix B and tailor the conservation easements to reflect the funding source.

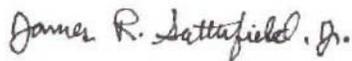
## Upcoming Decision Meetings

The cover sheet for the upcoming FWP Commission conference call to be held at 9:00 a.m. on November 9, 2010, is posted on FWP's Commission information web location: <http://fwp.mt.gov/doingBusiness/insideFwp/commission/default.html>.

The information about the subsequent State Land Board meeting scheduled for November 15 should be available by going to [http://dnrc.mt.gov/About\\_Us/meetings.asp#lb](http://dnrc.mt.gov/About_Us/meetings.asp#lb).

If you have any questions about this amended decision notice for the West Swan Conservation Project, please contact Joel Tohtz in the FWP Region One office (406-751-4570 or [jtohtz@mt.gov](mailto:jtohtz@mt.gov)).

Sincerely,



James R. Satterfield Jr., Ph.D.  
Regional Supervisor

### Enclosure

c: \*Governor's Office, Attn: Mike Volesky, PO Box 200801, Helena, 59620-0801  
\*Cecelia Brown, Bonneville Power Administration  
\*Environmental Quality Council, PO Box 201704, Helena, 59620-1704  
\*Dept. of Environmental Quality, Planning, Prevention & Assistance, PO Box 200901, Helena, 59620-0901  
\*Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901  
Tom Schultz, DNRC, PO Box 201601, Helena, 59620-1601; Kalispell: Bob Sandman\*  
Dan Roberson, DNRC, Swan River State Forest, Swan Lake, 59911  
Montana Fish, Wildlife & Parks - Director's Office: Reg Peterson; Fisheries: Karen Zackheim, Nancy Podolinsky; Wildlife: Don Childress, Steve Knapp; Lands: Hugh Zackheim; Rebecca Cooper; & Legal Unit: Stella Cureton  
\*Dale Becker, Manager, CSKT Fish & Wildlife Program, PO Box 278, Pablo, 59855  
\*Sid Rundell, Flathead Reservation Fish & Wildlife Board Chair

\*Lynn DuCharme, Subbasin Coordinator, CSKT, P O Box 278, Pablo, 59855  
\*Tom McDonald, Div. Admin., CSKT Natural Resources, PO Box 278, Pablo, 59855  
\*Arlene Caye & Marcia Pablo, CSKT Historic Preservation Office, PO Box 278, Pablo, 59855  
\*E. T. Bud Moran, CSKT Tribal Chair, PO Box 278, Pablo, 59855  
\*Patricia Hewankorn, Kootenai Culture Committee, PO Box 278, Pablo, 59855  
\*Tony Incashola, Salish Culture Committee, Box 418, St. Ignatius, 59865  
\*Les Evarts, CSKT, P O Box 278, Pablo, 59855  
Steve Brady, US Forest Service, Swan Lake Ranger District, 200 Ranger Station Road, Bigfork, 59911  
Forest Supervisor, US Forest Service, 650 Wolfpack Way, Kalispell, MT 59901  
\*Montana Historical Society, SHPO, 225 North Roberts, Veteran's Memorial Building, Helena, 59620-1201  
\*Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800  
\*Adam McLane, Montana Environmental Information Center, PO Box 1184, Helena, 59624  
George Ochenski, 4 Harrison Road, Helena, MT 59601  
\*Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923  
\*Montana State Parks Association, PO Box 699, Billings, 59103  
\*Joe Gutkoski, President, Montana River Action Network, 304 N 18<sup>th</sup> Ave., Bozeman, 59715  
\*Representatives Calf Boss Ribs, Fleming, Jopek, Reichner, & Taylor  
\*Senators Breueggeman, Jackson, & Juneau  
Lake County Commissioners, 106 Fourth Avenue E, Polson, 59860  
Flathead County Commissioners, 800 S Main Street, Kalispell, MT 59901  
Flathead County Library, 247 First Avenue E, Kalispell, 59901  
Flathead County Library, P O Box 472, Bigfork, 59911  
Seeley Lake Public Library, PO Box 416, Seeley Lake, 59868  
Polson City Library, PO Box 820, Polson, 59860  
Missoula County Library, 301 E Main Street, Missoula, 59802  
Swan Lake Library, PO Box 5147, Swan Lake, 59868  
Swan Ecosystem Center, 6887 Hwy 83, Condon, 59826  
Interested Parties