Montana's Migratory Bird Wetland Program:

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Montana Fish, Wildlife & Parks

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Introduction

The Migratory Bird Wetland Program (MBWP) in Montana was established by the Montana Legislature in 1985 "…for the protection, conservation, and development of wetlands in Montana" (87-2-411(2)). Montana Fish, Wildlife and Parks (FWP) administers the program. A director-appointed Wetland Protection Advisory Council, comprised of representatives from agriculture, migratory bird hunters, and non-consumptive users of wildlife, provides public oversight for the program. Funding is provided through the sale of state migratory game bird hunting licenses and annual revenue is currently about $270,000.

Montana FWP developed this manual as a reference guide for biologists and project sponsors considering a wetland project. The manual outlines program direction, characteristics of high quality projects, common pitfalls, general considerations, and steps in the approval process. Project support from FWP Wildlife Biologists and Managers is critical for success. Early consultation with MBWP staff is also strongly encouraged.

Programmatic Direction

The Wetland Protection Advisory Council assisted FWP in crafting a program goal statement and objectives in 2012.

Program Goal

To protect, conserve, enhance and create high quality wetland habitat to benefit wildlife, especially migratory birds, and the residents and visitors of Montana.

- Habitats covered by this program include existing and drained wetlands, created wetlands, riparian systems, and wetland-associated uplands.
- Wetland-dependent migratory birds include waterfowl, waterbirds, shorebirds, and some passerines.

Migratory Bird Wetland Program funding is dedicated to the protection, restoration, enhancement, and creation of wetlands specifically to provide habitat for migratory birds.

Program Objectives

1. Provide funding for a variety of types of high priority projects that support the program's goal.
    a. Continue to pursue wetland restoration, repair, and development projects, emphasizing sites that are of high value to wetland-associated migratory birds and where water availability does not appear to be a limiting factor to project implementation and success.
    b. Continue to pursue habitat conservation and protection projects to include vegetation management, upland seedings, term leases, conservation easements, and land acquisitions.
    c. Work with the Montana Wetland Protection Advisory Council and FWP staff to establish a prioritization methodology that will be used to guide program focus and funding decisions.
2. Complete projects at a rate that uses incoming revenue while maintaining a fund balance sufficient to complete one or more landscape-level projects as they become available.
    a. Work with regional staff and conservation partners to develop a consistent stream of projects for funding.
    b. Work with Wildlife Managers where appropriate to include Migratory Bird Wetland Program project proposals and accomplishments as part of annual work items for field staff.
3. Develop and maintain partnerships for funding projects to expand the Program's conservation value.
    a. Continue involvement with Joint Venture action committees, North American Wetland Conservation Act Grant partnerships, Montana Wetlands Legacy Partnership, the Montana Department of Environmental Quality Wetland Program, watershed groups, nongovernmental conservation organizations, and other partnership opportunities.
4. Support and develop the assistance of the Wetland Protection Advisory Council.
    a. Meet twice a year with at least one meeting in person to provide updates and receive recommendations on Program advancement.
    b. Move meeting locations around the state to review past or current projects funded through the Program.
    c. Invite and include WPAC members to meetings and trainings during the course of the year to provide them with opportunities to learn more about wetland conservation and management beneficial to them and the Department in reviewing wetland project proposals.
5. Refine and maintain the program's project database for tracking, reporting, and inventorying program accomplishments.
    a. Helena administrative staff will be responsible for entering completed project data with oversight of Habitat Bureau supervisor.
    b. Compile and enter historical project information that currently is not part of the database system.
    c. Migrate program database into the Wildlife Division database system, including accessibility for viewing and limited data entry (e.g., status updates) by field staff.
6. Work to achieve a broad distribution of projects across Montana while maintaining high quality habitat standards.
    a. Provide training for FWP staff that will enable biologists to identify quality projects and take appropriate steps toward project initiation and completion.
    b. Finalize and distribute the "Wetland Project Guidelines" document for guiding staff and others as they pursue wetland development and restoration projects through the Program. Or, as an alternative, revise the current draft into a field manual, covering all types of habitat projects funded through the Program (this document).
7. Conduct a field evaluation of past wetland projects and produce a summary report for public distribution.
    a. Complete year three of the three-year evaluation (version 1 completed fall 2012).

Protection of natural wetlands and wetland complexes provides the greatest certainty of long-term, landscape-level benefits to migratory birds. However, restoration and enhancement of natural systems can also provide long-term benefits after the initial management investment.

Program Priorities

The Montana Wetland Council has identified an overarching wetland goal of "no net loss of the state's remaining wetland resources base (as of 1989) and an overall increase in the quality and quantity of wetlands in Montana." This is truly the gold standard for wetland conservation in Montana. The MBWP complements the Montana Wetland Council framework by focusing on wetlands and wetland projects that provide the greatest conservation benefit to migratory birds. The following is a hierarchical list of MBWP priorities and some of the associated strategies intended to address the MBWP goal of optimizing benefits to migratory birds and other wetland-dependent wildlife:

1. **Protection and enhancement of natural wetlands, wetland complexes, and associated uplands**
   Strategies: Conservation easements, fee-title acquisition, changes to existing grazing systems, invasive species management (e.g., carp, Garrison creeping foxtail, etc.)
2. **Restoration of drained or degraded natural wetlands and associated uplands**
   Strategies: Restore wetland functions and flow regimes, re-establishment of native vegetation
3. **Enhancement of or repair to manmade wetlands**
   Strategies: Repair of existing dams, embankments, and water control structures, invasive species management, changes to existing grazing systems
4. **Creation of new wetlands**
   Strategies: New impoundments, dams, embankments

General Characteristics of High Quality Wetland Projects

The following represents general characteristics associated with higher quality projects. Many good projects will have some but not all of these elements. Project proponents should not be discouraged from pursuing project ideas and a proposal if some of these elements are lacking; however, pursuing the project is more strongly encouraged if most of these characteristics are represented.

- **Benefits to wetland-dependent migratory birds**
  - All projects under consideration are expected to improve habitat for migratory birds. If the expected benefits can be measured or directly inferred from local survey data it can be helpful to specify those details in project proposals. For example, bird surveys conducted in May and June on a manmade wetland in need of repair would help to demonstrate the value of the project.
- **Landscape context**
  - High quality projects often are located within an area identified as priority for migratory birds by one of the Bird-Habitat Joint Ventures or other planning effort (Appendix 1) Montana's State Wildlife Action Plan, or other planning effort.
  - The surrounding land use can influence the value of a project. High quality projects are often part of a wetland complex or augment existing conservation in the local area. For example, a high quality project might involve an easement or acquisition project that "blocks up" or expands existing protection areas, such as Wildlife Management Areas and Waterfowl Protection Areas.
  - High quality wetland projects may also augment and support sustainable ranching operations, which ultimately will help limit conversion of native grasslands to cropland agriculture.
  - The value of a wetland project surrounded by agriculture or CRP lands can vary and needs to be evaluated on a case-by-case basis.

High quality wetland projects are often part of a wetland complex or augment existing conservation in the local area.

- **Cost-sharing and partnerships**
  - Numerous partner entities, which may include Joint Venture action committees, North American Wetland Conservation Act (NAWCA) grant partnerships, Montana Wetlands Legacy Partnership, The Montana Wetland Council, watershed groups, nongovernmental conservation organizations, and others can help identify and implement high quality projects.
  - Often partnerships include cost-sharing opportunities, such as landowner donation, contributions from another agency or conservation organization, and NAWCA grant funding. Not only does this leverage additional dollars for project implementation but it can build support for the MBWP from the greater conservation community.
  - There is also opportunity to partner with other FWP programs such as Habitat Montana or the Upland Game Bird Enhancement Program.
  - MBWP staff are available to assist with identifying cost-share opportunities and partnerships (see next

section for details).

- **Certainty of long-term benefits**
  - Protection of natural wetlands and wetland complexes provides the greatest certainty of long-term, landscape-scale benefits to migratory birds. Permanent easements and fee-title acquisitions provide long-term certainty that the wetlands will not be drained or otherwise converted to other uses.
  - Restoration and enhancement of natural systems also provide long-term benefits after the initial investment. In general, naturally functioning wetlands are sustainable in the foreseeable future with only a moderate investment in management. For example, implementation of a sustainable grazing system can maintain site integrity with minimal yearly expense.
  - Some artificially-created wetlands may require significant management over time to maintain benefits.
- **Recreational benefits**
  - Public access and enhancement of wetland functions that also benefits recreation are important values to consider in project development.
    - Public access is strongly preferred for agreements with landowners on restoration, enhancement or creation projects. Access will be required if the project directly enhances fall waterfowl hunting opportunities. MBWP funds will not be spent on private lands leased for hunting or outfitting.
    - Public access, with an emphasis on hunting access, is a requirement for all FWP conservation easements. Access is usually regulated according to terms negotiated with the landowner.

Restoration of drained or degraded natural wetlands and associated uplands is a high priority for the Migratory Bird Wetland Program.

Partnerships and cost-sharing opportunities expand the reach of limited conservation dollars and build public support for the Migratory Bird Wetland Program.

Common Project Pitfalls

The following lists some of the most common reasons that proposed projects are not funded. If a proposed project has some of these elements, proponents are encouraged to consult with MBWP staff early in the process to search for viable solutions to these issues. Early consultation can also help to avoid the time-consuming proposal preparation process if the project is unlikely to be approved for funding.

- **Water quality issues**
  - High salinity or contaminants in existing water or soils suggest the site will be consistently plagued with these issues. Salinity often increases in impounded water through the evapoconcentration of salts. Some restoration and infrastructure can be designed to address these problems; at times reducing salinity or contaminant loads may be the objective of a restoration project. However, for wetland creation projects, these sites often bring increased management commitments and increased liability for the State if water to be released does not meet state water quality standards.
- **Condition of associated upland habitat**
  - Upland habitats associated with wetlands provide important nesting cover for waterfowl and other wetland-dependent birds. Ideally, upland habitats are comprised of native grass, forbs, and shrub cover and are subject to appropriate disturbance regimes (i.e., appropriate grazing management). However, uplands that are in poor conditions, e.g., chronically over-grazed, planted in commodity crops, or hayed during the breeding season, will not provide benefits to migratory birds.
  - Lands enrolled in the USDA Conservation Reserve Program may provide upland habitat for migratory birds but should be evaluated on a case-by-case basis.
- **Lack of appropriate water rights**
  - Access to appropriate water rights is becoming increasingly limited. Even operators who have existing water rights may be challenged when attempting to make a change of use on their water right. It is important to confirm water rights early in the process, as some landowners may not know their current water rights status (e.g., water rights can sometimes be lost if they are not used for a number of years).
  - A change of use agreement, when possible, can be a long, complicated process and may require the services of an outside contractor. This can raise the cost of the project significantly.
  - Montana DNRC's Water Rights Bureau administers state water rights, including change of use agreements and a water right record system. Additional information can be found at http://www.dnrc.mt.gov/wrd/water_rts/.

It is important to ensure that the size (capacity) of the wetland project is appropriate for the watershed. Projects in larger watersheds will need to be constructed to withstand high runoff events.

- **Mismatch with watershed size**
  - For wetland creation, enhancement, and some repair projects, watershed size needs to match with the water holding capacity of the wetland project.
  - Projects where the watershed is too large for the capacity of the pond or wetland should be avoided. Large watersheds (i.e., greater than 1,200 acres) may add significant expense to a project due to the degree of engineering and construction needed to withstand high runoff events. Also, high runoff potential tends to reduce the life of a wetland project.
- **High cost relative to regional value**
  - Projects that require expensive construction, long-term maintenance costs supported by FWP, or have inflated land cost will receive greater scrutiny when making funding decisions.
  - It is recognized that the cost of doing business in some areas is greater than in others. For example, the cost of land per acre in parts of western Montana far exceeds the costs in eastern Montana, and construction costs have increased, at least temporarily, in northeastern Montana as a result of the recent energy boom. This program is intended to be a funding source for high priority projects around the state. However, if multiple projects compete for limited funds, funding would generally be awarded to projects that are most cost effective relative to biological and recreational values.

Delivery of Migratory Bird Wetland Program Projects

Migratory Bird Wetland Program staff

FWP staff work internally and with partners to facilitate delivery of high quality projects through the MBWP. The Program Coordinator (C. Wightman) administers the program including coordination of proposal review by FWP's Wildlife Division and Wetland Protection Advisory Council, management of the wetland program database, tracking of budgets and agreements with landowners, and internal coordination with FWP's Design and Construction Unit. The Program Coordinator also helps identify additional funding sources for individual projects. The Advisory Council has the role of review and public oversight but does not approve or disapprove projects. The Central Flyway Migratory Bird Coordinator (J. Hansen) provides technical assistance and review of projects. FWP staff are available to assist with program questions, proposals, and project development.

FWP Migratory Bird Wetland Program Staff

Program Coordinator - Catherine Wightman, 406-444-3377, cwightman@mt.gov

Central Flyway Migratory Bird Coordinator - Jim Hansen, 406-247-2957, jihansen@mt.gov

Conservation Easements and Fee-title Acquisitions

General Considerations

1. **Wetland to Upland ratio** - Easements and acquisitions that use MBWP funds must include wetland habitat but some associated uplands may be covered as well. As a general rule of thumb:
   a. The entire property under consideration should be on average ≥5% wetlands.
   b. Grasslands associated with wetlands can be considered for MBWP funds if they are within 1-2 miles of the wetlands. Uplands provide important waterfowl nesting habitat and help maintain wetland function. The wetland to upland ratio on any given project can be determined on a case by case basis, particularly if there is biological justification to include uplands beyond 2 miles of wetlands.
   c. MBWP funds can be combined with other FWP funding sources, e.g., Habitat Montana or Upland Game Bird Enhancement Program, to include upland acres beyond what is deemed appropriate for MBWP funding.

2. **Easement terms** – FWP conservation easements include restrictions on conversion of native habitats, urban development, construction of structures immediately adjacent to wetlands and riparian systems, and other land uses that would negatively affect wildlife habitat values. A negotiated level of public access that is fitting for the circumstance is also required of all Wildlife Division conservation easements. The specific details of each conservation easement may vary on a case-by-case basis. Most conservation easements that involve rangeland will also include a grazing management plan to maintain or restore habitat productivity.
3. **Cost-sharing on easements and acquisitions**
    a. Land deals are often more expensive than the MBWP can fund alone. Project sponsors are encouraged to acquire funding from multiple sources to supplement MBWP dollars, partnership opportunities (Appendix 2). MBWP staff can help identify potential cost-share and partnership opportunities.
    b. Project proponents are encouraged to submit high quality projects through the FWP Lands Prioritization Process (see below) even if they do not have all necessary funding identified. The Program Coordinator can help solicit funding from multiple sources.
4. **Restoration and enhancement components** – Easement and acquisition projects often also contain some restoration and enhancement activities. See the following section for general considerations regarding these activities such as grazing and noxious weed management.

Easement and acquisition projects often contain a restoration and enhancement component, such as grazing or noxious weed management.

Lands Project Approval Process

Proposals for conservation easements or fee-title acquisitions need to go through the FWP Wildlife Lands Prioritization Process, using the standard Habitat Montana land proposal template. After successful navigation of the standard land prioritization process, land proposals involving MBWP funds will need to be submitted to the Wetland Protection Advisory Council for review. The Program Coordinator will facilitate this review. Generally, the Habitat Montana proposal is adequate for the Wetland Protection Advisory Council review and a separate MBWP proposal is not necessary. Projects that advance from these processes will need to receive preliminary and final approval from the FWP Commission and final approval from the State Land Board. Approved lands projects may be eligible for full or partial funding from the MBWP. A few points to keep in mind when considering a conservation easement or fee-title acquisition:

a. Pre-consultation with the Program Coordinator is recommended prior to investing time in preparing a lands proposal.
b. Additional details on the Lands Process can be found in the Statewide Habitat Plan available from the Program Coordinator.
c. For more information on the FWP Lands Process or for assistance with cross-disciplinary coordination (e.g., wetlands and grazing management) contact the Program Coordinator.
d. Lands projects typically take at least two years to complete, from first contact with landowner to final agreements. Project proponents are encouraged to be realistic with landowners about the timeline involved.

FWP's Design and Construction Section oversees construction for wetland restoration, enhancement, and creation projects.

Wetland Restoration, Enhancement, and Creation

General Considerations

1. **Landowner/Manager Authorization –** Projects with private landowners will require the owner of record to be willing to sign the wetland project agreement (Appendix 3). On public land, the standard agreement or a Memorandum of Understanding will be needed as the "contract" between FWP and affected agency(s).
2. **Water Source/Availability/Water Right –** Efforts should be made upfront to show that there is a high quality source of water available to the project and that the landowner has a right to use the water for the project or there is reasonable assurance that a water right or change of use application would be successful. The landowner must be willing to manage that water in a manner that provides benefit to migratory birds (e.g., if a reservoir or managed wetland, ensure some residual standing water is available at critical times of year).
3. **Long-term Management of the Site** – Identify if the project site is public land, if it is protected through conservation easement, or if there are other circumstances that provide some assurance the habitat quality at the site and surrounding lands are good and not likely to be adversely affected by development or other activities contrary to wetland and wildlife management. On private land, an agreement with the landowner should be developed to prohibit activities that are not beneficial to wetlands and wildlife. For example, when a large amount of program funds is spent to repair a reservoir on private land, an agreement should prohibit the construction of a house right next to the reservoir for the duration of the agreement so as to maintain wildlife values. If routine management of the project is necessary to maintain wildlife and wetland benefits, the person(s) responsible for the management should be identified in the agreement.
4. **Length of Agreement** – In the event that the site is not managed with wildlife conservation goals in mind and that the benefits of the project may end once the wetland agreement expires, the specified length of that agreement should be sufficient to ensure adequate return on the funds invested. As a general rule, a landowner or public land manager who will agree to a longer-term agreement, e.g. fifteen years or more, is a better risk in terms of the investment than one not so inclined. For projects where the MBWP investment is $10,000 or less, the wetland agreement does not need to be recorded with the deed to the property. For projects where the MBWP investment exceeds $10,000, the Department will record contracts that occur on private land.

Upland habitats associated with wetlands provide important nesting cover for waterfowl and other wetland-dependent birds.

Most projects benefit from a site visit early in the conceptual phase

5. **Basic Design Considerations** – For reservoirs and other water impoundments involving embankments, it is recommended that at least half of the impounded water be 3 feet in depth or less with the remainder being six feet in depth or less if possible. Standard dam specifications include a 12' top and side slopes of 3:1. If a primary spillway tube is necessary, its top lip elevation should be a minimum of 2' below the emergency spillway. For larger impoundments (e.g., greater than 15 acres), drawdown structures may be needed to enhance vegetation management, maintain water quality, and to meet conditions of the water right. Emergency spillways of appropriate size will be needed for all impoundments. Watersheds supplying these impoundment wetlands should be of sufficient size that in average water years, there is sufficient water running off the watershed to fill and flush the pond with fresh water while also providing for downstream habitats in the watershed. Large watersheds (e.g., greater than 1,200 acres) may add significant expense to a project due to the degree of engineering and construction needed to withstand high runoff events. Repair of existing shallow manmade wetlands has the advantage, as opposed to creating new wetlands, of dealing with a "proven" reservoir in that the watershed has been shown to be of appropriate size, the water quality is known, and submergent and emergent vegetation are already established. Repairs to head cut spillways can be difficult and costly. In general, a head cut spillway is an indication that run-off is excessive for the size of the wetland.

6. **Current Land Condition and Surface Management** – Where a proposed wetland project is adjacent to tilled farmland, a sufficient upland buffer (typically > 100') should exist around the wetland to reduce runoff of soil, chemicals, etc. into the site. Upland habitats associated with wetlands provide important nesting cover from predators for waterfowl and other wetland-dependent birds. Ideally, upland habitats are comprised of native grass, forbs, and shrub cover and are subject to appropriate grazing management. If the site is grazed, it's recommended that adequate nesting cover is retained during the nesting season including shrubs where applicable. Long-term grazing management prescriptions that incorporate seasonal deferment and yearlong rest grazing treatments are preferred to grazing systems that do not leave standing nesting cover. Associated uplands that are chronically over-grazed, planted in commodity crops, or hayed during the breeding season typically do not provide benefits to migratory birds.
7. **Weeds** – If noxious weeds are present, project proposals should address whether the weeds are expected to negatively affect the value of the project. If so, weed management should be incorporated as part of the project and associated costs factored in. For a project on private land, the agreement should state that the landowner remains responsible for noxious weed management. For a list of Montana's noxious weeds, go to: http://agr.mt.gov/agr/Programs/Weeds/PDF/2013WeedList.pdf.
8. **Fish and Wildlife Use of the Wetland Site and Watershed** –
    - If the proposed project may involve an on-stream impoundment or water control structure on or upstream of a fishery, regional fisheries personnel should be consulted early in the process of developing the proposal.
    - Watershed restoration efforts should include a focus on wetland restoration opportunities.
    - Overall wildlife benefits and trade-offs need to be considered for proposed projects that would flood native sagebrush, grassland, or other key wildlife habitats.
    - New wetland creation in the vicinity of sage-grouse habitats generally should be avoided.
9. **Design and Construction** – The department's Design and Construction Section oversees all construction projects or related services hired by FWP. Further, MBWP Program Coordinator can provide guidance on how to establish a project contract with a landowner where the landowner hires construction work and FWP provides a cost share through reimbursement.
10. **Partner Assistance –**Ducks Unlimited, Pheasants Forever, U.S. Fish and Wildlife Service, BLM, NRCS, MT DOT, and other project partners are available to help defray project costs, complete cultural resource inventories and other MEPA/NEPA compliance, and assist FWP in other ways. Where project costs are significant, FWP will strive to work with these partners to seek cost share.
11. **Cost** – Cost is one of the most important considerations in proposing a project. Some general guidelines specific to **Cost** are:
    - Excavation - Projects involving significant excavation for establishing wetland habitat are generally not advised due to cost.
    - Impoundments - Impoundment projects should generally cost the program less than $3,500 per acre to build. Some consideration for higher costs on higher value land, large acreage projects requiring long embankments, and other special cases will be decided on a case-by-case basis in light of overall project benefits.
    - Natural wetland restorations – Ditch plugs, and similar work to restore natural wetlands to their original size and function are high priorities for the program because of the relatively low expense, natural shallow wetland qualities, and general lack of water rights issues (although there may be exceptions on the need for water rights).
    - Cost-sharing – Projects with significant amounts of partner funds make for more competitive project proposals, whether from the landowner, another public agency, or wildlife conservation organization. Proposed project expenses that leverage funds for achieving additional conservation (e.g., NAWCA funds) will also receive stronger consideration.
12. **Permitting, MEPA Compliance, Cultural Resources, and Related** – FWP is responsible for MEPA compliance for MBWP projects. Where project partners and/or contractors are available to conduct the required field investigations, permitting activities, etc., FWP will make use of these services. Where water rights are involved, FWP must ensure that an applicable water right is available to use for the project. Questions in regard to water rights can be directed to the Program Coordinator who will work with department water rights specialists.

Project Approval Process

Every MBWP project begins with a conceptual idea, probably an initial site visit involving an FWP biologist and landowner or manager, followed by a project proposal (see Appendix 4). This proposal includes consideration of water supply to the proposed wetland, existing or needed water rights, cultural resource consideration, grazing, weed management, and other considerations raised by MEPA. FWP must ensure that whether by its biologists or contractors assisting in developing MBWP projects, there are not adverse impacts to neighboring landowners and the watershed when delivering wetland projects.

The following example is a general guide to the steps that may be involved in completing a MBWP project that does not involve a fee title or conservation easement acquisition by FWP:

1. Biologist and landowner or land manager discuss project idea, possible options, water availability, applicable water rights, benefits of the intended project.
2. Biologist discusses project with Regional Wildlife Manager to determine the merits of the project.
3. Biologist contacts MBWP staff to describe the project and solicit any preliminary advice. This step could be facilitated with a short email write-up which could help to decide whether there are any pit falls in the proposal early on before much time goes into further planning. Digital photos are very helpful in evaluating the potential project. A site visit to the Region by MBWP staff may also help decide whether the project planning should proceed.
4. Biologist completes Project Proposal Form. MBWP staff are available to assist with the proposal. Biologist submits proposal to Regional Wildlife Manager and Regional Supervisor for review and endorsement. The Regional Supervisor's signature implies that all programs under their supervision support or at least do not oppose the proposal. The signed proposal is forwarded to Program Coordinator for review by Wildlife Division staff.
5. Program Coordinator facilitates review of proposal and comments by Wildlife Division Administrator. Wildlife Administrator discusses project costs and benefits and advises whether to proceed with the project. If "yes", project proceeds to succeeding steps. If "no", the Program Coordinator will inform the program sponsor.
6. Program Coordinator forwards proposal to Wetland Protection Advisory Council for review. Once review is completed and questions and concerns are addressed, FWP decides whether to proceed with contracting, permitting, and construction. Regional wildlife biologist works with the Program Coordinator to complete a wetland agreement for signature by the landowner and Wildlife Division Administrator (Appendix 2) and to secure appropriate permits. Program Coordinator works with Design and Construction staff to handle invoicing, payment, and tracking documentation to complete the project and maintain a current project file.

Project Urgency and Timeline – In most cases, project sponsors and partners must be aware that the process steps outlined here involve a significant amount of time. Once funding is awarded, smaller construction or repair projects can at times be streamlined by meeting on site with contractors to establish a bid and subsequent contract, but only in coordination with Design and Construction staff. Wetland projects involving securing an interest in land, engineering design, contract bidding, and other process steps will likely take a year or more to complete. Project sponsors are encouraged to make private landowners aware of what is involved in completing a project upfront so that unrealistic expectations about completion dates can be avoided whenever possible.

Appendix 1: References for Identifying Priority Landscapes for Waterfowl and Wetland-Associated Species of Concern in Montana

**MBWP staff are available to assist with priority species and landscape identification. The following are provided for reference. **

Intermountain West Joint Venture
Bird Habitat Conservation Areas: http://www.iwjv.org/sites/default/files/montana_bhc_plan.pdf
Contact: Josh Vest, IWJV Science Coordinator, josh_vest@fws.gov , 406-329-3148

Montana Fish, Wildlife and Parks Comprehensive Fish and Wildlife Conservation Strategy
http://fwp.mt.gov/fishAndWildlife/conservationInAction/fullplan.html

Montana Fish, Wildlife and Parks Crucial Areas Planning System
http://fwp.mt.gov/fishAndWildlife/conservationInAction/crucialAreas.html

Montana Animal Species of Concern List
http://mtnhp.org/SpeciesOfConcern/?AorP=a

Montana Audubon Important Bird Area
Maps: http://www.mtaudubon.org/birds/areas.html
Contact: Amy Cilimburg, Director of Bird Conservation, amy@mtaudubon.org, 406-465-1141

Northern Great Plains Joint Venture
Contact: Dan Casey, NGPJV Coordinator, dcasey@ducks.org

Prairie Pothole Joint Venture
Contact: Sean Fields, PPJV Science Coordinator, 406-727-7400x218, Sean_Fields@fws.gov

U.S. Fish and Wildlife Service Partners for Fish and Wildlife Program
Focus areas: http://www.fws.gov/mountain-prairie/pfw/New%20Strategic%20Plan%20pdfs/Montana%20FINAL.pdf
Contact: Greg Neudecker, PFW State Coordinator, greg_neudecker@fws.gov, (406) 793-7400

Appendix 2. Potential Sources of Supplemental Funds for MBWP Projects

Source	Program Name	Type	Eligibility	Stipulations	Match*
Conservation Organizations	varies	Typically easement, some fee-title	varies	Must be a priority for organization	None usually
Montana Fish, Wildlife and Parks	Habitat Montana	Permanent easement, fee-title	Priority habitats	Requires hunting access & vegetation management, limits development & conversion of native habitats	None
	Upland Game Bird Enhancement Program	Habitat improvements, easements	Upland game bird focus	Requires upland game bird access & quality upland game bird habitat	25%, cash or in-kind
	Forest Legacy	Permanent easement, fee-title	Forest habitats	Requires access & forest management plan, limits development & conversion of native habitats	25%, normally donated value
	State Wildlife Grants	Typically enhancement	Priority habitats	Benefits Montana Species of Concern	35%
Natural Resources Conservation Service	Agricultural Lands Easement (ALE) program	Permanent easement	Grassland, sage-brush, forests, some wetlands	Limits development; supports traditional agricultural use	50%; some exceptions allow for 25% match
	Wetland Reserve Easement (WRE) program	Permanent easement, 30-year easement, tribal contracts, (easement restoration option)	Wetlands and associated uplands	Limits development, restricts wetland conversion, may require grazing management plan	Varies from 0 to 50% (cash or in-kind) depending on terms
U.S. Fish and Wildlife Service	Federal Migratory Bird Stamp Program	Permanent easement	Wetlands and grasslands	Limits development, restricts conversion of native habitats	None
	North American Wetland Conservation Act	30-year or permanent easement, fee-title, restoration, enhancement	Wetlands and associated uplands	Varies based on easement holder policy; usually limits development & conversion of wetlands	50% or greater

*MBWP funds can be used as non-federal match for any of these programs.

Appendix 3. MBWP Wetland Project Agreement Form

WETLAND PROTECTION, CONSERVATION, AND DEVELOPMENT AGREEMENT

This agreement, made and entered into this _____day of _____, ____, by and between the State of Montana, Department of Fish, Wildlife and Parks (Department), whose main address is 1420 East Sixth Avenue, Helena, Montana 59620, and _____ (Landowner), whose main address is _____ for a period of __ years to _____.

WHEREAS, the Landowner owns or controls property in _____ County, more particularly described as follows:

(Being more particularly depicted and identified on Exhibit __ attached)

WHEREAS, the Department is a State executive branch agency with funds from public sources available for projects to protect, conserve, and develop wetlands, and

WHEREAS, wetlands could be protected, conserved or developed if the Department is allowed to conduct activities and construction as more particularly described herein, and

NOW THEREFORE, in consideration of the mutual promises, terms, and provisions hereafter set forth, it is understood and agreed by the parties hereto as follows:

1) **PURPOSE:** This agreement is entered for the purpose of allowing the Department to conduct wetland protection, conservation and development activities on the above-described property.
2) **CONSIDERATION:** No cash payment or rental is required for this agreement. Landowner understands that the Department will be spending public funds on this property in reliance on the continued force and effect of this agreement and acknowledges that some of the activities and projects to be conducted by the Department under this agreement will also benefit the Landowner.
3) **WETLAND PROTECTION, CONSERVATION, AND DEVELOPMENT:** The Department will be permitted to carry out those wetland protection, conservation, and development activities described in the site management plan. Projects or activities in addition to those described in the plan may be determined by the Department to have migratory bird benefits. These additional projects or activities will be carried out only with the prior written approval of the landowner, which will serve as an amendment to this agreement.
4) **RIGHT OF ENTRY AND PUBLIC ACCESS:** The Department will have free access to the property to conduct the activities described herein. The Department will also have access for investigations or studies to determine a project's effectiveness or to explore other ideas for wetland protection, conservation, and development. The Department will have no authority to grant public access to the property. Unless otherwise specified in Section 10. Special Provisions, the landowner may provide public access to the property, including for hunting purposes, but will do so of his own accord, not as a requirement of this agreement.
5) **INDEMNIFICATION:** The Department will indemnify and hold the Landowner harmless against any claim for damage to person or property which arise out of the agreement by the Department or the public, except for any such damage caused by the negligence or willful misconduct of the Landowner. The Landowner, by entering into this agreement, releases the Department from any and all claims for damage to the property arising out of use of the property pursuant to this agreement.

6) **OTHER OBLIGATIONS:** The Department assumes no obligations or incidents of ownership under this agreement that are not specifically stated herein. The Landowner retains responsibility for controlling trespassing livestock and noxious weeds on the property. The Department has no obligation to return the property to its prior condition upon termination of this agreement.

7) **MODIFICATIONS:** This document constitutes the sole and entire agreement between the parties. No statements, promises or inducements made by either party which are not contained in this agreement are valid or binding unless evidenced in writing and signed by both parties. This agreement can be amended at any time by mutual written consent of the parties.

8) **SUCCESSORS IN INTEREST:** All terms, conditions and provisions of this agreement will be binding upon, inure to the benefit of, and be enforceable by and upon the successors in interest of the landowner.

9) **RECORDING OF AGREEMENT:** For projects on private land, an abstract of notice will be recorded in the county where the project is located. All recording fees will be assumed by the Department.

10) **SPECIAL PROVISIONS** (project details, wetland acres, cost share, total cost, project management obligations, restrictions, public access, recording of agreement, reference to attachments, and other specifications)**:**

_____

_____

_____

11) **REVOCATION:** This agreement can be revoked at any time upon 30 days written notice to the Department. However, upon revocation, the Department will be entitled to reimbursement by the Landowner for all funds expended for activities detailed in this agreement. The Landowner will be informed of project costs as they occur.

12) **VENUE:** Venue for any court action arising under this agreement will be in the First Judicial District in and for the County of Lewis and Clark, Montana and this agreement will be interpreted according to the laws of the State of Montana.

13) **TERM OF THIS AGREEMENT:** This term of this agreement begins on the date affixed above and will terminate on the ____ day of _____, 20__.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

_____	_____
Landowner	Administrator, Wildlife Division Department of Fish, Wildlife & Parks

Appendix 4. Migratory Bird Wetland Program - Project Proposal (non-lands)

1. Proposed Project Title:
2. Location: Legal description in decimal degrees and TRS.
3. Please also note distance/direction from nearest town and other wildlife and fisheries habitat conservation areas.
4. Landowner/manager's name, address, and phone number:
5. Total project acres:
   a) Total wetland acres to be restored or enhanced
   b) Total upland acres to be included in the project area with a breakdown of acreage by the following types: grassland, shrubland, forested, crop/hayland, or native vegetation
   c) If the project is a riparian area, list miles of river/stream to be affected by this agreement
6. Provide a summary of proposed project to include, as appropriate, the following:
   a) What is the main objective of the project? (e.g., this project will restore X acres of drained natural wetlands to re-establish native vegetation and flow regime, and improve water quality. This project is located adjacent to XX wildlife management area and will also enhance wetland function within the WMA).
   b) Specifics on how the project objectives will be achieved (i.e., dam repair or construction, re-seeding with native vegetation, water control structures, etc.).
   c) What fish and wildlife species are expected to benefit from this project? Please include game and nongame species and note any Montana Species of Concern that may benefit. (See http://nhp.nris.state.mt.us/SpeciesOfConcern/Default.aspx for the statewide list). Are there any species that you expect may be negatively impacted?
   d) What are the existing land uses and condition of the surrounding landscape?
   e) How will the project area be managed in the future? Please include details about the water quantity, source, etc. necessary to maintain the project once completed and details on condition and management of associated uplands to include grazing and weed management as applicable. Who will be responsible for managing the project area in the future?
   f) Discuss any potential project pitfalls, such as water quality or rights issues, mis-match with watershed size, and how potential pitfalls can be minimized or addressed.
   g) Is the project area protected through easement or fee title?
   h) Is the landowner willing to allow some negotiated public access for hunting or other recreational activities?
7. Permitting requirements:
   a) Who hold the water rights for the project?
   b) Will any permits or site inspections be required to complete project? (e.g., environmental and cultural resources, wetland permitting – 310, 404, change of use agreements, etc.)
8. Other project considerations:
9. Budget:
   a) Total estimated cost of project
   b) Amount of FWP Migratory Bird Habitat Program funds requested
   c) Other contributing funding sources and amount
   d) Are there plans to use the MBWP dollars (proposed for the project) as match for other grants? If so, please provide details.
10. Attach supporting maps and photos, to include:
    a) A map showing project location and surrounding land uses
    b) Digital pictures of the proposed project site(s)

FWP Project Proponent and contact information (typically the Area Biologist):

This project is endorsed by FWP Region ___ and signed by:

_____, Regional Supervisor
_____, Regional Wildlife Manager