

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: June 19, 2019

Agenda Item: Partial Assignment of Conservation Easement on Warm Springs Creek property (R2)

Division: Wildlife

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

Background: Five Valleys Land Trust (FVLT), the Department of Justice Natural Resource Damage Program (NRDP), The Conservation Fund (TCF), and the Graveley family are working to place a conservation easement (CE) on the 3,100-acre Warm Springs Creek property in the foothills of the Garnet Mountains near Garrison in Powell County (see separate Figure). *Please note: When this proposal was presented to the Fish & Wildlife Commission for endorsement (February 13, 2019, meeting), this Warm Springs Creek property was called NCP Bayou II.* The Graveley family would use funds from the sale to FVLT of a CE on 5,167 acres of their Graveley Ranch property to purchase the adjacent Warm Springs Creek property from TCF. Graveleys would then grant a CE on the Warm Springs Creek property to FVLT. The two CEs would result in an overall conservation footprint of 8,277 acres and would include public hunting access in perpetuity. FVLT proposes to assign management of the public hunting-access component of the CEs to FWP in perpetuity; FWP would be responsible for managing that access and verifying the landowner offers opportunity for at least 400 hunter-days annually, shared between the two CEs. Funding for the Warm Springs Creek CE would come from NRDP, TCF, and FVLT. No FWP funds would be involved; therefore, the proposed action is for FWP to accept management of the right of public hunting access on the Graveley Ranch CE in perpetuity.

Public Involvement Process & Results: A draft environmental assessment (EA) was available for a 30-day comment period and posted on FWP's website; a statewide news release was distributed; and legal notices were published twice each in five local, regional, and statewide newspapers. FWP mailed copies (and/or emailed notices) of the EA to all adjacent landowners and other interested individuals, groups, and agencies. FWP held a public hearing in Drummond that 11 members of the public attended. FWP received input from a total of 13 commenters (including emailed and public hearing comments), representing nine people, three groups (Anaconda Sportsman's Club, Montana Chapter of Backcountry Hunters & Anglers, Montana Wildlife Federation), and one company (Teck American). Summarizing all comments: 10 (including the three groups) support the public hunting-access proposal, one adjacent landowner opposes it, and two did not specify support or opposition (one had access questions, and the company had questions about potential impacts to roads, other landowners, etc.).

Alternatives and Analysis:

No-Action Alternative: FWP would not accept assignment of the public hunting-access rights from FVLT's proposed CE on the Warm Springs Creek property. This would be expected to result in a failed CE project—the CE would not be purchased or finalized due to lack of a public hunting-access component desired by NRDP, an essential funding partner. In that event, the opportunity to secure perpetual public hunting access could be lost.

Agency Recommendation & Rationale: FWP recommends accepting assignment from FVLT of the public hunting-access portion of the Warm Springs Creek CE. The project would secure public hunting access to private lands in perpetuity and is largely supported in the local area and by area sportsperson groups.

Proposed Motion: I move the Fish & Wildlife Commission approve FWP's proposal to accept delegation of the public hunting-access rights from FVLT's proposed Warm Springs Creek conservation easement.