



# MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** August 25, 2022

**Agenda Item:** Habitat Conservation Leases

**Action Needed:** Programmatic Approval of Long-term Leases of Priority Habitat

**Time Needed on Agenda for this Presentation:** 20 minutes

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**Background:** FWP has identified certain habitats as priority for conservation because of their importance to a wide variety of fish and wildlife species and has developed long-term habitat conservation leases as another tool to secure those habitats for long-term conservation. A Habitat Conservation Lease is a voluntary, incentive-based agreement between FWP and private landowners in which the landowner commits to specific land management actions that perpetuate effective wildlife habitat. These agreements would have a term length of 30 and 40 years. Habitat Conservation Leases are expected to be a primary conservation tool into the foreseeable future for priority wildlife habitats as defined in the State Wildlife Action and Habitat Montana plans. The objectives of conservation leases are to maintain the native habitat covered by the lease through agreements that include prohibitions on tillage of native habitats, herbicide use that targets native vegetation, prescribed fire or mechanical treatment of sagebrush habitat, building construction, energy development (e.g., wind, solar, other surface energy development), filling or draining of wetlands, and a limit on agricultural property splits. Public hunting access would also be required at a level that is consistent with potential opportunity. FWP is seeking programmatic approval by the commission of up to 500,000 acres of conservation leases that are consistent with the decision notice for the programmatic environmental assessment (EA) that will be completed for the conservation lease program. The initial focus of the conservation lease program would be sagebrush-grassland habitats, with a priority on sage-grouse core area habitat. That focus would be expanded to other priority habitats in subsequent years. Funding for the conservation lease program would be earmarked Habitat Montana funds, Pittman-Robertson funds, and other sources dedicated to specific habitat types (e.g., wetlands).

**Public Involvement Process and Results:** A programmatic EA analyzing the potential impacts of the conservation lease program will be released for a 30-day public comment period in mid-June, with a final decision to be released in late July. The EA will describe the proposed action (conservation leases), contract details, priority habitat and geographic focal areas and secondary areas, and alternatives. Public comment will be used to render a final decision. If the decision notice is positive toward conservation leases, a supplemental cover sheet will be released with additional lease details as described in a final decision notice. If the no-action alternative is selected from the programmatic EA, then this proposal will be withdrawn.

**Alternatives and Analysis:** Alternatives for the commission include programmatic approval of the conservation lease program, provide programmatic approval of conservation leases of specific habitat types or geographical areas, not providing programmatic approval of the conservation lease program but

considering leases on a lease-by-lease basis, or not approving conservation leases. Approval of conservation leases provides another tool for FWP to conserve priority habitats. Programmatic approval of up to 500,000 acres over a five-year period will enable leases to be completed in a more streamlined manner without each lease requiring commission approval. Leases would follow criteria described in the decision notice for conservation leases, and will generally follow a consistent format for pricing, stipulations, and access requirements as described in the programmatic EA. As an alternative, the commission could provide programmatic approval for a shorter period of time or fewer acres, thereby necessitating a formal renewal of this request at a shorter interval. Limiting programmatic approval to certain habitat types (e.g., sagebrush-grasslands) would streamline leases for that habitat type, while enabling the commission to review and individually approve other lease proposals.

**Agency Recommendation and Rationale:** Agency recommendation will be provided following completion of the programmatic EA, if the decision is to proceed with conservation leases. A supplemental cover sheet will be issued in early August with recommendations and rationale.

**Proposed Motion:** TBD