



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: February 22, 2023

Agenda Item: Bear Creek Angus Conservation Easement Restatement

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

Background: Since 1994, FWP has held a conservation easement (CE) on the Bear Creek Angus Ranch. A restatement in 2000 and 2001 separated this easement into four portions, one of which is the Bear Creek Ostler Portion. This portion represents 768 acres adjacent to the Bear Creek Wildlife Management Area (WMA). The current CE terms allow for four building envelopes which total 40 acres, three of which allow for residential site development. Two of the residential building envelopes currently have houses on them, the third is a five-acre envelope adjacent to the Bear Creek WMA and currently has no structures on it. The current CE also contains an agricultural subdivision clause which allows the property to be divided and sold to separate owners. This proposal, which was brought to FWP by the landowners, would allow the landowners to remove from the CE and sell one acre with an existing residential house and outbuildings. In exchange, they would reduce the current size of building envelopes from 40 acres to 16.5 acres, preserving 23.5 acres for wildlife habitat. The proposal also includes removing from the CE an option for a five-acre building envelope next to Bear Creek WMA, which is consistently used by wintering elk and deer, and removing language related to agricultural subdivision, ensuring the property would remain as one ownership unit into the future. This proposal would not involve any monetary exchange between the parties.

Public Involvement Process & Results: The project was released as an environmental assessment (EA) on Oct. 17 for a 21-day comment period ending Nov. 7. Public notices were released to the Bozeman Chronicle, Helena Independent Record, and the Madisonian. A public notice was posted on the FWP webpage. A contact letter was sent to the Madison County Commissioners. Copies of the EA were sent to interested parties, including adjacent landowners. FWP received one comment from the Madison County Planning Department, which didn't express any concerns or recommendation.

Analysis & Alternatives:

Alternative A: The commission may choose to approve the restatement as proposed by FWP. This would allow the landowner to remove from the conservation easement and sell a one-acre parcel that includes a house and outbuilding in return for expanded protections on the conservation easement. Those protections include removing a building envelope, reducing the size of remaining building envelopes, and eliminating the ability for future dividing of the property.

Alternative B: The commission may choose not to approve the proposed restatement. The current landowner would not be able to sell the one-acre homesite and FWP would not realize improvements to the terms of this conservation easement.

Agency Recommendation & Rationale: FWP recommends the commission approve this conservation easement restatement as proposed. The restatement would improve protection of the property's conservation values.

Proposed Motion: I move the Fish and Wildlife Commission approve the Bear Creek Angus Ostler Portion Conservation Easement restatement as proposed.