

**PUBLIC SCOPING NOTICE**

**Eagle’s Roost Conservation Easement Proposal**

October 3, 2023

**INTRODUCTION**

Scoping provides an opportunity for stakeholders to engage with Montana Fish, Wildlife & Parks (FWP) during the early planning stages of a proposed project. The intent of scoping is for FWP to gather comments, concerns, and ideas or issues from stakeholders who may be affected by a proposed project or its alternatives.

**proposed Action**

Notice of Intent to Conduct Public Scoping and Prepare an Environmental Assessment or EA for the Proposed Action. FWP will prepare a Draft Environmental Assessment or EA for Eagle’s Roost Conservation Easement (CE) in Cascade County.

**Authority**

FWP may initiate a process to determine the scope of the EA. To help identify the appropriate scope of the EA, FWP is inviting affected federal, state, and local government agencies, tribes, the applicant, if any, and interested persons or groups to participate in the public scoping process. [ARM 12.2.432(1)](https://rules.mt.gov/gateway/RuleNo.asp?RN=12%2E2%2E432).

**background and desription of the proposed action**

Conservation Easements (CEs) are partnerships between FWP and willing private landowners to perpetually conserve important wildlife habitats and provide public recreational access. The landowners receive financial compensation in exchange for adopting habitat conservation and public access covenants detailed in a deed of conservation easement while continuing to operate private farming and ranching operations. If approved, FWP would hold and monitor the CE. This proposed conservation easement, if completed, would likely be funded by FWPs Habitat Montana and Migratory Bird Wetland Programs.  FWP may also utilize Federal Pittman Robertson (PR) Wildlife Restoration funding.

The proposed Eagle’s Roost CE consists of approximately 438 deeded acres consisting of approximately 70 acres of cropland, 60 acres of riparian, and 308 acres of native rangeland habitat (Figure 1). The property lies in Cascade County approximately 5 miles northeast of Cascade. The Land lies in the Deer/Elk Hunting District (HD) 445 and Antelope Hunting District (HD) 440. The property is adjacent to the Missouri River, an FWP Fishing Access Site, and Montana Department of Natural Resources and Conservation School Trust Lands (DNRC) property. The property is currently a working farm/ranch with a small cow/calf operation. The property is currently enrolled in FWP’s Block Management Program as a Type 2 property (access via reservation).

The 1.5 miles of Missouri River frontage provides excellent riparian and upland habitat for deer, pronghorn, Merriam’s wild turkey, sharp-tailed grouse, mourning doves, ring-necked pheasants, Hungarian partridge, and numerous non-game species. Young and old growth cottonwood and willow species provide habitat for a variety of bird species including bald eagles and osprey. The Missouri River is an important migration corridor for a multitude of wildlife species including big game, raptors, waterfowl, and many other game and non-game species.

The primary objectives of this CE are to provide perpetual conservation and enhancement of high-quality native riparian habitats, maintaining traditional land uses, and provide public recreational opportunities. The owners wish to protect the property in perpetuity to preserve habitat and maintain open space. The landowners are committed to maintaining a viable agricultural operation. This project would be the fifth FWP Conservation Easement between Ulm and Cascade, further protecting lands along the Missouri River from subdivision and development and ensuring the protection of fish and wildlife habitat.

Formal public participation in the proposed purchase of this CE begins with this scoping process. Upon completion of the 30-day scoping period, FWP will determine next steps, which may include development of a Draft Environmental Assessment (EA) with additional opportunity for public input or taking no further action. Public scoping comments will help in development of the Draft EA, which will be available for public review likely in the winter 2023/24. In addition to the Deed of CE, FWP would develop a Management Plan that details strategies for land (grazing and cropping) and recreational access management. The Management Plan is a living document that ensures additional flexibility for the benefit of the landowner and FWP in managing the land once the Deed of Conservation Easement is filed. The CE is expected to be finalized by the end of 2024 and remain in perpetuity.

**PURPOSE AND NEED**

Subdivisions are increasing along the Missouri River leading to reduced wildlife habitat, open space, and loss of agricultural production. This proposed CE would ensure this property remains undeveloped in perpetuity. It would also ensure perpetual public access to these acres for recreational activities such as hunting, fishing, and bird watching.

**alternatives analyzed**

**Alternative 1: No Action**

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the affected physical or human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured. Under the No Action alternative, the property would be eligible for housing development in the future. FWP would continue to be engaged with the property under Block Management until that contract expires. FWP would have no role in the future management of the property.

**Alternative 2: Proposed Action**

Under the Proposed Action, FWP would have the right to:

(1) identify, preserve, and enhance specific habitats and conservation values of the land;

(2) upon prior notice to the landowners, enter upon and inspect the land;

(3) monitor, enforce, and prevent activities inconsistent with purpose of the easement; and

(4) provide hunting, trapping, hiking, wildlife viewing (recreational access) for the general public.

Landowner’s retained rights may include the right to:

(1) graze livestock within a described grazing plan;

(2) cultivate and farm grain fields and/or hay land (only that which currently exists);

(3) provide regulated public use of the land at all times detailed in a management plan;

(4) develop and maintain water resources, including springs, on the land necessary for farming, grazing, and wildlife purposes that are allowed by the easement;

(5) repair, renovate, improve, or remove existing structures and service roads;

(6) construct, remove, repair and/or replace fences for grazing livestock;

(7) maintain, renovate, repair or replace utilities existing on the land at the time;

(8) maintain, renovate, repair, or replace utility structures existing on the land;

(9) use agrichemical, biological, and/or mechanical means for the control of noxious weeds;

(10) limited construction of residences within a defined building area;

(11) maintain, restore and/or improve fish and wildlife habitat (subject to prior approval);

(12) grant, sell, exchange devise, gift, convey, transfer or dispose of all of landowner’s right, title, estate, and interest in the land in one parcel only.

Restrictions placed upon landowner activities may include:

(1) no removal, control, or manipulation by any means of shrub and tree species except in routine clearing for roads, trails, structures and fences;

(2) no subdivision;

(3) no cultivation or farming beyond what is described or currently exists;

(4) adherence to a described grazing plan outlined in an associated management plan;

(5) no outfitting or fee hunting;

(6) exploration for or development and extraction of minerals, coal, bentonite, hydrocarbons, soils, or other materials by any mining method that disturbs the surface of the land is prohibited; in addition, the exploration for or development and extraction of minerals, coal, bentonite, hydrocarbons, soils, or other materials below the surface of the land by any sub-surface mining method that would significantly impair or interfere with the conservation values of the land is prohibited. This restriction would not apply to third party mineral owners;

(7) no commercial feed lots;

(8) no game farms or alternative livestock farms;

(9) no waste, refuse, or hazardous material dumping;

(10) no commercial or industrial use except traditional agricultural use;

(11) draining, filling, dredging, leveling, burning, ditching, diking, or reclamation of any natural or manmade wetland or riparian area is prohibited;

(12) retention of water rights;

(13) granting of right-of-way or easements for utilities, roadways, natural gas lines, or other purposes are prohibited except with prior approval from FWP; and

(14) construction of facilities for the development and utilization of renewable energy resources, including, wind and solar, except for use principally on the land by the landowner.

**IMPORTANT DATES AND HOW TO PROVIDE COMMENT**

FWP invites interested agencies, organizations, neighbors, and members of the affected public to submit comments or suggestions to assist in identifying potential significant environmental issues associated with the proposed action and in determining the appropriate scope of the EA. More specifically, comments received during this public scoping period will help FWP determine public interest, identify potential issues requiring analysis, and may provide further insight for refining the proposal or developing and analyzing additional alternatives.

The public scoping period begins with the publication of this scoping notice and will continue until November 2, 2023. FWP will consider all comments received or postmarked by 11:59pm on November 2, 2023, in defining the scope of the EA. Comments and suggestions regarding the appropriate scope of the EA should be addressed to:

Alex Kunkel

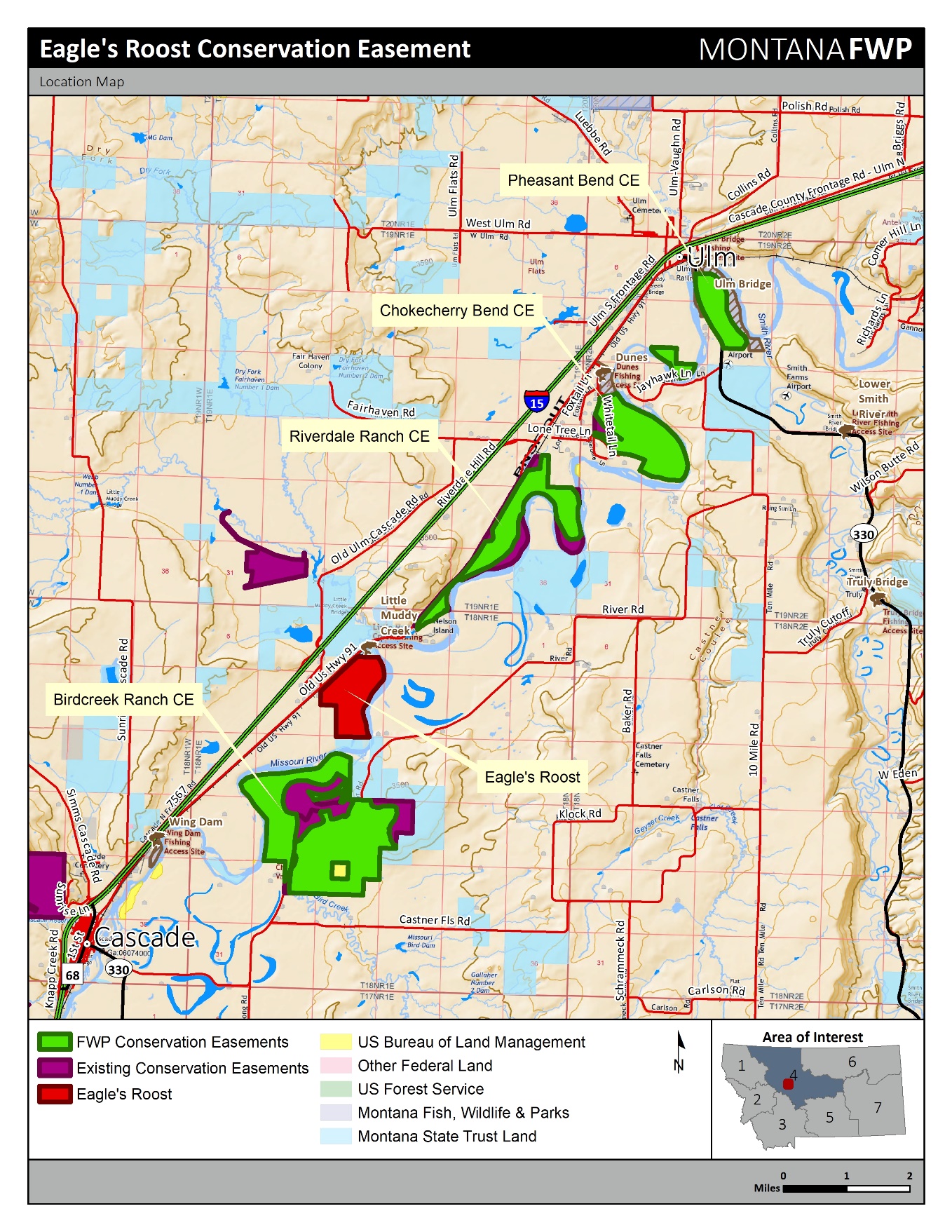
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 **Figure 1. Proposed Eagle’s Roost Conservation Easement.**