



FWP Region 4

4600 Giant Springs Road

Great Falls, MT 59405

PUBLIC SCOPING NOTICE – MFWP Lands Project Proposal

January 20, 2023

Dear Interested Party,

Montana Fish, Wildlife, & Parks (MFWP) will prepare a Draft Environmental Assessment or EA for a proposed approximately 3,800-acre perpetual conservation easement (CE) in Fergus County near Moore, MT (reference: Exhibit A). The proposed “Hannah Ranch Conservation Easement”, owned by Hannah Ranch, LP, would provide protection, enhancement, and public access to a unique and important area of wildlife habitat in central Montana. MFWP invites the public to identify any issues and concerns related to this proposal via the public scoping process initiated by this notice. Comments received during this scoping period will help MFWP determine public interest, identify potential issues that would require further analysis, and may provide further insight for refining the proposal or developing and analyzing additional alternatives.

Background and Authority

MFWP has the authority under law (MCA 87-1-201) to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed House Bill (HB) 526, the Habitat Montana Program, which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title acquisition (MCA 87-1-241 and 242). Habitat Montana recognizes that certain native plant communities constituting wildlife habitat are worthy of perpetual conservation. Those communities include intermountain grasslands, shrub grasslands and riparian corridors. The Hannah Ranch property includes such resources, warranting conservation considerations.

Senate Bill 230, passed by the Montana Legislature in YEAR, requires FWP conduct public scoping for certain land projects. More specifically, MCA 87-1-218 reads as follows: “For all land acquisitions of 640 acres or more proposed pursuant to 87-1-209, the department shall: (a) conduct a public scoping process to identify issues and concerns as the initial phase of an environmental review pursuant to Title 75, chapter 1, part 2; (b) provide the public with sufficient notice of the proposed acquisition and an opportunity to provide input on reasonable alternatives, mitigation alternatives, mitigation measures, issues, and potential impacts to be addressed in the environmental review; and (c) respond to comments received during the public scoping process as part of the environmental review document.”

Conservation easements are partnerships between MFWP and willing private landowners to conserve important wildlife habitats and provide public recreational access. The landowners receive financial compensation in exchange for adopting conservation and public access CE covenants while continuing to operate private ranching operations. If approved, MFWP would hold and monitor the Hannah Ranch CE.

Proposed Project Description

This proposed Hannah Ranch CE consists of approximately 3,800 deeded acres of primarily mixed grassland/shrubland in the northwestern foothills of the Big Snowy Mountains in Fergus County, Montana, and within deer/elk hunting district (HD) 411. The property also adjoins and facilitates access to the west Big Snowy Mountains where limited public access currently exists. The primary objectives of the proposed Hannah Ranch CE are to provide perpetual conservation and enhancement of high-quality native habitats, maintain traditional land uses (i.e., agriculture), and provide opportunities for public recreation.

Project Overview and Objectives

The entire Hannah Ranch property boundary falls within priority terrestrial community types identified by the 2015 State Wildlife Action Plan. It also lies within Priority Area D of Montana's State Action Plan to protect big game migration routes and winter ranges, particularly for pronghorn, mule deer, and elk in response to Secretarial Order (SO) 3362, signed in 2018. The Hannah Ranch property provides year-round (including winter range) habitat for elk, mule deer, white-tailed deer, moose, pronghorn, black bear, mountain lion, bobcat, wild turkey, sharp-tailed grouse, Hungarian partridge, pheasant, waterfowl, and a host of non-game and Species of Concern, tying it nicely to the application of Habitat Montana funds.

Specific terms of the easement would be contained in a legal document, which is the "Deed of Conservation Easement". This document would list MFWP and Landowner rights under the terms of the easement, as well as restrictions on Landowner activities, which negotiated and agreed upon by both parties. Below is a summary of the terms that are typical of shrub/grassland CEs. A future Draft EA will further define terms specific to this proposed easement.

Typical conservation easement terms:

MFWP's rights may include 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, wildlife viewing (recreational access) for the general public.

Landowner's retained rights may include the right to:

- (1) graze livestock within a described grazing system;
- (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;
- (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) use agrichemical, biological, and/or mechanical means for the control of noxious weeds;
- (9) maintain, renovate, repair, or replace utility structures existing on the Land;
- (10) limited construction of residences within a defined building area as determined by MFWP;
- (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 that could be browsed and utilized by wildlife 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 (referenced below);
- (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 MFWP; 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.

Development of a management plan

In addition to the Deed of CE, MFWP would develop a Management Plan that documents strategies for land (grazing) and recreational access management. The Management Plan is a living document that ensures additional flexibility for the benefit of the Landowner and MFWP in managing the land once the Deed of Conservation Easement is filed.

Public Involvement and Process

Formal public participation in the proposed purchase of this CE begins with this scoping process. Upon completion of the scoping phase, MFWP will determine next steps, which may include development of a Draft 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 Spring/Summer 2023. The Draft EA, to be published at a later date, will further explain how MFWP's proposed expenditure for this CE would help facilitate protection of the property's wildlife and agricultural values.

The 30-day public scoping period for the proposed project will run from January 23 through February 22, 2023.

Submit written comments: Montana Fish, Wildlife & Parks, c/o Hannah Ranch Conservation Easement Proposal, PO Box 938, Lewistown, MT 59457. Or email comments to sandersen@mt.gov
Attn: Hannah Ranch Conservation Easement Proposal.

If you have any questions regarding the proposed project, please call Lewistown-Area Wildlife Biologist, Sonja Andersen, at (406) 366-5266 or email: sandersen@mt.gov

Thanks for your time and consideration of this proposed project.

Sincerely,

Gary Bertellotti
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Montana Department of Fish, Wildlife & Parks
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Exhibit A. Proposed Hannah Ranch Conservation Easement.

