DRAFT ENVIRONMENTAL ASSESSMENT
(June 20, 2002)

A
PROPOSAL
BY

Montana Fish, Wildlife & Parks

TO PURCHASE A CONSERVATION EASEMENT
ON A PORTION OF THE

MANLEY RANCH
Phase 2

(POWELL COUNTY)

Prepared by:

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INTRODUCTION

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on its proposal to acquire a conservation easement on approximately 6,095 acres of the Manley Ranch, in Powell County. FWP would provide most of the funding needed to purchase the proposed easement with $850,000 from its Habitat Montana Program. The federal Forest Legacy Program has awarded matching funds for the proposed project in the amount of $136,699, and the Rocky Mountain Elk Foundation would grant $50,000 toward the preliminary easement purchase price of $1,036,699. The proposed project area, known as Manley Phase 2, would adjoin the north boundary of the 4,600-acre Manley Phase 1 easement that FWP acquired with financial assistance from the Natural Resource Damage Program and Montana Agricultural Heritage Program in March 2001. As with Phase 1, the Phase 2 conservation easement would be purchased from The Conservation Fund, who has an agreement with the Manley Ranch to acquire the proposed easement.

The purposes of the conservation easement would be to conserve fish and wildlife habitat by preventing residential subdivision, development and other forms of habitat loss, perpetuate the ranching and logging lifestyle of the private landowner on the land under easement, and guarantee reasonable access for public hunting. The land under easement would remain in private ownership, and would remain on the county tax rolls. Traditional uses of the land would continue and generally would be unaffected by the easement. However, rights granted to the public for access, restrictions on potential changes in land use, and other terms of the conservation easement would endure in perpetuity, and be enforceable upon future owners of the property.

FWP and the Manley Ranch have selected portions of the 16,000-acre ranch that are located almost entirely on the east side of the Drummond-Helmville Road for the Phase 1 and proposed Phase 2 easements. These include the Morris Creek drainage in the Upper Clark Fork River Basin (Phase 1) and contiguous lands in the Sheep and Chimney Creek drainages in the Blackfoot River Basin (Phase 2). FWP and the Manley Ranch intend that these two FWP easements on more than 11,000 acres will serve to leverage interest from a qualified entity other

than FWP to acquire a similar conservation easement across the remainder of the ranch over the next two years. However, such undefined future possibilities are beyond the scope of this assessment. FWP selected the subject lands as the location for the proposed Phase 2 easement because together with the Phase 1 easement they encompass a distinct unit of the best wildlife habitat that provides linkage with other important wildlife seasonal ranges; therefore, Phase 2 can stand on its own as a valuable project, even if future easement possibilities on the remainder of the Manley Ranch do not materialize.

PURPOSE AND NEED FOR THE PROPOSED ACTION

Authorities/Direction

FWP is authorized by State law (87-1-209, MCA) to purchase conservation easements for protecting wildlife habitat. FWP funding for this proposal is provided from a portion of Montana hunting license revenues set aside to secure and manage lands as wildlife habitat (87-1-242, MCA), as enabled by the act of the 1987 Montana Legislature known as House Bill 526. The Montana Fish, Wildlife and Parks Commission (the Commission) is the decision-making authority for matters of acquiring conservation easements or other interests in land proposed by FWP. Through its Habitat Montana Policy (ARM 12.9.508-512), the Commission has directed FWP to deliver the following services and benefits with its acquisitions of conservation easements and other interests in wildlife habitat: (a) conserve and enhance land, water and wildlife; (b) contribute to hunting and fishing opportunities; (c) provide incentives for habitat conservation on private land; (d) contribute to non-hunting recreation; (e) protect open space and scenic areas; (f) promote habitat-friendly agriculture; and (g) maintain the local tax base. Following Commission approval of a proposed project, the Montana Board of Land Commissioners (the Land Board) must approve land acquisitions, disposals or exchanges involving FWP proposals over 100 acres or $100,000 in value.

Area Description/Wildlife Resources

The Manley Ranch occupies a significant land area (16,000 acres) in the heart of a remote intermountain valley that covers some 300,000 acres between the Bob Marshall and Scapegoat Wilderness Areas, the Garnet Range, the Flints and Sapphires, and the Continental

Divide. The Manley Ranch spans the entire 7-mile breadth of valley bottom separating the East Garnet Range and West Garnet Range. It is positioned on the southwestern fringe of a fall staging area for upwards of 400 sandhill cranes from scattered breeding grounds all across the upper Blackfoot Valley, prior to their migration to the southwestern United States for the winter. It is part of the continental migration route for bald eagles between the Northwest Territories and southwest United States. Wolves have been documented across this area on a regular basis over the past 5 years, which is indicative of its natural linkage with distant regions of the Northern Rocky Mountains. The Manley Ranch is winter habitat for approximately 300 elk and 100 mule deer. Also, it is an area of spring/fall overlap for a second herd-unit of more than 500 elk that use the adjacent Meyer Ranch for much of the year. The immediate surrounding area is at the southern edge of occupied grizzly bear habitat, and occasional sightings are reported from nearby locations. The Manley Ranch supports an active bald eagle nest and a lek for sharp-tailed grouse, possibly of the Columbian subspecies (not on the subject property for the proposed conservation easement). Lynx occur in the general area, and pure-strain westslope cutthroat trout are verified in Morris Creek and Chimney Creek.

The southern and northern boundaries of the 16,000 contiguous acres of the Manley Ranch are located along the Drummond-Helmville Road (State Route 271), about 5 miles north of Drummond and 5 miles southwest of Helmville, respectively (Figure 1). All but approximately 7 acres of the 6,095-acre portion of the ranch that is the subject of this proposal is located on the east side of the Drummond-Helmville Road, in Powell County. (The remainder is contiguous on the west side of the road.) This includes a 3-mile reach of Chimney Creek and a 3-mile reach of Sheep Creek, in the Blackfoot River drainage. The subject lands generally slope from a high elevation of about 6,400 feet near the southeast boundary to a low of 4,650 feet near the northwest boundary. The property is topographically diverse, with several peaks from 5,000-6,300 feet scattered across it. A legal description and map of the lands proposed for conservation are provided in Figures 2 and 3.

Upland vegetation is about 35% forest and 65% grassland. Forest types are Douglas-fir and lodgepole pine, grading into ponderosa pine, aspen and juniper. Grassland occurs in the

form of expansive native rangeland, as well as natural parks in otherwise forested habitats. Native rangelands are dominated by sagebrush, bluebunch wheatgrass, Idaho fescue, junegrass and lupine. Parks are also vegetated with bunchgrasses and native forbs, but sagebrush is variably reduced or absent. Noxious weeds, primarily spotted knapweed and houndstongue, are present near roads in scattered distribution, and are being controlled by the landowner. A cultivated field of approximately 100 acres is located within the proposed Phase 2 easement area beside the county road in Section 23.

The property proposed for a conservation easement fronts State Route 271 (Drummond-Helmville Road) for a distance of just over 3 miles. An unimproved ranch road departs from Route 271, following an unnamed, intermittent tributary of Sturgeon Creek along the north and east slope of Manley Mountain. Another unimproved ranch road departs from Route 271 near the ranch headquarters and accesses the Chimney Creek drainage to the northeast corner of the proposed easement area. There are no buildings or other structures besides cattle pasture fences, corrals and stock water developments on the land proposed for conservation easement. The primary land uses during the past 100 years have been cattle grazing, logging and hunting, with public access controlled by the landowner.

Project Need

The Manley Ranch owners are interested in preventing subdivision and development of the property, and in replacing economic incentives to subdivide with economic incentives to leave the land undivided. The Ranch has an agreement with a non-profit organization known as The Conservation Fund (TCF) to accomplish this. The Manley Ranch intends to convey a conservation easement to TCF, and TCF would immediately assign the proposed Phase 2 conservation easement to FWP. FWP would then be responsible for maintaining communications and a working relationship with the Manley Ranch, and enforcing the terms of the easement.

FWP has long recognized the importance of the Manley Ranch as wildlife habitat, and as a desirable location to expand public access for hunting. FWP and the Manley Ranch have a

history of cooperating on issues and opportunities such as establishment of a walk-in hunting area with other neighbors in 1977 (now defunct), as well as enhancement of fish habitat, research on a remnant sharp-tailed grouse population, and other joint ventures in the 1990s to the present time. Since the early 1990s, the Manley Ranch has been among the highest priorities of FWP Region 2 (Missoula) for acquisition of a conservation easement. Limited available funding and urgent needs to accomplish other important, time-sensitive projects all across Montana prevented FWP from agreeing to purchase a conservation easement on the Manley Ranch prior to the year 2000. Then, with the involvement of TCF, and with the advent of new funding partnerships with the Montana Agricultural Heritage Commission and Natural Resource Damage Program for which the proposed Manley Ranch project qualified, FWP acquired the Phase 1 conservation easement in March 2001. Today, again with the involvement of TCF and with funding contributions from the Forest Legacy Program and the Rocky Mountain Elk Foundation as well as FWP's Habitat Montana Program, there is opportunity for FWP to purchase the proposed Phase 2 conservation easement on another 6,095 acres of the Manley Ranch.

This opportunity to acquire a conservation easement on the Manley Ranch represents a timely coincidence of interests, priorities and funding among the private landowner, FWP and other project partners to perpetuate a traditional agricultural lifestyle and important wildlife habitat in perpetuity. Failure to act on this opportunity could make a conservation easement much more difficult to accomplish in the future as property values continue to rise and as the land passes to succeeding owners who may have different interests. The current Powell County Comprehensive Plan prohibits residential subdivisions of less than 160 acres, but hypothetically could allow up to 38 subdivided homes across the subject lands. The Manley Ranch is already bordered on the east by a 265-owner subdivision covering some 11,000 acres (average parcel size is 41 acres), and is bordered on the west by a smaller subdivision. If the land were to be sold, subdivided and developed, a unique, native wildlife habitat would be lost forever, along with the public's opportunities to access and appreciate that habitat. The potential replacement of native vegetation with houses, fences, driveways, garages, barns, and other structures constitutes a direct habitat loss for native wildlife populations. Human activity associated with residential areas, including vehicle traffic, pets and outdoor recreation, would displace many species from

otherwise suitable habitat within an expanded radius around the homes. Conversely, the potential introduction of garbage, bird feeders, fruit trees and other unnatural foods would likely attract deer, bears and mountain lions into nuisance situations that would not occur without rural residential development, and are difficult and expensive to mitigate or correct. If the Powell County Comprehensive Plan were to be amended in the future to allow a higher residential density, impacts to wildlife habitat would be greater still.

Additionally, potential residential development on the lands proposed for a conservation easement would seriously decrease future hunting opportunities on those lands. Shooting restrictions would become a practical necessity within an extended radius surrounding the home sites to protect residents. As hunting is removed as a practical possibility on more and more acres in a rural setting, there would be increasing potential for wildlife, particularly elk, to habituate and seek refuge in areas closed to hunting. Experience has shown that this can prevent FWP from effectively managing elk population size to keep elk numbers in balance with natural forage and to control levels of private property damage caused by elk.

DESCRIPTION OF THE PROPOSED ACTION

FWP proposes to acquire a conservation easement (Phase 2) on approximately 6,095 acres of the Manley Ranch. FWP would provide most of the funding needed to purchase the proposed easement with an expenditure of $850,000 from its Habitat Montana Program. The remainder of the estimated purchase price of $1,036,699 would be granted from the federal Forest Legacy Program ($136,999) and the Rocky Mountain Elk Foundation ($50,000). The conservation easement would be purchased from The Conservation Fund, who has an agreement with the Manley Ranch to acquire the proposed easement.

The proposed Phase 2 conservation easement would only affect the 6,095-acre portion of the ranch described in the easement document (Figures 2 and 3). It would not affect the remaining 10,000 acres (approx.) of the Manley Ranch, 4,600-acres of which were placed under the Phase 1 easement in March 2001. This proposal would leave the land under easement in the ownership of the Manley Ranch, but would endure as a restriction on the deed in perpetuity,

binding all future owners of the subject land. The subject land would remain on the county tax rolls and the easement would not cause a reduction in tax revenues to Powell County.

The terms of the proposed conservation easement would prohibit any subdivision of the subject land for residential development or for any purposes other than agricultural. The easement would prohibit commercial uses (other than agriculture and forestry), surface mining, game farms, and other activities that might adversely impact the conservation values of the land. Ranching and forestry would be specifically allowed by the easement, in a manner generally consistent with traditional practices on the Manley Ranch, but with limitations to prevent abrupt changes in management practices that would seriously impact wildlife habitat (for example, sodbusting of native rangeland or unrestricted clearcutting).

Under the terms of the conservation easement, the landowner and FWP would agree to a plan for livestock grazing and timber harvest. The conservation easement would set minimum standards that such livestock grazing and timber harvest activities must meet. Grazing and timber standards for the proposed Phase 2 easement would be similar and compatible with the finalized grazing and timber standards in the Phase 1 easement. A livestock grazing plan is included in the draft management plan that is attached to this environmental assessment. FWP anticipates making an expenditure of approximately $30,000 for new fence construction to implement the final plan in 2002-2003. Timber harvest plans specific to the proposed conservation easement have not been prepared at this time, and would be submitted by the landowner and considered by FWP when specific forest management opportunities arise in the future. However, the landowner prepared a Forest Stewardship Plan for the Manley Ranch (under the auspices of the Montana Forest Stewardship Program) in December 2001, which is appended to the draft management plan.

Public access for hunting would be guaranteed across the 6,095 acres proposed for conservation easement by a method agreed upon between FWP and the landowner. Public access provisions of the Phase 1 conservation easement and management plan were implemented for the first time in the fall of 2001. The method for providing at least 350 hunter-days of fair,

nondiscriminatory access for hunting on the Phase 1 conservation easement is by maintenance of a 4-stall parking area for hunters along Route 271. Two 3-stall parking areas would be added to provide at least 350 additional hunter-days of public access on the proposed Phase 2 easement area. Access regulations for Phase 2 would parallel those in place for Phase 1, and are summarized in the draft management plan. The Manley Ranch is not obligated to continue with this specific method of providing at least 350 hunter-days of access in the future, if a better mutually acceptable method for achieving the hunter-days objective is developed.

As further described in the draft management plan, FWP would visit the easement area and the landowner each summer to monitor compliance with the easement terms and maintain communication. FWP would also increase its management and enforcement presence in the local area during hunting season to ensure that the agreed-upon access regulations are not violated by the public, and that the public's rights to access under the terms of the easement are realized.

ALTERNATIVES TO THE PROPOSED ACTION

Alternative A—No Action

FWP considered the alternative of taking no action. This would leave a full range of future management options for the subject lands, including development options, in the hands of current and future owners of the property. FWP would retain the option to comment on proposed land subdivisions and developments on the subject lands under existing laws and policies in Powell County; however, the effects of FWP=s input on any future proposed subdivision are uncertain. Public access for hunting on the Manley Ranch would remain at the discretion of current and future landowners.

Alternatives Considered but Dropped from Further Consideration

Because the proposed conservation easement represents the full extent of agreement between FWP and the private landowner, "no-action" is the only reasonable alternative to the proposed action. The Manley Ranch is not for sale, so fee-title purchase of the property by FWP

is not an option. FWP's preferred method for securing wildlife habitat is by perpetual conservation easement whenever appropriate because it leaves the land in private ownership and allows FWP to stretch limited available dollars. FWP considered the option of a term conservation easement, but this is precluded by the pre-existing Manley Ranch contract with TCF, which specifies that the Ranch will sell only a perpetual easement.

IMPACTS

Neither the proposed action nor alternative A would have any effect on the following concerns:

Solid/hazardous wastes	Water rights
Wild and scenic rivers	Floodplains

Wildlife Populations and Use Currently Associated with the Property

Threatened and Endangered Species: The gray wolf is classified by the U. S. Fish and Wildlife Service as an endangered species, and may be present occasionally on the subject lands. At this time, wolves have not established a consistent use pattern that includes the subject lands. Future recovery of wolves in this area will largely depend on prey populations (deer and elk) and conflicts with human activities. The proposed action would better protect habitat for prey populations of elk and mule deer than no action, and would lead to the lowest future increase in human settlement, development and potential conflicts with wolves.

Grizzly bears, a threatened species, may occasionally cross the property, but as with the wolf, grizzly bears have not established a consistent use pattern on the Manley Ranch. Suitable habitat for lynx, another threatened species, exists in forested habitats on the subject lands, but the presence of lynx has not been confirmed. Bald eagles nest about 3-4 miles northwest, but the subject lands are probably not important to this threatened species due to a lack of adequate aquatic foraging habitat. In all cases, the proposed action would be expected to benefit threatened and endangered wildlife in the long run by maintaining native plant communities and preventing residential or other land developments. The proposed conservation easement would

not introduce any land use or activity that would be detrimental to these species.

No other federally listed threatened or endangered species are known or expected to occur on or within the affected area of the proposed action.

Sensitive Species: Pure-strain, westslope cutthroat trout occur in Chimney Creek. This is thought to be an isolated population, native to the headwaters of Chimney Creek on the subject lands. The rest-rotation grazing program prescribed in the draft proposed action would be expected to maintain or improve streambank structure and vegetation over the long-term on the subject lands. The no-action alternative would not protect the Chimney Creek headwaters from potential future degradation. Fishing pressure, which currently is low to nonexistent on Chimney Creek, would not be affected by the proposed action, and would not increase potential fishing-caused stress on cutthroat trout.

Sharp-tailed grouse, possibly of the Columbian subspecies, are present on the Manley Ranch, but not known to occur on the subject lands where marginally suitable habitat exists. No other sensitive animal or plant species are known or suspected to occur on the subject lands. The proposed action offers protection from habitat loss for sensitive and other native plant and animal species collectively, while the no-action alternative does not.

Big Game Species: The proposed action would serve to maintain existing land uses and prevent changes in land use that would affect wildlife populations and current use patterns. Alternative A (no action) would leave an important portion of the habitat and local wildlife populations vulnerable to the management decisions of future private landowners who might not consider objectives that feature wildlife or the general public interest in wildlife. Changes in management direction, such as subdivision and sale of residential lots for development, would negatively impact native wildlife through direct removal of natural habitat on homesites, along roadways, and elsewhere within the daily use area of people and pets. Indirect effects include disturbance of wildlife across a wider area around homes due to an increase in human recreational activity. Wildlife species diversity would be expected to decline as species

associated with human residential areas increase and species sensitive to disturbance are displaced. Elk and deer would likely be displaced onto adjacent private lands, increasing the currently high amount of game damage on private property and costs to FWP of addressing these issues. The introduction of dog food, garbage, bird feeders, pets and other attractants in this presently remote habitat would probably attract black bears, mountain lions and potentially grizzly bears to residences, ultimately increasing mortality in these species as they become viewed as pests. The proposed action would prevent these and other forms of wildlife habitat loss on the subject lands.

The proposed action would ensure opportunity for at least 350 hunter-days access each year for public hunting during a substantial portion of the traditional fall hunting season. If opportunity for more than 350 hunter-days were required over a 90-day hunting period, it might reduce the quality of the hunting experience and the probability of achieving an effective annual elk harvest necessary for meeting FWP elk population objectives. The no-action alternative would allow a future landowner(s) to close the land to public hunting, which would result in a loss of valued access to remote, natural habitat. It might also lead to a reduced opportunity for effective elk harvest, which would exacerbate current game damage problems on private lands in the Drummond-Helmville area.

Potential Value of the Land for Protection, Preservation and Propagation of Wildlife

The proposed action would serve to maintain future management options for protecting, preserving and propagating wildlife by preserving in perpetuity the natural habitat required at the landscape scale to support wildlife populations and communities, and by prohibiting competing land uses and developments that would diminish habitat quality. Alternative A (No Action) would allow the possibility of future land subdivisions, developments and substantial changes in land use and habitat quality that would severely limit and diminish options for protecting and managing wildlife populations for the public benefit.

Management Goals Proposed for the Land and Wildlife Populations, and Any Additional

Uses of the Land Such as Livestock Grazing or Timber Harvest

Management goals and strategies for the proposed Manley (Phase 2) Conservation Easement, including wildlife populations, livestock grazing, timber harvest, and noxious weeds are detailed in the draft management plan (attached). In effect, the management plan describes direction for enhancing the already demonstrated compatibility of the existing commercial ranch operation with the management of wildlife habitat, wildlife populations and public hunting.

Potential Impacts to Adjacent Private Land Resulting from the Proposed Action

The proposed action could influence landowners bordering the conservation easement via long-term impacts on property values. Property values on lands bordering the conservation easement may increase because the easement lands will remain dominated by open space and effective as wildlife habitat. Otherwise, the general effects of this proposal, as felt by neighbors of the Manley Ranch on a day-to-day basis, would be status quo. FWP would continue to attempt to control elk population size (by hunting) to match available natural habitat and minimize damage to private crops and fences. The no-action alternative would allow the possibility of dramatic changes in land use on the Manley property in the future, which could change the character of the local community.

Potential Social and Economic Impacts to Affected Local Governments and the State

A draft socio-economic assessment is attached. To summarize, the proposed action would leave the land in private ownership, and in continuing agricultural use, with no change in its status on the county tax rolls. Over the long-run, Alternative A (no action) would allow greater potential residential and commercial growth in this rural area. This possible future growth would be accompanied by higher demand for utilities, roads, schools and other services that would have to be partially or wholly provided by state and local governments. As developments achieved their potential growth limits under Alternative A, the recreational and economic benefits generated by the existence of abundant and diverse wildlife and natural landscapes in the local area would be diminished. Conversely, the proposed action would restrict future residential and commercial developments on the subject lands, in a location that would allow wildlife to continue to flourish, and in a rural setting where wildlife populations

may be managed effectively.

Land Maintenance Program to Control Weeds and Maintain Roads and Fences

Under the proposed action, the land would remain in private ownership. The control of noxious weeds and the maintenance of roads and fences would remain as responsibilities of the landowner, and would not be shared by FWP (other than indirectly via FWP's partnership in the local weed management group). However, a draft management plan is attached that addresses land management issues that would be controlled by the proposed conservation easement, as well as other management issues of mutual interest between the landowner and FWP (including the management of noxious weeds).

Air and Water Quality

The proposed action would likely result in a net reduction in potential future risks to air and water quality on the subject lands, compared to no action. Possibilities for residential, commercial, and industrial developments would be reduced and restricted across the subject land.

Such developments, which would remain a possibility under the no-action alternative, would have the potential for affecting air and water quality in numerous ways. For example, increased roading and traffic on roads to service housing or commercial developments could increase runoff from road surfaces into Chimney Creek or other tributaries. The rest-rotation grazing allowed in the proposed action would improve streambank stability and reduce sedimentation, compared with the current grazing situation. Also, the proposed action would avoid the possibility of increased cattle use in and beside Sheep Creek and Chimney Creek under different land ownership in the future, which would not be controlled under the no-action alternative. Effects of timber harvests allowed in the proposed easement would not differ from the current situation, but would prevent increased sedimentation that might occur as a result of timber harvests under the direction of future landowners if no action is taken.

Wetlands and Riparian Habitats

The proposed action includes a 3-mile reach of Chimney Creek and a 3-mile reach of

Sheep Creek in the Blackfoot River drainage. The subject lands do not contain natural wetlands (i.e., marshy habitats extending beyond the edge of a stream, beyond what would normally be considered a riparian zone). Under the proposed action, riparian habitat would be included among the conservation values of the land to be protected from damage. Thus, the current condition of the riparian zone would be documented in photographs and serve as a baseline for comparison in the future. The landowner and FWP would be accountable to ensure that this riparian condition is maintained or enhanced. Rest-rotation grazing, which is prescribed by the landowner and would be part of the proposed conservation easement, is expected to improve streambank and riparian vegetation conditions in the long run. The no-action alternative offers no protection for riparian areas across the entire 6,095 acres proposed for conservation easement.

Livestock grazing

The proposed conservation easement would allow and anticipate continued livestock grazing. A rest-rotation grazing formula would be followed, as described in the attached draft management plan. This formula was developed specifically for the Manley Ranch, with the active involvement and direction of the private landowner as well as FWP. Livestock grazing would be unrestricted under the no-action alternative.

Historic and Cultural Resources

Cultural sites on the subject lands are identified in the State Heritage Database. The proposed action would not cause a change in land use, so would not affect cultural sites. Potential developments allowable under the no-action alternative would leave cultural resources at risk.

Cumulative Impacts

Alternative A (no action) could ultimately contribute to the cumulative regional and local loss of wildlife habitat and public access if the subject lands on the Manley Ranch are eventually managed in a manner incompatible with these values. Further, no-action could ultimately contribute slightly to the cumulative regional and local loss of grazing land for the livestock industry, and an increasing cumulative demand for services provided by local county and state

governments to new residences. The proposed action would not be expected to contribute to a cumulative impact in a measurable way.

PUBLIC INVOLVEMENT

A formal scoping process is not normally part of FWP's public involvement process for developing project proposals under its Habitat Montana Program. However, FWP has benefited from public input in advance of this environmental assessment.

FWP attended a meeting of the Powell County Commissioners on September 29, 2000 to provide information and solicit input on its proposal to acquire the adjacent Phase 1 conservation easement on the Manley Ranch. Commissioners advised that the county tax base should be maintained and that the terms of the conservation easement should reflect the landowner's wishes. FWP responded that this advice would be followed and is inherent in FWP's Habitat Montana Program statewide. The Powell County Commissioners also made FWP aware of its interest in a small gravel site along the roadside on the Manley Ranch, and additional right-of-way to straighten the county road. Although these comments were offered specifically in response to FWP's previous Phase 1 proposal, they were also reviewed and considered by FWP in preparing this Phase 2 proposal.

FWP discussed the Phase 1 proposal with the North Powell Conservation District on September 11, 2000. The North Powell District advised that flexibility be preserved in stipulations for grazing livestock, which supported FWP's rationale for addressing the specifics of pasture locations and grazing rotation dates in the easement management plan (a "living" document that can be amended by mutual consent) rather than the recorded easement document. This input was also presented and developed further by the Powell County Planning Board in a meeting with FWP on January 4, 2001. In response, FWP amended final language in the Phase 1 easement to allow for the possibility of modifications in grazing standards by written mutual agreement in the future, to reflect advances in the science of range and wildlife management. FWP proposes to include similar language in the proposed Phase 2 easement.

During the course of applying for supplemental grants to fund the Phase 1 project in calendar year 2000, FWP and representatives of the Manley Ranch met with numerous other individuals and entities, including the Montana Forest Stewardship Committee and Forest Legacy Subcommittee, the Montana Agricultural Heritage Commission, the Montana Natural Resource Damage Program, the Upper Clark Fork River Basin Advisory Council, the Western Montana Fish and Game Association, Montana Trout Unlimited, Big Sky Upland Bird Association, Anaconda Sportsmen's Club, Montana Wildlife Federation, Montana Forestland Services, the Rocky Mountain Elk Foundation and Five Valleys Land Trust. Most of these discussions were in the context of soliciting support or addressing application requirements for the funding sought, but awareness of issues and opportunities was raised on the part of FWP and the entities FWP consulted with. This general body of insight was incorporated in this Phase 2 proposal.

Formal public review of the draft environmental assessment (EA) for this Phase 2 proposal, including a draft socio-economic assessment and management plan, will begin with the availability of these documents on June 22, 2002, and will close on July 22, 2002. The availability of this EA for public review will be advertised in the local, Missoula-area, and statewide media, and a copy of the draft EA will be mailed to all parties who indicate an interest in this proposal. A public hearing will be held at the Helmville Community Center on July 9, 2002 at 7:00 P.M. After reviewing public input received on or before July 22, FWP will decide upon a preferred alternative. The Fish, Wildlife and Parks Commission will be asked to render a final decision on this proposal at its regularly scheduled meeting in August 2002. The State Board of Land Commissioners will be asked to approve the proposal at its first monthly meeting following an approval by the Fish, Wildlife & Parks Commission.

Comments should be addressed to Mike Thompson; Montana Fish, Wildlife & Parks; 3201 Spurgin Road; Missoula, MT 59804 (phone 406-542-5523; email mthompson@state.mt.us). Comments must be postmarked no later than July 22 to ensure their consideration in the decision-making process.

AGENCIES, GROUPS OR OTHERS CONSULTED IN PREPARATION OF THE EA

Montana Fish, Wildlife & Parks

- Darlene Edge, Land Agent, Helena
- Martha Williams, Legal Counsel, Helena
- Steve Knapp, Habitat Bureau Chief, Wildlife Division, Helena
- John Firebaugh, Regional Wildlife Manager, Missoula
- Dan Hook, Wildlife Biologist, Anaconda
- Mike Frisina, Range Coordinator, Butte
- Paul Sihler, Field Services Administrator, Helena
- Don Childress, Wildlife Division Administrator, Helena
- Ron Pierce, Fisheries Biologist, Missoula

Manley Ranch

- Janet and Tracey Manley, Owners/Operators, Helmville
- Mark Sommer, American Public Land Exchange, Missoula
- Bruce Bugbee, American Public Land Exchange, Missoula

The Conservation Fund

- Mark Elsbree, Northwest Representative, Sun Valley, Idaho

U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS)

- Glen Green, District Conservationist, Deer Lodge

U. S. Bureau of Land Management

- Dave McCleerey, Wildlife Biologist, Missoula

U. S. Fish and Wildlife Service

- Greg Neudecker, Wildlife Biologist, Great Falls
- Kevin Ertl, Wildlife Biologist, H2-O WPA, Helmville

Montana Forestland Services, PLLC

- John Wells, ACF, Bonner

PERSONS RESPONSIBLE FOR PREPARING THE EA

Montana Fish, Wildlife & Parks, Region 2

Mike Thompson, Wildlife Biologist, Missoula

NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on an evaluation of impacts to the physical and human environment, under MEPA, the proposed action is not a significant action affecting the human environment; therefore, an environmental impact statement is not a necessary level of review.

Manley (Phase 2) Conservation Easement
DRAFT MANAGEMENT PLAN

INTRODUCTION

FWP proposes to acquire a conservation easement on the Manley Ranch from The Conservation Fund. FWP's purpose for acquiring the conservation easement, as stated in the draft easement document, would be to "preserve and protect in perpetuity the conservation values of the land, particularly the habitat the land provides for a variety of wildlife species, and to prevent any use that will interfere with the conservation values of the land." By this conservation easement, FWP acknowledges the contributions of the traditional ranch operation toward the wildlife habitat that FWP recognizes as exceptional today and intends to perpetuate.

This management plan serves as a flexible link between rigid easement terms intended to endure in perpetuity and changeable conditions and situations on the land. It is a living document, to be reviewed annually by FWP and the landowner, and to be revised as needed upon agreement of both parties. Its function is to document strategies for land management in which FWP and the Manley Ranch would be cooperating to ensure consistency with the terms and intent of the proposed conservation easement. The principal strategy would be a protocol for annual meetings with the landowner and field monitoring of compliance with easement terms. Additionally, this management plan would address strategies for controlling noxious weeds, managing forested habitats, and allowing the public access guaranteed in this easement. Finally, this document includes the draft grazing plan required by the easement terms before livestock may be grazed on the land.

This Phase 2 management plan would also compliment, and must not conflict with, the management plan pertaining to the adjacent Phase 1 conservation easement.

AREA DESCRIPTION

The Manley Ranch is a working cattle ranch that occupies a significant land area (16,000 acres) in the heart of a remote intermountain valley that covers some 300,000 acres between the Bob Marshall and Scapegoat Wilderness Areas, the Garnet Range, the Flints and Sapphires, and the Continental Divide. The Manley Ranch spans the entire 7-mile breadth of valley bottom separating the East Garnet Range and the West Garnet Range. It is positioned on the southwestern fringe of a fall staging area for upwards of 400 sandhill cranes from scattered breeding grounds all across the upper Blackfoot Valley. It is part of the continental migration route for bald eagles between the Northwest Territories and southwest United States. Wolves have been documented across this area on a regular basis over the past 5 years, which is indicative of its natural linkage with distant regions of the Northern Rocky Mountains. On a more local scale, it is an area of overlap for at least two distinct population units of migratory mule deer and elk, and forms a connection between winter and summer ranges.

The Manley (Phase 2) Conservation Easement would pertain to approximately 6,095 acres in the middle of the ranch, with all but about 7 acres located east of State Route 271. The proposed project area would adjoin the north boundary of the

4,600-acre Manley Phase 1 easement that FWP acquired with financial assistance from the Natural Resource Damage Program and Montana Agricultural Heritage Program in March 2001. A legal description and map are displayed in the draft environmental assessment (Figures 2 and 3). The proposed easement area is located entirely in the upper Blackfoot River basin. Vegetation is a complex of native sagebrush-grassland, riparian, aspen, Douglas-fir and lodgepole pine vegetation types that have never been plowed (except in about 100 acres of Section 23, along State Route 271). A 3-mile reach of Chimney Creek and a 3-mile reach of Sheep Creek form the dominant drainage features in the proposed easement area.

FWP OBJECTIVES

FWP's overarching habitat and wildlife objective for this proposed conservation easement is to maintain native plant communities within their natural and normal range of variation in order to perpetuate a diversity of native wildlife populations. This objective is possible to achieve for the benefit of populations (rather than only individuals) of wildlife because the Manley (Phase 1 and Phase 2) Conservation Easements cover an adequate area (nearly 11,000 acres combined) where native plant communities are continuous and generally intact. Also, as described above, the Manley Ranch is uniquely situated in an area that links mountain ranges and intermountain valleys across a larger landscape, thus linking populations of wildlife.

FWP has identified five principal vegetation communities on the proposed easement area that meet the needs of distinctive associations of wildlife species. Sagebrush-grassland is the most expansive vegetation type. FWP's objectives for the sagebrush-grassland are to provide fall-winter-spring forage and bedding cover for elk and mule deer. FWP also recognizes the forbs, insect populations and sagebrush/bunchgrass cover as important in spring and summer for blue grouse and, historically, sharp-tailed grouse. The sagebrush-grassland community also is habitat for an interactive food chain of native species involving leaves, insects, voles, other small mammals, passerine birds, raptors and a variety of carnivorous mammals. Recent research regarding effects of spotted knapweed, for example, suggest how thoroughly this food chain may be disrupted with the addition of one new exotic plant species (i.e., knapweed), the concurrent suppression of several native plant species (i.e., native grasses and forbs), and the introduction of a biological control insect (i.e., the gall fly). FWP proposes to meet its objectives for the sagebrush-grassland type by: (1) protecting sagebrush cover and leaf production from destruction; (2) allowing livestock to graze some portion of the easement lands each year to enhance grass forage quality and stimulate forb production; (3) requiring a regular schedule of rest from grazing to maintain or gradually improve native bunchgrass composition and provide litter and standing grass cover; (4) encouraging the landowner to control noxious weeds on a prioritized basis in a manner that avoids damage to nontarget plants; (5) allowing removal of small-diameter conifer encroachment in rangelands while protecting large snags and snag recruits for raptors and cavity nesting wildlife; and (6) managing hunting pressure to keep elk and deer within the open hunting area, while meeting harvest objectives for these populations.

The second principal vegetation type on the proposed Manley (Phase 2) Conservation Easement is Douglas-fir forest. Included within this are small stands of ponderosa pine. FWP's objectives for the Douglas-fir

forest are to provide thermal cover (in the form of large-diameter trees and regeneration thickets), hiding cover, and forested forage (e.g., tree lichen and understory grasses, sedges and shrubs) for elk and mule deer year-round. Mature coniferous canopy across all elevations on the easement area would benefit blue grouse year-round and provide nest trees for red-tailed hawk, great horned owl, great gray owl and other birds. Large-diameter snags and standing burned trees provide nesting and foraging habitat for a suite of cavity nesting birds (e.g., pileated woodpecker, black-backed woodpecker) and mammals (e.g., flying squirrel). Large downfall contribute to marten, lynx and small mammal populations, as well as provide forage for black bear and dens for mountain lion. A generally mature forest structure would also provide escape cover for elk in hunting season and contribute to holding elk in the hunting area to provide season-long hunting recreation and achieve the desired harvest. FWP proposes to meet its objectives for the Douglas-fir forest by: (1) maintaining and increasing larger-diameter trees (both living and dead) across the forested easement area; (2) maintaining and recruiting a mature forest structure across all elevations and the majority of acres; (3) allowing habitat diversity within a generally mature forest structure, as may be provided by an interspersion of large trees, regeneration thickets, downfall, natural parks and temporary managed openings; (4) encouraging progression through a natural range of forest successional stages at the stand level, as may be mimicked by silviculture, rather than attempting to manage for a static forest; (5) allowing the natural fire regime to benefit wildlife populations while managing the risk of large, stand replacement events; (6) encouraging the control of noxious weeds along logging roads, landings and skid trails; and (7) managing hunting pressure to keep elk and deer within the open hunting area, while meeting harvest objectives for these populations.

The third principal vegetation type on the proposed Manley (Phase 2) Conservation Easement is aspen, which generally occurs in distinct stands of a few acres in size, scattered across rangeland, riparian and coniferous forest types. FWP recognizes aspen as a habitat component that measurably adds wildlife species richness, (particularly among cavity nesting birds and after a fire event) wherever it occurs on the landscape. FWP proposes to maintain and enhance aspen as a significant habitat component across the Manley Conservation Easement by: (1) restricting the cutting of aspen except as may be approved by FWP to stimulate resprouting; (2) allowing the removal of coniferous competition within and surrounding aspen clones; and (3) discouraging the broadcast usage of herbicides around aspen stands that might kill or suppress aspen (e.g., Tordon).

The fourth principal vegetation type on the proposed Manley (Phase 2) Conservation Easement is lodgepole pine, which presently occurs in distinct stands at the head of Chimney Creek, but may increase in distribution across north aspects after any future fire event. FWP's primary objective for lodgepole pine stands is to maintain them in dense pole or mature successional stages for as long as the stands will persist to provide hiding and escape cover for elk in hunting season. FWP proposes to accomplish this by restricting the cutting of lodgepole pine prior to such time as natural stand replacement processes are clearly in evidence. Commercial thinning or selective removal of lodgepole pine could jeopardize the entire stand to windthrow, and for this reason these practices are prohibited until

the stand is fully matured and ready for clearcut harvest as a substitute for imminent natural stand replacement. However, nothing in the proposed easement or this management plan would require the landowner to harvest lodgepole pine as a substitute for natural stand replacement.

The fifth principal vegetation type on the proposed Manley (Phase 2) Conservation Easement is riparian. FWP's principal wildlife objective for riparian habitats is to improve woody vegetation structure for neotropical migratory bird species (e.g., warblers). Waterways and riparian zones on the easement area are generally too narrow to support significant numbers of waterfowl, furbearers or other groups of water dependent species. FWP also recognizes the value of creeks on the proposed easement area as habitat for westslope cutthroat trout, and as components of water quality and fish habitat for the Blackfoot River. FWP proposes to improve riparian areas across the Manley Conservation Easement by: (1) requiring a regular schedule of rest from livestock grazing to maintain or gradually improve woody vegetation establishment and armor streambanks; (2) helping the landowner construct interior subpastures within the larger rest-rotation pastures to allow the landowner greater control over grazing pressure in riparian zones; (3) helping the landowner develop an upland water source away from the Morris Creek bottom (Manley Phase 1 Easement); and (4) restricting removals of woody vegetation within 100 feet of any perennial or intermittent stream.

Finally, FWP's objective for public access on the proposed Manley (Phase 2) Conservation Easement is to provide maximum opportunity for big game hunting in a rural/remote setting. However, "maximum opportunity" is constrained by FWP's interest in also providing a safe and uncrowded hunting experience, and by an interest in extending the period of time when elk are present on the property before hunting pressure pushes them off. FWP and the landowner share an interest in achieving an annual harvest of 15-30 antlerless elk across the Manley Phase 1 and proposed Phase 2 easement areas, and in contributing to a 33% reduction in overall population size over a several year period. In the course of meeting these objectives, FWP intends that satisfactory opportunity will exist for hunters to enjoy hunting antlered elk and deer on the easement area (although a specific harvest objective for bulls and bucks is not established). The proposed public access strategy to achieve these objectives is presented under a separate heading in this management plan.

BASELINE INVENTORY

The existing features and conditions on the Manley (Phase 2) Conservation Easement would be described, photographed and documented in a baseline inventory. The purpose of the baseline inventory would be to establish an objective and reliable basis from which to assess changes on the land over time. FWP would contract with a qualified consultant to prepare this document. FWP and the landowner would cooperate in providing all pertinent information to the consultant, and in signing the final baseline inventory when both parties agree it is an accurate and complete representation of all pertinent conditions on the land.

ANNUAL MONITORING

FWP and the Manley Ranch would build a written record of annual easement monitoring, beginning in 2003. From 1999-2002, FWP contracted with a qualified, independent consultant to conduct one monitoring visit per year for all of its

conservation easements across Montana. Each visit is arranged with prior notice for a time that is convenient for the landowner. The contractor uses a checklist to ensure that all pertinent easement terms are discussed with the landowner, and provides an opportunity for the landowner to present any issues or concerns for the record. An inspection of the property is always part of the monitoring visit. The contractor makes a special effort to photograph sites of current interest and to replicate photos from photopoints established in the baseline inventory. The contractor's annual monitoring report objectively documents any areas of misunderstanding or noncompliance with easement terms. It is left to FWP and the landowner to address any problems identified by the monitoring consultant. In the case of the proposed Manley (Phase 2) Conservation Easement, FWP's regional liaison would normally accompany the contractor and meet with the landowner during annual monitoring, which would be scheduled for ½-day in midsummer.

FWP and the Manley Ranch would agree to cooperate in this manner to maintain communication and document compliance with easement terms, with the assistance of a qualified, independent consultant. FWP's regional liaison (the wildlife biologist based in Anaconda) would also be available to the landowner between monitoring visits to discuss management issues and share information.

NOXIOUS-WEED MANAGEMENT

The spread of existing noxious weed species and the introduction and establishment of new exotic species are among the greatest risks to native plant communities and wildlife habitat across Montana. Currently, noxious weeds (primarily spotted knapweed and houndstongue) are scattered near roads on the easement area, and are subject to an active weed management program practiced by the landowner. With continued effort, the densities and distributions of existing weed occurrences can be kept under control, at or below baseline levels. The Manley Ranch intends to continue its current weed control program to meet this objective.

The Ranch also plans to continue inventorying the easement area annually for new weed occurrences by inspecting roadways, cowpaths, game trails and other disturbed sites where weeds are likely to enter the property first. Any new species occurrences would be reported to the local county weed district and FWP, and the landowner would promptly attempt to eradicate these spot occurrences by the most efficient and effective means available. Key factors that could minimize the long-term vulnerability of the land to weed establishment, such as intensity and frequency of livestock grazing, would be controlled by the terms of the conservation easement. The Manley Ranch plans to continue managing the land in a manner that avoids impacts from noxious weeds and favors vigorous and competitive communities of desirable plant species. FWP and the landowner agree that broadcast herbicide treatments to control noxious weeds will not include aspen or riparian vegetation, unless a herbicide specifically labeled for such use is available.

FOREST MANAGEMENT

The proposed Manley (Phase 2) Conservation Easement would allow an appropriate range of silvicultural options for the landowner to manage forest stands and, if desired, realize an income from sustainable timber harvest. Such forest management activities would be required to fall within limits and meet objectives set forth in the easement document and this

management plan, which would ensure that forests on the easement area will continue to function as effective wildlife habitat. The easement would require the landowner to submit a forest management plan for FWP's review and approval before timber harvest activities may occur. Upon receiving a plan from the landowner, FWP would collaborate with the landowner to make sure that all forest management terms in the easement are addressed before logging begins. As specified in the easement, this may include field inspections to review and input on harvest unit boundaries and tree marking.

In the easement document, the easement area would be divided into management zones, so that forest management rights and restrictions could be customized to fit different situations and opportunities on the landscape. Management Zone 1 is primarily Douglas-fir forest, on forested habitat-types, where most of the commercially valuable timber volume has already been removed. Easement terms in Zone 1 reflect the interests of FWP and the landowner in allowing the most healthy trees to continue growing over the next 100 years. Even so, the easement terms allow opportunity in the first 100 years for the landowner to cull trees that will not live long enough to reach 14 inches diameter-at-breast height, and do not contribute significantly to the wildlife habitat values of the forest. The terms also allow opportunities for the landowner to manage disease and insect outbreaks in Zone 1, provided that these are detected early and confined to small acreages. After 100 years have passed, the easement terms allow the landowner to begin selectively harvesting mature timber, if desired, while retaining more large-diameter trees on the landscape than exist currently.

Management Zone 2 comprises stands of large, mature Douglas-fir that have not been harvested recently. Easement terms reflect opportunities for the landowner to realize income from selective timber harvest in this Zone, while maintaining mature stand structures for the benefit of wildlife. FWP and the landowner view Zone 2 in its current condition, or if harvested selectively as allowed in the easement, as the standard that Zone 1 should attain 100 years from now.

Management Zone 3 is rangeland, with occasional large Douglas-fir. Easement terms are intended to allow the landowner to remove conifer encroachment (i.e., seedling and sapling conifers) to maintain the native rangeland condition in Zone 3. However, the easement terms also are intended to protect and maintain a scattering of large, mature, sentinel trees and snags as perches and nesting habitat for raptors and other wildlife, in amounts similar to their occurrence on the landscape at the present time. Special efforts were also made in developing the easement terms to prevent damage to the native rangeland from any future logging, skidding and log hauling in Zone 3.

A stand of lodgepole pine currently exists at the head of Chimney Creek, and lodgepole pine stands may increase in distribution on north-facing aspects after any future wildfire. Easement terms reflect a philosophy that dense, mature lodgepole pine provide valuable hiding cover for elk, and should be maintained as such. There is little practical opportunity for the landowner to selectively harvest timber in lodgepole pine stands, due to the susceptibility for lodgepole to windthrow, especially on the sites where it presently occurs. The typical harvest prescription for lodgepole pine is clearcut. The easement terms display criteria by which the landowner and FWP can agree when such a clearcut would be allowable to regenerate lodgepole pine. By

applying objective indicators of stand decadence (as specifically defined in the easement), the intent is to leave mature lodgepole standing for the duration of its natural cycle, and to allow the landowner to recover as much commercial value as possible as the stand deteriorates.

Aspen stands are scattered across the easement area. Easement terms restricting the cutting of aspen reflect the value of mature aspen, whether living or dead, as important habitat for a variety of cavity nesting wildlife. Easement terms also allow the landowner to remove conifers from aspen stands to prevent aspen from being shaded out, and also allows for development of future project plans to rejuvenate aspen stands by cutting, burning and/or other means as may be needed in the future.

The principal unit of measurement that is used in the easement to quantify standards for forest management is tree "basal area." The basal area occupied by a single tree may be visualized as the surface area of a cross-section of the trunk, taken at breast height (4½ feet above the ground). Thus, the total basal area of trees in an acre is the sum of the individual basal areas of all trees on that acre. The basal area is expressed in square feet, and is a long accepted and widely used measurement in the forestry profession. To find the basal area (BA) in square feet from a measurement of diameter-at-breast height (dbh) in inches, use the formula:
$BA = 0.00545415 \times (dbh)^2$
For reference, it requires about 45 trees of 2-inch diameter to yield 1 square foot of basal area. One tree measuring 14 inches dbh yields just over 1 square foot of basal area, a tree measuring 19 inches dbh yields almost 2 square feet of basal area, and a 24-inch dbh tree yields just over 3 square feet of basal area. Therefore, basal area has the advantage of being a unit of measure that incorporates attributes of tree age and size into a single measurement of density or cover.

Although the easement allows the landowner an appropriate range of opportunity to harvest timber, the landowner is under no obligation whatsoever to do so. It is FWP's understanding that the Manley Ranch has no immediate plans to harvest timber. However, the easement terms and this approval process leave options open for the landowner to actively manage forest stands if conditions change. In December 2001, the Ranch prepared a Forest Stewardship Plan (under the auspices of the Montana Forest Stewardship Program) for the subject lands. This preliminary plan is attached for reference.

PUBLIC ACCESS MANAGEMENT

The Manley (Phase 2) Conservation Easement would guarantee opportunity for at least 350 hunter-days of access annually across the 6,095-acre easement area during the fall hunting season.

For the 2002 hunting season, hunting access would be managed in general accordance with the contingency option provided in the easement document. Hunters would not be required to ask permission to hunt from the landowner. Instead, hunters would be provided with two designated parking areas that would be located along the Drummond-Helmville Road, as shown in Figure 1. FWP would accept responsibility for constructing and maintaining the parking areas, after coordinating with the landowner on details of design and siting. In 2002, the parking areas would be open to the public for hunting access every day from October 10-January 1.

The parking areas (shown in Figure 1) would allow trucks towing 2-horse trailers

room to turn around and pull into each of 3 parking spaces in the lot. When the 3 parking spaces are full in both parking areas (i.e., when a total of 6 vehicles are parked in the 2 lots), the public's right to access the Manley Conservation Easement would be fully exercised for that day, unless a vehicle departs before the end of the day. People who arrive at the Manley easement area and find the maximum number of vehicles parked in the parking areas would not be allowed to access the easement area until a parking space opens up. Although this rule would not prevent the general public from pulling off the county road, parking in such a manner would not constitute an allowable means of exercising the right of public access granted in the Manley Conservation Easement.

To prevent people from excluding others access to the easement area, vehicles would only be allowed to occupy the parking areas between the hours of 5:30 A.M. and 10:00 P.M. Camping, picnicking, or loitering in the parking lots would be prohibited. The landowner would agree that vehicles driven by the landowner, landowner's family members, partners and employees cannot occupy parking spaces in the parking areas.

Upon obtaining access to the Manley Conservation Easement by parking in a designated space in one of the parking areas, and prior to proceeding on the easement area, the public would be required to sign in at one of the sign-in boxes posted and maintained by FWP onsite. The public would also be required to review the regulations and map printed in brochures, which would be available at the sign-in boxes, and carry a copy as a permit to access the easement area. After signing-in and obtaining a brochure/permit, the public would be allowed to proceed upon the easement area by foot or horseback from the parking area. Motorized vehicles or mountain bikes would be prohibited. For the landowner's protection, fires would be prohibited. FWP would monitor public compliance and enforce regulations if violations occur.

Nothing in this access plan should be misconstrued to restrict the amount of access the landowner would be allowed to grant on the easement area. For example, the landowner would retain the right to operate motorized vehicles on the easement area, and to allow others to operate vehicles on roads, or access the land from locations outside the parking area. When the Manley Ranch gives permission to individuals for access privileges that extend beyond those granted the general public, the Ranch would do so in writing, using permission slips provided by FWP.

The usual fall hunting seasons currently offered by FWP for which the Manley Ranch would provide legitimate hunting opportunity include fall black bear, rifle season for elk (including the district 298 season) and deer, archery for elk and deer, and mountain grouse (access for all would begin October 10). In addition, the Ranch intends to allow public access for holders of antlerless-elk permits throughout the extended elk management season in Hunting District 291, which ends on January 1. Under current hunting season regulations, it would be understood and agreed that the Landowner retains sole discretion to regulate public access to hunt mountain lion and bobcat for those portions of the winter hound-hunting seasons that extend beyond January 1, and black bear and turkey in spring. The Landowner also would retain sole discretion to regulate public access for trapping, fishing, coyote and "gopher" shooting.

FWP anticipates that the public would display their gratitude for the right of public access granted by the Manley family by following rules and respecting private property. Actions to the contrary, such as littering or efforts to circumvent access rules would not be tolerated. Easement terms would specifically reserve the right for FWP or the landowner to deny access to individuals for cause.

GRAZING PLAN

Terms in the Manley Conservation Easement would require FWP and the landowner to agree on and follow a rest-rotation grazing plan. The proposed plan blends ranch objectives with the purposes and requirements of the easement, and also combines the grazing plan from easement Phase 1 into this Phase 2 grazing plan. The result will be a single grazing plan for Phase 1 and Phase 2.

Minimum requirements that would have to be met by the grazing plan are presented in the easement document. Following is the draft grazing plan agreed upon between the Manley Ranch and FWP.

The proposed pasture configuration and grazing prescription are shown in Figure 2 and Table 1. Beginning in June 2003, the grazing system would be implemented by cattle being rotated through the pastures as shown in the grazing formula in Table 1.

Pastures 1, 2 and 3 together comprise about 9,900 acres, and are summer and fall pastures that would be managed under the rest-rotation grazing system. Pasture 1 is smaller in size than Pastures 2 and 3, but on a per acre basis, has a higher grazing capacity. This is because Pastures 2 and 3 have much more land that is removed from water and is steeper in topography. Pastures 1 and 3 are each divided into 2 subpastures to maintain desired cattle distribution during the grazing treatments (Figure 2). Each year, cattle would be placed in one pasture during early June and remain there until early August. In early August, the cattle would be moved to a second pasture and remain there until mid-October. The early August move will happen at about the time that bluebunch wheatgrass is determined to be at seed-ripe stage. The third pasture is rested from livestock grazing for the entire year. Over time, each pasture receives the aforementioned grazing treatments on the specified schedule presented in Table 1.

Holding pastures 4 and 5 together comprise about 700 acres, and are essential for animal husbandry purposes. Although not part of the rest-rotation grazing system, they are necessary to make the system function properly. Each year, Pasture 4 would be available for grazing as needed for about 2 weeks during the month of October. Each year, Pasture 5 would be available for grazing as needed for about 2 weeks during the month of May.

Easement lands in sections 23 and 24 that are located outside the aforementioned pastures (Figure 2) are not covered by grazing stipulations. These lands in section 23 are mainly hayland/cropland or irrigated meadow. These lands in section 24 comprise about 80 acres that are currently fenced in with the calving pasture that is outside the easement area.

The Landowner has indicated a need to maintain a cattle herd of 400-500 cow-calf pairs plus necessary bulls. The ultimate stocking rate for the ranch will be determined by ability to comply with the grazing system described in this plan.

Photopoints and other standard monitoring practices may be implemented to monitor

the effects of the grazing system on native vegetation. Monitoring compliance with the grazing formula would be the main priority. Mutually agreed-upon adjustments, within the context of rest-rotation grazing, would be considered with the landowner as needed.

FWP and the landowner would plan to make fencing improvements in time to begin the grazing system in June 2003. All range improvements would be in place by fall 2003. To fully implement the grazing system, approximately 4.5 miles of new barbed wire fence would be constructed. About 2 miles of drift fence would be built to separate Pasture 3 from Pasture 2 (Figure 2). The remaining 2 miles of boundary between Pasture 2 and 3 is a natural barrier to cattle due to topography. Additionally, 2.5 miles of fence would be built to create a subpasture east of Chimney Creek in Pasture 3. This fence is essential to achieve proper cattle distribution and would be available for grazing during the times prescribed for grazing within Pasture 3 in Table 1.

Implementing this plan that combines Phase 1 and 2 lands precludes the need to build about 2 miles of fence that FWP had budgeted for Phase 1 ($12,000). This $12,000 could now be applied to Phase 2; thus, only $15,000 additional funding would be required for fences under Phase 2.

To implement the grazing system across Phase 1 and Phase 2, it is also necessary to develop a well in section 11 (T11N, R12W). NRCS has provided FWP with a development plan and cost estimates. Based on NRCS estimates, it may cost FWP $15,000 to develop the well and make it operational.

Total cost to FWP for range improvements are expected to be $30,000 for Phase 2. In addition, the landowners are working on their own with NRCS to develop water and improve water distribution across the uplands, away from riparian zones.

Table 1. Proposed livestock grazing formula for the Manley Ranch rest-rotation grazing system (Phase 1 and 2 combined).

Livestock Grazing Formula

Years*	**South Pasture 1 (Includes subpastures 1a and 1b)****	**Pasture 2 Campbell Mountain**	**Pastures 3 (includes the east and west Chimney Creek subpastures)****
2003 (Year One)	C	B	A
2004 (Year Two)	A	C	B
2005 (Year Three)	B	A	C
**Every fourth year, the rotation is started over by referring to Year One* ***Refer to map on Figure 2*			
A = livestock grazing allowed from early June to seed-ripe (seed-ripe occurs during early August on bluebunch wheatgrass); B = livestock grazing begins no sooner than seed-ripe (early August) and may continue to mid-October; C = rested from livestock grazing yearlong			

MANLEY RANCH

CONSERVATION EASEMENT
(PHASE 2)

DRAFT SOCIO-ECONOMIC ASSESSMENT

MONTANA FISH, WILDLIFE AND PARKS

Prepared by:
Rob Brooks
June, 2002

I. INTRODUCTION

House Bill 526, passed by the 1987 Legislature (MCA 87-1-241 and MCA 87-1-242), authorizes Montana Fish, Wildlife and Parks (MFWP) to acquire an interest in land for the purpose of protecting and improving wildlife habitat. These acquisitions can be through fee title, conservation easements, or leasing. In 1989, the Montana legislature passed House Bill 720 requiring that a socioeconomic assessment be completed when wildlife habitat is acquired using Habitat Montana monies. These assessments evaluate the significant social and economic impacts of the purchase on local governments, employment, schools, and impacts on local businesses.

This socioeconomic evaluation addresses the purchase of a conservation easement on property presently owned by the Manley Ranch. The report addresses the physical and institutional setting as well as the social and economic impacts associated with the proposed conservation easement.

II. PHYSICAL AND INSTITUTIONAL SETTING

A. Property Description

The portion of the Manley Ranch proposed for a conservation easement is the eastern and central part of the ranch and lies within Powell County. A detailed description of this property is included in the easement management plan.

B. Habitat and Wildlife Populations

The proposed easement land consists mainly of forested and grassland habitat. Wildlife that use this property and the immediate vicinity include elk, deer, wolves, sandhill cranes, and cutthroat trout just to name a few.

C. Current Use

The Manley Ranch is a working cattle ranch.

D. Management Alternatives

1) Purchase a conservation easement on the property by MFWP
2) No purchase

Alternative 1, the purchase of a conservation easement will provide long-term protection for the agricultural activities this land supports as well as allow for the protection and enhancement of the native habitats and wildlife this land sustains.

The second alternative, the no purchase option, does not guarantee the protection of this parcel from future development.

MFWP Purchase of Conservation Easement

The intent of the Manley Ranch conservation easement is to protect and enhance the wildlife habitat currently found on the property while maintaining the agricultural character of the property. The Deed of Conservation Easement specifies the terms of the agreement. The major points presented here may affect the socioeconomic environment. They are:

1) Restrict residential subdivision or commercial development.
2) No commercial use of land and resources except those allowed by the Easement.
3) No new buildings or construction except that allowed by the Easement.
4) Mineral exploration/extraction are prohibited except for gravel to be used on the property.
5) No cultivation or farming allowed except that provided by the Easement.
6) No renting or leasing access to the land for recreational purposes.
7) No game farms.

A complete list of the restrictions this easement has on the landowners and MFWP is provided in the Deed of Conservation Easement for the Manley Ranch.

No Purchase Alternative

This alternative requires some assumptions since use and management of the property will vary depending on what the current owners decide to do with the property if MFWP does not purchase a conservation easement.

Subdivision or development of the land is a possibility. The economic impacts associated with this alternative have not been calculated.

III. SOCIAL AND ECONOMIC IMPACTS

Section II identified the management alternatives this report addresses. The purchase of a conservation easement will provide long term protection of important wildlife habitat, keep the land in private ownership and provide for public access for hunting. Section III quantifies the social and economic consequences of the two management alternatives following two basic accounting stances: financial and local area impacts.

Financial impacts address the cost of the conservation easement to MFWP and discuss the impacts on tax revenues to local government agencies including school districts.

Expenditure data associated with the use of the property provides information for analyzing the impacts these expenditures may have on local businesses (i.e. income and employment).

A. Financial Impacts

The financial impacts on MFWP are related to the purchase price of the conservation easement and maintenance/management costs. The Manley Ranch conservation easement will cost MFWP an estimated $850,000 depending on the final funding partnerships and acreage. Range improvements associated with the grazing plan will cost approximately $30,000. Maintenance/management costs related to the easement are associated with monitoring the property to insure the easement terms are being followed.

The financial impacts to local governments are the potential changes in tax revenues resulting from the purchase of the conservation easement. The Manley Ranch easement will leave the land in private ownership and will not change the type or level of use on the property. The purchase of a conservation easement on this land will have no impact on the current level of taxes paid to Powell County.

B. Economic Impacts

The purchase of a conservation easement will not affect the agricultural activities on the Manley Ranch. Consequently there will not be any significant financial impacts to local businesses associated with the ranching activities in the long term. The easement also provides for the commercial harvest of timber, which will have a positive impact on local businesses when the ranch chooses to exercise this option.

FINDINGS AND CONCLUSIONS

As noted at the beginning of this document, the subject lands on the Manley Ranch are located in Powell County, between Drummond and Helmville Montana.

The conservation easement will provide long term protection for wildlife habitat, maintain the agricultural integrity of the land, ensure public hunting opportunities and keep the property in private ownership.

The purchase of a conservation easement by MFWP will not cause a reduction in tax revenues on this property from their current levels to Powell County.

The agricultural/ranching operations will continue at their current levels. Timber harvest is

allowed under the terms of the conservation easement. The financial impacts of the easement on local businesses will be neutral to positive in both the short and long run.