

# **BERNIE HART FARM**

## **CONSERVATION EASEMENT**

*Environmental Assessment*  
*Management Plan*  
*Socio-Economic Assessment*



Photo courtesy Montana Fish, Wildlife & Parks

*Montana Fish, Wildlife & Parks*

*September 2006*

54078 Hwy 2 West  
Glasgow, MT 59230  
September 29, 2006

Dear Interested Party:

Montana Fish, Wildlife and Parks (FWP) is proposing to purchase a conservation easement on 402 acres near Hinsdale, MT from Bernie Hart. His property is located one & one-half miles northwest of Hinsdale at the confluence of Beaver Creek and the Milk River.

The proposed easement will conserve and enhance riparian habitats bordering the Milk River, perpetuate agriculture as the principle use of this productive river bottom farm, and maintain public access to this land. Wildlife species commonly observed on the Hart property include white-tailed deer, ring-necked pheasants, Merriam's wild turkeys, mourning doves and a variety of waterfowl. This stretch of the Milk River riparian corridor also supports a rich diversity of songbirds and small mammals. Montana FWP would like to purchase the easement and implement the easement terms while maintaining the present use of the farm. A rest-rotation grazing system will be implemented to maintain and improve cover on the property.

The easement terms area generalized in the enclosed Environmental Assessment (EA). A Management and Grazing Plan, and Socio-Economic Report are also included in this report for your review. The comment period will be open from October 2 to October 30. A public meeting will be held in Glasgow at the Cottonwood Inn on October 16 at 7:00 PM.

Please send all written comments to the following address:

Montana Fish, Wildlife & Parks  
attn: Bernie Hart Farm Conservation Easement  
54078 Hwy 2 West  
Glasgow, MT 59230

Comments can also be emailed to: [jelletson@mt.gov](mailto:jelletson@mt.gov)

# ***Bernie Hart Farm Conservation Easement Proposal***

## ***FACT SHEET***

Project goal: *PROTECT AND ENHANCE THE RIPARIAN HABITAT AND ASSOCIATED UPLANDS ALONG THE MILK RIVER, PRESERVE THE OVERALL INTEGRITY OF THESE LANDS FOR FUTURE GENERATIONS, AND PROVIDE PUBLIC RECREATION ON THESE LANDS.*

- This easement would be purchased and held by Montana Fish, Wildlife and Parks on 402 acres of deeded land owned by Mr. Bernie Hart. The cost of the easement would be \$200,000.
- No change would occur to property taxes paid on this land.
- The primary function of this land would continue to be a working river bottom farm.
- A grazing system will be used to improve range condition, benefiting both livestock and wildlife. The grazing system will be part of the easement.
- There will be no decrease in the number of AUM's for grazing on this farm.
- Approximately \$8,000 would be spent on new fencing to accommodate the grazing system. Local contractors would have an opportunity to bid on the fencing.
- Mr. Hart has never limited hunters or other recreational users on this land and has no plans to do so in the future; however, future owners may severely restrict public use of this farm.
- Access for hunting will be allowed and managed as a term of the easement, with a guaranteed minimum number of hunters. The maximum number of hunters allowed will be determined by the landowner.
- The farm will stay in one unit. If ever the land is sold, a local producer will have a better chance to buy this land because it will be sold more for its agricultural, instead of recreational value. In recent years, the recreational value of land along the Milk River has increased land prices beyond the agricultural value.
- Agri-chemicals will be allowed for weed control.
- Fee hunting, outfitting, and game farms will not be permitted as these practices conflict with free, public hunting.
- The removal of cottonwood trees and other riparian vegetation by any means is prohibited. Removal of trees that pose a threat to farm operations and structures is allowed.
- Additional cultivation shall not occur on lands of predominant native vegetation. Cultivation may occur on existing fields that are outlined on the attached map.
- The landowner will be able to construct, remove, repair, or replace fences, roads, and other nonresidential developments for ranching purposes.

**Montana Fish, Wildlife and Parks  
Wildlife Division**

**DRAFT ENVIRONMENTAL ASSESSMENT (EA)**

**BERNIE HART FARM CONSERVATION EASEMENT PROPOSAL**

**I. INTRODUCTION**

The State of Montana recognizes that certain native plant communities constituting wildlife habitat are worthy of perpetual conservation. These communities include sagebrush-grassland and riparian corridors. Properties owned by Bernie Hart include both these habitats and warrant conservation considerations. A conservation easement was offered to Montana Fish, Wildlife and Parks (FWP) by Bernie Hart and an agreement has been reached on the terms of this easement. This offer reflects the desire of all parties to maintain and protect the agricultural lifestyle and production which goes with this land while maintaining and enhancing wildlife habitats. It is proposed that a conservation easement, to be held by FWP, be purchased from Bernie Hart. This easement would keep the property in private ownership and operation, preserve important wildlife habitats and guarantee public access for hunting and other recreational pursuits.

**II. AUTHORITY AND DIRECTION**

Montana FWP has the authority under law (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, which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title acquisition (87-1-241 and 242). This is now referred to as the Habitat Montana Program. As with other FWP property interest proposals, the Fish, Wildlife and Parks Commission and the State Land Board (for land interests greater than 100 acres or \$100,000 in value) must approve any acquisition by the agency. This Environmental Assessment (EA) is part of that decision making process.

**III. LOCATION OF PROJECT**

The Bernie Hart property is located approximately 1 1/2 miles northwest of Hinsdale along the south side of the Milk River. The property consists of 402 acres and is bordered by the Milk River. All of the land involved is within deer/elk hunting district 670. A map of the property is included in this document.

#### **IV. PURPOSE AND NEED FOR THE PROPOSED ACTION**

The primary purpose of this action is to preserve the integrity of the native habitats and its traditional agricultural use and ownership. The primary habitats represented on the Bernie Hart Farm include riparian corridors, wetlands and sagebrush grassland. By maintaining and improving the existing habitat, wildlife use, including white-tailed deer, ring-necked pheasants, Merriam's turkeys, six species of ducks, mourning doves, sharp-tailed grouse, and a wide variety of nongame species, will be perpetuated. Resident and migrating wildlife species would benefit from the improved habitat conditions on this farm.

A secondary result of this project is guaranteed public access to this farm for hunting and other recreational pursuits. The Bernie Hart Farm has been in Block Management since 1997 using a hunter sign-in box management system. During the past 9 years an average of 248 hunter days have been recorded annually on this Block Management Area. In 2005, ninety-six percent of the hunters who submitted comments on this BMA reported a positive hunting experience. The easement acquisition will ensure that hunters and other recreationists will continue to have access to this land, and the adjacent Milk River and Beaver Creek

The need for this project is not established merely by habitats or wildlife. Rather the need is established by threats to the traditional use of this land by farmers, hunters, fishermen, other recreationists, and wildlife. There are currently several farms along the Milk River for sale at prices that prohibit the purchase of this land by local agricultural producers. These farms are being marketed based on their recreational values and close proximity to the Milk River. A conservation easement on the Bernie Hart Farm would ensure that traditional agricultural production remains the primary use on this land.

#### **V. DESCRIPTION OF PROPOSED ACTION**

The proposed action is for FWP to purchase, hold and monitor a conservation easement on the Bernie Hart Farm. This easement would include 402 acres of the farm which is all the deeded property owned by Bernie Hart in this area. The total purchase price for the proposed easement is \$200,000, plus the cost of materials required to implement the grazing system (approximately \$8,000). Habitat Montana is the primary funding source for this project, although the Montana Chapter of the National Wild Turkey Federation has committed up to 10 % of the financial requirements of the conservation easement not to exceed \$ 20,000.

Specific terms of the easement in their entirety are contained in a separate legal document, which is the "Deed of Conservation Easement". This document lists FWP and landowner rights under the terms of the easement as well as restrictions on landowner activities. The rights of both parties and restrictions on landowner activities were negotiated with and agreed to by FWP and the landowner.

To summarize the terms of the easement, FWP's rights include the right to:

- (1) identify, preserve and enhance specific habitats, particularly river bottom riparian;
- (2) monitor and enforce restrictions;

- (3) prevent activities inconsistent with the easement;
- (4) ensure public access for the purpose of recreational hunting. Hunting access for all sex and age classes of game animals and game birds during all established seasons will be maintained for a minimum of 250 hunter days each fall.

The Landowners will retain all of the rights in the property that are not specifically restricted and that are not inconsistent with the conservation purposes of the proposed easement, including the right to:

- (1) pasture and graze this land in accordance with the rest rotation grazing system described in the Management Plan;
- (2) maintain water resources;
- (3) continue to regulate public use of the land at all times;
- (4) maintain the existing residence, sheds, corrals, and other improvements at the farmstead located on the farm;
- (5) construct, remove, maintain, renovate, repair, or replace fences, roads and other non-residential improvements necessary for accepted land management practices.

The proposed easement will restrict uses that are inconsistent with the conservation purposes of the easement including the following uses of the property:

- (1) control or manipulation of existing native vegetation, including cottonwood trees and sagebrush, by any means.;
- (2) draining or reclamation of wetland or riparian areas;
- (3) any subdivision;
- (4) cultivation or farming beyond existing levels;
- (5) outfitting or fee hunting;
- (6) use of agrichemicals is restricted to the minimum amount necessary to control noxious weeds;
- (7) installation of utility structures without FWP approval;
- (8) mineral exploration, development, and extraction by surface mining or below the surface methods that would significantly impair conservation values;
- (9) construction of permanent structures except as described above;
- (10) commercial feed lots;
- (11) establishment or operation of a game farm, game bird farm, shooting preserve, fur farm, menagerie or zoo;
- (12) commercial or industrial use except traditional agricultural use;
- (13) refuse dumping.

## **VI. DESCRIPTION OF REASONABLE ALTERNATIVES TO THE PROPOSED ACTION**

Bernie Hart wants to maintain this land as a traditional Montana working farm. No interest was expressed in a sale of fee title or a long-term lease. Since conservation easements are also FWP's preferred option, the only other alternative in this EA is the "No Action Alternative".

## **1. No Action Alternative**

In the future, it is probable that this land could be sold for the primary purpose of recreational use because of its hunting opportunities and close proximity to the Milk River and Beaver Creek. There would be no guarantee of the preservation of current habitat values found on the property. Without the proposed easement, habitat protections on this farm could be lost, along with a loss in public hunting opportunities. The farm would remain vulnerable to rural subdivision and commercialization of the property, as well as to potentially detrimental land use practices that would negatively impact the vegetative resources.

## **VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT**

### **1. Land Resources**

Impact of Proposed Action: No negative impacts would occur as a result of this proposal. The terms of the proposed easement are structured to prevent adverse impacts on soils and vegetation. A grazing plan has been developed and will be implemented that will enhance soil maintenance (Management Plan, Attachment A). Subdivision and development of the land is restricted, as is additional cultivation. The proposed easement will insure that the land resources are maintained.

No Action Alternative: This alternative would allow for potential disturbance of soils from more intense agricultural practices, residential development and other commercial uses.

### **2. Air Resources**

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no immediate impact.

### **3. Water Resources**

Impact of Proposed Action: There would be no impact in perpetuity over what is currently associated with a working farm operation. Current agricultural uses on the property have proven to be compatible with maintenance of water quality.

No Action Alternative: There would be no immediate impact. However, there would be no assurances that over time the use of this property wouldn't change from farming to some other use, with no conservation protection.

#### **4. Vegetation Resources**

Impact of Proposed Action: This action would result in a positive impact. The terms of the easement protect the quantity, quality and character of the native plant communities found on the property. The prescribed grazing program will enhance and maintain the vigor and productivity of vegetation on the Bernie Hart property. The proposed action also ensures the land's primary use in the future will be farming and livestock grazing, which depend on maintaining a productive vegetative resource. Noxious weed management will be an important component of a successful farm operation.

No Action Alternative: If the land use were to change from ranching to rural subdivision or some other use there would be no conservation measures in place to maintain the productivity of the land. Future impacts to native vegetation and overall productivity of the land could be significant. In addition, there would be no long-term protection of existing native plant communities.

#### **5. Fish/Wildlife Resources**

Impact of Proposed Action: This action will benefit a variety of wildlife. The terms of the easement conserve the land as agricultural and open space to provide year-round habitat for many of Montana's native wildlife species. Wildlife and agriculture can coexist well together as demonstrated in Montana today. Conserving native plant communities is important for most of Montana's indigenous wildlife species. Implementation of a rest-rotation grazing system will ensure adequate quantity and quality of forage and cover for a variety of wildlife species. No adverse effects are expected on the diversity or abundance of game species, non-game species or unique, rare, threatened or endangered species. There would be no barriers erected which would limit wildlife migration or daily movements. There would be no introduction of non-native species into the area.

No Action Alternative: Without long term conservation protection measures, the area is likely to become more developed for recreational purposes. As this occurs, open space could diminish over time resulting in significant long-term negative effects to most species of wildlife. There would be no provisions preventing activities such as game farming on the property, as well as the construction of fences or other barriers that could inhibit wildlife movement. Wildlife species would be negatively impacted by the conversion of existing native vegetation to other uses.

#### **6. Adjacent Land**

Impact of Proposed Action: No negative impact is expected. Existing fences would be maintained along the perimeter of the Bernie Hart Farm Ranch.

No Action Alternative: A change in management or ownership could result in wildlife caused agricultural damage to adjacent private lands.

## **VII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT**

### **1. Noise/Electrical Effects**

Impact of Proposed Action: No impact would occur over existing conditions.

No Action Alternative: There would be no immediate impact.

### **2. Land Use**

Impact of Proposed Action: There would be no impact with the productivity or profitability of the farm nor conflicts with existing land uses in the area. The traditional uses of the land would be maintained under the Proposed Action.

No Action Alternative: Changes in future landownership and land use could affect habitat quality and current wildlife numbers. Public recreational opportunity would very likely be diminished.

### **3. Risk/Health Hazards**

Impact of Proposed Action: No impact would occur.

No Action Alternative: No impact would occur.

### **4. Community Impacts**

Impact of Proposed Action: There would be no anticipated negative impacts to the community. The scenic values and open character of this property would be maintained and enjoyed by the community in perpetuity. This issue is also addressed in the attached Socio-Economic Assessment.

No Action Alternative: Hunting access and public access on this farm would likely be restricted in the future, negatively affecting traditional recreational opportunities in the area.

### **5. Public Services/Taxes/Utilities**

Impact of Proposed Action: There would be no effect on local or state tax bases or revenues, no alterations of existing utility systems nor tax bases of revenues, nor increased uses of energy sources. As an agricultural property, the land would continue to be taxed as it has before. This issue is also addressed in the attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur. If rural subdivision did occur in this area in the future, greater demands could be placed on county resources and utilities.

## **6. Aesthetics/Recreation**

Impact of Proposed Action: There would be no impact. The easement would maintain in perpetuity the quality and quantity of recreational opportunities and scenic vistas and would not affect the character of the neighborhood. This issue is also addressed in the attached Socio-Economic Assessment.

No Action Alternative: There would be no guarantee of continued public access to the land or across the land for recreational purposes. Should rural subdivision and/or other development occur it would reduce the aesthetic and recreational quality of the area. Future landowners would likely not be as generous with recreational access as Bernie Hart.

## **7. Cultural/Historic Resources**

Impact of Proposed Action: There would be no impact.

No Action Alternative: Any future developments on this land would likely have an adverse impact on the cultural and historic values of this farm.

## **8. Socio-Economic Assessment**

Please refer to the attached Socio-Economic Assessment for additional analysis of impacts on the human environment.

## **IX. SUMMARY EVALUATION OF SIGNIFICANCE**

The proposed action should have no negative cumulative effect. However, when considered on a larger scale, this action poses a substantial positive cumulative effect on wildlife, range management, riparian habitats and open space. The farm will remain in private ownership, continue to contribute to agricultural production and thus contribute to the local economy.

The "No Action Alternative" would not preserve the diversity of wildlife habitats in perpetuity. Without the income from the proposed conservation easement, Bernie Hart might consider other income options including either selling the farm or subdividing parts of it, both of which have been suggested to him by realtors. Possible future subdivisions or other actions prohibited under the terms of the Proposed Action, such as commercial feed lots, could directly replace wildlife habitat and negatively impact important public access to the farm, Milk River and Beaver Creek.

## **X. EVALUATION OF NEED FOR AN EIS**

Based on the above assessment, which has not identified any significant negative impacts from the proposed action, an EIS is not required and an EA is the appropriate level of review. The

overall impact from the successful completion of the proposed action would provide substantial long-term benefits to both the physical and human environment.

## **XI. PUBLIC INVOLVEMENT**

The public comment period will begin on October 2 and run through October 30, 2006. Written comments may be submitted to:

Montana Fish, Wildlife and Parks  
Attn: Bernie Hart Conservation Easement  
54078 Hwy 2 West  
Glasgow, MT 59230

Or comments can be emailed to [jelletson@mt.gov](mailto:jelletson@mt.gov).

In addition, there will be a public hearing in Glasgow on October 16, 2006 at the Cottonwood Inn at 7:00 PM.

## **XII. NAME, TITLE AND PHONE NUMBER OF PERSON RESPONSIBLE FOR PREPARING THIS EA**

Harold Wentland, Regional Wildlife Manager, Montana Fish, Wildlife, and Parks,  
54078 Hwy 2 West, Glasgow, MT 59230, 406-228-3710.

# **APPENDIX I**

## **Bernie Hart Farm Conservation Easement**

### **MANAGEMENT PLAN**

#### **A. INTRODUCTION**

This conservation easement is based on the habitat values found on the Hart Property. Primary objectives of this conservation easement include: protection and enhancement of the riparian habitat associated with the Milk River; enhancement of the upland areas; continuing an active public access travel plan, and maintenance of healthy wildlife populations within this habitat. This conservation easement will complement and enhance the habitat and recreational values associated with the adjacent Hinsdale WMA. Because hunters are funding this easement, game species will be used as indicator species and are prioritized as follows based on habitat availability and potential in this area: ring-necked pheasants, white-tailed deer, Merriam's turkeys, mourning doves, and waterfowl (i.e., mallard, green-winged teal, blue-winged teal, northern shoveler, gadwall, American wigeon).

#### **B. GOALS, OBJECTIVES, PROBLEMS, AND STRATEGIES**

**GOAL:** To protect and enhance the riparian habitat and associated uplands along the Milk River, maximize hunter recreation on these lands, and preserve the overall integrity of these lands for future generations.

**Objective 1.** Practice proper stewardship, which translates to managing for improved soil composition, structure and productivity, and for the health and vigor of all vegetation communities, while positively impacting the traditional land uses.

**Strategy 1.** Maintain native Milk River riparian wildlife habitat through easement protections. Limitations will include standing tree removal, breaking of native habitats, removal of sagebrush, subdivision, house construction, game farming, grazing management, and commercial feed lots.

**Strategy 1a.** Attachment 1 describes the grazing plan. Cattle will be allowed throughout the property except on 20 acres that are fenced out and located west of the county road and on 6.1 acres that are fenced out and located on the east side of the slough on the northwest side. The Fall/Winter grazing system will utilize existing pastureland, currently cropped alfalfa and grain fields, and a small parcel of native rangeland (3 acres). An extension of one existing fence will delineate the north and south pastures (shown on the attached map of pasture layout).

**Strategy 1b.** During harvest of the existing 150 acres of grain fields, 12 inches of stubble will be left standing. These fields will be cropped annually, except in occasional years where weed control is needed and fields are left fallow. All farmed fields are depicted in

Exhibit B. This strategy will allow additional cover for upland game birds, as well as food from grain missed during harvest.

Strategy 1c. The existing 36 acres of alfalfa hayland will not have a third-cutting removed from the field. Any regrowth after the second-cutting will be left standing. This strategy will allow additional food and cover for wildlife during the fall, winter, and spring.

Strategy 1d. Mr. Hart (Landowner) will control noxious weeds where needed. Leafy spurge is the most common noxious weed on the property.

Objective 2. Provide a minimum of 75 hunter days for deer, 100 hunter days upland game birds, 50 hunter days for waterfowl, and 25 hunter days for turkey.

### **Access Strategies**

Strategy 2. Provide hunter recreation through the existing FWP Block Management program. Current access is by walk-in only. By minimizing vehicular traffic, more secure areas for pheasants, white-tailed deer, and turkeys are provided during the hunting season. Wildlife remains on this property with the current hunting pressure. Past hunter comments have given the Hart property a high satisfactory rating.

Strategy 2a. Montana FWP will pursue agreements with adjacent landowners to allow hunter access for harvesting all available species.

Strategy 2b. Provide liberal season structures for all species. This will allow sportsmen the full opportunity to utilize this area for hunting and to maintain healthy wildlife populations. This will be a continuing strategy.

### **Habitat strategies**

Strategy 2c. Healthy populations of upland game birds will result with the implementation of Strategies 1, 1a, 1b, and 1c. These strategies will provide quality nesting, brood-rearing, and winter cover for these birds. These strategies will also provide improved year round habitat for white-tailed deer, especially fawning and security habitat; nesting and brood-rearing habitat for pheasants and turkeys; nesting habitat for waterfowl; and winter habitat for sharp-tailed grouse.

Strategy 2d. Montana FWP and the Landowner will provide both wildlife habitat and efficient irrigation flows through the irrigation canals. This strategy will improve habitat by allowing vegetation on the outside banks of the canals to remain in the form of nesting and brood-rearing cover. Vegetation on the inside of canals will be controlled by mowing to facilitate water flow.

Strategy 2e. Implement FWP's Upland Game Bird Habitat Enhancement strategies on several areas as outlined in Exhibit B, Hart Farm Easement. These include shelterbelts

and food plots. Implementation of this strategy will enhance upland game bird habitat quantity and quality. This strategy will also benefit white-tailed deer and waterfowl through improved habitat conditions. Food plots (areas shown on Exhibit B of the easement, 10.4 acres) will be left each fall after harvest. One shelterbelt is already in place, and other shelterbelt opportunities will be explored.

Objective 3. Maintain healthy wildlife populations within the available habitats, taking into account the negative impacts wildlife may cause on nearby private lands.

Strategy 3. Maintain a healthy, managed white-tailed deer population through the use of liberal hunting seasons. This strategy will continue to be utilized.

Strategy 3a. The Block Management plan for this ranch will continue to provide areas of security for white-tailed deer during the hunting season. This strategy will assist in keeping deer from moving onto adjacent ranches that allow limited or no hunter access. This practice was initiated in the 1996 hunting season.

Strategy 3b. Montana FWP will pursue agreements with adjacent landowners to allow hunter access for harvesting white-tailed deer. This strategy will be an ongoing effort to alleviate depredation problems with white-tailed deer in the area.

Objective 4. Provide non-hunting recreational and educational opportunities to the public through the viewing of wildlife, fishing, and various educational uses.

Strategy 4. Public opportunity for wildlife viewing will be enhanced through the Strategies found in Objective 1, as well as Strategies 2d and 2e. Improved populations of game and non-game species of birds and mammals will result from these habitat improvements and provide for public viewing. Avian species commonly found in this area include American robin, western meadowlark, Savannah sparrow, vesper sparrow, and grasshopper sparrow. Access for wildlife viewing will continue to be on a permission basis from the Landowner.

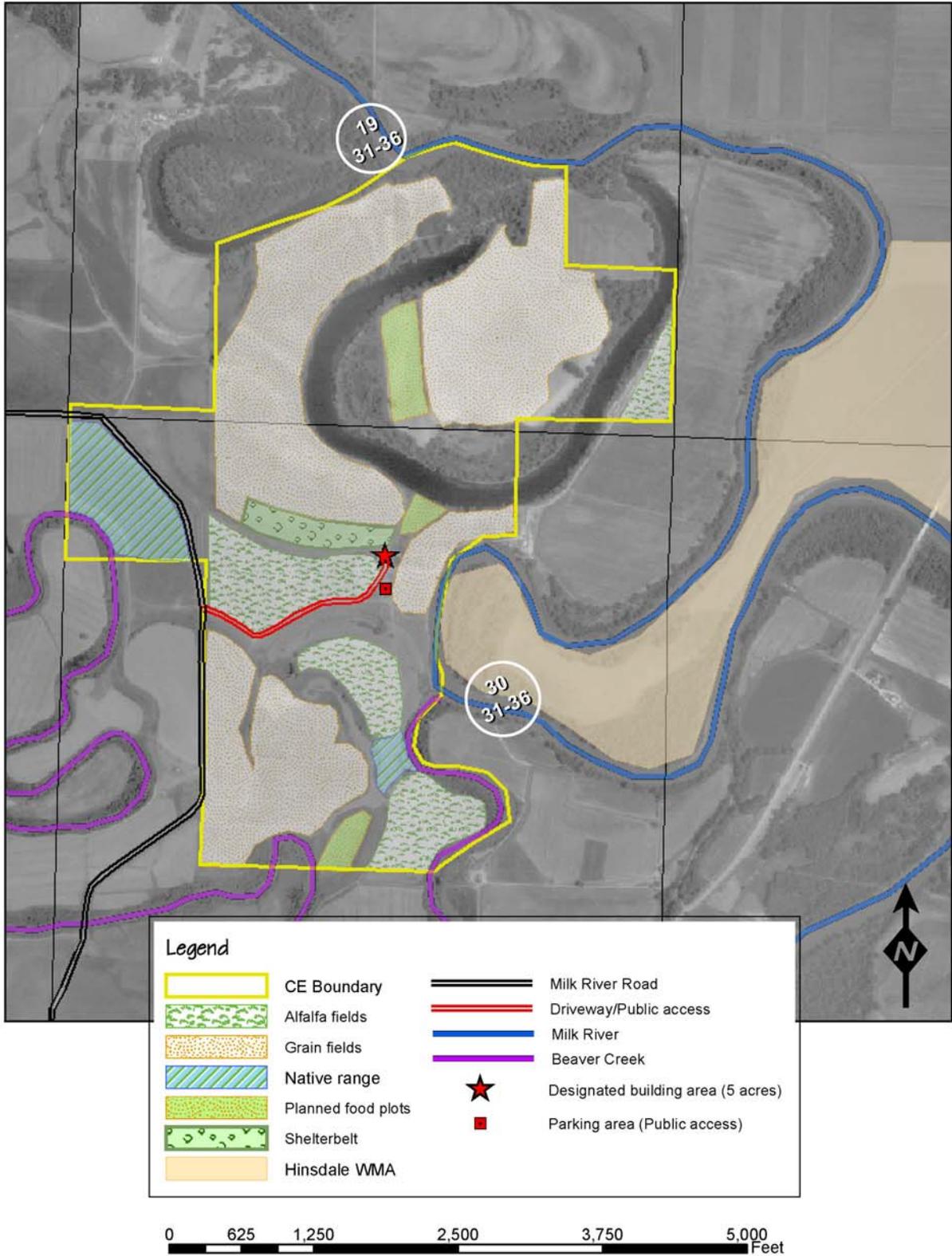
Strategy 4a. Provide a minimum of 50 angler days of fishing. Fishing opportunities exist on Beaver Creek, the Milk River, and at the mouth of Beaver Creek on the Milk River. Game fish commonly found in these areas include channel catfish, northern pike, and walleye. Fishing opportunities for the public will continue to be available through controlled access by the Landowner.

Strategy 4b. The Landowner may allow the property to be utilized for educational purposes associated with schools and various organizations. This conservation easement would demonstrate how traditional land uses can be implemented in a manner that benefits wildlife while maintaining a successful agricultural operation.

## Exhibit B Map of Hart Farm



Prepared by Debbie Hohler  
Wildlife Biologist, MFWP



# ATTACHMENT 1

## Bernie Hart Farm Conservation Easement

### GRAZING PRESCRIPTION AND PASTURE LAYOUT MAP

Grazing on the Hart Ranch will be limited to cattle and will only occur in the 2 pastures indicated on the pasture layout map. All grazing will occur during fall and early winter (October 15 to February 1) and will be conducted in accordance with Montana Department of Fish, Wildlife and Parks (FWP) standards for livestock grazing as described in the easement document.

In the year when a pasture is scheduled for grazing the maximum allowable level of use is 200 AUMs. One AUM = 1 cow with calf grazing for one month.

#### Grazing Prescription

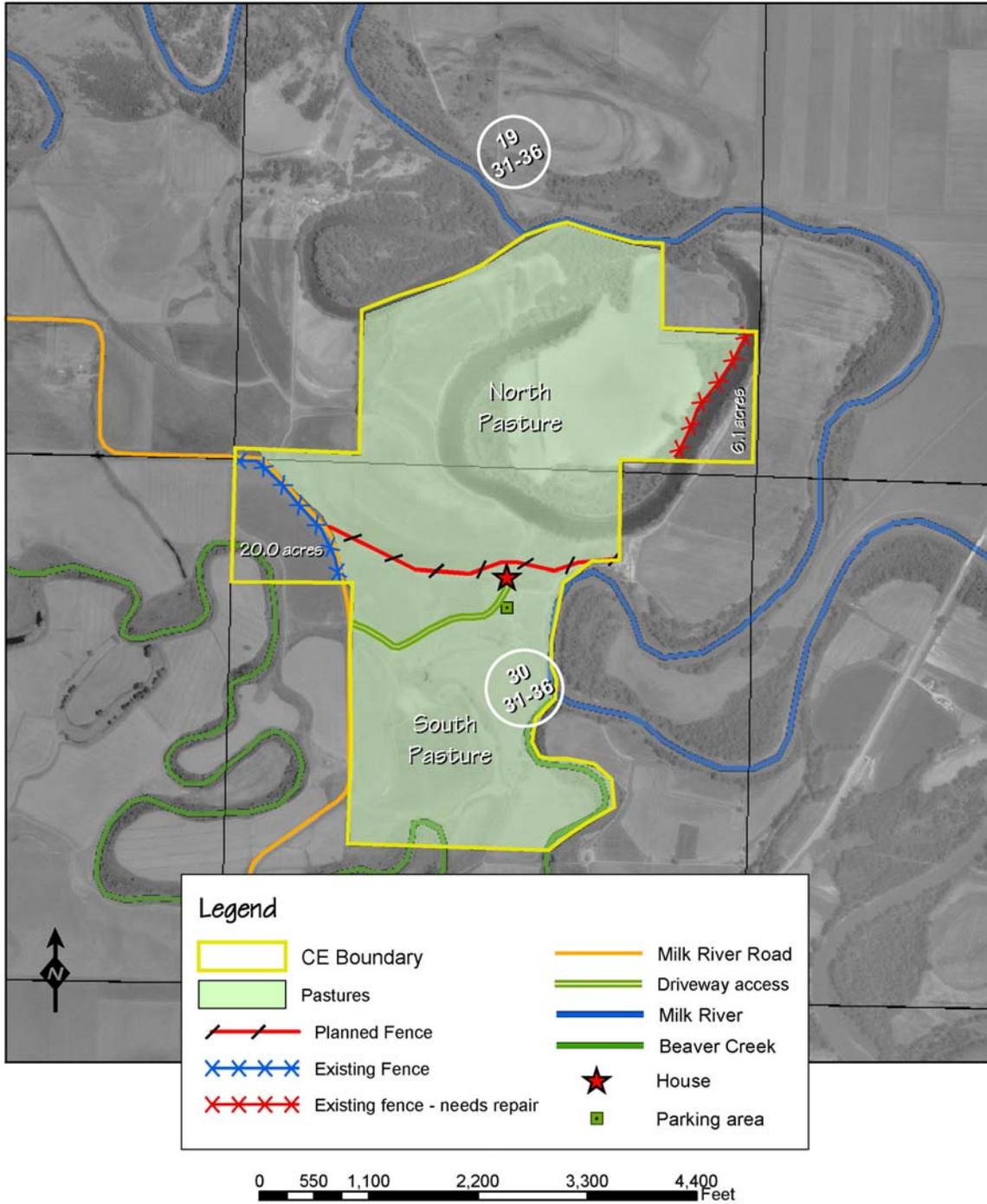
Each year 1 of the 2 pastures, depicted in Attachment 1, will be grazed and the other rested from livestock grazing as indicated in the grazing formula table below:

| Year        | North Pasture                  | South Pasture                  |
|-------------|--------------------------------|--------------------------------|
| <b>2007</b> | Rest from livestock grazing    | <i>Graze Oct. 15 to Feb. 1</i> |
| <b>2008</b> | <i>Graze Oct. 15 to Feb. 1</i> | Rest from livestock grazing    |
| <b>2009</b> | Rest from livestock grazing    | <i>Graze Oct. 15 to Feb. 1</i> |
| <b>2010</b> | <i>Graze Oct. 15 to Feb. 1</i> | Rest from livestock grazing    |
| <b>2011</b> | Rest from livestock grazing    | <i>Graze Oct. 15 to Feb. 1</i> |
| <b>2013</b> | <i>Graze Oct. 15 to Feb. 1</i> | Rest from livestock grazing    |
| <b>2014</b> | Rest from livestock grazing    | <i>Graze Oct. 15 to Feb. 1</i> |
| <b>2015</b> | <i>Graze Oct. 15 to Feb. 1</i> | Rest from livestock grazing    |
| <b>2016</b> | Rest from livestock grazing    | <i>Graze Oct. 15 to Feb. 1</i> |
| <b>2017</b> | <i>Graze Oct. 15 to Feb. 1</i> | Rest from livestock grazing    |

#### Range Improvements

Water is well distributed on the ranch and the boundary fences are all in good order. The only range improvement necessary to implement the grazing system is a new fence about ¾ miles in length. The fence will be constructed using steel posts and barbed wire. A 3-strand wire fence constructed using FWP’s guidelines will be built to separate the ranch into the 2 pastures indicated on the attached map. The estimated cost of construction will be about \$8,000, and FWP will assist with the cost of fencing.

### Bernie Hart Farm - Map of Pasture Layout



**BERNIE HART**

**CONSERVATION EASEMENT**

**SOCIO-ECONOMIC ASSESSMENT**

MONTANA FISH, WILDLIFE AND PARKS

Prepared by:  
Rob Brooks  
September, 2006

## 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 land is acquired for the purpose of protecting wildlife habitat 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 currently owned by Bernie Hart. 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 Bernie Hart property is located in Valley County about 1½ miles northwest of Hinsdale on the south side of the Milk River. This property is classified as tillable/non-tillable and grazing land by Valley County. A map of the property is included in the environmental assessment.

### B. Habitat and Wildlife Populations

As mentioned above, the property is both tillable and non-tillable land as well as grazing land. Cattle currently utilize the land. Wildlife that use this property include waterfowl, upland game birds, deer.

### C. Current Use

The Bernie Hart property is a working farm/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, changes in land uses, or secure access for the public into the future.

### **FWP Purchase of Conservation Easement**

The intent of the Bernie Hart 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.
- 6) No renting or leasing access to the land for recreational purposes except that allowed by the Easement.
- 7) No game farms.

A complete list of the restrictions this easement has on the landowners and FWP is provided in the Deed of Conservation Easement for the Bernie Hart Conservation Easement.

### **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 FWP does not purchase a conservation easement.

Subdivision or development of the land is a possibility. Currently there are a number of ranches for sale adjacent to the Milk River for prices that reflect their potential recreational value, not their income producing value associated with farming or ranching. 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 FWP 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 FWP are related to the purchase price of the conservation easement and maintenance/management costs. The Bernie Hart Conservation Easement will cost FWP \$200,000. 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 easement, considered separately, will not change the type or level of use on the property. Therefore, the purchase of a conservation easement on this land will have no impact on the current level of taxes paid to Valley County.

### **B. Economic Impacts**

The purchase of a conservation easement will not affect the agricultural activities on the Bernie Hart Ranch. The number of cattle run on the property will not change; however a rest rotation grazing system will be implemented under the terms of the conservation easement. It is anticipated that the fencing and other materials needed will cost about \$8000 which will provide a small positive impact to local businesses providing these materials.

The landowner has provided public access for hunting and other activities in the past. Under the terms of the easement these recreational opportunities will continue. This will ensure not only the access but that the spending in local communities associated with hunting will continue also.

## **FINDINGS AND CONCLUSIONS**

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

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

The agricultural/ranching operations will continue at their current levels. The financial impacts of the easement on local businesses will be neutral to minor positive in both the short and long run.