



Montana Fish, Wildlife & Parks

Region 2
3201 Spurgin Road
Missoula, MT 59804
December 3, 2007

Dear FWP Commissioners and Interested Citizens:

Thank you for your thoughtful reviews and comments on a proposal by Montana Fish, Wildlife and Parks (FWP) to purchase a conservation easement on 4,940 acres of the Melany Mannix Ranch. The subject lands are located adjacent to property owned by FWP within the Nevada Lake Wildlife Management Area, in Powell County.

Enclosed is a decision document in which I explain my rationale for recommending that the Fish, Wildlife and Parks Commission complete this transaction as proposed. I accept the information presented in the draft environmental assessment, socio-economic assessment, and management plan as final. Please feel free to contact me if you are missing any portion of this documentation package.

The decision document also displays public comments on the proposed purchase, and explains how FWP considered and incorporated these comments in formulating a recommendation.

FWP will request approval for the purchase of a conservation easement on the subject lands at the monthly Commission meeting scheduled for November 29 at FWP headquarters in Helena. This meeting is open to the public, as are other regularly scheduled Commission meetings.

Please call me at 542-5500 with any questions you may have. Thank you for your interest and participation.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor



DECISION NOTICE
Dalton Mountain Conservation Easement
December 3, 2007



Proposal

Montana Fish, Wildlife & Parks (FWP) proposes to acquire a conservation easement on approximately 4,940 acres of the Melany Mannix Ranch, in Powell County. FWP would provide the funding needed to purchase the proposed easement with a fixed grant of \$1,379,000 from the federal Forest Legacy Program. The private landowner would donate the remainder of the appraised easement value, which by Forest Legacy stipulations would total no less than 25 percent of appraisal.

The proposed project area, to be known as the Dalton Mountain Conservation Easement, would adjoin the east boundary of the preexisting 740-acre Nevada Lake Wildlife Management Area, and would include approximately 2,220 acres currently owned by The Nature Conservancy

(TNC). As a result of this project, these TNC lands would be added to the Melany Mannix Ranch, and would be included as part of the 4,940 acres in the Dalton Mountain Conservation Easement.

The purposes of the conservation easement would be to conserve fish and wildlife habitat by preventing 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.

The terms of the proposed conservation easement would prohibit any subdivision of the subject land for any purpose. 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 Melany Mannix 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 follow a plan for timber harvest. This Forest Stewardship Plan (dated October 24, 2006) has been prepared by Northwest Management, Inc. of Helena, MT in consultation with Melany Mannix and FWP, and in accordance with Forest Legacy stipulations. It reflects the goals and objectives of the Ranch, as well as the purposes for which FWP and the Forest Legacy Program propose to enter into the Dalton Mountain Conservation Easement. Both FWP and the landowner possess copies of the Forest Stewardship Plan.

The Forest Stewardship Plan and FWP Management Plan highlight grazing management issues and opportunities. As indicated in the draft Management Plan, the landowner and FWP would agree to cooperate in the future on mutually agreeable opportunities to use and manage livestock distribution for the enhancement of wildlife habitat and the livestock operation.

Public access for hunting would be guaranteed in perpetuity across the approximately 4,940 acres proposed for conservation easement by a method agreed upon between FWP and the landowner. Opportunity for at least 400 hunter-days of access would be provided annually during the fall-winter-spring hunting seasons (September 1-May 15), including but not limited to upland bird, archery, general elk and deer, spring and fall bear, and lion. Outfitting or fee hunting on the conservation easement would be prohibited. Hunters would be restricted to access by foot or horseback.

Montana Environmental Policy Act (MEPA) Process

FWP prepared an environmental assessment pursuant to MEPA, and a management plan and socio-economic assessment pursuant to the 1987 act of the Montana legislature known as House Bill 526. FWP made these documents available during a 32-day public comment period that began on October 26 and ended on November 26, 2007. FWP advertised the public comment period and the availability of the proposal documentation by legal notice, and verification of publication has been received from the *Independent Record*; *Great Falls Tribune*; *Missoulian*; *Montana Standard*; and *Silver State Post*. This documentation was available in its entirety on FWP's Internet web site (www.fwp.mt.gov) for the duration of the public comment period. FWP distributed about 100 personal notifications of the documentation immediately before the public comment period began, and responded to additional requests as they were received. At the beginning of the comment period, FWP contacted all landowners with property located adjacent to the subject lands, and the Powell County planning authority.

A public hearing was held on November 5, 2007, at the Helmville Community Center, about 7 miles from the subject property. This hearing date was advertised in the proposal documentation, in the legal notice listed previously, and on FWP's Internet web site. The content of the legal notice is attached (Appendix 1).

Summary of Public Comment

Twenty (20) individuals and/or organizations participated in the public involvement process by commenting on the draft proposal, requesting clarification, and/or attending the public hearing. Fifteen (15) people attended the hearing, and 5 provided oral testimony. FWP received 5 written responses to the proposal (4 emails and 1 letter). Included among the respondents were the Powell County Planner, people who hunt in the area, neighbors to the Melany Mannix Ranch, and the Missoula County Board of County Commissioners.

Nineteen (19) comments were in support of the proposed purchase of the 4,940-acre conservation easement, and one (1) did not express an opinion on the proposal, but expressed concern instead with the public involvement process. A transcript of the comment recorded at the public hearing, as well as the text from the emails and letter are preserved as part of the public record, as follows.

Dalton Mountain Conservation Easement
Public Comment Meeting
November 5, 2007
7:00 PM
Helmville Community Center
Helmville, Montana

Transcribed: November 7, 2007

Jim Gallo: The number one comment I have is, separate from this, thirty days isn't enough time to hand all of us this paperwork and say, "Okay, we want you to make a decision on it tonight." Three days ago I didn't even know about this meeting. And I know a lot of people who don't know about this meeting. I'm not going to make a comment for or against. My comment is: This isn't enough time to hand the few people who know about this meeting this stack of paper and say we want your public comment for the record. Are you for and against this. That is wrong.

Wayne Palm
Helmville, MT: From what I have seen from the presentation, I don't have any problem with it. It opens up land. I am sure Melanie has looked at it. If it's good for her, it's good for me. It's more land to hunt.

Darryl Archie: I strongly support this.

Dave Gallic: And I also strongly support this conservation easement.

Erv Wilke
Laurel, MT: Hunt here with Darryl for the last 25 years and I think if Melanie Mannix thinks this is the thing that is going to work for her and work for the rest of us. I think we ought to go forward.

Decision

Utilizing the environmental assessment and public comment, a decision must be rendered by FWP, which addresses the concerns and issues identified for the proposed purchase of a conservation easement. In light of public comments and internal agency review, I accept the draft environmental assessment, management plan and socio-economic assessment as final.

The Mannix Ranch owner is interested in preventing subdivision and development of the property, and in replacing economic incentives to subdivide with economic incentives to leave

the land undivided. FWP has long recognized the importance of the Mannix Ranch as wildlife habitat, and as a desirable location to expand public access for hunting. FWP and the Mannix Ranch have a history of cooperating on issues and opportunities such as establishment of a Block Management Area (Nevada Lake BMA) with other neighbors in 1985. Since the early 2000s, the Mannix 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 committing to purchase a conservation easement on the Mannix Ranch prior to the present time. The involvement of TNC and the Blackfoot Challenge, along with the availability of Forest Legacy Program funding for which the proposed Mannix Ranch project qualified, makes this proposal a possibility today.

This opportunity to acquire a conservation easement on the Mannix 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. This project would enact most of the land conservation strategy of the *Blackfoot Challenge*—and FWP as a partner—for the Nevada Creek Area of the Blackfoot Community Project. The *Challenge* initiated the Blackfoot Community Project in Fall 2002—beginning with community meetings from Helmville to Seeley Lake—as a proactive response to the progressive parceling and development of Plum Creek timberlands across the watershed. As a result, The Nature Conservancy (TNC) agreed to assume the financial risk of obtaining loans and purchasing up to 89,000 acres of Plum Creek property for the *Challenge*. TNC and Plum Creek closed on the first 18,443 acres in January 2004, and the next 19,883 acres in May 2004. (The May closing included 3,834 acres of Plum Creek inholdings within the Blackfoot-Clearwater Wildlife Management Area, which enabled the Blackfoot-Clearwater Forest Legacy Project, and the transfer of these acres to FWP ownership in Fall 2004.) TNC and Plum Creek closed on the next 4,601 acres in November 2004, including the approximately 2,220 acres of TNC parcels that are herein proposed for inclusion in the Dalton Mountain Conservation Easement.

TNC's pivotal role in the Blackfoot Community Project—and as a partner in this proposed Forest Legacy project—is as the buyer and interim property holder, on behalf of the local communities. TNC relies in turn on its partners in the *Blackfoot Challenge* to develop and help implement a property disposition strategy by which permanent landowners may be found who will maintain the community values that were identified in the meetings of 2002, and thereafter. Among the community values at the top of the list are continued forest management, timber harvest, livestock grazing, noxious weed control, conservation of fish and wildlife habitat, and public recreational access. These values were provided for decades by the corporate timber companies, and were generally taken for granted by the neighbors and publics who benefited. This proposal for the Dalton Mountain Conservation Easement reflects the currently emerging disposition strategy of the *Blackfoot Challenge* for Plum Creek lands in the Nevada Creek area, in an attempt to fulfill the desires and expectations of the local community, including FWP and the other participating public agencies.

In my judgement, and as supported by the public comment, the proposed conservation

easement on the subject lands is critically important in meeting its overriding purposes of protecting exceptional wildlife habitat and public access in perpetuity. By accomplishing these purposes, the proposed conservation easement will continue to foster important hunting opportunities for the general public on the adjacent Nevada Lake Wildlife Management Area.

In consideration of these facts, I am pleased to recommend that the Fish, Wildlife and Parks Commission acquire a conservation easement on the subject lands from the Melany Mannix Ranch, with approval to spend \$1,379,000 granted to Montana by the Forest Legacy Program.

/s/ Mack Long

Mack Long
Regional Supervisor
Missoula, MT
December 3, 2007

Appendix 1.



LEGAL AD

Provide Proof of Publication and Invoice to:

Montana Fish, Wildlife & Parks

Attn: Sharon Rose

3201 Spurgin Rd.

Missoula, MT 59804

PUBLIC NOTICE

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on its proposal to purchase a conservation easement on 4,940 acres along Dalton Mountain Road at a cost of \$1,379,000. The proposed Dalton Mountain Conservation Easement is located 10 airline miles southeast of Helmville in Powell County, Montana. FWP's purposes for acquiring the conservation easement are to protect elk winter range and associated wildlife habitat.

A Draft Environmental Assessment (EA) will be available for review and comment beginning Friday, October 26, 2007. You may view the EA at FWP's website www.fwp.mt.gov ("Recent Public Notices") or request a copy by mailing FWP, 3201 Spurgin Road, Missoula, MT 59804; phoning 406-542-5540; or emailing shrose@mt.gov.

Comments should be directed to Mike Thompson by mail at the address above; phone to 406-542-5516; or email to mthompson@mt.gov, and must be received no later than 5 p.m., November 26, 2007. A public meeting to discuss the proposal will be held at the Helmville Community Center at 7:00 p.m. on Monday, November 5 2007.

October 26, 2007