

DRAFT ENVIRONMENTAL ASSESSMENT  
(October 16, 2007; Revised)

A PROPOSED RESTATEMENT OF DEED OF CONSERVATION EASEMENT  
AND ADDITION OF 204.5 ACRES UNDER EASEMENT

INVOLVING  
MONTANA FISH, WILDLIFE & PARKS AND BROWN VALLEY RANCH  
(RAVALLI COUNTY)



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## **INTRODUCTION**

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on its proposal to expand the land area subject to the existing 1,869-acre Brown Valley Conservation Easement in Ravalli County by 204.5 acres, to include property along Threemile Creek. The first Brown Valley Conservation Easement on 1,800.47 acres was established and enacted by the Ranch and FWP on December 18, 1995 to endure in perpetuity in memory of Wallace B. Brown. Another 68.42 acres was added to this original easement in December 2000, bringing the total easement to 1,869 acres. These original actions were the culmination of advertised public involvement processes, based on environmental assessments, management plans and socio-economic assessments prepared by FWP, and approved by the Fish, Wildlife & Parks Commission and State Board of Land Commissioners. In 2006 the family contacted FWP with the idea of adding the proposed 204.5 acres to the existing easement. Accordingly, FWP proposes to purchase an easement on these 204.5 acres at a cost of \$45,399. This purchase price was calculated by applying the same rate per acre (\$222) as Brown Valley and FWP agreed upon in 1995. FWP and the Ranch propose to add the acres to the easement area by replacing the original recorded easement document with a Restatement of Deed of Conservation Easement in December 2007. This Restatement would add the 204.5 acres to the legal description of the easement, bringing the total Brown Valley easement to 2,073.39 acres, but would otherwise preserve the original purposes and terms (although some wording would be improved to clarify the intent and effect of the terms). An updated, draft management plan, which is tentatively agreed upon between FWP and Brown Valley Ranch, is also included for public review at this time, as well as an updated socio-economic assessment of the proposed action.

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

### **Authorities/Direction**

Montana Fish, Wildlife & Parks (FWP) is authorized by State law (87-1-209 MCA) to purchase conservation easements for protecting wildlife habitat. 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. In this case, the Montana Board of Land Commissioners (the Land Board) will be required to review the Commission's action on this proposal because the proposed project would involve a land area in excess of 100 acres.

### **Area Description/Wildlife Resources**

The Brown Valley Ranch is located 7 airline miles east of Florence in Ravalli County, Montana. A legal description of all lands in the Brown Valley Conservation Easement, including the proposed 204.5-acre easement addition, is presented in Exhibit A. A map of these lands is presented in Exhibit B.

The Brown Valley Ranch is situated on the east side of the Bitterroot River Valley, on the lower, west slope of the Sapphire Mountains. Ranch lands included in the Brown Valley Conservation Easement occur in two geographic units. The North Unit rises steeply and generally eastward from Three Mile Road and Threemile Creek to a common property boundary with the Threemile Wildlife Management Area (TWMA). The South Unit is a flat to gently sloping landform along the north side of Ambrose Creek Road, extending eastward from the Bitterroot Irrigation District Canal ("Big Ditch") to the TWMA. Generally, portions of the ranch that are included in the easement are those located at higher elevations and have a history of management as native pasture. The headquarters area and low-lying, farmed units of the ranch are not included in the easement.

The Brown Valley Conservation Easement forms the western boundary of what has become a 13,302-acre, contiguous block of wildlife habitat in FWP ownership or subject to the terms of FWP conservation easements. The Brown Valley easement abuts the Threemile Wildlife Management Area (6,099 acres) along its eastern boundary, and the Bolin (5,204 acres) and Lewis (130 acres) Conservation Easements along its southern boundary (Exhibit B).

One-hundred-one wildlife species were listed as observed or expected on the Brown Valley Conservation Easement in the baseline inventory that was completed in November 1995.

The Brown Ranch is within FWP's Eightmile-Ambrose elk survey unit where elk counts have averaged 135 from 2003 through 2007 and exceeded 300 animals in 1998 (316) and again in 2000 (313). Actual elk numbers are probably 20-30% higher than the counts would indicate, based on surveys in comparable habitats where radioed elk were available for estimating survey efficiency.

### **Site Description/Need**

The 204.5 acres proposed for addition to the easement area includes about 24 acres of riparian habitat along 2 miles of stream and about 180 acres of intermountain grassland habitat with about 50 acres of that in a mix of scattered ponderosa pine and Douglas fir. Within the proposed easement is a fenced area along approximately 1,300 feet of Threemile Creek beginning about 400 feet above Four Corners that will continue to serve for watering livestock when they are in the pasture to the west. The entire Brown Valley Easement, including the proposed 204.5 acres, is located in the heart of elk winter range. The proposed 204.5-acre addition is bounded on the east and south by the original Brown Valley easement area, on the east by Threemile Wildlife Management Area (TWMA), and on the north and west by private land (Exhibit B).

The present time is opportune to secure the proposed addition to the Brown Valley Conservation Easement. Because there is reasonable access along the Threemile Road and other roads on adjoining private land, and because of its scenic value, the property is highly developable. Thankfully, the current landowner places high priority on protecting it with a conservation easement. However, a future owner will likely not be so inclined, and once in that arena the value of this 204.5-acre parcel as a homesite or residential subdivision adjacent to protected open space, wildlife habitat and panoramic mountain views would increase dramatically. Were that to happen, costs to the public of purchasing a conservation easement would probably be much higher than at present, and the question of whether a future landowner would forego potential economic gain to grant a conservation easement cannot be answered at this time.

The potential replacement of grassland vegetation with houses, fences, driveways, garages, barns, and other structures constitutes a direct habitat loss on south and west-facing slopes that possess exceptional winter habitat values for a portion of the local elk herd. Human activity associated with residential areas, including vehicle traffic, pets and outdoor recreation, would displace elk from otherwise suitable habitat within an expanded radius around the homes. Additional explorations by pets and humans into the adjacent conservation easement and TWMA would be predicted as a fact of human nature, even though TWMA is closed to all public entry from December 1-May 14. Future residents might even choose to introduce artificial food sources for the wintering herd, which would disrupt natural movements and habitat-use patterns, and concentrate animals in a manner that would degrade native grasslands on the Brown Valley Ranch and TWMA alike. The potential for these and other impacts would increase as housing densities increased, but FWP predicts that serious impacts could occur with only one poorly located and managed homesite.

The probable consequences of introducing human disturbances to wintering elk are well documented in the scientific literature (original sources are available from FWP upon request). Access to relatively high-quality winter forage is important to allow elk to maintain body condition and weight. However, natural forages in their cured, dried, winter condition are not adequate for elk to gain weight, except under ideal conditions. Normally, elk are subjected to bouts of severe cold, driving wind, and deep, crusted snow. These natural conditions require them to burn energy, and fat reserves accumulated during the late-summer months are often used to supplement energy from winter forage. Alertness, alarm, walking and running away from unpredictable human disturbances are stresses to elk and consume energy that animals may not be able to replace during a long winter. Elk may discontinue using habitats where they are often disturbed and consequently suffer in long-term health and productivity, or in vulnerability to predators, by using secondary or marginal habitats instead. Elk that remain in the face of human activity, but sustain elevated heart rates and energy consumption, may be unable to spare energy for developing fetal calves, and may ultimately give birth to offspring with low birth weights and markedly reduced odds of survival. Therefore, human disturbances on winter range may be expected to reduce the productivity and survival of the affected elk population, and may displace elk to adjacent private ranches where tolerances for additional elk may be low.

Additionally, future residential development on the lands proposed for addition to the Brown Valley Conservation Easement would decrease potential future hunting opportunities on the easement area, and on the adjacent TWMA. Because they would be close to a portion of the TWMA that is heavily hunted by the public during the general elk season, the construction of homes on the subject lands would almost certainly require establishing a no-shooting zone on that portion of TWMA itself to protect homeowners. Although the landowner has limited hunting access on the Brown Valley Conservation Easement to that necessary for displacing elk from the property (to be hunted on adjacent Threemile WMA), the easement specifically allows present and succeeding landowners discretion to allow additional public hunting in the future. However, the practical possibility of hunting occurring in the surrounding easement area would be diminished or lost if homes were built on the subject lands.

The exceptional habitat value contributed by the proposed addition of 204.5 acres is contained within and adjacent to the waters and riparian zone of Threemile Creek. The creek supports west-slope cutthroat trout, and the Brown family has invested heavily, along with FWP and other nonprofit partners, in the restoration and protection of fisheries habitat all along the reach within the proposed easement addition. Riparian areas support the greatest diversity of wildlife in Montana, yet they are being diminished in size and productivity by encroaching development. This addition of riparian habitat to the existing conservation easement will ensure that some of the most productive acres for wildlife across the landscape of the Brown Valley Ranch will remain available to wildlife in perpetuity.

### **DESCRIPTION OF THE PROPOSED ACTION**

FWP proposes to spend \$45,399 to purchase a conservation easement on 204.5 acres that would be added to an existing easement on the Brown Valley Ranch. These acres would be added by replacing the existing Deed of Conservation Easement (recorded in Ravalli County) with a Restatement of Deed of Conservation Easement to be executed in December 2007. The substantive changes reflected in this Restatement would be: (1) a revised legal description of lands subject to the easement to include the addition of 204.5 acres and (2) reference to a management plan. The management plan would not be enforceable as part of the easement, but

would outline management strategies agreed upon by FWP and Brown Valley Ranch that would help both parties comply with the easement terms. Further explanation is included in the draft management plan, which is included in this documentation package. As with the original easement, the proposed Restatement would leave the land in private ownership, but would endure as a recorded encumbrance on the title in perpetuity, binding all future owners of the land. The terms of the Restatement would be identical to those of the existing easement, with the exception of some changes in specific wording to clarify statements. As in the existing easement, the Restatement would prohibit home sites, commercial uses other than agriculture, surface mining, game farms and other activities that might adversely impact the conservation values of the land. Ranching would continue, but no additional cultivation would be allowed. Public access for hunting would be granted or denied at the landowner's discretion.

## **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 Ravalli County; however, the effects of FWP's input on any future proposed subdivision are uncertain. The existing Brown Valley Conservation Easement would remain unchanged, pertaining only to the original 1,869 acres, with no reference in the easement to a management plan.

### **Alternatives Considered but Dropped from Further Consideration**

Because the proposed Restatement of Deed of Conservation Easement is limited by the scope of the existing conservation easement it would replace, and by its acceptability to the private landowner, "no-action" is the only reasonable alternative to the proposed action.

## **IMPACTS**

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

Solid/hazardous wastes

Water rights

Mineral resources

Wild and scenic rivers

Floodplains

### **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.

### **Threatened and Endangered Species**

The gray wolf is classified as an endangered species, and is present occasionally on the subject lands. At this time, no wolves have 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. Due to the close proximity of the subject lands to major highways, private livestock and residences, it seems unlikely that wolves could successfully live on these lands for extended periods without also coming into serious conflict with humans defending private property. Since this cannot be predicted with certainty, FWP has considered impacts of the alternatives assuming that wolves might eventually inhabit the subject lands. The proposed action would better protect 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 in the immediate vicinity of Threemile Wildlife Management Area.

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

### **Sensitive Species**

No occurrences of sensitive plant and animal species were recorded in the 1995 baseline inventory of the Brown Valley Conservation Easement, located immediately adjacent and in the same habitat complex as the subject lands. However, the Montana Natural Resource Heritage Program lists a report of toothcup (*Rotala ramosior*) along Granite Creek, several miles north of the subject lands. The baseline inventory also mentions the potential for occurrence of Howell's gumweed (*Gridellii howellii*) on the Brown Valley easement area. Similarly, the potential exists for the presence of Prebles shrew (*Sorex preblei*), due to a report documented near Ambrose Creek, approximately 2 miles south of the subject lands. Westslope cutthroat trout (*Oncorhynchus clarkii lewisii*) are known to occur in Threemile Creek within the proposed addition area. In all cases, 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.

### **Elk Populations and Winter Range**

Alternative A (no action) would leave a portion of the elk winter range and the local elk population vulnerable to future management decisions by private landowners, who would likely manage to achieve objectives that do not feature elk or the general public interest in elk. Changes in management direction that would affect the core elk winter range, result in displacement of elk, and/or increase the conflict between private property rights and the public interest in elk, would ultimately result in a reduction in elk herd productivity. The proposed action would strengthen the continuity of purpose for management of the TWMA and Brown Valley elk winter range, and would benefit elk, compared with no action.

### **Wetlands and Riparian Habitats**

The subject lands do not contain wetlands (i.e., marshy habitats extending beyond the edge of a stream, beyond what would normally be considered a riparian zone). The subject lands contain a 2-mile-long ribbon of woody riparian habitat along Threemile Creek. Nearly one and one quarter miles of Threemile Creek on the subject land between Four Corners and the Girl Scout property has recently (2005) been enhanced with fencing, placement of natural logs and rootwads and planting of native shrubs by GEUM Environmental Consultants of Hamilton,

Montana. Along with careful livestock management as outlined in the Management Plan this will greatly increase the value of the riparian habitat for wildlife.

The existing Brown Valley Conservation Easement boundary is the Threemile Creek Road. This proposed easement addition would abut this and include about 1.2 miles of the creek where the road is south of the creek and about 0.8 miles of riparian habitat north of the road where it runs along the north side of the creek. Under the proposed action, this riparian habitat would be included among the conservation values of the land to be protected from damage. Thus, the currently “good” and improving 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 wildlife habitat, which would be photodocumented in terms of amounts and diversity of native woody species, is not substantially altered from baseline conditions in the future. The no action alternative offers no protection for this riparian area.

### **Hunting**

Impacts of this proposal relative to hunting parallel those previously described under the heading of Elk Populations and Winter Range. The proposed action would benefit hunting within the range of the TWMA elk herd by securing favorable, long-term management of an important unit of elk winter range. The proposed action would preserve the private landowner’s option to allow or restrict public hunting on the Brown Valley Conservation Easement, including the subject lands that would be added to the easement, and would maintain open space and wildlife habitat to support future opportunities for hunting. If residential development occurs on the subject lands in the future, which would be possible under the no-action alternative, it would almost certainly remove any practical option to hunt on or around the subject lands at any time in the future.

### **Wildlife Viewing**

Significant opportunities for wildlife viewing exist on the parcel. Virtually the entirety of the 204.5 acres closely abuts the Threemile Creek Road, which is open to the public year-round. Virtually all of its wildlife is potentially observable with binoculars from this roadway, if the public takes full advantage of season and time-of-day to coincide with wildlife use-patterns.

FWP biologists have observed black bear, bobcat, elk, golden eagle, and white-tailed deer from this road, in addition to resident and migratory songbirds. The proposed conservation easement will preserve this wildlife viewing opportunity in perpetuity, which can be safely and pleasantly accessed upon the roadway by foot, horseback, bicycle, ATV, 4-wheel-drive vehicle, or 2-wheel drive car (during dry weather periods).

### **Livestock grazing**

The proposed conservation easement would allow--but would not require--continued livestock grazing at levels that would maintain or improve the current condition of native plant communities. Livestock grazing would be unrestricted under the no-action alternative.

### **Economies**

Over the long run, Alternative A (no action) would allow greater potential residential and commercial growth in the local community. 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 a large elk herd associated with TWMA would be diminished through direct and indirect competition for limited resources. Conversely, the proposed action would restrict future residential and commercial developments on the subject lands, in a location that would allow the elk herd to continue to flourish. The scenic viewshed would be preserved by the proposed action, which may translate into a long-term economic benefit to land values of surrounding properties.

### **Neighboring Landowners and Local Community**

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 be higher because the easement lands will remain dominated by open space and effective as wildlife habitat. Adjacent lands may be viewed as unique home sites near TWMA and Brown Valley Ranch. Otherwise, the general effects of this proposal, as felt by neighbors of Brown Valley Ranch and TWMA 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.

### **Historic and Cultural Resources**

There is one dilapidated, abandoned building on the property that was part of the original Cooney Ranch. Frank Cooney was governor of Montana in the 1930s. Other than this there are no specific cultural sites known on the subject lands. 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 in general, and riparian habitat and elk winter range in particular, if the subject lands on the Brown Valley Ranch are managed in a manner incompatible with the requirements of wildlife. Further, no-action could ultimately contribute slightly to the cumulative regional and local loss of grazing land for the livestock industry. The proposed action would not be expected to contribute to a cumulative impact in a measurable way.

## **PUBLIC INVOLVEMENT**

FWP has benefited from public input and involvement on the original Brown Valley Conservation Easement in 1995 and a previous addition to that easement in 2000. The general objectives of the current proposed action, and potential strategies for achieving these objectives on the Brown Valley Ranch, were tested and refined through public involvement during those projects. This current proposal is an extension of this established and evolving management direction.

Formal public participation specific to this proposed addition of 204.5 acres to the Brown Valley Conservation Easement will begin with the availability of this draft environmental assessment (EA) for public review and comment. 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. The public review period

will be from October 16 through 5 p.m., November 23~~13~~14, 2007. A public hearing will be held at the St. Mary's Catholic Church Family Center, 333 Charlos St., Stevensville, MT on November 8, 2007 at 6:30 P.M. After reviewing public input received no later than 5 p.m. on November 14, FWP will decide upon a preferred alternative. The Fish, Wildlife and Parks Commission will be asked to render a final decision on this proposal after the comment period.

Comments should be sent to John Vore; Montana Fish, Wildlife & Parks: by mail to P.O. Box 1408, Hamilton, MT 59840; by phone to 406-375-2273; or by email to [jvore@mt.gov](mailto:jvore@mt.gov). Comments must be received no later than 5 p.m., November 14, 2007 to ensure their consideration in the decision-making process.

#### **AGENCIES, GROUPS OR OTHERS CONSULTED IN PREPARATION OF THE EA**

Montana Fish, Wildlife & Parks

Hugh Zackheim, Land Section Supervisor, Helena

Steve Knapp, Habitat Bureau Chief, Wildlife Division, Helena

Mike Thompson, Regional Wildlife Manager, Missoula

#### **PERSONS RESPONSIBLE FOR PREPARING THE EA**

Montana Fish, Wildlife & Parks, Region 2

John Vore, Wildlife Biologist, Hamilton

#### **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.

## EXHIBIT A

### Legal description of all lands in the Brown Valley Conservation Easement, including the proposed 204.5-acre easement addition

TOWNSHIP 10 NORTH, RANGE 18 WEST, M.P.M., in Ravalli County, Montana

Sections 18 and 19: That portion of Mineral Survey 6509 (Estrella Placer) located south and east of Three Mile Creek Road No. 640

Section 19: Lots 1,2,3 and 4, and E1/2W1/2

Section 30: Lot 1, and NE1/4NW1/4

TOWNSHIP 10 NORTH, RANGE 19 WEST

Section 13: That portion of the SE1/4SE1/4 east and south of the Three Mile Creek Road No. 640

Section 24: That portion east of Three Mile Creek Road No. 640 and south of Four Corners and east of the existing Ranch access road

Section 25: NW 1/4NE1/4 and that portion of the N1/2NW1/4 east of the existing Ranch access road

TOWNSHIP 9 NORTH, RANGE 19 WEST

Section 1: Lots 1,2,3,4,5,6, and 7, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4

Section 2: That portion east of the existing Bitterroot Irrigation District Canal

#### Additional Land to be included in 2007 Restatement of Deed of Conservation Easement

TOWNSHIP 10 NORTH, RANGE 18 WEST

Section 18: That portion of Mineral Survey 6509 (Estrella Placer) located north of Three Mile Creek Road No. 640

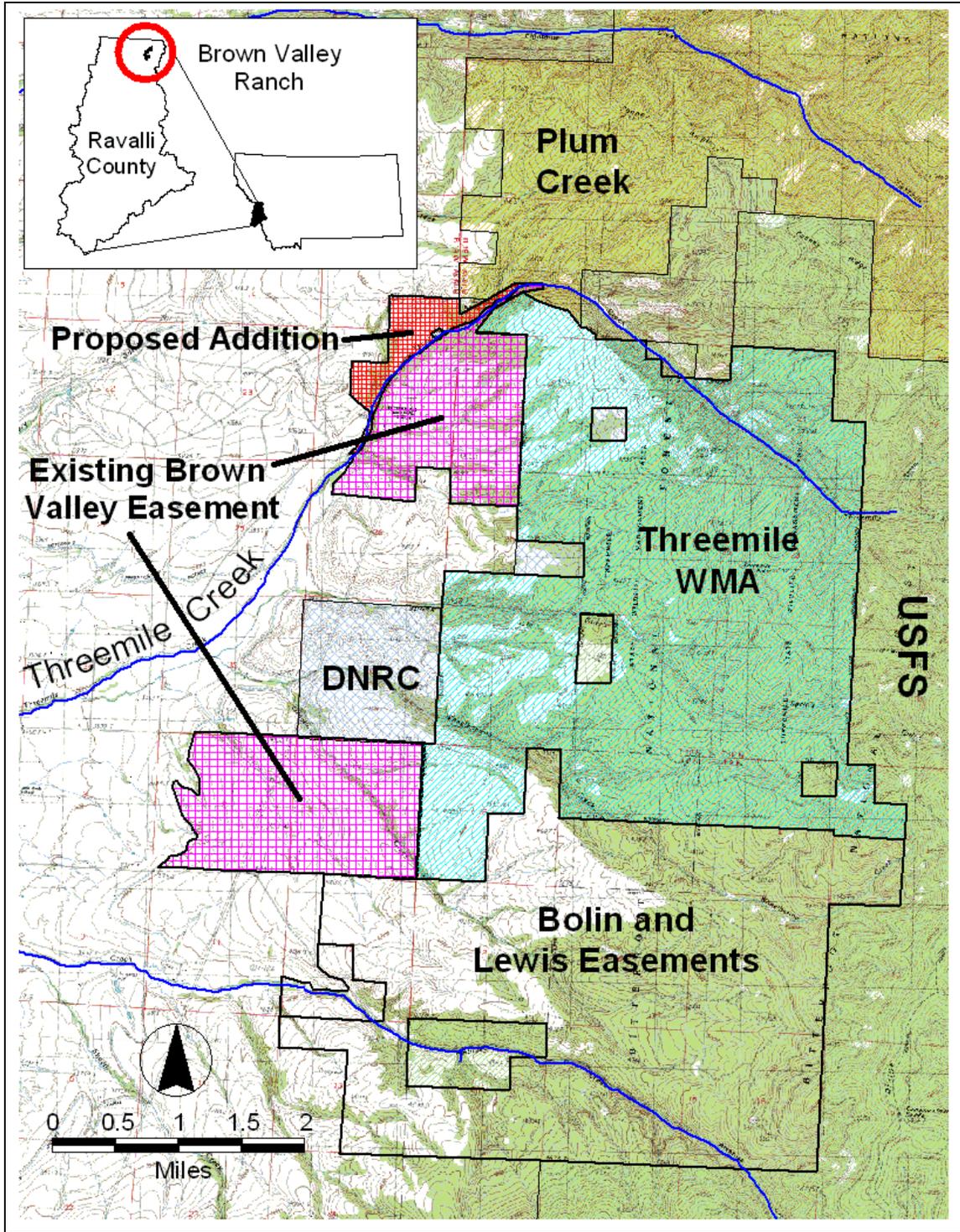
TOWNSHIP 10 NORTH, RANGE 19 WEST

Section 13: That portion of the S1/2SE1/4 north of the Three Mile Creek Road No. 640 excepting the tract granted to the Girl Scout Camp

Section 24: That portion of the N1/2NE1/4 north of the Three Mile Creek Road No. 640 excepting the tract granted to the Girl Scout Camp

That portion of the SE1/4NW1/4 lying north and west of the Three Mile Creek Road No. 640

That portion of the E1/2SW1/4 lying west of the three Mile Creek Road no. 640 and east of PARCEL 3 as shown on Certificate of Survey #1758 and lying east of the following described line: Beginning on a point which bears N 77°14'55" E, 1583.23', from the southwest corner of Section 24 thence N 33°08'22" E, 210.12', thence N 71°24'17" E, 79.85', thence N 26°07'46" E, 199.30', thence N 17°37'07" W, 133.72', thence N 28°14'27" #, 493.04', and lying north of the following described line: Beginning on the above described point of beginning thence S 74°47'22" E, 112.25'



**Exhibit B.** The proposed addition of 204.5 acres to the Brown Valley conservation easement and its relation to the Threemile WMA and other easements held by FWP for the protection of wildlife habitat.

# Brown Valley Conservation Easement MANAGEMENT PLAN

## **INTRODUCTION**

The Brown Valley Ranch, L.L.P. granted the Brown Valley Conservation Easement in perpetuity on 1,800.47 acres to the Montana Department of Fish, Wildlife & Parks (FWP) on December 18, 1995. In 1999 the Ranch wanted to add another 68.42 acres to the easement and agreed to replace the original easement document with a Restatement of Deed of Conservation Easement (RDCE) in December 2000. Similarly, in 2006, the Ranch approached FWP about adding another 204.5 acres to the easement, and this would also be done with a RDCE in December 2007. This would bring the total Brown Valley Conservation Easement to approximately 2,073 acres.

In accordance with 87-1-241 MCA, FWP prepared a management plan for the eased lands. The 204.5 acres pertinent to this proposal would be added to this plan. This plan is a flexible link between the rigid easement terms and changeable conditions 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 Brown Valley Ranch are cooperating to ensure consistency with the terms and intent of the conservation easement. The principal strategy will be a protocol for annual field monitoring of compliance with easement terms. Additionally, this management plan discusses pertinent aspects of cooperative grazing management, noxious weed control and elk population management. However, if in the future FWP and Brown Valley

Ranch fall out of agreement on any or all of the specific points addressed in the management plan, only the terms of the RDCE will be enforceable upon the landowner.

## **AREA DESCRIPTION**

The Brown Valley Ranch is located 7 airline miles east of Florence in Ravalli County, Montana, with headquarters at 1715 Three Mile Road. A legal description of all lands in the Brown Valley Conservation Easement, including the lands added in 2000 and 2007 is presented in Exhibit A of the RDCE. A map of these lands constitutes Exhibit B of the RCDE.

The Brown Valley Ranch is situated on the east side of the Bitterroot River Valley, on the lower, west slope of the Sapphire Mountains. Ranch lands included in the Brown Valley Conservation Easement occur in two geographic units. The North Unit rises steeply and generally eastward from Three Mile Road and Threemile Creek to a common property boundary with the Threemile Wildlife Management Area (TWMA). The South Unit is a flat to gently sloping landform along the north side of Ambrose Creek Road, extending eastward from the Bitterroot Irrigation District Canal ("Big Ditch") to TWMA. Generally, portions of the ranch that are included in the easement are those located at higher elevations and have a history of management as native pasture. The headquarters area and low-lying, farmed units of the ranch are not included in the easement.

### **BASELINE INVENTORY**

Soils, vegetation, fences, roads and other features pertinent to the easement were documented in the baseline inventory that was completed in November 1995. The 204.5 acres that would be added to the easement area in the RDCE of 2007, is similar in landform, vegetation and condition to adjacent lands in the North Unit. The addition is unroaded, and most of it is open grassland with two areas totaling about 50 acres of scattered ponderosa pine and Douglas fir, and about 26 acres of riparian habitat. In 2005 a habitat restoration project was done on the lower 1 mile to reduce sedimentation into the creek. The project included riparian fencing, planting native shrubs and some placing of instream structures using natural logs and rootwads. Almost all of the 2007 addition is in the riparian subpasture of the Brown North Pasture of the cooperative grazing system. During the course of annual easement monitoring, FWP's monitoring contractor (Jerry Wells) has walked and photographed portions of the addition. These records will serve as documentation of baseline conditions for the addition.

### **ANNUAL MONITORING**

FWP and Brown Valley Ranch have established a written record of annual easement monitoring from 1996-2007. Monitoring generally has involved ½-day at the ranch, with part of the time devoted to a review and discussion of easement terms and pertinent ranch management practices over the previous year and plans for the upcoming year. Usually, a visit to a site of current interest on the easement area is also included. (FWP's liaison remains familiar with the easement area throughout the year during the course of other duties involving the management of TWMA.)

Since 1999, FWP has contracted with a qualified, independent consultant to conduct one monitoring visit per year for all of its conservation easements, incorporating input from an independent audit of FWP's easement monitoring statewide. 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 Brown Valley Conservation Easement, FWP's regional liaison always accompanies the contractor and meets with the landowner during annual monitoring, which has taken place during midsummer in since 1999. Lands in the 2007 CE addition would be subject to the same monitoring regimen.

FWP and Brown Valley Ranch agree to continue cooperating in this manner to maintain communication and document compliance with easement terms, with the assistance of a qualified, independent consultant. FWP's regional liaison (John Vore, Bitterroot Area Wildlife biologist, 375-2273) will continue to be available to the landowner between monitoring visits to discuss management issues and share information.

**COOPERATIVE  
LIVESTOCK -GRAZING PLAN**

Long-term livestock grazing practices on the Brown Valley Ranch will be one important determinant of whether the conservation values (e.g., native plants and wildlife habitat) described in the RDCE will be protected in perpetuity as intended. The original easement document and RDCE require the landowner to maintain or enhance conservation values relative to levels documented in the baseline inventory, but are silent on strategies of managing livestock to achieve that end.

At the landowner's request, FWP cooperated with Brown Valley Ranch in 1998-1999 to develop a conceptual grazing plan for the ranch that would incorporate rest-rotation principles, including a pasture to be established on the adjacent TWMA. This plan was practiced on the ranch (not TWMA) on a trial basis in 1998 and 1999. This eventually led to an agreement in June of 2005 between the Ranch and FWP to enter into a cooperative 3-pasture rest-rotation grazing system that required fencing on the Ranch and the TWMA and water developments on TWMA. The grazing system includes two pastures totaling about 800 acres on the ranch and 1 pasture of about 300 acres on the TWMA. FWP prepared an environmental assessment and took public comment on the project. The terms of grazing cooperation between FWP and Brown Valley Ranch are specified in a 5-year lease, which includes a detailed map and description of the agreed-upon grazing plan.

FWP's long experience with grazing arrangements of this type across Montana indicates that an improvement in range condition and wildlife habitat would result on the ranch, particularly in riparian areas. Elk forage quality is expected to improve on

a portion of TWMA, using periodic cattle grazing treatments on old-farmed meadows where introduced grass species dominate. After two years of the implementation the results are promising.

Although this management plan does not obligate FWP or Brown Valley Ranch to any specific course of grazing management beyond the terms of the RDCE, it does document considerable effort by both parties to improve grazing management for the benefit of wildlife on the ranch and TWMA.

**NOXIOUS-WEED MANAGEMENT**

The spread of existing noxious weeds and the introduction and establishment of new ones are among the greatest risks to native plant communities and wildlife habitat across Montana in general, and on the Brown Valley easement area in particular. Experience on the adjacent TWMA has shown that where spotted knapweed dominates extensive grassland acreages, herbicide application to suppress knapweed can be a practical and effective enhancement tool for elk winter habitat. Better yet, implementation of a regular maintenance program geared toward early detection and eradication of new weed occurrences is probably the single most important and cost-effective action a land manager can take to protect native plant communities and wildlife habitat.

The baseline condition on the Brown Valley easement area in 1995 reflected decades of knapweed establishment and reproduction, concurrent with knapweed spread across neighboring private and public lands in Missoula and Ravalli Counties. However, coincident with entering into the conservation easement, the Ranch treated all grassland acres on the easement area with Tordon herbicide (1 pint-per-acre rate) by helicopter from 1995-1997. This has

resulted in a very obvious improvement in grass production and suppression of knapweed production in the years since the easement was established. FWP similarly sprayed its access right-of-way across the North Unit of the Brown Valley Ranch in spring 1999.

FWP recommends that the landowner regularly inspect roadways and other disturbed sites where new or different weed species are likely to enter the property first. Any new occurrences should be reported to the Ravalli County Weed District and FWP, and the landowner should promptly attempt to eradicate these spot occurrences by the most efficient and effective means available. FWP will support the Ranch in this effort by inspecting and maintaining its access right-of-way across the North Unit easement area. Such activities could be the most important and effective weed management strategies to maintain baseline or improved management conditions on the easement area.

Key factors that could increase the long-term vulnerability of the land to weed establishment and persistence are already controlled by the terms of the RDCE. These include using off-road vehicles in a manner that results in soil erosion or compaction, or conducting agricultural activities in a manner inconsistent with maintenance and enhancement of soil composition, structure and productivity. Brown Valley Ranch will continue to manage the land in a manner that avoids these impacts and favors vigorous and competitive communities of desirable plant species.

### **ELK POPULATION MANAGEMENT**

The RDCE acknowledges that public hunting is FWP's primary means of managing wildlife populations. However, the easement further specifies that public hunting will continue to be at the discretion

of the landowner. Historically, access for hunting has been restricted on Brown Valley Ranch. In recent years the Ranch has allowed some hunting by family and friends.

Local elk numbers have increased markedly in the last 5 years. FWP's spring elk counts have averaged 168 in the Eightmile-Ambrose survey unit from 2002 through 2006, which is very similar to the 1990 to 1995 average of 173. Elk counts were higher between 1996 and 2001, averaging 258, but have since been reduced with a more liberal season to meet FWP population objectives. These objectives are established with due consideration of the effect elk can have on agricultural producers such as the Brown Valley Ranch, even though it is recognized that more elk could live on the landscape. Actual elk numbers are probably 20-30% higher than the counts would indicate, based on surveys in comparable habitats where radioed elk were available for estimating survey efficiency.

While a healthy elk population is a positive reflection on the Brown Valley Conservation Easement and habitat quality, there are other issues to consider. Coincident with the elk increase of the late 1990s was an apparent tendency for large numbers of elk to remain at low elevations year-round. Whether this reflects an abandonment of historic migration patterns or simply a disproportionately sharp increase in resident, nonmigratory elk is not known. Regardless, one result was increased damage to haystacks, standing crops, and fences on several private ranches. Additionally, large numbers of elk are learning to seek refuge from hunters on private lands that are closed to hunting, instead of using cover and remote terrain on open public lands. FWP management in recent years has addressed this problem, but the problem, albeit reduced, still exists.

Without management intervention, elk numbers will increase at an exponential rate (due to a lack of adequate harvest control) and conflicts between elk and private landowners will increase and spread geographically. The more abundant the elk become, the more impractical it becomes to curb the population's growth.

The Brown Valley Ranch is sensitive to this situation. Accordingly, Brown Valley has allowed family members and friends to hunt elk on the easement area during the general rifle season to help meet elk population objectives. It is expected that a few animals will be killed on the Ranch; however, the primary value of hunting on the easement area will be to discourage elk from using it as a refuge and allow increased hunting opportunity on TWMA and other neighboring lands open to hunting. It is noteworthy that Brown Valley Ranch sold the lands to FWP in 1967, which first established TWMA for wildlife habitat and public hunting. These lands originally provided to the public by the Brown Ranch are the lands upon which most hunting harvest of this elk subpopulation occurs today.

### **TRESPASS AND VANDALISM**

The easement area is subject to recurrent human trespass and vandalism by virtue of its rural location along a main Forest Service road linking population centers and forested public lands, such as the Bitterroot National Forest and TWMA. "Keggers," garbage dumping, off-road motorcycling and snowmobiling, and littering are among the impacts that Brown Valley Ranch deals with every year, sometimes on a daily or weekly basis. Instances of soil erosion from motorcycle trespass on a steep hillside within the easement area were documented in the baseline inventory in 1995.

Brown Valley Ranch has acted promptly and appropriately to correct and reduce these problems. The landowner has filed reports with the Ravalli County Sheriff's Office and FWP whenever appropriate. FWP has assisted the landowner by providing paper signs and barricades on sites vulnerable to off-road driving, and the landowner has been vigilant in maintaining these. FWP has also installed 2 additional barricades in 2001.

**BROWN VALLEY RANCH  
CONSERVATION EASEMENT  
(A Restatement of the Existing Conservation Easement)  
SOCIO-ECONOMIC ASSESSMENT**

MONTANA FISH, WILDLIFE AND PARKS

Prepared by:  
Rob Brooks  
October 2007

## 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 (FWP) 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 the Brown Valley Ranch. The purchase is intended to add an additional 204.5 acres to the existing conservation easement. This 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 Brown Valley Ranch is located in Ravalli County about 7 miles from Florence, Montana. The existing conservation easement is comprised of 1868 acres and the landowners and Montana Fish, Wildlife and Parks are proposing to add 204.5 acres to this existing easement. These additional acres are located along Three Mile Creek. A detailed description of the property location is provided in the environmental assessment.

### B. Habitat and Wildlife Populations

The Brown Valley Ranch property supports a host of wildlife species including elk. The baseline inventory for the property identified over a hundred species of wildlife that use the property.

### C. Current Use

The Brown Valley Ranch is a working ranch.

### D. Management Alternatives

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

## **FWP Purchase of Conservation Easement**

The intent of the Brown Valley Ranch conservation easement is to further protect and enhance the wildlife habitat currently found on the property while maintaining the agricultural character of the property. Please refer to the Deed of Conservation Easement for a thorough explanation of the terms for this easement between FWP and the Brown Valley Ranch.

## **No Purchase Alternative**

The second alternative, the no purchase option, does not guarantee protection for the native habitats nor protect this land from changes in land uses.

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.

The economic impacts associated with this alternative are beyond the scope of this assessment and have not been estimated.

## **III. SOCIAL AND ECONOMIC IMPACTS**

Section II D identified the management alternatives this report addresses. The purchase of a conservation easement will provide long-term protection of important wildlife habitat and keep the land in private ownership. 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 provide information for analyzing the impacts these expenditures may have on local businesses (i.e. income and employment).

### **A. Financial Impacts**

The conservation easement proposed on the Brown Valley Ranch will be secured by dollars from the Habitat Montana Program. FWP's financial obligation is \$45,399. The purchase price is based on the value per acre agreed upon in 1995 when FWP purchased a conservation easement from the Browns on 1,800 acres of their land.

Maintenance/management costs related to the easement are associated with monitoring the property to ensure 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 conservation easement will not change the ownership of the property nor will it change the type or level of agricultural use on the property. Therefore, the purchase of a conservation easement on this land will not impact the current level of taxes paid to Ravalli County.

### **B. Economic Impacts**

The purchase of a conservation easement will not affect the agricultural activities on the Brown Valley Ranch.

## **FINDINGS AND CONCLUSIONS**

The acquisition of a conservation easement on the Brown Valley Ranch will provide long-term protection for wildlife habitat and maintain the agricultural integrity of the land.

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

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