



**Montana Fish,
Wildlife & Parks**

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Region One
490 North Meridian Rd.
Kalispell, MT 59901
(406) 752-5501
FAX: 406-257-0349
Ref:D119-04
August 23, 2004

Ladies and Gentlemen:

Fish, Wildlife & Parks, Region One, has completed an environmental assessment (EA) for the Weaver Slough/Foys Bend and Ringneck Ranch Wetland Conservation Projects. FWP adopts the draft EA as the final EA and proposes to complete both the Weaver Slough and Ringneck land conservation projects, while Flathead Land Trust will complete the Foys Bend portion, as described in the decision document, which is enclosed for your information.

Please direct any questions or comments to Gael Bissell, Habitat Conservation Biologist, Montana Fish, Wildlife & Parks, 490 N. Meridian Road, Kalispell, MT 59901, or e-mail to gbissell@state.mt.us.

Sincerely,

Daniel P. Vincent
Regional Supervisor

/ni

Enclosure

c: Governor's Office, Attn: Todd O'Hair, PO Box 200801, Helena, 59620-0801
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CSKT Fish & Wildlife Program, PO Box 278, Pablo, 59855
Sid Rundell, PO Box 162, Big Arm, 59910
MFWP Commission
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*Dept. of Environmental Quality, Planning, Prevention & Assistance, PO Box 200901, Helena, 59620-0901
*Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901
Montana Fish, Wildlife & Parks: Director's Office, Legal Unit, Lands, Wildlife
*SHPO, PO Box 201202, Helena 59620
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Lake County Commissioners, 106 Fourth Ave. E, Polson, 59860
Flathead County Commissioners, 800 S Main Street, Kalispell, 59901
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 Bill Ballard, Five Valleys Audubon, PO Box 8245, Missoula, 59807
 William Edelman, Lower Flathead Valley Community Foundation, Inc., 1050 Spring Creek Road, Ronan, 59864
 Rob Shrider, CAC, 204 Hwy 93 S, Ronan, 59864
 Greg Schafter, President, Mission Valley Pheasants Forever, 4220 West Post Creek Rd., Charlo, 59824
 *Jon Dahlberg, DNRC, 2250 Hwy 93 N, Kalispell, 59901
 DNRC, PO Box 201601, Helena, 59620-1601
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 Larry Van Rinsum, Flathead Conservation Dist., 30 Lower Valley Road, Kalispell, 59901
 Forrest Sanderson, Flathead County Planning Office, 1035 First Ave. W, Kalispell, 59901
 Daniel Casey, American Bird Conservancy, 33 Second St. East, Kalispell, 59901
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 Jeff Young, 100 Meadow Vista Way, Polson, 59860

DECISION NOTICE AND FINAL ENVIRONMENTAL ASSESSMENT

WEAVER SLOUGH CONSERVATION EASEMENT AND RINGNECK PROPERTY PURCHASES

Prepared by Region One, Montana Fish, Wildlife & Parks

August 23, 2004

OVERALL PROPOSAL

Montana Fish, Wildlife & Parks (FWP) proposes to complete two land conservation projects in Region One. The first is to co-purchase with the Flathead Land Trust a conservation easement on 449 acres of farm and important riparian/wetland habitat inside **Weaver Slough** using \$180,000 of state Migratory Bird Stamp funds matched to \$272,400 in North American Wetlands Conservation Act funds (both small and standard) granted to the Flathead Land Trust, \$331,200 from the USDA Farm and Property Land Protection Program funds, and \$114,400 in Bonneville Power Administration's Fisheries Mitigation Program funds. The Flathead Land Trust, a local land trust based in Kalispell and lead entity in this project, was instrumental in obtaining these numerous grants and partnerships. The purchase price for the Weaver Slough conservation easement is \$2,000/acre on 449 acres for a total of \$898,000. The private landowner is donating approximately \$1,000/acre in value.

The proposed action for Weaver Slough is slightly modified from the proposed action in the draft EA. In the draft EA, the \$180,000 in Montana Migratory Bird funds was going to be split between the Weaver Slough property and a second property owned by the same landowner at Foy's Bend. After detailed discussions with the private landowner and the Flathead Land Trust, we determined that the most efficient way to complete the Weaver Slough and Foy's Bend projects was to use the state's funding on one large parcel of land and use other available funds for Foy's Bend. Other than the rearrangement of funding sources, the project parcels, terms, and other aspects are the same as those described in the draft EA.

The major provisions of the proposed conservation easement at Weaver Slough are:

- Restrict development or subdivision of any of the lands interior to the slough; the landowner has retained 2 small possible development envelopes located on an original homestead just outside the slough;**
- Prohibit mining, industrial activities, and most commercial uses except those associated with agriculture or agricultural products;**
- Restrict activities that would significantly impact the conservation values of the land, including the riparian/wetland vegetation and values;**
- Require the landowner complete a farm conservation or "management" plan to ensure farming practices comply with Best Management Practices and minimize impacts to water quality and other habitat values.**

The specific terms of the conservation easement in their entirety are contained in a separate legal document that is the "Draft Deed of Conservation Easement." This draft document lists FWP's and landowners' rights under the terms of the easement as well as restrictions on landowner activities.

Because FWP and Flathead Land Trust are co-holders in the conservation easement, FWP has drafted a Memorandum of Understanding (MOU) with the Flathead Land Trust for monitoring

and managing this conservation easement. FWP and the Flathead Land Trust agree that both parties have a major and equal interest in managing and monitoring the easement, but that this project is best served if the Flathead Land Trust is the lead contact for the private landowner. The MOU will be drafted and reviewed by FWP legal staff prior to closing.

The second project is the proposed acquisition of the **Ringneck** property, a 200-acre land parcel located directly adjacent to the Ninepipe Wildlife Management Area in the Mission Valley with a Fair Market Value of \$450,000. The funding sources for the purchase of Ringneck property include \$336,050 in standard NAWCA grant funds awarded for this project and \$113,950 in Montana Migratory Bird Stamp funds. The \$113,950 and the previous fee-title purchases of Palmer and Pheasants Forever tracts at the Ninepipe WMA will be used as match to the NAWCA grant for both Ringneck Ranch and Weaver Slough/Foys Bend funds. The Ringneck Ranch parcel contains numerous existing wetlands as well as several that will be restored. The Ringneck property parcel would be incorporated into the Ninepipe WMA and managed according to the management plan included in the draft EA.

APPRAISALS AND PURCHASE PRICES

The Weaver Slough conservation easement value was appraised by Dave Heine and Associates, Kalispell, Montana, on December 1, 2003, and followed federal appraisal standards. The market value for the conservation easement was just over \$3,000/acre. The Ringneck property appraisal also followed federal appraisal standards and was completed by Norman Lee, certified general appraiser from Seeley Lake, Montana, on March 26, 2004.

OPTIONS, FUNDING, AND MATCH

FWP has completed a purchase agreement for the Ringneck property with the purchase subject to approval by the FWP Commission and State Board of Land Commissioners. The Flathead Land Trust has completed a similar instrument with the private landowners on Weaver Slough. FWP would provide its funds for both the Weaver Slough and Ringneck property at closing. The \$113,950 in Montana Migratory Bird Stamp funds for Ringneck Ranch, the \$180,000 in Montana Migratory Bird Stamp funds for Weaver Slough, and the previous fee-title purchases of Palmer and Pheasants Forever tracts at the Ninepipe WMA will be used as match to the NAWCA grant for both Ringneck Ranch and Weaver Slough/Foys Bend funds.

SELECTED ALTERNATIVE

FWP recommends FWP Commission approve Alternative A, the proposed action in the draft EA. This alternative would be slightly modified to apply the state's \$180,000 in state Migratory Bird Stamp funds to Weaver Slough in combination with other funding sources and allow FWP and the Flathead Land Trust to purchase a conservation easement on the 449 acres of farmland and wetlands in the Weaver Slough area. The Flathead Land Trust would complete the Foys Bend project using other available funds. In addition, FWP recommends the Commission approve FWP's ability to use the \$336,050 in federal NAWCA funds and \$113,950 in Montana Migratory Bird Stamp funds for the purchase of 200 acres of the Ringneck property adjoining the Ninepipe Wildlife Management Area.

MONTANA ENVIRONMENTAL POLICY ACT/ DRAFT EA

FWP is required to assess the impacts of the proposal and alternatives to the human and physical environment. FWP has been working with the Flathead Land Trust and other partners in the Weaver Slough area for several years to put together this project. During the last two years, FWP presented a summary of this project proposal to local conservation and sportspersons' organizations as well as the Confederated Salish and Kootenai Tribes to get input on the project. FWP first presented this project to the FWP Commission in January 2002 and obtained approval to proceed at that time.

FWP completed the draft EA for this project February 19, 2004, for a 30-day public comment period. FWP provided a copy of the draft EA to the Flathead and Lake County Commissioners, adjoining landowners, local conservation organizations, local legislators, local libraries, interested citizens, and Confederated Salish and Kootenai Tribes, as well as other state and federal agencies. In all, 47 copies were mailed out. In addition, FWP mailed another 18 post cards explaining the availability of the draft EA to other organizations and citizens.

FWP sent a legal ad to four local newspapers in both the Flathead and Mission Valleys on February 19, 2004. FWP scheduled two public hearings: March 15, 2004, 6:30 p.m., at the Ninepipes Lodge near Ronan in the Mission Valley and March 16, 2004, 7:00 p.m., at the Somers Middle School located south of Kalispell. On March 3, 2004, FWP issued a press release about the project, availability of the draft EA, and upcoming public hearings to the local northwest Montana media.

NEED FOR EIS and FINAL EA

After issuing the draft EA and completing public review, FWP does not believe this proposed action would significantly impact the social or physical environment and therefore believes this project does not need an Environmental Impact Statement. FWP adopts the draft EA as the final EA.

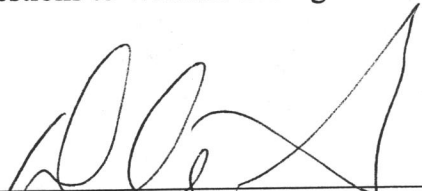
SUMMARY OF PUBLIC COMMENTS

FWP received 18 different written or orally presented public comments all in favor of the proposed action. Both Flathead and Lake Counties responded and support the land conservation projects. The Confederated Salish and Kootenai Tribes also support the project. Other supporters include conservation organizations, adjoining landowners, one legislator, and citizens. Fifteen people attended the Mission Valley public hearing and ten attended the Somers public hearing. Reasons for their support include the benefits of conserving quality habitat, increasing public access (Ringneck), expanding partnerships, and the use of state funds to leverage other grants. One individual would like to see public access at all projects where the state uses state Migratory Bird Stamp funds.

THE DECISION

The Department proposes to complete both the Weaver Slough and Ringneck land conservation projects as described in this Decision Notice. FWP would use \$180,000 of state Migratory Bird Stamp funds along with other available federal funds to co-purchase with the Flathead Land Trust a conservation easement on 449 acres of farm and riparian/wetland habitat inside Weaver Slough. This project would be completed as soon as possible. In addition, FWP proposes to use available NAWCA funds (approximately \$336,050) combined with another \$113,950 in Montana Migratory Bird Stamp funds to purchase the 200-acre Ringneck property and add this to the Ninepipe WMA. This project would also be completed as soon as possible. The \$113,950 in Montana Migratory Bird Stamp funds for Ringneck Ranch, the \$180,000 in Montana Migratory Bird Stamp funds for Weaver Slough, and the previous fee-title purchases of Palmer and Pheasants Forever tracts at the Ninepipe WMA will all be used as match to the NAWCA grant for both Ringneck Ranch and Weaver Slough/Foys Bend projects.

The final environmental assessment may be viewed at or obtained from Montana Fish, Wildlife & Parks, Region One, 490 N. Meridian Road, Kalispell, MT 59901. Please direct requests and questions to Wildlife Biologist Gael Bissell, (406) 751-4580 or e-mail to gbissell@state.mt.us.



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8/27/04
Date