

1 Purpose of and Need for Action



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Upper Teton River watershed in the Rocky Mountain Front Conservation Area.

Among conservation biologists, the Rocky Mountain Front (Front) is ranked in the top one percent of wildlife habitat remaining in the United States (The Nature Conservancy 1999). Virtually every wildlife species found in this area upon the arrival of Lewis and Clark in 1806, with the exception of free ranging bison, remains today in relatively stable or increasing numbers. In addition, it is the only remaining area in the continental United States with a complete, intact assemblage of large mammalian carnivores, including the grizzly bear, gray wolf, wolverine, pine martin, and Canada lynx.

The Front is part of the Crown of the Continent Ecosystem (CoCE), which includes the larger Columbia Basin and Upper Missouri/Yellowstone rivers watersheds (see figure 1). Within the CoCE, an exceptional diversity of wetland types occurs including: major riparian areas (including the Teton River, Sun River, Blackfoot River, and Dearborn River), smaller riparian tributaries, glacial prairie potholes, lakes, bogs, fens, swamps, and boreal peatlands. The lowlands support over 170 different species of wetland plants. Along the elevation gradient, large expanses of fescue grasslands phase into alpine meadows or sagebrush steppe, which then transition into montane forests consisting of white pine, Douglas fir, and ponderosa pine. These transitional zones of valley floors to montane forests are extremely important to fish and wildlife.

The continued presence of this large expanse of intact habitat and historic wildlife corridors would benefit federal trust species such as the grizzly bear, gray wolf, wolverine, and Canada lynx; migratory birds such as harlequin ducks, red-necked grebes, black tern, peregrine falcons, greater sandhill cranes and trumpeter swans; and westslope cutthroat trout. The Front provides excellent habitat for black bear, elk, mule deer, white-tailed deer, moose, mountain lion, bobcat, coyote, wolverine, and a wide variety of small mammals.

PROPOSAL

This proposal involves acquisition of an additional 125,000 acres of conservation easements within an expanded project boundary encompassing approximately 918,000 acres (see appendix A, list of preparers and reviewers). No land will be purchased in fee-title under this project. Depressed agricultural markets continue to stress the financial solvency of many large family ranches in the area, which are being placed onto the real estate market and commanding high recreational prices. Adjacent ranchers simply can not afford to purchase these properties at inflated prices and the land use patterns change accordingly. This is the beginning of the unraveling of the ecosystem, as historic ranch families (and the ranching economy) have been the primary reason the landscape has remained largely intact.



Figure 1. Crown of the Continent ecosystem.

The Front has been a successful model for partnering with and connecting to lands already owned by the State of Montana, The Nature Conservancy, the U.S. Forest Service, the Montana Land Reliance, the Boone and Crockett Club, and the Bureau of Land Management. In addition, local ranchers, business owners and representatives of local governments have formed a landowner advisory council to identify options and strategies for maintaining ranching and rural lifestyles in the area. Conservation easements are a tool that they strongly support as a means of conserving the ranching lifestyle along the Front.

Funding would come primarily from the Land and Water Conservation Fund (LWCF) and potential conservation partners.

PROJECT AREA

The Rocky Mountain Front Conservation Area (CA) was approved as a unit of the National Wildlife Refuge System in 2005 and is a landscape conservation strategy to protect a unique, highly diverse and largely unfragmented ecosystem in north central Montana. The Front encompasses the massive ecotone formed by the intersection of the western edge of the Northern Great Plains and the Rocky Mountains. Mid-grass prairie, foothills prairie, montane forest, and alpine tundra occur in close juxtaposition, resulting in high species and community diversity.

The expansion encompasses a project area totaling approximately 918,000 acres along the eastern edge of the CoCE and is centered 65 miles northwest of Great Falls, Montana. Lying in the shadow of the rugged Continental Divide, Bob Marshall Wilderness Area, and Lewis and Clark National Forest marks its western boundary. The 1.5 million acre Blackfeet Indian Reservation borders the project to the north and the eastern boundary is dictated by the distribution of fescue grasslands and critical riparian areas. The southern boundary falls approximately along the watershed of the South Fork of the Dearborn River. The Service plans to expand the authorized acquisition goal by an additional 125,000 acres, resulting in the approval to acquire conservation easements on up to 295,000 acres of private land within the expanded project boundary (see figure 2).

DECISIONS TO BE MADE

Based on the analysis in this environmental assessment (EA), the Service's director of Region 6, with the concurrence of the director of the U.S. Fish and Wildlife Service, will make three decisions:

- Determine whether the Service should expand the boundary of the Rocky Mountain Front Conservation Area.
- If yes, select an approved, conservation easement boundary that best fulfills the habitat protection purposes.
- If yes, determine whether the selected alternative would have a significant impact on the quality of the human environment.

The National Environmental Policy Act (NEPA) of 1969 requires this decision. If the quality of the human environment would not be significantly affected, a finding of no significant impact (FONSI) will be signed and made available to the public. If the alternative would have a significant impact, completion of an environmental impact statement would be required to address further those impacts.

ISSUES IDENTIFIED AND SELECTED FOR ANALYSIS

An open house public meeting was held in Choteau, Montana on May 17, 2010. Public comments were taken to identify issues to be analyzed for the proposed project. Approximately twenty-nine landowners, citizens, and elected representatives attended the meetings and most expressed positive support for the project. Additionally, sixteen letters providing comments and identifying issues and concerns were also submitted.

In addition, the Service's field staff has contacted local government officials, other public agencies, and conservation groups, which have expressed

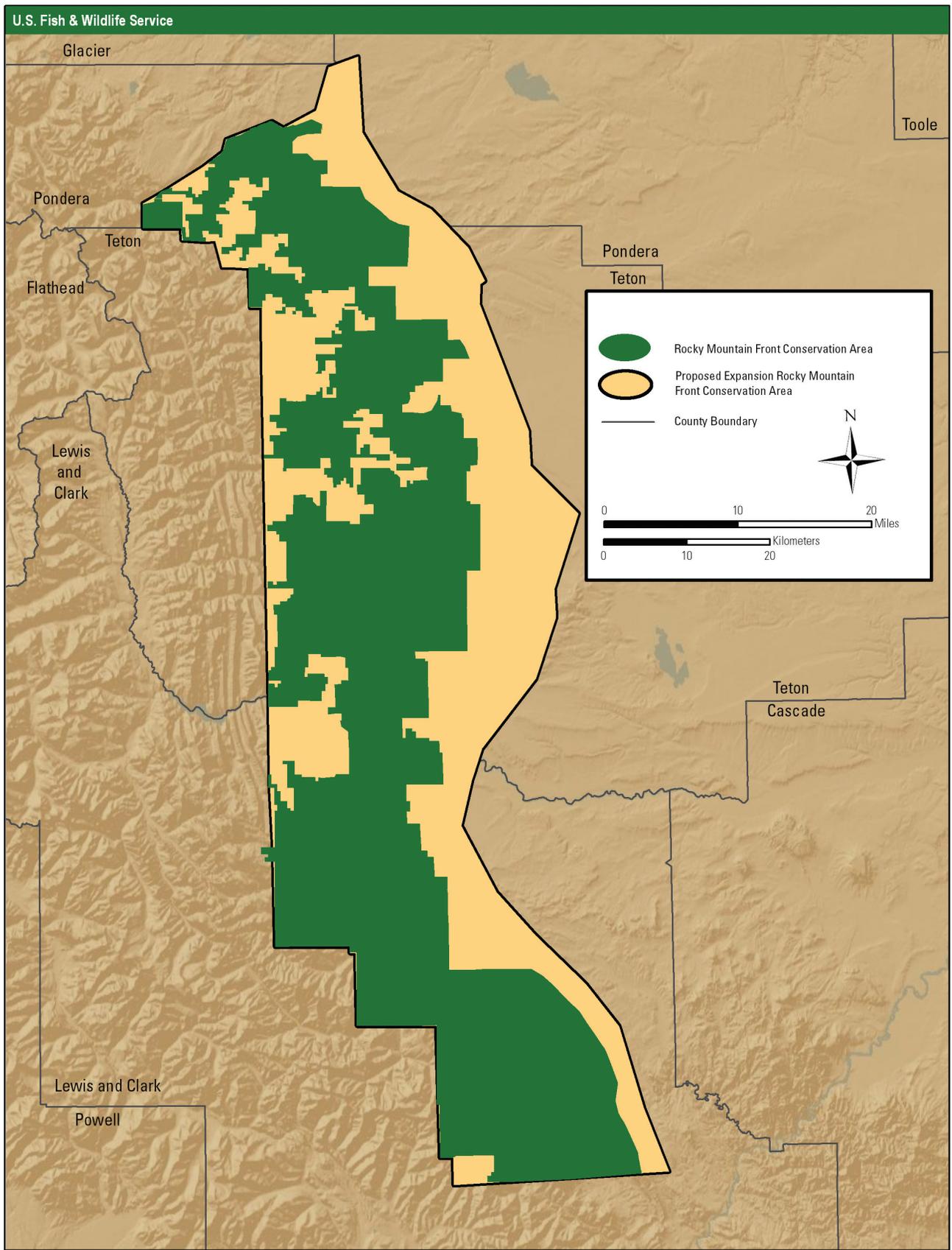


Figure 2. Rocky Mountain Front Conservation Area expansion project area.

an interest in and a desire to provide a sustainable future for the Rocky Mountain Front Conservation Area. Factsheet flyers were distributed at the public meeting and project information was also made available on the refuge and regional planning websites. Following the open house meeting, factsheet and flyers were posted in the Benton Lake National Wildlife Refuge Complex Headquarter's Visitor Center notifying visitors of the proposed project.

Many of the comments received addressed the need for a balance between natural and cultural systems. There are two main categories of commonly expressed issues and concerns.

BIOLOGICAL ISSUES

- the impacts of habitat fragmentation due to residential development
- the Service's role in management of private land encumbered with a conservation easement
- concerns about habitat fragmentation involve potential impacts on wildlife habitat and water resources.

Wildlife Habitat

Habitat fragmentation is a concern not only in the Rocky Mountain Front, but also in other areas of Montana. Given the current strong market for scenic western properties, especially when cattle prices are low, there is concern that ranches in the Rocky Mountain Front will be vulnerable to sale and subdivision for residential and commercial development. The subdivision process is not difficult. Under Montana law, land may be split into lots of 160 acres or greater without local review or approval. Moreover, with no county zoning in place, small-lot subdivisions are possible.

Housing development, and the associated infrastructure, can disrupt wildlife migration patterns. Nesting raptors and grassland bird species may be especially vulnerable to habitat fragmentation in the Rocky Mountain Front.

Riparian habitat loss due to development is a key concern. Riparian habitat is a key component to grizzly bear movement between the mountains and valley. Livestock grazing and ranching practices tend to be compatible with grizzly bears, which move unimpeded up and down riparian corridors. Riparian areas also provide nest sites for many species of migratory birds that may be negatively impacted by development.

The Service, as well as conservation groups and people in the region, have voiced concern with the fragmentation of habitats in other areas of Montana. In a landscape which is largely intact, habitat fragmentation poses a substantial threat to the

continued viability of wildlife populations within the Front, including grizzly bear recovery efforts.

Water Resources

Residential development in the Rocky Mountain Front presents a potentially significant threat to the aquatic ecosystem. Housing developments can bring about sewage-derived nutrient additions to streams and lakes, additional wetland drainage, water diversion and introduction of invasive plant infestations, and nonnative fishes into aquatic ecosystems.

SOCIOECONOMIC ISSUES

- the loss of rural character of the Rocky Mountain Front
- the need to keep private land in private ownership
- the effect of easements on oil and gas exploration
- the impacts of conservation easements on local community centers and their ability to grow
- public access for hunting or other recreational opportunities

Landownership and Land Use

The rural character of the Rocky Mountain Front is likely to undergo substantial change over the next 10 to 20 years.

There is concern that perpetual easements would negatively affect future generations of landowners. A concern is that conservation easements would limit the choices of future landowners, even though they may have paid as much for the land as if it had no restrictions. There are concerns that perpetual easements would lower the resale value of the land.

There is concern that the selection process would favor landowners whose properties are larger in size, over smaller, but biologically valuable properties.

Oil and Gas Exploration and Development

The potential impact of conservation easements to oil and gas development on private lands in the Rocky Mountain Front is a concern.

Wind Energy Development

The potential impact of conservation easements to wind energy development on private lands in the Rocky Mountain Front is a concern.

Public Use

The public's right to use or access lands encumbered with a conservation easement is a concern.

Landowners are concerned they would be forced to allow the public to access their land for hunting, fishing, or other recreational uses.

ISSUES NOT SELECTED FOR DETAILED ANALYSIS

Historically, there has been concern about the amount of tax generated to the counties when land protection programs take place. Since the proposed project is a conservation easement program, the land enrolled in the program does not change hands and, therefore, the property taxes paid by the landowner to the county are not affected.

Development of rural landscapes often leads to increased demand for services and higher costs to rural counties. There would generally be an offset of any perceived reduction in the tax base since the county would not incur the expense of providing services to rural developments. The use of conservation easements serves an additional function since easements preclude the necessity for county zoning in the project area.

NATIONAL WILDLIFE REFUGE SYSTEM AND AUTHORITIES

The mission of the National Wildlife Refuge System is to preserve a national network of lands and waters for the conservation, management and, where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. The Rocky Mountain Front Conservation Area would continue to be managed as part of the Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 and other relevant legislation, executive orders, regulations, policies, and management plans such as:

- Land and Water Conservation Fund Act (1965)
- Migratory Bird Treaty Act (1918)
- Endangered Species Act (1973)
- Bald Eagle Protection Act (1940)
- Migratory non-game Birds of Management Concern in the U.S. (2002)
- U.S. Fish and Wildlife Act (1956)
- North American Waterfowl Management Plan (1994)

RELATED ACTIONS AND ACTIVITIES

The project area lies adjacent to and includes a large complex of federal, state, and private conservation lands that serve as anchors or core areas for numerous trust species. These include the 1.5 million-acre Bob Marshall Wilderness Complex; three state wildlife management areas (Sun River, Ear Mountain, and Blackleaf wildlife management areas totaling 34,000 acres); The Nature Conservancy's

(TNC's) Pine Butte Swamp Preserve (13,000 acres); two Bureau of Land Management areas of critical environmental concern (11,500 acres); two Bureau of Reclamation resource management areas (formerly Pishkun and Willow Creek national wildlife refuges totaling 9,000 acres); and the Boone and Crockett Club's Theodore Roosevelt Memorial Ranch (6,055 acres). In addition, nearly 100,000 acres of private land are already protected with perpetual conservation easements held by TNC and the Montana Land Reliance.

The Service has been acquiring conservation easements on properties with significant wetland habitat under the Small Wetlands Acquisition Program (SWAP). To date, over 21,000 acres have been protected with Migratory Bird Conservation Fund monies. LWCF would continue to be used to target acquisition of easements on properties that don't meet the wetland requirements of the SWAP.

HABITAT PROTECTION AND EASEMENT ACQUISITION PROCESS

The economy of the Front is primarily agrarian and cattle ranches dominate the private lands within the project area. Ownerships are relatively large in size (2,000 to 25,000 acre blocks) which helps maintain this intact landscape. The human population is sparse and towns are widely scattered. Landowners along the Front are representative of rural Montana's independent and conservative social fabric. The ranchers' livelihoods depend on natural resources (grass, water, and open space) and, while generally resistant to regulation, the ranchers have a deep-rooted feeling for the land. Unlike many other areas in the country, the key to protecting the Front lies primarily in sustaining the current pattern of ranching and low-density use, not in large-scale restoration.

Other significant public lands within the project area include 113,000 acres of state (school trust) lands that are managed to generate revenues for public schools in Montana.

On approval of a project boundary, habitat protection would occur through the purchase of conservation easements. It is the long-established policy of the Service to acquire minimum interest in land from willing sellers to achieve habitat acquisition goals.

The acquisition authority for the proposed project is the Fish and Wildlife Act of 1956 (16 U.S.C. 742 a-742j). The federal monies used to acquire conservation easements from the Land and Water Conservation Fund are derived primarily from oil and gas leases on the outer continental shelf, motorboat fuel tax revenues, and sale of surplus federal property. There could be additional funds to acquire lands, waters, or interest therein for fish and wildlife conservation purposes through

congressional appropriations, the Migratory Bird Conservation Fund, the North American Waterfowl Conservation Act funds, and donations from non profit organizations.

The basic considerations in acquiring an easement interest in private land are the biological significance of the area, existing and anticipated threats to wildlife resources, and landowner interest in the program. The purchase of conservation easements would occur with willing sellers only and be subject to available funding.

