

# 1 Introduction and Project Description



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*Swan Valley Conservation Area.*

The Swan Valley is part of the Interior Columbia River Basin Area which includes the larger Columbia Basin and the Upper Missouri and Yellowstone Rivers watersheds. Swan River originates at Gray Wolf Lake in the Mission Mountains and flows through Swan Lake at the northern end of the valley, before entering the Flathead Lake watershed, ultimately flowing into the Columbia River System.

Swan Valley lies at the western edge of the Crown of the Continent ecosystem (CoCE) which is the last remaining ecosystem that still supports the full assemblage of large mammalian predators including grizzly bears, gray wolves, wolverine, and Canada lynx (see figure 1). Within the CoCE, an exceptional diversity of wetland types occurs including: major riparian areas, 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 elevational 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 in the Swan Valley of a large expanse of intact habitat and historical wildlife corridors will benefit federal trust species such as the grizzly bear, gray wolf, wolverine, pine marten,

and Canada lynx; migratory birds such as harlequin ducks, common loons, red-necked grebes, black terns, olive-sided flycatchers, peregrine falcons, greater sandhill cranes, and trumpeter swans; and westslope cutthroat trout and bull trout. In addition, water howellia is found in Swan Valley.

## PROJECT DESCRIPTION

The Swan Valley Conservation Area (CA) project is a conservation strategy to protect one of the last undeveloped, low-elevation coniferous forest ecosystems in western Montana. Swan Valley is situated between the roadless areas of the Glacier National Park/Bob Marshall Wilderness Complex, the Mission Mountains Wilderness, and the Bitterroot/Selway Wilderness Complex to the southwest. As such, it provides an avenue of connectivity between the Canadian Rockies and the Central Rockies of Idaho and Wyoming.

This project focuses on the strategic purchase of 10,000 acres of conservation easements on private lands nestled between the Bob Marshall Wilderness and the Mission Mountain Wilderness. This project also includes the fee-title purchase of up to 1,000 acres immediately adjacent to Swan River National Wildlife Refuge (NWR) (see figure 2).

Unlike many other rural valleys in Montana, Swan Valley has the potential to maintain its role in connecting the surrounding landscapes. However, a



Figure 1. Crown of the Continent ecosystem.

combination of depressed timber markets and high recreational land values has recently threatened not only the connectivity for wildlife, but is also impacting the traditional rural way of life for residents of Swan Valley. Funding for this project will come primarily from the Land and Water Conservation Fund and potential conservation partners.

The Swan Valley is located on the western edge of the CoCE, approximately 30 miles southeast of Kalispell, Montana. The Bob Marshall Wilderness and Glacier National Park (GNP) mark the eastern boundary, with the Mission Mountains Wilderness and Confederated Salish and Kootenai tribal lands on the western boundary, and the Blackfoot River valley flanking the southern side of the watershed. The project area encompasses an 187,400-acre landscape on the valley floor of the 469,000-acre Swan River watershed. The watershed contains approximately 332,000 acres in protected public ownership.

## ISSUES

Public involvement was initiated for the proposed establishment of a conservation easement project in the Swan Valley in May 2010. A media contact list was compiled and news releases and factsheets were developed and distributed to media outlets, local organizations, elected officials, and interested parties. The news releases and factsheets described the proposed establishment of the Swan Valley CA, and announced two open houses to gather input from the public. Personal outreach efforts were made with county commissioners and other persons of interest.

Scoping was conducted during two public open houses on May 18, 2010; 4–6 p.m., and June 2, 2010; 4–6 p.m., at the Swan Valley Community Center in Condon, Montana. The purpose of scoping was to seek input from the public regarding the establishment of the conservation easement project, and to identify the issues that needed to be addressed in the planning process. Thirty-six people attended the open houses. Twenty-three individuals, three agencies, and one organization provided written comments during the scoping period. Many of the comments received addressed the need for a balance between natural and cultural systems. There were two main categories of commonly expressed issues and concerns.

### ***BIOLOGICAL ISSUES IDENTIFIED DURING SCOPING***

The biological issues mentioned were

- the impacts of habitat fragmentation due to residential development;
- the U.S. Fish and Wildlife Service's (Service)

role in management of private land encumbered with a conservation easement;

- concerns about habitat fragmentation involving potential impacts on wildlife habitat and water resources;
- the impact of climate change on the long-term sustainability and resiliency of the Swan Valley;
- the value of intact ecosystems.

### **Wildlife Habitat**

Habitat fragmentation is a concern not only in the Swan Valley, but also in other areas of Montana. Given the current strong market for scenic western properties, there is concern that properties in the Swan Valley will be vulnerable to sale and subdivision for residential and commercial development.

### **Water Resources**

Residential development in the Swan Valley 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 species.

### ***SOCIOECONOMIC ISSUES IDENTIFIED DURING SCOPING***

Socioeconomic issues mentioned were

- the need to keep private land in private ownership;
- the impacts of conservation easements on local community centers and their ability to grow;
- concern regarding fee-title purchase of lands around Swan River NWR, and the potential loss of tax revenue to local counties;
- since parcel sizes are typically smaller in the Swan Valley than other areas of Montana, the need to consider easements for smaller parcels



*Swan range.*

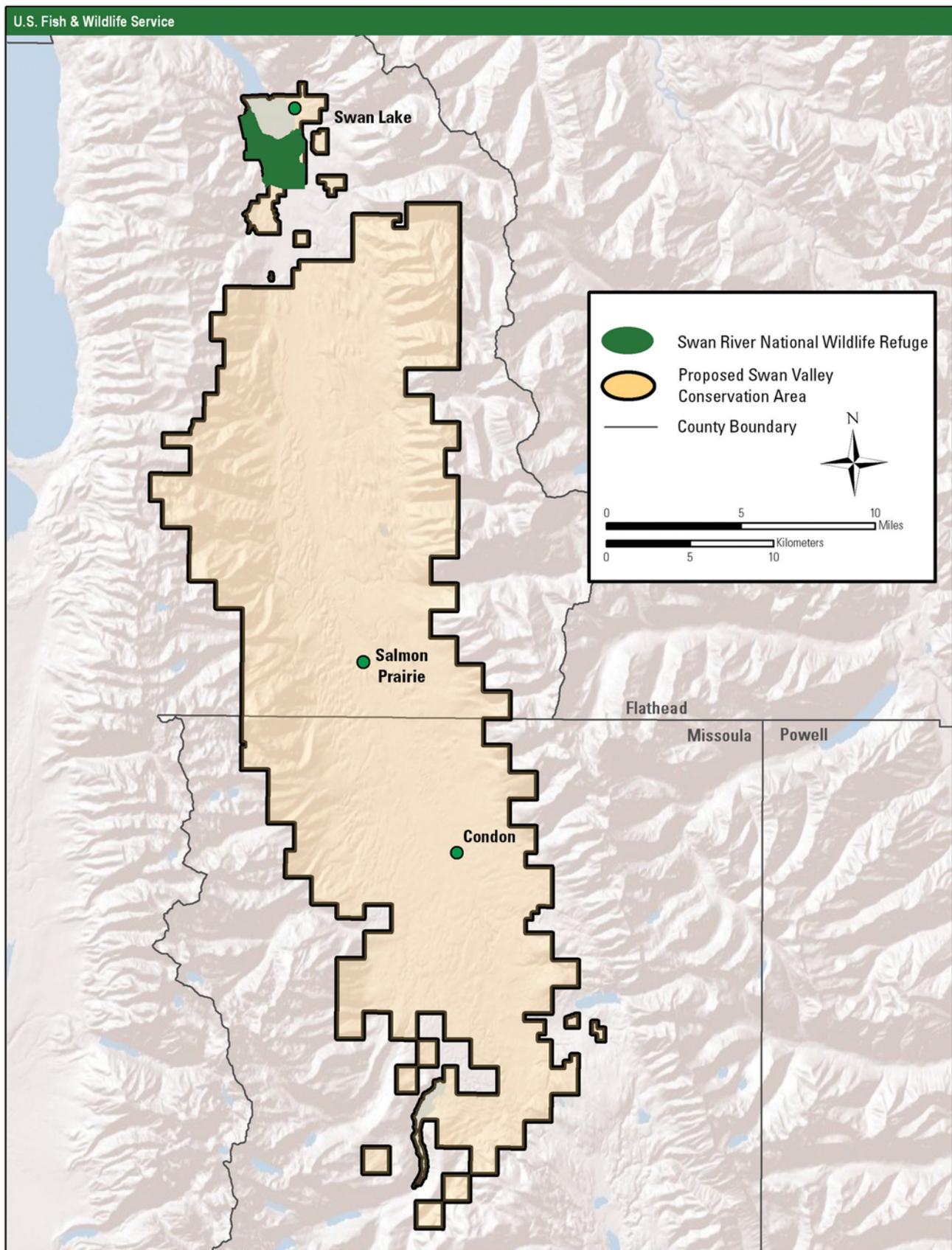


Figure 2. Swan Valley Conservation Area.

(<160 acres) in this region;

- wind energy development.

### Landownership and Land Use

There was concern that perpetual easements will negatively affect future generations of landowners. Specifically, conservation easements will limit the choices of future landowners, even though they may have paid as much for the land as if it had no restrictions.

There were concerns that perpetual easements will lower the resale value of the land.

There were concerns that the selection process will favor landowners whose properties are larger in size, over smaller but biologically valuable properties.

### Public Use

The public's right to use or access lands encumbered with a conservation easement is a concern. Landowners are concerned they will be forced to allow the public to access their land for hunting, fishing, or other recreational uses.

### ***ISSUES NOT SELECTED FOR DETAILED ANALYSIS***

The issue of property tax was not selected for further analysis. Currently, landowners pay property taxes to the counties on their private lands. The Swan Valley CA is mainly a conservation easement project, the land does not change hands, and therefore the property taxes paid by the landowner to the county are not affected. Minimal changes to the tax base are anticipated. Purchased fee-title lands will be subject to the Revenue Sharing Act (16 USC 715s) which requires revenue sharing payments to counties for purchase of the land. The amount is based on the greatest of (1)  $\frac{3}{4}$  of 1 percent of the market value, (2) 25 percent of the net receipts, or (3) 75 cents per acre.

### **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 Swan Valley Conservation Area will be administered 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, and policies.

Conservation of additional wildlife habitat in the Swan Valley region will also continue to be consistent

with the following policies and management plans:

- Land and Water Conservation Fund Act (1965)
- Migratory Bird Treaty Act (1918)
- Endangered Species Act (1973)
- Bald Eagle Protection Act (1940)
- Migratory Nongame 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 Service is working with other public and private entities to maintain wildlife habitat within the project area. In 2008, The Nature Conservancy (TNC) and the Trust for Public Lands (TPL) entered into an agreement with Plum Creek Timber Company (PCTC) to purchase, in a three-phase project, a total of 312,500 acres in western Montana known as the Montana Legacy Project. A total of 65,630 acres are located on the valley floor in the Swan Valley. The U.S. Forest Service (USFS) is scheduled to purchase 44,821 acres in 2010 and 20,809 acres will be purchased by the Montana Department of Natural Resources and Conservation (DNRC) in 2011. This transfer of ownership from corporate lands to public lands will have major benefits in reducing the checkerboard pattern of ownership within the valley and in protecting critical fish and wildlife habitat.

At the northern end of the valley where the Swan River flows into Swan Lake, the Service owns the Swan River National Wildlife Refuge. This 1,568-acre refuge, with an additional 210-acre USFS inholding, was purchased for migratory birds under the Migratory Bird Conservation Act, 16 U.S.C. 715-715. Adjacent to the refuge, TNC purchased a 392-acre property called the Swan River Oxbow Preserve (preserve) in 1986. These critically important fee-title lands form a crucial biological anchor in the northern part of the Swan River watershed.

This jointly owned 2,170-acre area is home to a variety of wetland communities, many species of birds, and several rare plants including the threatened water howellia. Historically, portions of this land served as a homestead site and supported such activities as farming, logging, grazing, and even a muskrat farm. The essential element of this landscape is water. Most of the refuge and preserve lies within a delta formed by the Swan River as it flows north to Swan Lake. The water table is high throughout this area due to the flooding of the river, and due to a system of perennial springs and seeps along the eastern border of the preserve. Water moving through the Swan River NWR and the preserve supports an amazing variety of wetland communities. Spruce forest predominates along the

southern boundary. A complex of sedge fen and birch carr communities lies adjacent to the spring system. To the west, cottonwood forest dominates the area.

TNC has identified five rare plant populations and two rare lichens within the variety of wetland communities of the Swan River NWR and the preserve. Round-leafed pondweed grows in the Swan River Oxbow Preserve and in adjacent ponds. Northern bastard toadflax inhabits the wet spruce forest. Buchler fern is found where carr vegetation and spruce forest intermingle. Small yellow lady's slipper grows on the preserve as well.

Protecting habitat for the federally listed water howellia is a high priority of this project. *Howellia* is thought to be extinct in California and Oregon, and is threatened in Washington, Idaho, and Montana. On the refuge and preserve, water howellia grows in the extensive marshes. Water howellia populations fluctuate with changes in the climate and it is estimated that the Swan River Oxbow Preserve supports approximately 5,000 plants, due in part to the variable drying regimes found across the refuge and preserve. This population, however, is extremely sensitive to climatic change, soil conditions, and disturbance.

The Bob Marshall and Scapegoat wilderness areas to the east perpetually protect over 1.5 million acres, connecting the Rocky Mountain Front and Blackfoot Valley to Swan Valley. To the west lies the 73,877-acre Mission Mountains Wilderness which provides connectivity to the Selway/Bitterroot Wilderness to the southwest, covering an additional 1.3 million acres (see figure 1).

## **HABITAT PROTECTION AND THE EASEMENT AND FEE-TITLE ACQUISITION PROCESS**

Swan Valley Conservation Area includes the communities of Condon, Salmon Prairie, and Swan Lake in Missoula and Lake counties.

The project will protect 10,000 acres through conservation easements and up to 1,000 acres of fee-title acquisition. Fee-title purchase will be limited to lands immediately adjacent to Swan River National Wildlife Refuge. It is the long-established policy of the Service to acquire minimum interest in land from willing sellers to achieve habitat acquisition goals. Some fee-title acquisition will be authorized within the project boundary.

The acquisition authority for the project is the Fish and Wildlife Act of 1956 (16 U.S.C. 742 a-742j). The federal funding, from the Land and Water Conservation Fund, is used to acquire conservation easements. The funds are derived primarily from oil and gas leases on the outer continental shelf, motorboat fuel tax revenues, and the 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 nonprofit organizations.

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

## **CONSERVATION EASEMENTS**

The easement project will be a conservation tool, complementing other efforts in the area. Conservation easements are the most cost effective and socially acceptable means to ensure protection of important habitats within the project area.

A strong and vibrant rural lifestyle, with ranching as the dominant land use, is one of the key components for ensuring habitat integrity and wildlife resource protection. Conservation easements are a viable means to protect wildlife values on a landscape scale.

## **FEE-TITLE ACQUISITION**

Fee-title acquisition will be limited to the area adjacent to the Swan Valley NWR. Fee-title acquisition will triple or quadruple the cost of land acquisition, and add significant increases in management costs. Less than 1,000 acres is targeted for potential acquisition to minimize these expenditures.