# Decision Notice for
# North Chamberlain Conservation Project
# Environmental Assessment

Prepared By:
Montana Fish, Wildlife and Parks
Region 2 Fisheries Bureau
3201 Spurgin Road
Missoula, MT 59804
May 28, 2010

## DESCRIPTION OF PROPOSED ACTION

**Alternative A: For FWP to Purchase a Conservation Easement from The Nature Conservancy for the North Chamberlain Property and Provide Financial Support to Five Valleys Land Trust for the Acquisition of the Sunset Hill Conservation Easement**

Montana Fish, Wildlife and Parks (FWP) has the authority under law (MCA 87-1-201) to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. To this end, FWP proposed to implement the North Chamberlain Conservation Project through acquisition by FWP and by the Five Valleys Land Trust (FVLT) of conservation easements over approximately 16,850 acres on the north side of Chamberlain Mountain in the Blackfoot River drainage west of Ovando (Missoula and Powell counties). The land, former corporate timber land acquired by The Nature Conservancy (TNC) as part of the Blackfoot Community Project, sustains important fish and wildlife habitat and has long been a popular and productive area for big game hunting. Chamberlain, Bear and Pearson creeks support important spawning runs of westslope cutthroat trout, while the uplands hold mule deer, white-tailed deer and elk, along with Canada lynx, grizzly bear and mountain lion.

Funding would be provided by a $6.5 million grant awarded to FWP in 2008 under the U.S. Fish & Wildlife Service's Habitat Conservation Plan (HCP) program. This HCP grant is targeted at native fish conservation in the Blackfoot River drainage. FWP would use the major portion of those funds in the North Chamberlain project in the following two ways:

(1) To purchase the North Chamberlain conservation easement from The Nature Conservancy on approximately 13,410 acres for $4.33 million (about $325/acre), which represents about 55% of the easement's appraised value; and

(2) To sponsor the acquisition by Five Valleys Land Trust of the 3,440-acre Sunset Hill conservation easement on adjoining property to the west. Five Valleys would receive $1.11 million of HCP grant funds, representing approximately 55% of the appraised value of this easement. FWP would retain a third-party right to monitor and enforce this conservation easement.

The Nature Conservancy is donating 45% of the value of both the North Chamberlain and Sunset Hill conservation easements. The terms of conservation easements prohibit residential, commercial and industrial development, while allowing managed timber harvest subject to detailed streamside conservation provisions. The easements would be perpetual.

After FWP purchases the North Chamberlain conservation easement, The Nature Conservancy plans to sell this land to the Montana Department of Natural Resources and Conservation (DNRC), which would manage it for sustainable timber harvest. The land covered by the Sunset Hill conservation easement would be sold by The Nature Conservancy to a neighboring private landowner. Permanent public access would be secured to the Sunset Hill easement property and to the eastern portion of the North Chamberlain property (which could later be split for private sale by DNRC). Recreational access to the main block of the North Chamberlain property would be managed under DNRC recreational access rules.

## ALTERNATIVES CONSIDERED TO THE PROPOSED ACTION:

**Alternative B, No Action: FWP would not purchase the North Chamberlain Conservation Easement nor provide HCP funding to Five Valleys Land Trust for its proposed Sunset Hill Conservation Easement.**

Under the No Action Alternative, FWP would not purchase the permanent conservation easement on the North Chamberlain property from The Nature Conservancy. The protection of the resource values on the property is an important component of TNC's plans. Having not secured the conservation easement, DNRC would likely not purchase the acreage via fee title because the total purchase price would be too high without the conservation easement in place. Thus, TNC would be required to explore other land-sale options that may jeopardize its desire to protect the entire habitat community as one unit through conservation easements.

Without FWP support, FVLT would not be able to purchase a conservation easement on the Sunset Hill property, which could potentially put the existing resource values at risk of commercial activities or residential development. Furthermore, without the Sunset Hill easement, FWP would not be able to spend the HCP grant funds on the North Chamberlain easement, because there would not be enough matching moneys to meet the HCP program requirements.

## MONTANA ENVIRONMENTAL POLICY ACT PROCESS

FWP is required to assess impacts to the human and physical environment under the Montana Environmental Policy Act (MEPA). The North Chamberlain Conservation Project proposal and its effects were documented by FWP in a Draft Environmental Assessment (EA).

## PUBLIC COMMENT

A 30-day public comment period was conducted from April 22 through May 21, 2010 for the Draft EA. Legal notice of the North Chamberlain Conservation Project EA was published in the following newspapers: *Blackfoot Valley Dispatch* (Lincoln; Apr 22, May 6), *Independent Record* (Helena; Apr 22, May 2), *Missoulian* (Apr 22, May 2), *Seeley Swan Pathfinder* (Seeley Lake; Apr 29) and *Silver State Post* (Deer Lodge; April 28, May 5). FWP issued a state-wide news release regarding this proposal on April 27. FWP mailed approximately 55 copies of the EA (and approximately 35 email notifications of the EA's availability) to adjacent landowners and interested individuals, groups and agencies. The EA was available for public review on FWP's web site (http://fwp.mt.gov/, "Recent Public Notices") from April 22 through May 21, 2010. A public hearing to explain the project, answer questions, and take public comment was held on May 10 (6:30 p.m. in Ovando at the Blackfoot Community Church basement), and 11 people attended.

There were 13 comments received from three agencies, two sportsmen/women's groups, seven individuals, and one land trust. All comments were in support of the "Proposed Action" to purchase the easements. Comments received are included in Appendix A of this Decision Notice.

## FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis in the Draft EA and the public comment, FWP has selected the "Proposed Action" alternative. FWP has reviewed the EA and applicable laws, regulations, and policies and has determined that this action will not have significant effect on the human environment. Therefore, I conclude that the EA is the appropriate level or analysis and the preparation of an Environmental Impact Statement is not necessary.

## DECISION

I recommend to the Montana Fish, Wildlife & Parks Commission that it approve the proposed North Chamberlain Conservation Project to conserve important native fish and wildlife habitat, secure recreational access, and support working forest management. FWP has worked closely with The Nature Conservancy, Five Valleys Land Trust, DNRC and the Blackfoot community to develop this project in a manner that meets local, state and federal objectives for this important conservation area and takes full advantage of the available HCP funds.

**CONCLUSION**

By notification of this Decision Notice, the draft EA is hereby made the final EA. The finding of selection for the "Proposed Action" alternative is the product of this Decision Notice.

Mack Long

Date

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