

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** August 10, 2017

**Agenda Item:** Keogh Conservation Easement Amendment – Purchase of Agricultural Subdivision Rights

**Division:** Wildlife

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 5 Min

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### **Background**

Montana Fish, Wildlife, and Parks (FWP) purchased a 7,106-acre conservation easement (CE) in 1996 in the Whitetail Valley, north of Whitehall, Montana from the Keogh Family. The CE allowed the land to be divided and sold into 160-acre or larger parcels as long as the land remained in agricultural use and subject to terms of the CE. The agricultural subdivision language found in the Keogh CE was commonly used in 1990s and early 2000s era conservation easements but was discontinued in more recent agreements. The language has proven problematic over the years on earlier conservation easements by placing additional strains on staff capacity, increased susceptibility of stewardship violations, and complicating resource management and public access objectives. The Keogh Ranch CE could legally be subdivided into forty-four 160-acre parcels. To date, the ranch remains whole and no subdividing has taken place. Small-lot residential subdivisions are happening along the southern boundary of the ranch. Pressure from these adjacent landowners to buy horse pastures and other small grazing parcels is growing.

FWP proposes to amend the Keogh Ranch Conservation Easement by purchasing the agricultural subdivision rights. FWP proposes to pay \$213,000 to eliminate the right to subdivide. Costs would be paid for through FWP's Habitat Montana Program.

### **Public Involvement Process & Results**

Public comments on the proposed action were received for 30 days (through May 31, 2017). Legal notices were printed in the *Montana Standard* (Butte) and the *Whitehall Ledger*. The EA was also posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>.

This project has been discussed with the Jefferson Valley Sportsmen Association, Skyline Sportsmen, and several local landowners. In addition, notices of the EA were sent to adjacent landowners and several other interested parties. Two comments were received – one in support of the proposed action and one opposing it.

### **Alternatives and Analysis**

Two alternatives were considered: 1) (No Action) FWP does not amend the Keogh CE, leaving open the potential for subdivision of the property into 160-acre or larger parcels; and 2) (Proposed Action) FWP amends the Keogh CE, removing the language that allows the landowner the right to subdivide the land for agricultural purposes. Proceeding with the proposed action would assure habitats and access opportunities in this conservation easement would continue to be managed as a unit.

### **Agency Recommendation & Rationale**

FWP recommends that the Commission approve this project because of the benefits to wildlife, the recreating public and maintenance of a viable family agricultural operation. A decision notice to this effect was signed by the Region 3 Supervisor on June 12, 2017.

**Proposed Motion:** I move the Fish and Wildlife Commission give final approval for the Keogh Ranch Conservation Easement Amendment as presented by FWP.