

The Trust for Public Land
Proposal to Montana Fish and Wildlife Conservation Trust
April 2019

1. **Project Title:**
Lost Trail Conservation Easement Project

2. **Project Description:***

The Lost Trail Conservation Easement Project represents a rare opportunity to significantly expand the ecological function of, and the recreational opportunities provided by, an existing National Wildlife Refuge. In 1999, the Lost Trail National Wildlife Refuge was created west of Kalispell, near Marion, MT, because of its important biodiversity habitat. It was established for use by migratory birds, conservation of fish and wildlife resources, fish and wildlife-oriented recreation, and the conservation of habitat for endangered or threatened species. Like most National Wildlife Refuges, Lost Trail is surrounded by private land and is at risk from development and other uses on those private lands. Fortunately, and unlike most National Wildlife Refuges, Lost Trail is surrounded almost entirely by a single private landowner (Weyerhaeuser), and that landowner is interested and willing to participate in the protection of its lands.

Lost Trail National Wildlife Refuge is 7,965 acres in size. The Trust for Public Land is protecting an additional 7,274 acres of highly productive timberland, important wildlife habitat, and recreation space adjacent to the Refuge. Permanent protection of the Lost Trail Conservation Easement property would strengthen and expand the wildlife and recreation benefits for which the Lost Trail National Wildlife Refuge was established.

The Trust for Public Land has secured an option contract to purchase a conservation easement from Weyerhaeuser on the Lost Trail Conservation Easement property. The easement terms will be very similar to the conservation easement placed on the Trumbull Creek Conservation Easement property, which was supported by a grant from the Montana Fish and Wildlife Conservation Trust in 2017. The permanent easement would be held, enforced, and monitored by the Montana Department of Fish, Wildlife, and Parks (FWP). The property's rich ecological resources provide a wide variety of recreation opportunities, as well as a scenic backdrop for visitors to the Lost Trail National Wildlife Refuge. Under the terms of the conservation easement, all of the Lost Trail property would be permanently accessible to the public for hunting, fishing, hiking, mountain biking, cross-country skiing and other outdoor recreational activities. The project is a favorite walk-in elk hunting area for

hunters (Dredger Ridge), and would remain open and available for this use. Additionally, the conservation easement preserves the property's historic use by generations of native people for hunting and gathering. The easement will also help sustain local jobs by allowing the continued use of the property for sustainable forest management, while prohibiting all future residential, industrial and commercial development.

This region is a high priority for national, state, and local landscape conservation plans. The project falls within the U.S. Fish and Wildlife Service's (USFWS) 2013 draft Northern Continental Divide Grizzly Bear Conservation Strategy, the 2000 Canada Lynx Conservation Assessment and Strategy, and the federally-identified Great Northern Landscape Conservation Cooperative. The 2010 Montana State Assessment of Forest Resources rated the project area as a high priority for forestland protection and the project lands fall within an area rated as a high priority in the 2003 Montana Gray Wolf Management Plan. The Montana 2015 State Wildlife Action Plan identified this area as a Tier I Terrestrial Focal Area. The National Fish & Wildlife Foundation's 2012 "Great Migrations and Crucial Corridors Initiative Focal Linkage: Cabinet-Yaak Wildlife Corridors" identified the Lost Trail-Kenelty Wildlife Corridor, which the project would help conserve, as one of the highest ranked linkages for wolverine, elk, grizzly bear, fisher and lynx.

The property is in the headwaters of the Fisher River drainage, which is a tributary to the Kootenai River. The Kootenai is the second largest tributary of the Columbia River in terms of watershed runoff. Protecting water quality in the Columbia River has benefits to hundreds of thousands of downstream water users.

3. Project Location (Legal Description if available):

The Lost Trail Conservation Easement Project will protect land northwest of the town of Marion, in Flathead County, Montana, and adjacent to the 7,965-acre U.S. Fish & Wildlife Service Lost Trail National Wildlife Refuge and 4,093 acres of Natural Resource Conservation Service-held Wetland Reserve Program easements. The property will conserve the north-facing hillslopes of the Pleasant Valley Creek Watershed, which flows into the Fisher River drainage. The legal description of the property is:

Township 28 North, Range 25 West

Sections 29, 30, 31, and 32;

Township 28 North, Range 25 West, P.M.M., Flathead County, Montana Section 29: That portion of the Southwest Quarter Southwest Quarter (SW1/4SW1/4) lying South of the centerline of South Pleasant Valley Road, as shown and described on Certificate of Survey No. 13371. This description is aggregated with the Northwest Quarter Northwest Quarter (NW1/4NW1/4) of Section 32, Township 28 North, Range 25 West, P.M.M., Flathead County, Montana. Section 30: All of that portion of Government Lots 4 and 7, the Northeast Quarter Southwest Quarter (NE1/4SW1/4) and the Southeast Quarter (SE1/4), all lying South of the centerline of South Pleasant Valley Road, as shown and described on Certificate of Survey No. 13371; ALSO, Government Lot 8 and the Southeast Quarter Southwest Quarter (SE1/4SW1/4) Section 31: All Section 32: Southwest Quarter (SW1/4), Southwest Quarter Northwest Quarter (SW1/4NW1/4), West half Southeast Quarter Northwest Quarter (W1/2SE1/4NW1/4) and that portion of the Northwest Quarter Northwest Quarter (NW1/4NW1/4) lying South of the centerline of South Pleasant Valley Road, as shown and described on Certificate of Survey No. 13371

Township 28 North, Range 26 West

Sections 22, 25, 26, 27, 28, 29, 30, 33, 34, 35, and 36; and

Township 28 North, Range 26 West, P.M.M., Flathead County, Montana Section 22: That portion of the South half Southwest Quarter (S1/2SW1/4) lying South of the centerline of South Pleasant Valley Road, as shown and described on Certificate of Survey No. 13371. This description is aggregated with the West half West half (W1/2W1/2) of Section 27, Township 28 North, Range 26 West, P.M.M., Flathead County, Montana. Section 25: South half (S1/2), and all of that portion of the North half (N1/2) lying South of the centerline of South Pleasant Valley Road, as shown and described on Certificate of Survey No. 13371. The North half (N1/2) description is aggregated with the South half (S1/2). Section 26: Northwest Quarter (NW1/4), South half, (S1/2) South half Northeast Quarter, and that portion of the North half Northwest Quarter (N1/2NW1/4) and North half Northeast Quarter (N1/2NE1/4) lying South of the centerline of South Pleasant Valley Road, as shown and described on Certificate of Survey No. 13371. Section 27: All; LESS AND EXCEPT all of that portion of the North half (N1/2) lying South of the centerline

Township 28 North, Range 27 West

Section 25

Township 28 North, Range 27 West, P.M.M., Flathead County, Montana Section 25: East half Southeast Quarter (E1/2SE1/4)

The attached maps show the project area and its relationship to adjoining private and public lands. Weyerhaeuser Company owns additional property immediately south and east of the project.

4. **Submitted By:**

The Trust for Public Land

Contact Person:

Dick Dolan, Northern Rockies Director

1007 East Main Street, Suite 300

Bozeman, MT 59715

406-582-6246

406-581-6417 (mobile)

Dick.Dolan@tpl.org

5. **Coordinated With:**

Alan Wood, Science Program Supervisor

Montana Fish, Wildlife and Parks

490 North Meridian Road

Kalispell, MT 59901

406-751-4595

awood@mt.gov

Tom Ray, Montana Resources Team Leader

Weyerhaeuser Company

2050 Highway 2 West

Kalispell, MT 59901

406-751-2401

Tom.Ray@weyerhaeuser.com

FWP does not conduct a hazardous materials assessment on conservation easements, nor are they aware of any potential issues. Weyerhaeuser will retain ownership of the land and therefore all liability associated with potential hazardous materials. The funding provided by the Forest Legacy Program does not require an analysis for hazardous materials.

6. **Project Type:***

Recreation Access: Access to and across private lands for recreational opportunities. All of the land under easement will be publicly accessible and access to the adjoining public lands will be maintained.

Wildlife Habitat Enhancements: Conservation easement to provide/protect critical wildlife habitat, as discussed elsewhere in this application.

7. **Management of Properties:**

FWP will be the holder of the conservation easement. The terms of the final conservation easement have been submitted to the USFS Forest Legacy and Stewardship Program Manager for final review.

Weyerhaeuser Company will retain the fee ownership and will manage their timber harvest rights according to Sustainable Forest Initiative Standards, including measures to protect water quality, biodiversity, wildlife habitat, and forests with exceptional conservation value. That timber management will be carried out in accordance with a management plan agreed to by FWP and Weyerhaeuser.

8. Size of Project Area:

Approximately 7,274 total acres. All of the acreage will be covered by the conservation easement for recreational access, habitat protection, and sustainable forestry standards.

9. Implementation Schedule:

The Trust for Public Land has an option agreement to purchase a conservation easement on the entire property and the project is well underway. All appraisal and due diligence is currently scheduled and will be completed no later than November 30, 2020 in order to execute the option agreement. The purchase transaction must close within thirty days of the exercise of the option. The Trust for Public Land has taken the appropriate steps to advance the project, including completing the Pre-Appraisal, the Title Search, and the Draft Minerals Potential Evaluation Determination. The Trust for Public Land is actively working with FWP and the landowner to finalize the Conservation Easement Conditions and the Multi-Resource Management Plan.

10. Total Project Cost:

The estimated preliminary value of the conservation easement is \$3.8 million. In November 2018, The Trust for Public Land submitted a funding request to the USFS's FY20 Forest Legacy Program for \$2,850,000. If that request is fully-funded, a need for \$950,000 remains. To meet this need, we respectfully request the Montana Fish and Wildlife Conservation Trust's consideration of this request to leverage these public funds with a \$200,000 grant.

11. MFWCT Funds:

\$200,000 toward purchase of the conservation easement.

12. Matching/Cooperator Funds:

In addition to this request, we plan to seek \$750,000 in additional funding from the National Fish & Wildlife Foundation and Habitat Montana.

13. Project Objectives:

- a) Provide access across private land to public lands.

- b) Provide public hunting and other recreational opportunities on private land.
- c) Secure sustainable management practices that benefit wildlife populations.
- d) Protect important wildlife migration corridors.
- e) Protect key habitat for a wide variety of species, including but not limited to, threatened and endangered species, big game species, and several other priority conservation species. Grizzly bear and Canada lynx, federally-listed “threatened” species, both rely on the property, as do 38 Montana Species of Concern, including fisher and wolverine. Additionally, the project is home to two large elk herds.
- f) Protect water quality and riparian area health.
- g) Protect significant natural habitat, scenic, and open space values as recognized by the Montana Open Space Land and Voluntary Conservation Easement Act, MCA, Sections 76-6-101, et seq.
- h) Provide opportunities to continue sustainable timber management practices.
- i) Support seven full-time workers in the wood products industry and another 23 workers in other related business sectors.

14. Project Strategies:

A permanent conservation easement will be held and monitored by FWP. This easement will provide for recreational access, protection of wildlife habitat and water resources, and provide Weyerhaeuser the ability to harvest timber from the land in accordance with Sustainable Forest Initiative Standards and an approved management plan. This approach has proven to be highly successful in other projects in Northwest Montana, including the 13,398-acre Stillwater Whitefish Watershed Project completed with Weyerhaeuser in 2018; the 7,098-acre Trumbull Creek Conservation Easement completed with F.H. Stoltze Land & Lumber Company in 2017; the 3,020-acre Haskill Basin Conservation Easement completed with Stoltze in 2015; and the 142,000-acre Thomson-Fisher Conservation Easement completed in 2000 with Plum Creek Timber Company.

15. Area Description:

See attached maps for land ownership and location.

16. Project Analysis:

- a) This project will permanently protect critically important wildlife and water resources in the Fisher River drainage from threat of development. See the “Project Description,” #2 above.

- b) It will secure public access for hunting, fishing, hiking, mountain biking, cross-country skiing, and other outdoor recreational activities. Historically, this private land has been accessible for public recreation, but that access is not secure and is at risk from development pressure. This project will permanently secure a highly-valued public recreation tradition. The Trust for Public Land and FWP have reached out to a diverse and extensive list of stakeholders in the community, and have received seventeen letters of support for this project. When completed, The Trust for Public Land and its partners will share the news via a public communications strategy and the conservation easement details will be added to the FWP website. On the property, all access points will continue to have signs that identify the public's access to the property. Information regarding public access to its lands is also set forth on Weyerhaeuser's website.
- c) The easement will help sustain local jobs by allowing the continued use of the property for sustainable forest management, thereby maintaining current wildlife habitat values with minimal future costs.

17. Existing Project Area Land Management:

Sustainable timber harvest is ongoing on the property, and will continue under standards that will be set forth in the conservation easement and the associated management plan. Recreational access currently exists, but the conservation easement will secure that public access in perpetuity.

18. Use of MFWCT Funds:

MFWCT funds will be used exclusively for the purchase of the conservation easement.

19. Project Monitoring:

A management plan, similar to the one signed as part of the Trumbull Creek Conservation Easement project, will be signed and implemented in association with the Lost Trail Conservation Easement project. This plan identifies and describes the objectives and actions that Weyerhaeuser will take to protect, manage, maintain and enhance soil, water, range, aesthetic quality, recreation and public access, timber, wildlife resources on the property. FWP will conduct annual monitoring visits to insure compliance with the terms of the conservation easement and management plan.

20. Additional Comments:

The Trust for Public Land thanks The Montana Fish and Wildlife Conservation Trust for its previous support of our Stimson Forestlands (Troy, MT), Trumbull Creek and Stillwater land conservation

efforts. This project builds on those previous efforts to protect the large forested landscapes of northwest Montana that provide highly valuable fish and wildlife habitat and public recreation opportunities. We are most grateful for the trustees' consideration of this \$200,000 request to further our shared efforts to protect critical habitat, enhance recreational opportunities, and improve public access.

NOTE: If a project is selected, there will be a requirement to submit a minimum of 1 and no more than 4 digital color photographs of the project area prior to transfer of funds for the project. Digital photos may be submitted with the application package to satisfy this requirement. These photos will not be returned and will become the property of the Trust for use in publications highlighting successful projects and for promotional materials produced by the Trust.

***Please review the instructions for specific information required when the project application is for a Conservation Easement. Also please note the additional information requested as to how the access to this project will be publicly identified.**

Exhibit A



Aerial view of the Lost Trail Conservation Easement property and the adjacent Lost Trail National Wildlife Refuge. Kestrel Aerial, 2018



Clouds filling in the Lost Trail National Wildlife Refuge and the Lost Trail Conservation Easement property, which provide an east-west connectivity corridor for grizzly bear, wolves, and other species traveling between the Northern Continental Divide Ecosystem and the Cabinet-Yaak Ecosystem. Kestrel Aerial, 2018



The Lost Trail Conservation Easement Project permanently protects public access for hunting, fishing and other outdoor recreation. The easement will also help sustain local jobs by allowing the continued use of the property for sustainable forest management, while prohibiting all future residential, industrial and commercial development. Kestrel Aerial, 2018