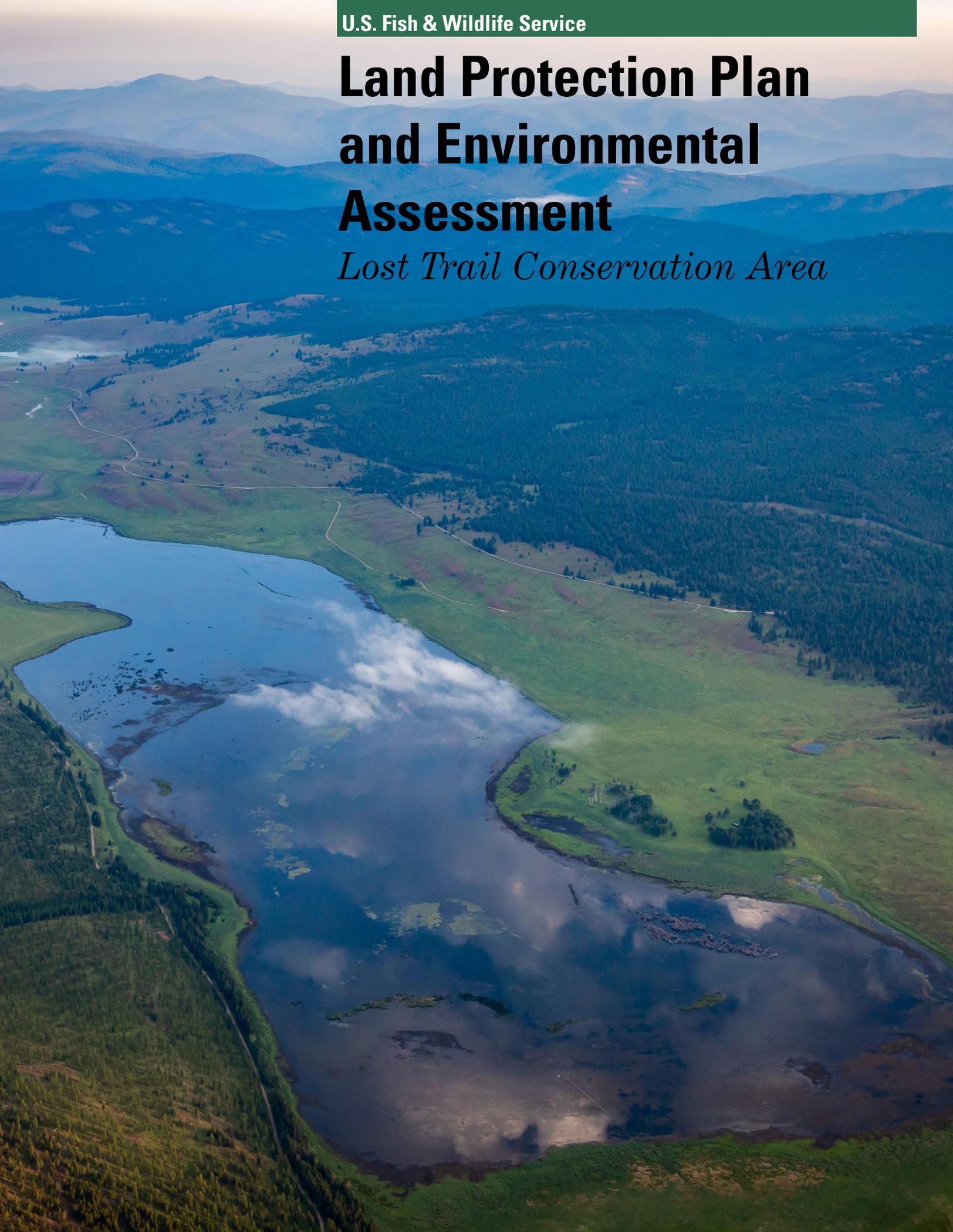


Land Protection Plan and Environmental Assessment

Lost Trail Conservation Area



Final Land Protection Plan for the Establishment of the Lost Trail Conservation Area

November 2020

U.S. Fish and Wildlife Service
Western Montana National Wildlife Refuge Complex
922 Bootlegger Trail, Great Falls, MT

Submitted By:

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Table of Contents

Executive Summary	3
I. Introduction and Purpose.....	5
A. Project Description.....	5
B. Conservation Area Purpose(s)	7
II. Resources.....	8
A. Resources to Be Protected	8
B. Threats.....	10
C. Relationship of Project to Landscape Conservation Goals and Objectives	12
D. Partnership Efforts/Related Resources	13
III. Land Protection Strategy	15
A. Action and Objectives.....	15
B. Land Protection Priorities	16
C. Easement Terms and Requirements.....	20
D. Service Land Acquisition Policy	21
E. Funding	21
IV. Coordination.....	21
A. Elected Officials.....	21
B. State.....	22
C. Tribes	22
D. Public Outreach.....	23
V. References	25

List of Figures

Figure 1. Lost Trail Conservation Area Boundary and Land Ownership.....	6
Figure 2. Other Conservation Efforts and Protected Lands Surrounding the Lost Trail Conservation Area.	14
Figure 3. Priorities and Resources to Be Protected within the Lost Trail Conservation Area.	18
Figure 4. Priority Zones and Land Ownership within the Lost Trail Conservation Area.	19

List of Tables

Table 1. Current Landownership within the Project Boundary.	7
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Appendices

Appendix A	Conceptual Management Plan.....	27
Appendix B	Final Environmental Assessment with Signed Finding of No Significant Impact	29
Appendix C	Concurrence Memorandum.....	104

Final Land Protection Plan for the Establishment of the Lost Trail Conservation Area

Executive Summary

In accordance with United States (U.S.) Fish and Wildlife Service (Service) policy and the National Environmental Policy Act, a final land protection plan (LPP) and final environmental assessment (EA) have been prepared analyzing the effects, and describing the priorities of, establishing the Lost Trail Conservation Area (LTRCA). The conservation area will protect up to 100,000 acres within the 120,000-acre project boundary surrounding the Lost Trail National Wildlife Refuge (NWR) in northwest Montana through acquisition of conservation easements from willing sellers. This final LPP describes the priorities of the project and outlines the options and methods to acquire the minimum land interests necessary to preserve and protect the fish and wildlife resources and public access in the LTRCA.

The LTRCA acquisition boundary delineates parcels where the Service may consider negotiations with willing sellers for easement acquisition. Conservation easements will protect critical, state-identified wildlife corridors; guarantee public access for sportspersons and outdoor enthusiasts in perpetuity; and allow for sustainable timber harvest that supports the local economy in northwest Montana. The project protects crucial habitat and linkage corridors for federally-listed species, including grizzly bear, Canada lynx, Spalding's catchfly, and other federal trust species. This land will also secure a vital migration corridor for elk and mule deer, which is part of the Heart of the Salish Priority Area identified in Montana Fish, Wildlife, and Parks' (MFWP's) Secretarial Order 3362, "State Action Plan for Big Game Winter Range and Migration Corridors." Currently, the private land within the project area provides over 6,000 hunter-use days per year and is the core area of the most popular elk-hunting district in northwest Montana. Easements acquired within the LTRCA will maintain public access to this area in perpetuity. The LTRCA will also support Secretarial Orders 3347, "Conservation Stewardship and Outdoor Recreation" and 3356, "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories" by enhancing conservation stewardship; protecting outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and supporting game species and their habitats for this generation and beyond.

The LTRCA also presents an opportunity to partner with MFWP and other federal, state, and nongovernmental partners to stitch together landscape-level conservation work completed over the last 20 years that protects important wildlife habitat, recreational access, and working timberland from Glacier National Park through the Cabinet Mountains Wilderness to the Selkirk and Coeur d'Alene mountains in Idaho.

The Service conducted a public scoping period for 30 days to gather input for development of the draft EA and LPP. Subsequently, there was also a 30-day public comment period for the draft EA and LPP. We, the Service, have also coordinated closely with MFWP because it is also seeking to protect land with conservation easements within and around the LTRCA. We reached out to tribes that are potentially affected by the proposal. The Confederated Salish and Kootenai Tribes expressed their strong support for the project. We have reached out to the county commissioners for Lincoln and Flathead Counties, who have also been briefed on the project, and we received a letter of support from both counties.

The Service developed and analyzed two alternatives:

Alternative A – Establish the Lost Trail Conservation Area – Proposed Action Alternative

The Service will establish the LTRCA in the area surrounding the Lost Trail National Wildlife Refuge (NWR). This new conservation area will authorize the Service to acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres. These conservation easements will provide perpetual protection of critical, state-identified wildlife corridors, and public access for sportspeople and outdoor enthusiasts, and will allow for continued sustainable timber harvest that supports the local economy. Conservation easement lands will remain in private ownership; property tax and land management, including invasive weed control, will remain the responsibility of the landowner. The Service will use federal Land and Water Conservation Fund dollars to purchase easements within the LTRCA. Land and Water Conservation Fund dollars are derived from federal offshore oil and gas leasing and are not taxpayer dollars.

Alternative B – No Establishment of the Lost Trail Conservation Area – No Action Alternative

The Service would not establish the LTRCA and would not protect land surrounding the Lost Trail NWR with conservation easements. Residential and commercial development would not be restricted, public access to outdoor recreation would not be maintained, and working lands would not be protected through this project.

Alternative A is the Service's Proposed Action Alternative. After reviewing the analysis in the final EA and LPP, including the attached appendices and any public comments, the Regional Director will determine whether to formally recommend to the Director of the Service that the LTRCA be established. At that time, the document, including any revisions, will be submitted to Service's Director for final review and approvals. The final EA and LPP will also be shared with the public.

Final Land Protection Plan for the Establishment of the Lost Trail Conservation Area

I. Introduction and Purpose

This final land protection plan (LPP) describes how the United States (U.S.) Fish and Wildlife Service (Service) will protect critical, state-identified wildlife corridors, provide public access for sportspersons and outdoor enthusiasts in perpetuity, and allow for sustainable timber harvest that supports the local timber economy in northwest Montana by establishing the Lost Trail Conservation Area (LTRCA, conservation area). The project protects crucial habitat and linkage corridors for federally-listed species, including grizzly bear, Canada lynx, Spalding's catchfly, and other federal trust species. This land will also secure a vital migration corridor for elk and mule deer, which is part of the Heart of the Salish Priority Area identified in the Montana Fish, Wildlife, and Parks' (MFWP) Secretarial Order 3362, "State Action Plan for Big Game Winter Range and Migration Corridors." Currently, the private land within the project area provides over 6,000 hunter-use days per year (MFWP 2019a) and is the core area of the most popular elk-hunting district in northwest Montana. However, this incredible sportsmen's resource could be lost forever if projected land use trends continue. The LTRCA will maintain public access to this area in perpetuity. The LTRCA also presents an opportunity to partner with MFWP and other federal, state, and nongovernmental partners to stitch together landscape-level conservation work completed over the last 20 years that protects important wildlife habitat, recreational access, and working timberland from Glacier National Park through the Cabinet Mountains Wilderness to the Selkirk and Coeur d'Alene mountains in Idaho.

A. Project Description

The LTRCA will be a new unit of the National Wildlife Refuge System (Refuge System), as authorized by the Fish and Wildlife Act of 1956. The conservation area surrounds the Lost Trail National Wildlife Refuge (NWR) in Flathead and Lincoln Counties, Montana. The refuge protects a 7,876-acre mosaic of wetlands, streams, prairie grasslands, forested hillsides, and rock outcroppings along the Pleasant Valley. The LTRCA authorizes the Service to acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres (Figure 1). No fee-title acquisition by the Service will be authorized.

Conservation easements will provide multiple benefits, including guaranteed perpetual protection of critical wildlife habitat and movement corridors, as well as a large portion of the encompassing watershed for the refuge and public access for sportspersons and outdoor enthusiasts. The easements also will allow for continued sustainable timber harvest that supports the local economy. The easements will be similar to other existing easements in the area and similar to the 7,274-acre easement within the project area proposed for acquisition by MFWP (MFWP 2019b). The Service will use federal Land and Water Conservation Fund (LWCF) dollars to purchase easements within the conservation area. LWCF dollars are derived from federal offshore oil and gas leasing and are not taxpayer dollars.



U.S. Fish & Wildlife Service

Lost Trail Conservation Area: Land Ownership

Flathead & Lincoln Counties, Montana

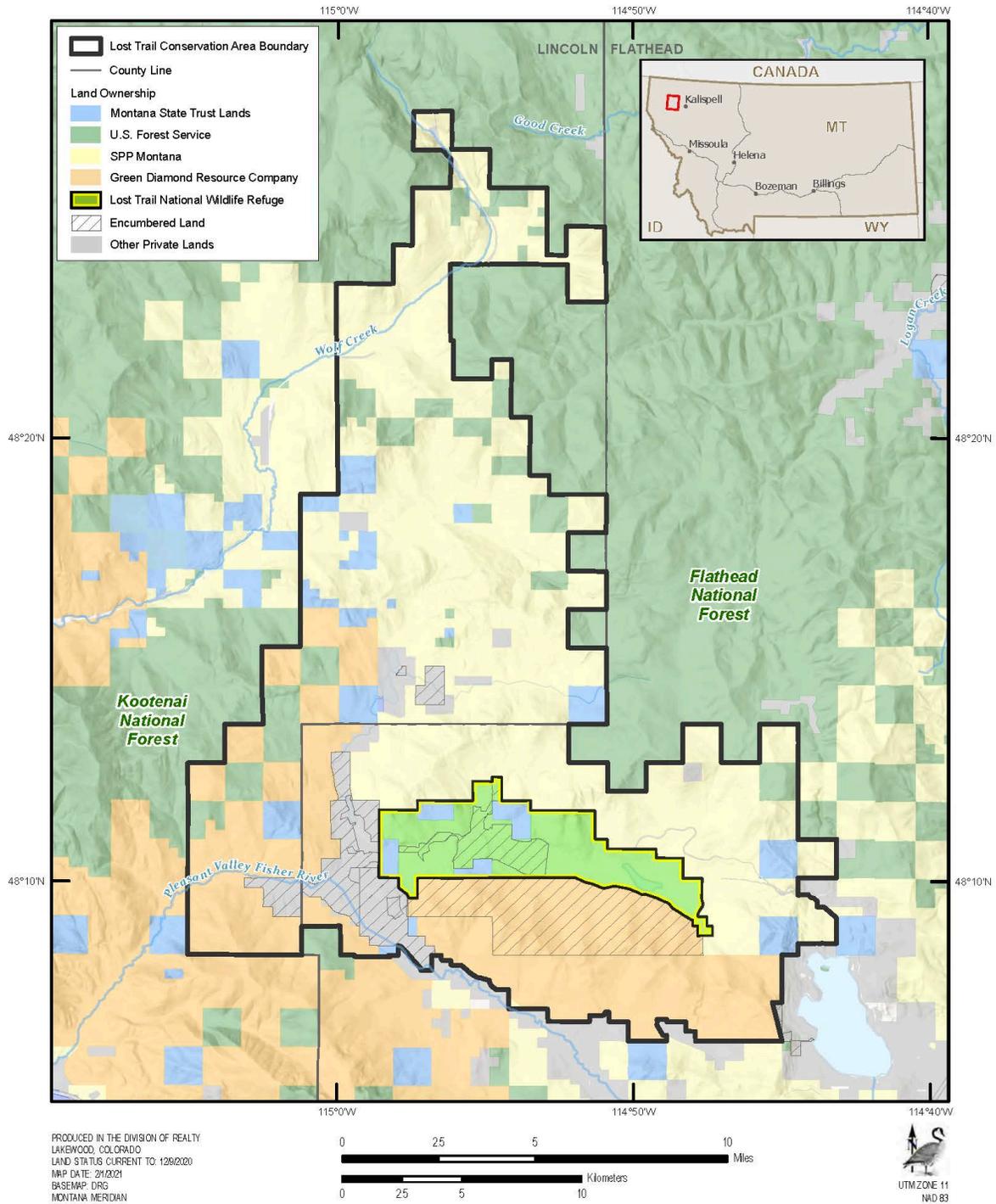


Figure 1. Lost Trail Conservation Area Boundary and Land Ownership.

Within the 120,000-acre project area, over 28,000 acres are held by public agencies or are protected with existing conservation easements (Table 1). Of the remaining unprotected private land, over 97 percent is owned by Southern Pine Plantation (SPP), LLC (doing business as “SPP Montana”), and is used for commercial timber harvest. These lands have also been open to the public for a variety of uses, including fishing, hunting, wildlife viewing, and other noncommercial outdoor recreational uses.

Table 1. Current Landownership within the Project Boundary.

Ownership Type	Acres
U.S. Fish and Wildlife Service	7,876
State of Montana	6,934
U.S. Forest Service	8,259
Private – Other (protected)	4,960
Private – SPP Montana	88,624
Private – Other	2,996
Total	119,649

B. Conservation Area Purpose(s)

The purpose of the LTRCA is to contribute to the mission and goals of the Refuge System by:

- conserving habitats and significant ecological corridors for federal trust species, and species of management concern, with special emphasis on grizzly bears, Canada lynx, Spalding’s catchfly, and native ungulates including elk and mule deer;
- ensuring public access for sportspeople and outdoor enthusiasts in perpetuity;
- allowing sustainable forest management practices that support the local timber economy within a working landscape; and
- contributing to the conservation of the ecosystems of the United States, to complement efforts of states and other federal agencies to conserve fish and wildlife and their habitats, and to increase support for the Refuge System from conservation partners and the public.

Overarching Conservation Area Goals

Goal 1: Provide Landscape-Level Conservation for Fish and Wildlife. The LTRCA will protect crucial terrestrial and aquatic habitats and a large portion of the encompassing watershed for Lost Trail NWR. The project supports the recovery for three federally-listed species—grizzly bear, Canada lynx, and Spalding’s catchfly; it will also protect a vital big-game migration corridor identified in MFWP’s Secretarial Order 3362, “State Action Plan for Big Game Winter Range and Migration Corridors.” The project will also benefit many other state-listed and imperiled species, include migratory birds, native fish, and riparian habitats.

Goal 2: Ensure Access to Outdoor Recreation. The LTRCA will protect quality outdoor recreational opportunities for the public to enjoy in the intermountain ecosystem of northwestern Montana. The LTRCA includes the core area of the most popular elk-hunting district in northwest Montana. This project will provide an estimated 6,000 hunter-use days per year.

Nonconsumptive uses such as hiking, wildlife observation, and photography will also continue on lands protected with easements.

Goal 3: Support Working Lands. The Service easement will achieve the desired ecological benefits while allowing the current land uses of commercial timber management and livestock grazing to continue. Private timberlands can provide multiple renewable resource benefits. In addition to the economic aspects of timber production and material products, these timber lands provide watershed protection, wildlife habitat, recreational opportunities, and other values.

Goal 4: Promote Conservation Partnerships. The Service will promote and develop partnerships with adjacent landowners, public and private organizations, and other interested individuals to preserve and protect a diverse and productive ecosystem of which the refuge is an integral part. The LTRCA is situated in a landscape that connects the Cabinet-Yaak ecosystem (CYE) and Northern Continental Divide ecosystem. The wetlands, streams, prairies, and forests of this connectivity area have been the focus of partnership efforts in land conservation and public access for decades. The Service helped convene the landscape conservation design team for northwest Montana, a partnership that includes dozens of stakeholders including tribal governments; nongovernmental organizations; academics; and state, local, and federal agencies. The landscape conservation design team has identified the LTRCA as a high priority for private land conservation.

II. Resources

A. Resources to Be Protected

The LTRCA protects crucial habitat and linkage corridors for federally-listed species, including grizzly bear, Canada lynx, Spalding's catchfly, and other federal trust species. This land will also secure a vital migration corridor for elk and mule deer, which is part of the Heart of the Salish Priority Area identified in the MFWP's Secretarial Order 3362, "State Action Plan for Big Game Winter Range and Migration Corridors." The land within the project area is primarily conifer forests with narrow belts of riparian woodlands following small mountain streams.

The LTRCA surrounds the current boundaries of refuge. Thorough descriptions of habitats and species are provided in the final environmental assessment (EA) associated with this project (USFWS 2020) and the Lost Trail NWR Comprehensive Conservation Plan (www.fws.gov/mountain-prairie/refuges/completedPlanPDFs_F-L/ltr_2005_ccpfinal_all.pdf).

Grizzly Bear

The North American range of grizzly bears has been reduced by 98 percent due to a combination of human-caused mortality, habitat loss, and population fragmentation (National Fish and Wildlife Foundation [NFWF] 2012). There are currently six recovery zones for grizzly bears in the lower 48 states, including the Cabinet-Yaak and the Northern Continental Divide in northwestern Montana. The Northern Continental Divide ecosystem (east of the project area) holds the largest population of grizzly bears in the lower 48 states and is contiguous with a Canadian population. The Cabinet-Yaak population is small, and linkage with other populations is needed to maintain its genetic health (NFWF 2012; USFWS 2019). The LTRCA lies between these two ecosystems. Radio-collared grizzly bears have been documented passing through the refuge and the project area. The project area is a key movement corridor for grizzly bears in the

CYE, which is important for growth and genetic diversity of this small population (NFWF 2012; USFWS 2019).

Canada Lynx

The LTRCA includes designated critical habitat for Canada lynx (USFWS 2017). Long-term presence of Canada lynx has been documented on the Kootenai National Forest, which is next to the LTRCA (USFWS 2017). Surveys and genetics work show successful reproduction and also recruitment from other areas. The LTRCA will maintain large, contiguous patches of forested habitat, which supports greater numbers of snowshoe hares, the primary prey for Canada lynx. Canada lynx achieve the highest densities in landscapes that have a high percentage of large, contiguous patches of high-quality hare habitat (USFWS 2017).

Spalding's Catchfly

This perennial Palouse Prairie plant is currently found in several areas of the refuge. Small populations have also been documented on SPP Montana land within the LTRCA. In northwest Montana, Spalding's catchfly is found in bluebunch grasslands and occasionally in open ponderosa pine communities. The LTRCA will prohibit subdivision and housing development in the project area, which will benefit Spalding's catchfly by preventing additional habitat loss and degradation, which are recognized factors in the species' decline (MNHP 2020a; USFS 2020; USFWS 2007).

Native Ungulates

The LTRCA includes vital core and migration habitat for elk and mule deer, which are used to complete their life cycles by moving between spring/summer fawning/calving and fall/winter breeding/winter survival areas. Two large elk herds use the project area for all phases of their life cycle. Mule deer move through the northern portion of the project area between wintering areas along the Fisher River and fawning and summer foraging areas to the east in the Flathead National Forest (MFWP 2019c). Maintaining this core and migration habitat will support continued healthy populations of elk and deer within the project area.

Riparian Corridors

Within this mixed conifer forest are narrow belts of forest riparian following small mountain streams that are rich in both plant and animal species due to the presence of water and the diversity of the riparian forest structure and plant species composition. These forested riparian habitats/corridors make up a small percentage of western Montana habitat, but they provide important migratory corridors as well as foraging and nesting/roosting areas for an abundance of wildlife species, including ungulates, large predators, bats, smaller mammals, and birds. Riparian areas or areas that can support fruiting shrubs such as chokecherries, huckleberries, and serviceberries are important for grizzly and black bears and other wildlife.

Wildlife-Dependent Recreation

Wildlife-based recreation is an important public use on the refuge, as well as the surrounding lands within the LTRCA. Public access for hunting, fishing, photography, hiking, wildlife observation, and other noncommercial outdoor activities are all currently allowed on the lands owned by SPP Montana, the Montana Department of Natural Resources and Conservation Service (DNRC), and the U.S. Forest Service.

Most of the project area is within elk and deer hunting unit 103 and is the core area of the most popular elk hunting district in northwest Montana. The private land within the LTRCA provides an estimated 6,000 hunter-use days per year (MFWP 2019a). Big-game hunting on the refuge is an important public use for hunters in the fall. Total refuge hunting visits are estimated to be over 15,000.

The refuge and surrounding area are also popular with nonconsumptive users engaged in wildlife observation, such as bird watching, environmental education, and other noncommercial outdoor activities. Outdoor recreation, as well as access and interaction with wildlife, are considered defining characteristics of the area by many residents (Flathead County 2015).

Working Landscapes

Within the 120,000-acre project area, nearly all of the unprotected private land is owned by SPP Montana. The primary land use for SPP Montana lands is timber harvest, although cattle grazing also occurs. Land with historical commercial use, such as forestry and ranching, are often compatible with or beneficial to wildlife management objectives (Jordan et al. 2007; Rissman et al. 2007). Conservation easements can help maintain the regional character by protecting working landscapes. Conservation easements provide financial benefits for landowners that enable them to preserve the natural and historic value of their lands.

Private timberlands can provide multiple renewable resource benefits. In addition to the economic aspects of timber production and material products, these timber lands provide watershed protection, wildlife habitat, recreational opportunities, and other values.

B. Threats

In 2019, Weyerhaeuser timber company's decision to sell its 630,000 acres in Montana to SPP Montana sent shock waves through the communities in northwest Montana. These lands have been used by the public as de facto public lands for generations, and there is real fear that this sale could lead to reduced public access and habitat fragmentation due to subsequent land sales and residential development. Not undertaking the creation of the LTRCA will likely allow for fragmentation of ecologically important habitats and migration corridors for federally-listed species, other trust species, and large ungulate populations. This fragmentation may hinder recovery efforts for listed species, close off a significant opportunity to develop publicly available wildlife-based recreation in the future, and put the future of the Heart of the Salish Priority Area ungulate migration corridor into question. Failure to secure these lands from development and fragmentation will also put at risk the biological and recreational connection between the uplands and lowlands of the refuge and Pleasant Valley.

The LTRCA is next to recent residential development and in the path for projected exurban residential growth, highlighting the risk of habitat loss that is both immediate and long term. In particular, burgeoning subdivisions already occur around Little Bitterroot Lake and Island Lake, and land prices have increased dramatically. Without the protection of private land with conservation easements, many acres of land will likely be developed for recreational home sites or isolated commercial uses, as economic forces change in the future. For example, while the population of Lincoln County grew by 10 percent between 1990 and 2000, the number of new single-family homes built increased by 73 percent, with almost all of these built outside of incorporated cities (Lincoln County 2019). Similarly, in Flathead County from 2000–2010, the number of housing units increased 35 percent (Flathead County 2015).

The majority of residents in Flathead and Lincoln Counties live outside of a city, and the current development trends are toward larger lots outside of established communities (Flathead County 2015; Lincoln County 2019). When economic conditions are favorable, northwest Montana has proven to be a desirable area for residential lots development (Flathead County 2015). Population growth in Flathead County over the past 100 years has been significant and dynamic, with growth generally exceeding 10 percent over each decade. Population projections through 2030 predict continued growth in this area (Flathead County 2015). Population growth in Lincoln County has been less dynamic, but the county's population is expected to increase slightly over the next decade (Lincoln County 2019). Lands next to natural areas are choice home sites and are targeted for residential development.

Habitat fragmentation is one the greatest impacts of rural subdivision and residential development. Subsequent effects, including those listed below, will likely affect wildlife:

- loss of habitat and travel corridors for wildlife
- invasive plant infestations
- increased fencing, roads, and vehicle traffic

In addition, these effects will bring increased human presence, predator–prey shifts, and sources of disturbance that can disrupt wildlife movement patterns and render habitat unusable. These “fracture zones” disrupt the natural movement of Canada lynx, wolverine, grizzly bear, and fisher; and large mammals such as elk, mule deer, and other ungulates. Losing connectivity decreases wildlife population and habitat resilience by reducing animals' ability to respond to changes in vegetation, food distribution, and seasonal habitats resulting from climate change (NFWF 2012). This type of development can increase human contact with wildlife species such as bears, mountain lions, and wolves, which can often lead to increased mortality for these species (Flathead County 2015).

Residential development and habitat fragmentation in the project area threaten a key movement corridor for grizzly bears in the CYE, which is important for growth and genetic diversity of this small population (NFWF 2012; USFWS 2019). As more people occupy the landscape, their associated activities and attractants like garbage, pet food, and bird seed can lure bears into conflict situations or make wary bears avoid valley bottoms entirely (NFWF 2012). This could prevent increased genetic variation in the smaller CYE population. With a decreased chance of natural immigration from neighboring populations, wildlife managers will likely need to continue capture and release programs to augment the CYE population.

Increased habitat fragmentation can affect snowshoe hares, which are the primary prey for Canada lynx. Canada lynx achieve the highest densities in landscapes that have a high percentage of large, contiguous patches of high-quality hare habitat (USFWS 2017). Because of their shy and secretive nature, development within the project area will most likely have a negative impact on lynx populations.

Without protections against development and fragmentation, a vital migration corridor for elk and mule deer in northwest Montana would be disrupted. This includes important stopover areas for elk core winter range around the refuge, which is key habitat for both migratory and resident elk. Maintaining this core and migration habitat will support continued healthy populations of elk and deer within the project area.

The prospect of residential development in the project area could have negative impacts on the aquatic habitat. Residential housing in the project area will be outside of existing public water and sewer systems and will instead be on septic systems. Septic systems that fail or are improperly maintained can lead to bacterial contamination of groundwater and recreational waters, algal growth in water bodies and wetlands, and an increase in the number of nonpoint sources of water pollution. Sewage-derived nutrient additions to streams and lakes could have detrimental effects on the aquatic ecology (Flathead County 2015). Housing developments could also result in additional wetland drainage, water diversion, and introduction of invasive species. Development could also change drainage patterns or the rate of surface runoff, increasing soil erosion and nonpoint source pollution. Water may become a limiting factor for wildlife with additional housing developments and/or livestock in the project area.

The change in land uses from agriculture and timberlands to residential, and the accompanying impacts of that change, create some of the greatest growth challenges for the county governments. As more people move into the wildland–urban interface, where structures and other human development intermingle with undeveloped wildland or forests, there can be an increased risk to life, property, and infrastructure in associated communities. These risks can include inescapable wildfires and natural disasters (Lincoln County 2019). Increased growth directly influences land use patterns, and there is a direct correlation between land use patterns and traffic. Most of the local traffic increase is related to the rapidly expanding residential housing market, because each new home can be expected to generate an average of ten trips per day (Flathead County 2015). This increases the road maintenance burden on the counties and could also lead to increased wildlife conflicts on roads.

Without the opportunity to protect land in the project area with easements that prohibit residential development and ensure public access, the current public uses will be expected to decrease over time as the surrounding lands change to smaller private ownerships. This will have a negative impact on wildlife-based recreation within the project area. There could be a substantial decrease in the 6,000 hunter-use days currently provided by the lands within the project area. Outdoor activities such as hiking, fishing, wildlife viewing, photography, and other noncommercial outdoor uses could also decrease. Fewer opportunities for outdoor activities can also reduce the quality of life for residents (Flathead County 2015).

C. Relationship of Project to Landscape Conservation Goals and Objectives

The Service helped convene a team for northwest Montana, a partnership that includes dozens of stakeholders including tribal governments; nongovernmental organizations; academics; and state, local, and federal agencies (www.crownmanagers.org/landscape-conservation-design). The team assembled data on a variety of priority conservation targets and factors across a broad landscape. Priority targets included wildlife movement, watershed health, large landscape connectivity, and outdoor recreation opportunities. As the landscape conservation design develops, it is likely that large blocks of protected areas will be important as regional anchors from which to build upon to develop a connected and ecologically functional landscape that supports the priority targets.

The LTRCA is one of two focal areas in the Heart of the Salish Priority Area identified in MFWP’s Secretarial Order 3362, “State Action Plan for Big Game Winter Range and Migration Corridors.” MFWP worked closely with landowners, tribes, the Service, and other Department of Interior partners to define this area as well as the conservation opportunities therein. The project will help to secure vital migration corridors for elk and mule deer. This area has been a priority

for conservation for MFWP Region 1 for decades and is the focus of a current MFWP conservation easement project with SPP Montana, which adjoins the refuge to the south.

The project is also in an area that was rated as the highest priority for forestland protection in the 2010 Montana DNRC State Assessment of Forest Resources (Montana DNRC 2010). The State Assessment of Forest Resources is important for Montana because it strives to sustain healthy, productive forests and protect the economic viability of its forestlands. This assessment model covered all Montana forestland, regardless of ownership type, and will be used for planning, information and education, and technical assistance or financial assistance, and may be used to demonstrate the value of forests and forestry to the regional economy, environmental health, and quality of life.

D. Partnership Efforts/Related Resources

The LTRCA is situated in a landscape that connects the CYE and Northern Continental Divide ecosystem. Public agencies, nongovernmental organizations, and private landowners have been and continue to collaborate on land conservation in this area (Figure 2). MFWP is currently working with SPP Montana to purchase a 7,274-acre conservation easement within the LTRCA. MFWP purchased an easement for 142,000 acres in 2003. There are 22,274 acres of land owned by Stimson Timber Company that were placed under a conservation easement in the fall of 2019, including mule deer summer range adjacent to the Cabinet Mountains Wilderness. An additional 28,000 acres of Stimson land next to the existing conservation easement in the Fisher River drainage is proposed for conservation in fiscal year 2021.

In addition, the Trust for Public Land is working with MFWP on the Montana Great Outdoors Conservation Project to protect an additional 130,000 acres in the “Chain of Lakes” immediately to the west of the conservation area through working forest conservation easements. The easements will preclude development, ensure sustainable timber management, and provide permanent public access. Collectively, these two projects will connect with existing conservation lands from Glacier National Park through the Cabinet Mountain Wilderness to the Selkirk and Coeur d’Alene mountains to protect a total of 317,000 acres.

Agencies and organizations active in conservation in northwest Montana include the following:

Federal Agencies

- U.S. Forest Service
- National Park Service
- U.S. Department of Agriculture Natural Resources Conservation Service

Tribes

- Confederated Salish and Kootenai Tribes (CSKT)



U.S. Fish & Wildlife Service

Lost Trail Conservation Area: Other Conservation Easements of Northwest Montana

Flathead, Lincoln & Sanders Counties, Montana

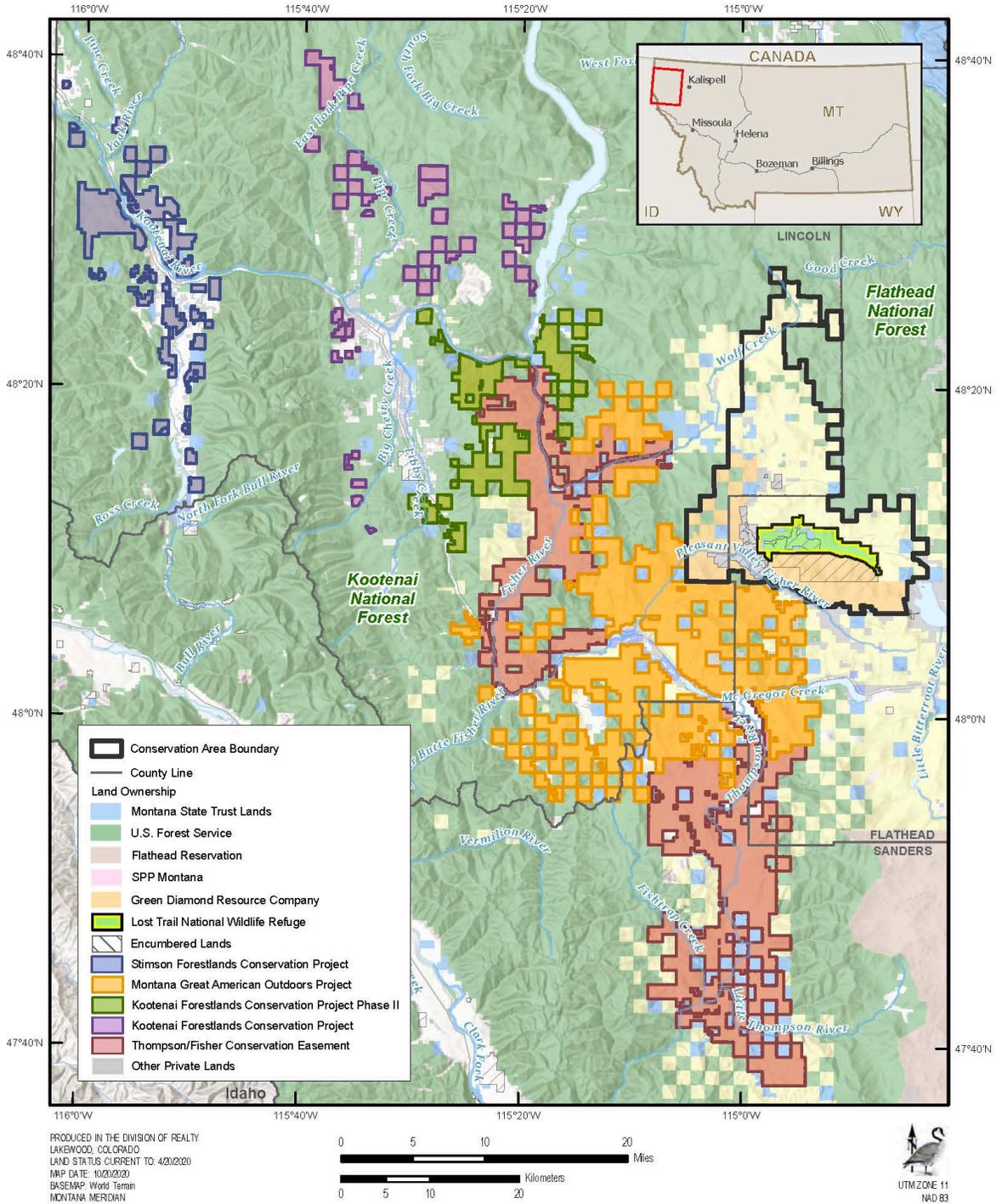


Figure 2. Other Conservation Efforts and Protected Lands Surrounding the Lost Trail Conservation Area.

State and Local Agencies

- MFWP
- Montana DNRC
- Montana Natural Heritage Program
- Flathead Conservation District
- Flathead County Extension

Nongovernmental Organizations and Individuals

- Trust for Public Land
- Rocky Mountain Elk Foundation
- Flathead Audubon
- Backcountry Hunters and Anglers
- Montana Wildlife Federation
- Crown Managers Partnership
- Theodore Roosevelt Conservation Partnership
- Boone and Crockett Club
- Trout Unlimited

III. Land Protection Strategy

A. Action and Objectives

The Service considered and evaluated two alternatives for establishing the LTRCA. Alternative A, as presented in the final EA, is the Service's Proposed Action Alternative because it provides protection of critical wildlife habitat and movement corridors, public access for sportspersons and outdoor enthusiasts, and sustainable timber harvest while acquiring the minimum land interest necessary. This final LPP outlines the priorities for land protection, the method for acquisition, costs for acquisition and administration, and funding sources available.

The Service's objectives in this land conservation project include the following:

- Support recovery of two federally-listed animals and one federally-listed plant.
 - **Grizzly bear (T):** There are currently six recovery zones for grizzly bears in the lower 48 states, including the CYE and the Northern Continental Divide ecosystem in northwestern Montana. The Northern Continental Divide ecosystem (east of the LTRCA) holds the largest population of grizzly bears in the lower 48 states and is contiguous with a Canadian population. The Cabinet-Yaak population is small, and linkage with other populations is needed to maintain the genetic health (USFWS 2019). The LTRCA lies between these two ecosystems and is a key movement corridor, which is important for growth and genetic diversity of this small population. Protecting the area within the LTRCA will increase the chance of natural immigration from neighboring populations, perhaps reducing the need the future for

wildlife managers to continue capture and release programs to augment the Cabinet-Yaak population.

The recovery plan for the grizzly bear can be found at:

www.fws.gov/montanafieldoffice/Endangered_Species/Recovery_and_Mgmt_Plans/Grizzly_Bear_Recovery_Plan.pdf

- **Canada lynx (T):** The LTRCA includes designated critical habitat for Canada lynx (USFWS 2017). Long-term presence of lynx has been documented on the Kootenai National Forest, which is next to the project area (USFWS 2017). This conservation area will maintain large, contiguous patches of forested habitat, which support greater numbers of snowshoe hares, the primary prey for Canada lynx. Canada lynx achieve the highest densities in landscapes that have a high percentage of large, contiguous patches of high-quality hare habitat (USFWS 2017).

The recovery outline and the most recent species status assessment can be found at:

www.fws.gov/mountain-prairie/es/canadaLynx.php

- **Spalding's catchfly (T):** This perennial Palouse Prairie plant is currently found in several areas of the refuge. Small populations have also been documented on SPP Montana land within the conservation area. Protecting this area from subdivision and housing development will benefit Spalding's catchfly by preventing additional habitat loss and degradation, which are recognized factors in the species' decline.

The recovery plan for Spalding's catchfly can be found at:

www.fws.gov/montanafieldoffice/Endangered_Species/Recovery_and_Mgmt_Plans/Spaldings_Campion_Recovery_Plan.pdf

- Protect winter range and migration corridors for native ungulates.

Conservation easements acquired through the LTRCA will maintain vital migration corridors for elk and mule deer. This includes important stopover areas for elk core winter range around the refuge, which is key habitat for both migratory and resident elk. Mule deer move through the project area between wintering areas along the Fisher River and fawning and summer foraging areas to the east in the Flathead National Forest (MFWP 2019c). Maintaining this core and migration habitat will support continued healthy populations of elk and deer within the project area.

- Maintain public access for wildlife-dependent and other outdoor recreation.

Conservation easements acquired through the LTRCA will maintain public access on up to 100,000 acres in perpetuity. Outdoor activities such as hunting, fishing, hiking, wildlife viewing, photography and other outdoor noncommercial, nonmotorized, dispersed public uses will remain open on lands with an easement agreement. The private land within the LTRCA provides an estimated 6,000 hunter-use days per year (MFWP 2019c). Nonconsumptive uses such as hiking, camping, wildlife observation, and photography will also continue on lands protected with easements.

B. Land Protection Priorities

The Service helped convene a landscape conservation design team for northwest Montana, a partnership that includes dozens of stakeholders including tribal governments; nongovernmental

organizations; academics; and state, local, and federal agencies (www.crownmanagers.org/landscape-conservation-design). The team assembled data on a variety of priority conservation targets and factors across a broad landscape. Priority targets included wildlife movement, watershed health, large landscape connectivity, and outdoor recreation opportunities. As the landscape conservation design develops, it is likely that large blocks of protected areas will be important as regional anchors from which to build upon to develop a connected and ecologically functional landscape that supports the priority targets.

The LTRCA project boundary encompasses 120,000 acres. Within this boundary, the Service will be authorized to acquire up to 100,000 acres of conservation easements from willing sellers. Approximately 28 percent of the project area is already protected public or private land. Of the remaining unprotected private land, nearly all of it (88,624 acres) is owned by the commercial timber company SPP Montana.

Conservation easements will provide multiple benefits, including perpetual protection of critical wildlife habitat and movement corridors, as well as a large portion of the encompassing watershed for the Lost Trail NWR. Specifically, land within the project area will support the recovery of federally threatened grizzly bear, Canada lynx, and Spalding's catchfly. The LTRCA also includes important wintering and migration habitat for native ungulates, in particular elk and mule deer. Riparian corridors within the project area are used by these high-priority species for cover, food, and movement as well as providing benefits for many other wildlife species within the project area.

The project area has been prioritized for acquisition using the following criteria:

- biological significance to core habitat and movement corridors for federal trust species (grizzly bear, Canada lynx, Spalding's catchfly)
- biological significance to wintering and migrating native ungulates (elk and mule deer)
- importance for protection and management of existing protected areas, in particular the Lost Trail NWR
- inclusion of important forested riparian corridors

Because SPP Montana owns almost all of the unprotected private land within the project area, it will also be a high priority for the Service to work with them to protect as much land as possible as quickly as possible. However, due to funding cycles and other constraints, the Service may not be able to purchase easements on all of the 88,624 acres at one time. Therefore, criteria and priority zones have been established to guide potential future acquisitions. Easements purchased from other willing sellers within the project area will also be guided by these priorities.

Two categories of land acquisition have been established, with the highest priority being the area designated as Priority 1. A description of the lands within each of the priority groups is given below. Figure 3 shows the two priorities and the underlying biological data that illustrate how each priority meets the criteria. Figure 4 is a map of the two priorities and the underlying land ownership.



U.S. Fish & Wildlife Service

Lost Trail Conservation Area : Data Layers & Priority Boundaries Flathead & Lincoln Counties, Montana

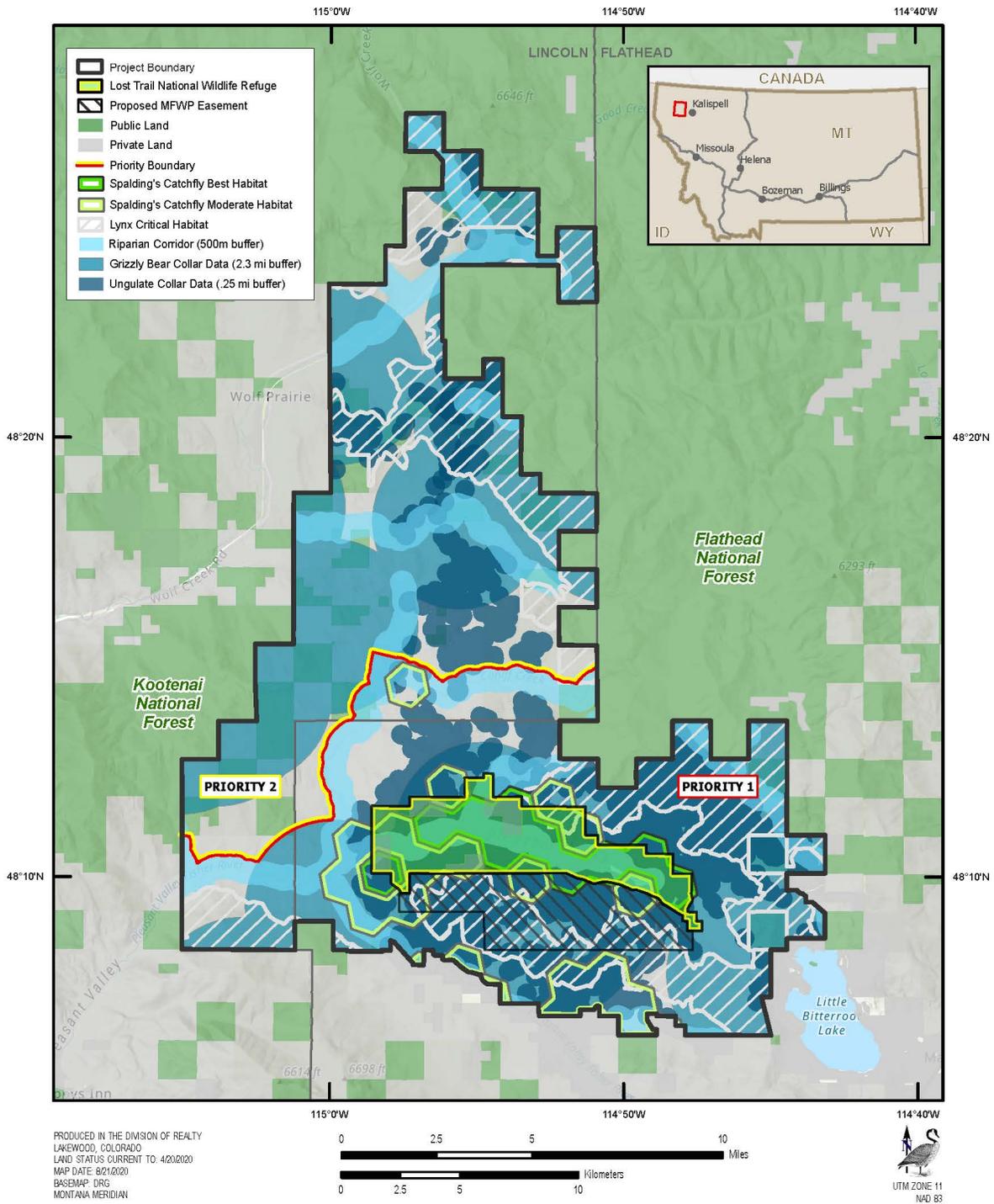


Figure 3. Priorities and Resources to Be Protected within the Lost Trail Conservation Area.



U.S. Fish & Wildlife Service

Lost Trail Conservation Area : Priority Boundaries
Flathead & Lincoln Counties, Montana

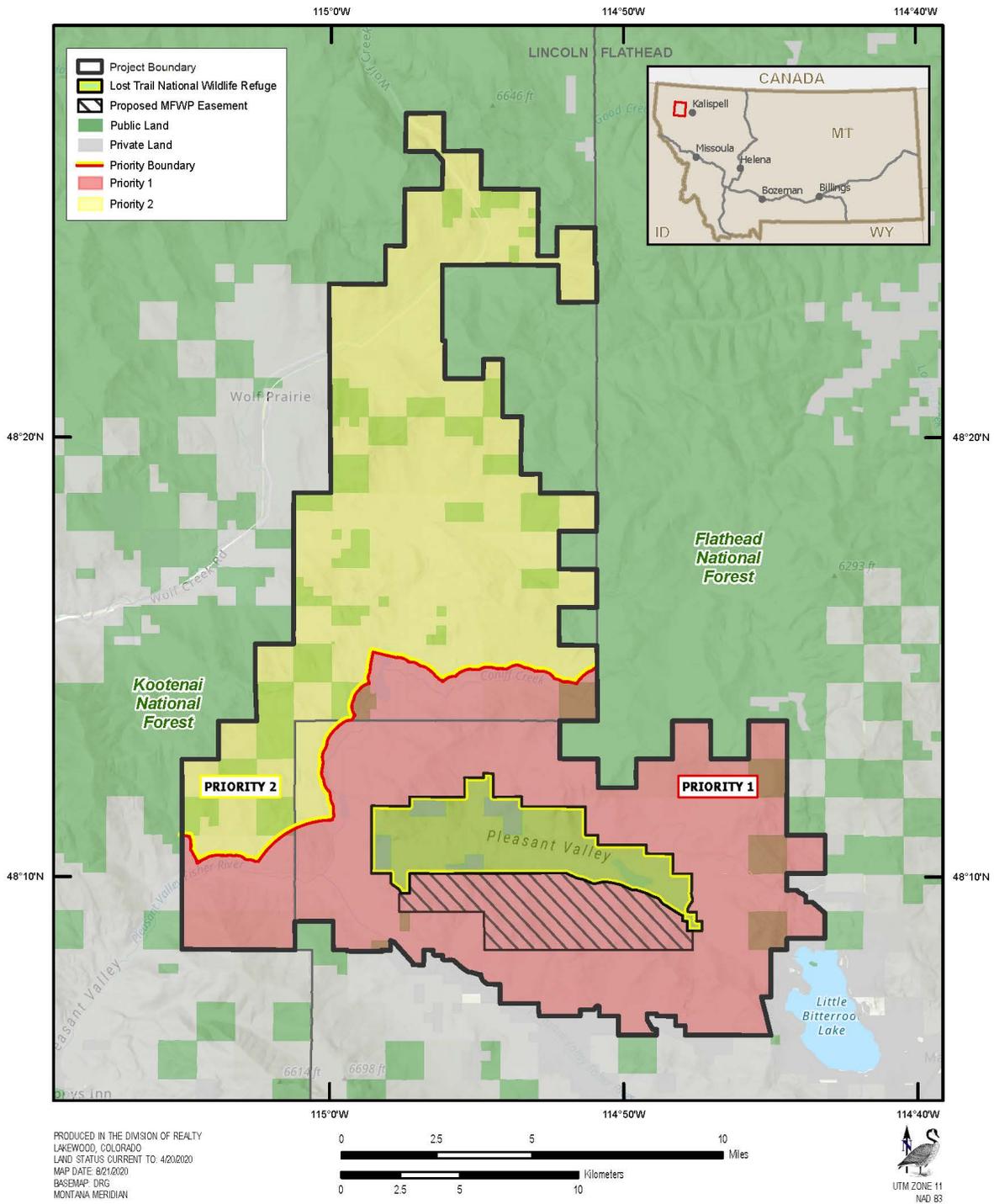


Figure 4. Priority Zones and Land Ownership within the Lost Trail Conservation Area.

Priority 1

Priority zone one includes the portion of the project that best meets the criteria identified. This area surrounds the refuge as well as a large portion of the encompassing watershed. Acquiring easements in this area first will also allow the Service to expand on the Lost Trail NWR as well as the pending 7,274-acre easement acquisition by MFWP.

In addition, priority zone one includes habitat for all three of the high-priority trust resources: the federally-listed grizzly bear, Canada lynx (designated critical habitat), and Spalding's catchfly. This includes important stopover areas for elk core winter range around the refuge, which is key habitat for both migratory and resident elk. The northern boundary of priority zone one was also designated to include important forested riparian corridors.

Priority 2

Priority zone two includes the remainder of the project area. This zone protects an important east–west movement corridor for grizzly bears between the Flathead National Forest and the Kootenai National Forest as well as additional critical habitat for the Canada lynx. It also builds on the north–south migration corridor for elk in priority zone one and includes an important mule deer migration corridor across the northern area of the project. Additional forested riparian corridors are also protected in this zone.

C. Easement Terms and Requirements

The Service acquires lands and interests in lands, such as easements, consistent with legislation or other congressional guidelines and executive orders, for the conservation of fish and wildlife and to provide wildlife-dependent public use for recreational purposes. These lands include national wildlife refuges, conservation areas, national fish hatcheries, research stations, and other areas.

When land is needed to achieve fish and wildlife conservation objectives, the Service seeks to acquire the minimum interest necessary to meet those objectives and acquire it only from willing sellers. Within the LTRCA, easement (less-than-fee) acquisition will provide the level of protection needed to accomplish the Service's objectives, while being cost effective and also attempting to meet the needs of local landowners. A conservation easement is a perpetual, voluntary legal agreement that we will buy from a willing landowner. The additional restrictions and costs associated with fee-title purchase of lands within the LTRCA by the Service are not necessary to achieve the project objectives. Additionally, fee-title acquisition was not supported by all stakeholders.

Under the terms of the easement, development for residential, commercial, or industrial purposes will not be permitted. Timber harvests meeting certain sustainability requirements and best management practices will be allowed. Public access for fishing, hunting, wildlife viewing, and other noncommercial, nonmotorized, dispersed outdoor recreational uses will be permanently protected. Grazing will not be restricted on the land included in the easement contract. Alteration of the natural topography, conversion of native grassland to cropland, and drainage of wetlands will also be prohibited. The easements will be similar to other existing easements in the area and similar to the 7,274-acre easement within the project area proposed for acquisition by MFWP (MFWP 2019b).

Conservation easement lands will remain in private ownership; property tax and land management, including invasive weed control, will remain the responsibility of the landowner. Private landowners will also retain the right to regulate motorized access on nonpublic roads and overnight use on their land.

D. Service Land Acquisition Policy

This section provides a brief overview of the Service's land acquisition process. If a landowner expresses an interest in selling an easement to the Service, a real estate appraiser will appraise the property to determine the market value of an easement. Once an appraisal has been approved, the Service can present an offer for the landowner's consideration. Appraisals conducted by Service or contract appraisers must meet federal as well as professional appraisal standards.

The Service is required to invest in healthy lands. Surveys for contaminants will be conducted before any land interests are acquired. A Level I pre-acquisition site assessment will be conducted on each individual tract before the purchase of any land interests. Any suspected contaminant problems that will require further surveys will be referred to a contaminant specialist located in the Service's Ecological Services office in Helena, Montana.

Within the 120,000-acre LTRCA project area, over 97 percent of the unprotected private land is owned by SPP Montana. SPP has expressed a willingness to sell easements to the Service. The remaining unprotected lands are other privately held properties and Montana DNRC lands.

E. Funding

The anticipated source of appropriated dollars for the purpose of land acquisition is the LWCF. The primary source of income to this fund is fees paid by companies drilling offshore for oil and gas, as well as oil and gas lease revenues from federal lands. Additional sources of income include the sale of surplus federal real estate and taxes on motorboat fuel.

Conservation easement values in the area are approximately \$500/acre. Total project cost is estimated to be about \$50,000,000. It is important to note that these costs are only provided as an approximation based on recent easement sales in the area. Land value fluctuations over time, uniqueness of the subject properties, and possible donations or bargain sales are among the factors that will likely influence the costs associated with completion of the project.

The administration of the project will not require any additional refuge funds. The LTRCA will be administered by existing staff within the Western Montana NWR Complex. As needed, law enforcement staff in the complex may also provide assistance. Realty staff in Montana and the regional office in Denver, Colorado, will handle the real estate transactions.

IV. Coordination

A. Elected Officials

The Service contacted the Montana U.S. Congressional delegation (Senators Tester and Daines, Representative Gianforte) to provide information on this project and invite feedback. In addition, the Lincoln and Flathead County commissioners were briefed on the project. We received letters of support from the Flathead and Lincoln County commissioners.

B. State

In 2008, the Service and MFWP initiated an effort to conserve 80,000 acres around the refuge. The collective vision of the project partners was to permanently conserve intermountain valley habitats that would showcase a working landscape that provided natural resource jobs and public recreational opportunities while simultaneously sustaining important ecological services. The project was not realized at that time, but the Service and MFWP continued to coordinate and consider new opportunities.

Over the last year, the Service and MFWP have worked together closely to develop the current proposal for the conservation area. A major state conservation target for the LTRCA is elk migration. The Service relied on MFWP's Secretarial Order 3362, "State Action Plan for Big Game Wintering and Migration Corridors," which identified the Heart of the Salish Priority Area. MFWP provided the Service the elk and mule deer migration data for the priority, which the Service used to define the boundary of the project area. MFWP provided a letter of support for the project in September 2019.

MFWP is also working to protect additional land within and around the LTRCA. MFWP has already purchased a 142,000-acre easement in the surrounding area and is currently negotiating with SPP Montana to purchase a 7,274-acre conservation easement within the conservation area. In addition, MFWP has another 50,000 acres of easement purchases recently completed or pending in the area. MFWP is also developing a new project to protect an additional 130,000 acres in the "Chain of Lakes" immediately to the west of the conservation area.

During the planning for this project, the Service also reached out to the Montana DNRC. The Montana DNRC has fire protection interests and manages nearly 7,000 acres of state trust lands within the project area. During the comment period for the draft EA and LPP, DNRC submitted a letter highlighting that it is critical for the agency to retain the ability to acquire legal access to trust lands for management of state trust resources and to maintain access to other land ownerships for effective and safe fire response to protect values at risk. DNRC also expressed their commitment to continuing a positive working relationship with the Service, specifically relating to landscape resiliency, wildfire response, community protection, and sustainable forest management. DNRC stated that by working together, we can more effectively work towards an "all lands" approach to forest and watershed management and restoration benefiting both agencies' missions.

C. Tribes

Early in the planning process, the Service's tribal liaison officer identified and helped the LTRCA planning team in reaching out to the four Native American tribes known to have ancestral interests in the lands encompassed by the LTRCA. The Service reached out via telephone calls and email to the tribal historical preservation officers, the fish and game directors, and/or the environmental program directors of the Apache Tribe of Oklahoma Flathead, the CSKT, the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, and the Kootenai Tribe of Idaho to offer them information on the LTRCA, inquire about the priorities that they would like the Service to consider for this area, and invite them to participate in the planning process.

To date, the CSKT have expressed support and encouragement for the development of the LTRCA and remain in close communication with the Service in this and other conservation endeavors in northwest Montana. In a letter of support for the LTRCA, CSKT encourages the Service to move forward with and acquire the maximum amount of acreage possible for the LTRCA. The CSKT has expressed support for similar conservation efforts by MFWP.

The Service reached out to these Native American tribes to seek comments on the draft EA and LPP. We did not receive any additional comments or request for consultation from any of the Tribes. The Service welcomes and appreciates any participation of these Native American tribes during the implementation phase.

D. Public Outreach

Scoping

The Lincoln and Flathead County commissioners were briefed on the LTRCA, and both counties are supportive of this project. Specifically, protecting working lands as well as recreational access are important to the local economies as population and residential development continues to expand in the area.

We solicited input from the public during a 30-day public scoping period from July 8 through August 6, 2020. Public notices of the scoping period were published in several local papers, on the Lost Trail NWR website, and on the regional planning website (www.fws.gov/mountain-prairie/refuges/ltrca.php).

We received comments from six agencies or organizations and 19 private individuals. Twenty-two comments expressed general support for the creation of the proposed conservation area. These comments identified key issues such as protecting wildlife habitat, providing recreational access, quality of life, and support for working lands.

Concerns raised during scoping included the current extent of cattle grazing, noxious weed control, mineral rights and using tax dollars to permanently protect land. The draft EA and LPP were revised to clarify these issues. Conservation easement lands will remain in private ownership; easements will allow for continued sustainable timber harvest and grazing. Invasive weed control will remain the responsibility of the landowner. In areas where the subsurface estate has been severed from surface ownership and is owned by a third party, the easement that the Service acquires from the landowner is junior to the subsurface rights. Any owner of these third-party mineral rights would be entitled to explore for and develop those minerals to the full extent afforded under Montana law. The Service will use federal Land and Water Conservation Fund dollars to purchase easements within the LTRCA. Land and Water Conservation Fund dollars are derived from federal offshore oil and gas leasing and are not taxpayer dollars.

Public Comment Period

We conducted a 30-day public comment period on the draft EA and LPP from September 16 through October 15, 2020. Public notices of the comment period were published in several local papers, on the Lost Trail NWR website, and on the regional planning website (www.fws.gov/mountain-prairie/refuges/ltrca.php). During the 30-day public comment period, the Service accepted comments in writing, in person, electronically, or in any other form the public wished to present comments or information.

We received comments from three agencies or organizations and 29 private individuals (USFWS 2020, final EA). Many of the comments were generally supportive of the project. In support of the project, commenters mentioned the protection of wildlife habitat, quality of life, the economy of northwestern Montana, sustainable timber harvest management, the beauty of the area, climate change and ensuring public access for activities such as hunting, hiking, fishing, biking. Several commenters also mentioned the benefit of the LTRCA protecting the resources of the Lost Trail NWR as a reason for supporting the project. In the final EA and LPP, we expanded the analysis of the benefits of the LTRCA to plant resources, migratory bird resources and landscape scale conservation in response to comments we received providing additional information.

We received a few comments expressing concerns about the impact to property values, improper silvicultural practices and noxious weeds. We provided additional clarification on these issues in our response to comments in the final EA, but did not revise the EA or LPP. We received a comment suggesting we consider another alternative with additional, phased easement acquisition beyond the proposed LTRCA boundary. The boundary for the LTRCA was determined after carefully considering the objectives of the project (see Sections 1.3 and 1.4 of the EA for the Purpose and Need), the public input we received during scoping, other conservation efforts underway in the surrounding landscape, and the feasibility of completing the project. Establishing the LTRCA with the current, proposed boundary does not preclude the Service from considering other easement programs in the future, if circumstances warrant.

We received a comment that easements purchased by the Service within the LTRCA would be subject to existing and dominant third-party mineral rights. We concur with this comment. Conservation easements purchased by the Service do not affect subsurface estates (mineral, oil, and gas deposits) owned by third parties. In general, mineral rights that are currently owned by third parties would be senior to any conservation easement subsequently acquired by the Service and therefore those mineral rights are not affected by the proposed action. The LTRCA easement program would preclude mining and oil and gas exploration or development requiring surface occupancy on easement land only when the landowner also owns the subsurface rights. The easement documents will also state this explicitly. Before the Service acquires a conservation easement it will review encumbrances and third-party claims on the subject property. Under the Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016), the United States will determine if the title meets the standards required for federal acquisition or if title curative steps are required before acquisition. The analysis in the final EA (Table 5, Land Use) was updated to include this additional information and clarification.

For additional details and specific comments please refer to the final EA (USFWS 2020).

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APPENDIX A CONCEPTUAL MANAGEMENT PLAN

LOST TRAIL CONSERVATION AREA

Lincoln and Flathead Counties, Montana

INTRODUCTION

This management plan for the Lost Trail Conservation Area (LTRCA, conservation area) (Figure 1 of the land protection plan) presents a general outline on how the LTRCA will be administered. As a conceptual plan, it does not provide extensive detail; however, this plan should answer those questions commonly posed by landowners and the general public during the entire planning and public involvement process. More detail may be added to the information presented here developed during future formal refuge management planning, for example to update the Lost Trail National Wildlife Refuge (NWR) Comprehensive Conservation Plan, with input from the public and in accordance with the National Environmental Policy Act, as well as the compatibility requirements in the National Wildlife Refuge System Administration Act of 1997 and the Refuge Recreation Act of 1962.

I. GOALS OF THE NATIONAL WILDLIFE REFUGE SYSTEM

The goals of the National Wildlife Refuge System are:

- to preserve, restore, and enhance in their natural ecosystems (when practicable) all species of animals and plants that are endangered or threatened with becoming endangered;
- to perpetuate the migratory bird resource;
- to preserve a natural diversity and abundance of fauna and flora on refuge lands; and
- to provide an understanding and appreciation of fish and wildlife ecology and man's role in his environment, and to provide refuge visitors with high quality, safe, wholesome, and enjoyable recreational experiences oriented toward wildlife to the extent these activities are compatible with the purposes for which the refuge was established.

II. ADMINISTRATION

The LTRCA will be part of the Western Montana NWR Complex (WMTC, complex), headquartered in Great Falls, Montana. The LTRCA will be administered by existing staff within the WMTC. As needed, law enforcement staff in the complex may also provide assistance. The administration of the project will not require any additional refuge funds. Realty staff in Montana and the regional office in Denver, Colorado, will handle the real estate transactions.

III. HABITAT MANAGEMENT

There will be no fee-title acquisition by the Service within the LTRCA acquisition boundary. Rather, the Service is proposing to acquire up to 100,000 acres of easements from willing sellers only. On properties where the Service has acquired an easement from willing sellers, the property remains in private ownership. Therefore, land management is the responsibility of the private landowner, and there will be no direct habitat management by the Service.

Under the terms of the easement, development for residential, and commercial or industrial purposes, will not be permitted. Timber harvest will be allowed on lands with an approved timber harvest management plan. Grazing will not be restricted on the land included in the easement contract. Alteration of the natural topography, conversion of native grassland to cropland, and drainage of wetlands will be prohibited. Invasive weed control will be the responsibility of the private landowner.

The easement program will preclude mining and oil and gas exploration or development requiring surface occupancy on easement land only when the landowner owns the subsurface rights. In many places, including the LTRCA, the subsurface estate has been severed from surface ownership, and the landowner does not own the subsurface rights. In these cases, the easement that the Service acquires from the landowner is junior to the subsurface rights.

Private lands within the project area that are currently owned by the private commercial timber company, Southern Pine Plantations, LLC, are managed by the timber company according to agreements developed with the Service under a Native Fish Habitat Conservation Plan (NFHCP). The NFHCP identifies mutually agreed upon commitments for managing roads, uplands, riparian areas, grazing, land use planning, restoration, administration, and monitoring through the year 2030. This agreement is entirely separate from an easement and is not affected if the Service were to purchase easements on these lands. The NFHCP could be renewed in the future if the Service and the landowner agree to do so.

IV. MONITORING

The project area will be managed by the WMTC staff. The WMTC staff will be responsible for monitoring and administration of all easements on private land. Monitoring will consist of annually reviewing land status in meetings with landowners or land managers to ensure that the terms of the conservation easement are being met. Photo documentation and a baseline inventory study will be used at the time the easements are acquired to document baseline conditions.

Wildlife that occur in the project area, such as grizzly bears, Canada lynx, elk, mule deer, and native fish will continue to be monitored, as appropriate, by the Service, MFWP, the Confederated Salish and Kootenai Tribes, university researchers, and other government and nongovernmental organizations.

V. PUBLIC USE OPPORTUNITIES

On lands within the LTRCA that are protected with a Service easement, public access for fishing, hunting, biking, wildlife viewing, and other noncommercial, nonmotorized, dispersed outdoor recreational uses will be permanently protected. Private landowners will also retain the right to regulate motorized access on nonpublic roads and overnight use on their land.

VI. FACILITIES MANAGEMENT

The Service will not be developing any facilities within the project area.

**APPENDIX B FINAL ENVIRONMENTAL ASSESSMENT
WITH SIGNED FINDING OF NO SIGNIFICANT IMPACT**

Final Environmental Assessment

**for the
Establishment of the Lost Trail Conservation Area**

November 2020

Prepared by
U.S. Fish and Wildlife Service
Western Montana National Wildlife Refuge Complex
922 Bootlegger Trail, Great Falls, MT

Cost for Preparation of this Environmental Assessment: \$52,755.96

Table of Contents

1.0	Introduction.....	3
1.1	Proposed Action.....	3
1.2	Background.....	5
1.3	Purpose for the Proposed Action	6
1.4	Need for the Proposed Action.....	6
2.0	Alternatives.....	7
2.1	Alternatives Considered.....	7
	Alternative A – Establish the Lost Trail Conservation Area – Proposed Action Alternative	7
	Alternative B – No Establishment of the Lost Trail Conservation Area – No Action Alternative.....	8
2.2	Alternative(s) Considered but Dismissed from Further Analysis.....	9
	Establish the Lost Trail Conservation Area with Smaller Size and Goal Acres.....	9
3.0	Affected Environment and Environmental Consequences	9
3.1	Affected Environment.....	9
3.2	Environmental Consequences of the Action.....	10
3.3	Cumulative Impact Analysis.....	33
3.4	Monitoring	36
3.5	Summary of Analysis.....	36
	Alternative A – Proposed Action Alternative	36
	Alternative B – No Action Alternative	37
3.6	List of Sources, Agencies, and Persons Consulted.....	37
3.7	List of Preparers and Contributors.....	38
3.8	State Coordination	38
3.9	Tribal Consultation	39
3.10	Public Outreach.....	39
3.11	Determination	45
3.12	References.....	46

List of Figures

Figure 1. Proposed Lost Trail Conservation Area Boundary and Land Ownership.....	4
Figure 2. Other Conservation Efforts and Protected Lands Surrounding the Lost Trail Conservation Area.	35

List of Tables

Table 1. Land Ownership within the Proposed Project Boundary.....	9
Table 2. Affected Natural Resources and Anticipated Impacts of the Proposed Action and Any Alternatives.	11
Table 3. Affected Visitor Use and Experience and Anticipated Impacts of the Proposed Action and Any Alternatives.	24
Table 4. Affected Cultural Resources and Anticipated Impacts of the Proposed Action and Any Alternatives.	25
Table 5. Affected Land Use and Operations and Anticipated Impacts of the Proposed Action and Any Alternatives.	26
Table 6. Affected Socioeconomics and Anticipated Impacts of the Proposed Action and Any Alternatives.	31
Table 7. Anticipated Cumulative Impacts of the Proposed Action and Any Alternatives.	33

Appendices

Appendix A	Other Applicable Statutes, Executive Orders, and Regulations	49
Appendix B	List of Species of Concern Expected to Occur in the Proposed Lost Trail Conservation Area Project Area (MNHP 2020B).....	50
Appendix C	Finding of No Significant Impact	53
Appendix D	Intra-Service Section 7 Biological Evaluation Form – Region 6	69

Final Environmental Assessment for the Establishment of the Lost Trail Conservation Area

Date: November 2020

This final environmental assessment (EA) evaluates effects associated with the proposed action and complies with the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347). This final EA has been prepared in accordance with Council on Environmental Quality regulations (40 C.F.R. §§ 1500–1508) and Department of the Interior (43 C.F.R., Part 46; 516 DM 8), and U.S. Fish and Wildlife Service (Service) (550 FW 3) regulations and policies. This final EA was prepared using NEPA regulations that expired on September 14, 2020. *See* 40 CFR Parts 1500-1508 (1978, as amended in 1986 and 2005). Agencies have the option of proceeding under the expired NEPA regulations if a project was begun prior to September 14, 2020, as is the case here. *See* 40 C.F.R. § 1506.13 (2020).

This final EA provides the public and agency decision makers with a range of options to conserve habitats within a new conservation area in northwest Montana. This document also publicly discloses the effects of each management alternative on the quality of the human environment.

1.0 Introduction

1.1 Proposed Action

The Service proposes to establish a new conservation area to be part of the National Wildlife Refuge System (Refuge System). The proposed conservation area surrounds the Lost Trail National Wildlife Refuge (NWR) in Flathead and Lincoln Counties, Montana. This new conservation area, the Lost Trail Conservation Area (LTRCA, conservation area), would authorize the Service to potentially acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres (Figure 1).

The proposed acquisition boundary delineates parcels where the Service may consider negotiations with willing sellers for easement acquisition. These conservation easements would provide perpetual protection of critical, state-identified wildlife corridors, and public access for sportspersons and outdoor enthusiasts. It also would allow for continued sustainable timber harvest that supports the local economy. Land interests within the LTRCA would be acquired from willing sellers only and are not subject to any LTRCA regulations unless and until acquired.

This proposed action evolved over time during the planning process as the Service refined its proposal and learns more from the public, tribes, and other agencies. The final decision on the proposed action has been made after considering public, agency, and tribal comments at the conclusion of the public comment period for the draft EA.



U.S. Fish & Wildlife Service

Lost Trail Conservation Area: Land Ownership

Flathead & Lincoln Counties, Montana

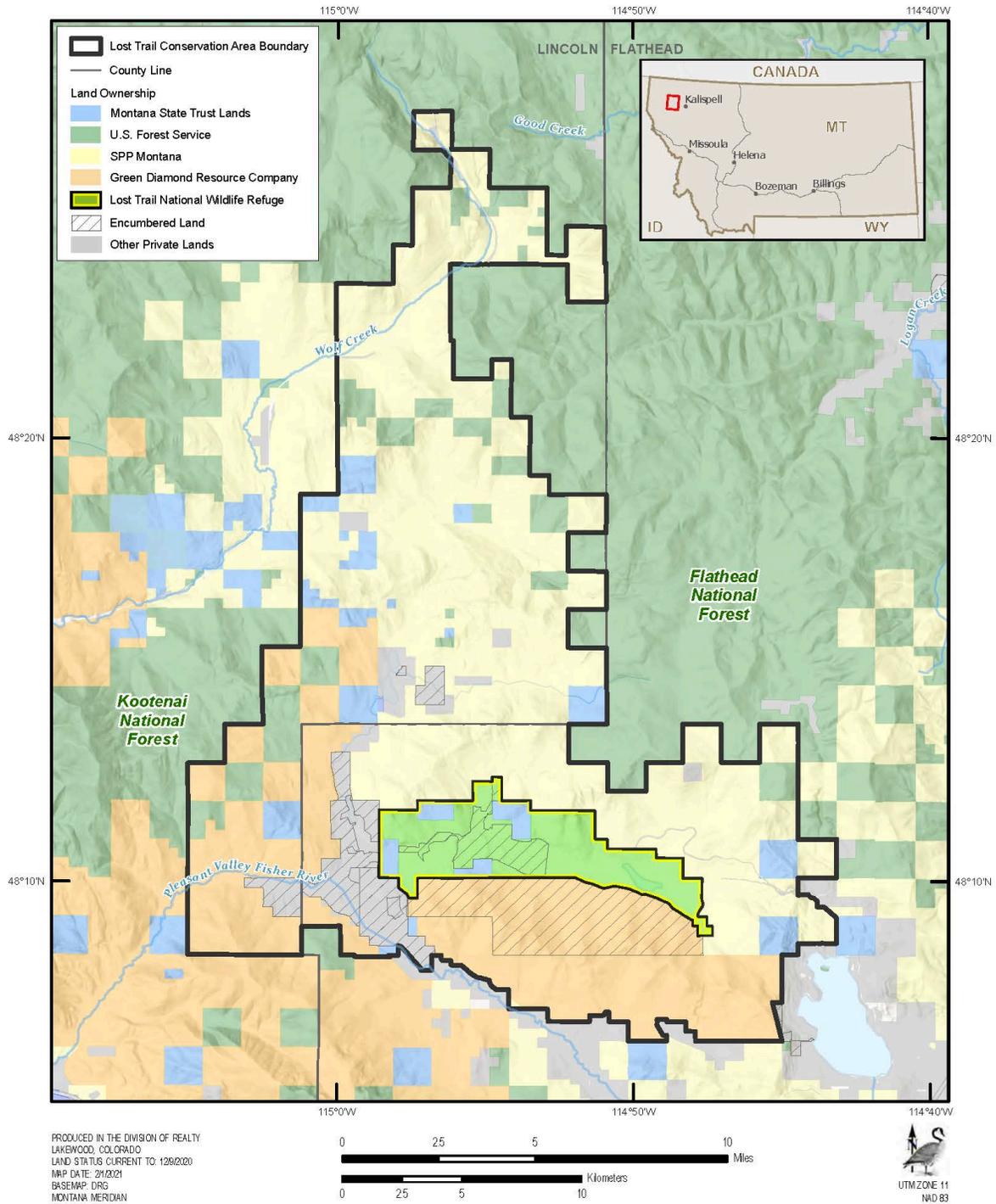


Figure 1. Proposed Lost Trail Conservation Area Boundary and Land Ownership.

1.2 Background

The mission and goals of the Refuge System, as well as the purposes of individual refuges or wetland management districts, Service policy, and laws and international treaties guide the management of the units of the Refuge System. Furthermore, relevant guidance includes the Refuge System Administration Act of 1966, as amended by the Refuge System Improvement Act of 1997, Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and Fish and Wildlife Service Manual.

The mission of the Refuge System, as outlined by the National Wildlife Refuge System Administration Act (NWRSA), as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. §§ 668dd *et seq.*), is to:

“ . . . to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

The NWRSA mandates the Secretary of the Interior in administering the System to (16 U.S.C. § 668dd(a)(4)):

- provide for the conservation of fish, wildlife, and plants, and their habitats within the Refuge System;
- ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans;
- ensure that the mission of the Refuge System described at 16 U.S.C. § 668dd(a)(2) and the purposes of each refuge are carried out;
- ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the states in which the units of the Refuge System are located;
- recognize compatible wildlife-dependent recreational uses as the priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;
- ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses; and
- monitor the status and trends of fish, wildlife, and plants in each refuge.

In February 2018, the Secretary of the Interior issued Secretarial Order 3362, “Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors.” This order directs the Service to work in close partnership with western states, including Montana, to enhance and improve the quality of big-game winter range and migration corridor habitat. Through scientific endeavors and land management actions, wildlife such as Rocky Mountain elk (elk), mule deer (deer), pronghorn antelope (pronghorn), and a host of other species would benefit. In addition, this order seeks to expand opportunities for big-game hunting by improving priority habitats to assist states in their efforts to increase and maintain sustainable big game populations across western states.

The Secretary of the Interior has also issued Secretarial Orders 3347, “Conservation Stewardship and Outdoor Recreation” and 3356, “Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories”. Both of these Secretarial Orders direct the Department of Interior to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond.

Therefore, it is a priority of the Service to provide for the conservation of wildlife, fish, plants, and their habitats; ensure wildlife-dependent recreation opportunities, including hunting and fishing, when those opportunities are compatible with refuge purposes and the mission of the Refuge System; and work cooperatively with owners of land adjoining refuges and the fish and wildlife agency of the states in which the units of the Refuge System are located.

The acquisition authorities for easement lands within the proposed LTRCA boundary are the Migratory Bird Conservation Act, (16 U.S.C. §§ 715a-r); the Migratory Bird Hunting and Conservation Stamp Act, (16 U.S.C. §§ 718a-k); the Refuge Recreation Act (16 U.S.C. §§ 460k-460k-4); the Land and Water Conservation Fund Act of 1965, (54 U.S.C. §§ 200301-200310); the Fish and Wildlife Act of 1956, (16 U.S.C. §§ 742a-j); and the National Wildlife Refuge System Administration Act, (16 U.S.C. §§ 668dd *et seq.*).

1.3 Purpose for the Proposed Action

The Service is proposing to establish the LTRCA as a new unit of the Refuge System. The purpose of the LTRCA is to contribute to the mission and goals of the Refuge System by:

- conserving habitats and significant ecological corridors for federal trust species, and species of management concern, with special emphasis on grizzly bears, Canada lynx, Spalding’s catchfly, and native ungulates including elk and mule deer;
- ensuring public access for sportspersons and outdoor enthusiasts in perpetuity;
- allowing sustainable forest management practices that support the local timber economy within a working landscape; and
- contributing to the conservation of the ecosystems of the United States, to complement efforts of states and other federal agencies to conserve fish and wildlife and their habitats, and to increase support for the Refuge System from conservation partners and the public.

Alternative A is the Service’s Proposed Action Alternative. After reviewing the analysis in this document, including the attached appendices and any public comments, the Regional Director will determine whether to formally recommend to the Director of the Service that the LTRCA be established. At that time, the document, including any revisions, will be submitted to the Service’s Director for final review and approvals.

1.4 Need for the Proposed Action

The proposed LTRCA surrounds the Lost Trail NWR. The refuge protects a 7,876-acre mosaic of wetlands, streams, prairie grasslands, forested hillsides, and rock outcroppings along the

Pleasant Valley. The surrounding uplands are not only vital to the wildlife species that use the refuge but are also treasured by the local outdoor recreation public.

Within the project area, over 28,000 acres are held by public agencies or are protected with existing conservation easements. Of the remaining unprotected private land, nearly 97 percent is owned by the private commercial timber company, Southern Pine Plantations (SPP), LLC (doing business as “SPP Montana”). SPP Montana currently allows for public hunting and recreation on the project area lands, but the company may consider subdividing and selling these lands for development. Conservation easement acquisition would guarantee that these lands remain intact and open for future generations to enjoy. These lands have been used by the public as de facto public lands for generations, and there is concern that subdividing and selling these lands could lead to reduced public access and habitat fragmentation.

Conservation easement acquisition within the proposed area would protect crucial terrestrial and aquatic habitats and a large portion of the encompassing watershed for the refuge without requiring additional maintenance staff or resources. In addition, Montana Fish, Wildlife, and Parks (MFWP) is also working to protect additional acres with conservation easements on working timberlands in and around the proposed LTRCA. Collectively, these efforts provide an opportunity to stitch together 317,000 acres of conservation work completed over the last 20 years that protects important working timberland from Glacier National Park through the Cabinet Mountains Wilderness to the Selkirk and Coeur d’Alene mountains in Idaho.

The proposed project area was occupied by Native American tribes for 5,000 years or longer before European exploration. The project lands were part of a major travel route through this region. The area has an abundance of historic food harvested by early Native Americans. Gravesites, teepee rings, and pictographs have been documented on the refuge and likely occur throughout the project area. Inclusion of these lands into the Refuge System would afford a higher level of protection for the cultural and historical resources that occur within the landscape.

Not undertaking the creation of the LTRCA would likely increase the probability of fragmentation of ecologically important habitats and migration corridors for federally-listed species, other trust species, and large ungulate populations. This fragmentation may hinder recovery efforts for listed species, close off a significant opportunity to develop publicly available wildlife-based recreation in the future, and put the future of high priority wildlife corridors into question. Failure to secure these lands from development and fragmentation would risk the biological and recreational connection between the uplands and lowlands of Pleasant Valley, potentially hindering the established purposes of the refuge.

2.0 Alternatives

2.1 Alternatives Considered

Alternative A – Establish the Lost Trail Conservation Area – Proposed Action Alternative

The Service has prepared a final land protection plan (LPP) (USFWS 2020), which is presented in this document as the Proposed Action Alternative.

Under the Proposed Action Alternative, the Service proposes to establish a new conservation area to be part of the Refuge System. The proposed conservation area surrounds the refuge in Flathead and Lincoln Counties, Montana. This new conservation area would authorize the

Service to acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres (Figure 1).

The proposed acquisition boundary delineates parcels where the Service may consider negotiations with willing sellers for easement acquisition. No fee-title acquisition by the Service would be authorized. The potential easements would be similar to other existing easements in the area and similar to the 7,274-acre easement within the project area proposed for acquisition by MFWP (MFWP 2019a). Development for residential, commercial, or industrial purposes would not be permitted on properties under a conservation easement. Timber harvest would be permitted on easement lands with an approved timber harvest management plan, in accordance with applicable laws and sound silvicultural practices consistent with accepted standards. Public access for fishing, hunting, wildlife viewing, and other noncommercial, nonmotorized, dispersed outdoor recreational uses would be permanently protected. Grazing would not be restricted on the land included in the easement contract. Alteration of the natural topography, conversion of native grassland to cropland, drainage of wetlands, and establishment of game farms would be prohibited.

Conservation easement lands would remain in private ownership; property tax and land management, including invasive weed control, would remain the responsibility of the landowner. Private landowners would also retain the right to regulate motorized access on nonpublic roads and overnight use on their land.

The Service would use federal Land and Water Conservation Fund (LWCF) dollars to purchase easements within the conservation area. LWCF dollars are derived from federal offshore oil and gas leasing and are not taxpayer dollars.

Prioritization of lands for conservation easements within the project area would be based on the biological needs of the wildlife species of concern (i.e., threatened and endangered species and native ungulates), connectivity with other protected lands, and presence of high-quality habitat types (e.g., riparian areas). The Service generally focuses on parcels greater than 160 acres; however, parcels less than 160 acres may be considered for conservation easements if unique biological values exist. The final LPP describes these priorities in detail (USFWS 2020).

The refuge is part of the Western Montana NWR Complex (WMTC, complex), headquartered in Great Falls, Montana. The LTRCA would be administered and monitored by existing staff within the WMTC. Monitoring would consist of annually reviewing land status in meetings with the landowners or land managers to ensure that the terms of the conservation easement are being met. A baseline inventory study that includes photo documentation would be completed at the time the easements are acquired to document baseline conditions. This project is not expected to require any additional staff or WMTC funding to administer.

These conservation easements would provide multiple benefits, including perpetual protection of critical wildlife habitat and movement corridors, as well as a large portion of the encompassing watershed for the refuge, public access for sportspersons and outdoor enthusiasts, and would allow for continued sustainable timber harvest that supports the local economy. Land interests within the LTRCA would be acquired from willing sellers only and are not subject to any LTRCA regulations unless and until acquired.

Alternative B – No Establishment of the Lost Trail Conservation Area – No Action Alternative

Under the No Action Alternative, the Service would not establish the LTRCA. The Service would continue to manage the refuge and work cooperatively with other federal and state agencies, nongovernmental organizations, and private landowners. The surrounding areas that are not currently protected would likely remain largely in private ownership and would be subject to changes in land use or habitat type. Public agencies and private land trusts would continue conservation efforts through securing easements but landowner choices for easements would be reduced without the Service’s ability to offer easements to willing sellers. In addition, if the LTRCA is not established, potential sources of funding to protect land by the Service, MFWP, and other partners would be reduced.

2.2 Alternative(s) Considered but Dismissed from Further Analysis

Establish the Lost Trail Conservation Area with Smaller Size and Goal Acres

The Service considered establishing the LTRCA with a smaller boundary that included only 80,000 acres and had a goal to protect 56,000 acres with easements. After further review of the biological data, this smaller boundary did not include important sections of the movement corridors and habitat for federal trust resources and high-priority native ungulates. Input from the public during scoping and strong support from the willing sellers within the area also contributed to the Service’s decision to revise this alternative and create the current proposed action.

3.0 Affected Environment and Environmental Consequences

3.1 Affected Environment

The proposed LTRCA is located in northwest Montana within Flathead and Lincoln Counties. Within the 120,000-acre project area, over 28,000 acres are held by public agencies or private land with existing conservation easements, including the refuge (Table 1). The refuge protects a 7,876-acre mosaic of wetlands, streams, prairie grasslands, forested hillsides, and rock outcroppings along the Pleasant Valley.

Of the remaining unprotected private land within the project area, almost 97 percent is owned by SPP Montana and is used for commercial timber harvest. These lands have also been open to the public for a variety of uses including fishing, hunting, wildlife viewing, and other noncommercial outdoor recreational uses.

Table 1. Land Ownership within the Proposed Project Boundary.

Ownership Type	Acres
U.S. Fish and Wildlife Service	7,876
State of Montana	6,934
U.S. Forest Service	8,259
Private – Other (protected)	4,960
Private – SPP Montana	88,624
Private – Other	2,996
Total	119,649

The land within the proposed project area is primarily conifer forests with narrow belts of riparian woodlands following small mountain streams. These forested riparian habitats and corridors make up a small percentage of western Montana habitat, but they act as important migratory corridors as well as foraging, nesting, and roosting habitat for an abundance of wildlife species including ungulates, large predators, bats, smaller mammals, and birds.

Tables 2 through 6 provides additional, brief descriptions of each resource affected by the proposed action.

The proposed Conservation Easement Expansion Area surrounds the current boundaries of the refuge. For more information on the affected environment on the refuge, please see the Lost Trail NWR Comprehensive Conservation Plan (www.fws.gov/mountain-prairie/refuges/completedPlanPDFs_F-L/ltr_2005_ccpfinal_all.pdf).

3.2 Environmental Consequences of the Action

This section analyzes the environmental consequences of the action on each affected resource that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action. This EA only includes the written analyses of the environmental consequences on a resource when the impacts on that resource could be more than negligible and therefore considered an “affected resource.” Any resources that would not be more than negligibly affected by the action have been dismissed from further analyses.

Tables 2 through 6 provide:

- a brief description of the affected resources in the proposed action area; and
- impacts of the proposed action and any alternatives on those resources.

Table 7 provides a brief description of the cumulative impacts of the proposed action and any alternatives.

Impact Types:

- *Direct effects* are those which are caused by the action and occur at the same time and place.
- *Indirect effects* are those which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable.
- *Cumulative impacts* result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions.

Table 2. Affected Natural Resources and Anticipated Impacts of the Proposed Action and Any Alternatives.

Affected Resources	<u>Alternative A (Proposed Action)</u> The Service would establish a new conservation area to be part of the Refuge System.	<u>Alternative B (No Action)</u> The Service would not establish the LTRCA.
Conservation Targets		
<p>Grizzly bears</p> <p>The North American range of grizzly bears has been reduced by 98 percent due to a combination of human-caused mortality, habitat loss, and population fragmentation. (National Fish and Wildlife Foundation [NFWF] 2012). There are currently six recovery zones for grizzly bears in the lower 48 states, including the Cabinet-Yaak and the Northern Continental Divide in northwestern Montana. The Northern Continental Divide ecosystem (NCDE), east of the proposed project, holds the largest population of grizzly bears in the lower 48 states and is contiguous with a Canadian population. The Cabinet-Yaak population is small, and linkage to other populations is needed to maintain and improve the genetic health (NFWF 2012; USFWS 2019). The proposed easement area lies between these two ecosystems. Radio-collared grizzly bears have been documented passing through the Lost Trail NWR and the proposed project area. This area is an important movement corridor between the NCDE and Cabinet-Yaak recovery zones, although it is currently a relatively low-density area for grizzlies.</p>	<p>Conservation easements in the LTRCA would help reduce potential habitat fragmentation. Key biological linkages would be protected that facilitate wildlife movement, provide for wildlife habitat requirements, and increase population resilience by maintaining resources that allow animals to respond to changes in vegetation, food distribution, and seasonal habitats (NFWF 2012). The potential for conflicts between wildlife and humans is likely to be less under this alternative than under the No Action Alternative.</p> <p>The proposed LTRCA would support the recovery of the Canada lynx and the grizzly bear. In particular, the project area would remain as a key movement corridor for grizzly bears in the Cabinet-Yaak ecosystem (CYE), which is important for growth and genetic diversity of this small population (NFWF 2012; USFWS 2019). This alternative would also maintain large, contiguous patches of forested habitat, which supports greater numbers of snowshoe hares, the primary prey for Canada lynx. Canada lynx achieve the highest densities in landscapes with a high percentage of large, contiguous patches of high-quality hare habitat (USFWS 2017).</p> <p>The proposed project would prohibit subdivision and housing development within the project area that would benefit Spalding’s catchfly by preventing additional habitat loss, fragmentation, and degradation, which are recognized factors in the species’ decline.</p>	<p>The proposed LTRCA is adjacent to recent residential development and in the path for projected exurban residential growth, highlighting the risk of habitat loss that is both immediate and long term.</p> <p>Under the No Action Alternative, many acres of land would likely be developed for recreational home sites or isolated commercial uses, as economic forces change in the future. For example, while the population of Lincoln County grew by 10 percent between 1990 and 2000, the number of new single-family homes built increased by 73 percent, with almost all of these built outside of incorporated cities (Lincoln County 2019). Similarly, in Flathead County from 2000–2010, the number of housing units increased 35 percent (Flathead County 2015). Lands adjacent to natural areas are choice home sites and are targeted for residential development. In particular, burgeoning subdivisions occur around Little Bitterroot Lake and Island Lake, and land prices have increased dramatically.</p> <p>Without the protection of private land with conservation easements, the future of wildlife habitat in the project area is uncertain. Habitat fragmentation is one of the greatest impacts caused by rural subdivision and residential development.</p>

Affected Resources	<u>Alternative A (Proposed Action)</u>	<u>Alternative B (No Action)</u>
<p><i>Canada lynx</i></p> <p>The proposed project area includes designated critical habitat for Canada lynx (USFWS 2017). Long-term presence of Canada lynx has been documented on the Kootenai National Forest, which is adjacent to the proposed easement area (USFWS 2017). Surveys and genetics work show successful reproduction and also recruitment from other areas.</p> <p><i>Spalding’s catchfly</i></p> <p>This perennial Palouse Prairie plant is currently found in several areas of the refuge. Small populations have also been documented on SPP Montana land within the proposed project area. In northwest Montana, Spalding’s catchfly is found in bluebunch grasslands and occasionally in open ponderosa pine communities. Reasons for decline include habitat loss due to human development and off road vehicle use, habitat degradation associated with domestic livestock and native ungulate grazing and trampling, changes in fire frequency and seasonality, loss of genetic fitness from population fragmentation, herbicide treatment for area weeds, competition from aggressive non-native plants, and the decline of native pollinators (Montana Natural Heritage Program [MNHP] 2020a; USFS 2020; USFWS 2007).</p>	<p>The Service would establish a new conservation area to be part of the Refuge System.</p> <p>The proposed LTRCA would also maintain a vital migration corridor for elk and mule deer. This includes important stopover areas for elk within the core winter range around the refuge, which is key habitat for both migratory and resident elk. Maintaining this core and migration habitat would support continued healthy populations of elk and deer within the project area.</p>	<p>The Service would not establish the LTRCA.</p> <p>Subsequent effects, including those listed below, would likely affect wildlife:</p> <ul style="list-style-type: none"> • invasive plant infestations • increased fencing, roads, and vehicle traffic • loss of habitat and movement corridors for wildlife <p>Residential development would be expected to bring increased human presence, predator–prey shifts, and sources of disturbance that can disrupt wildlife movement patterns and render habitat unusable. These ‘fracture zones’ disrupt the natural movement of grizzly bear, Canada lynx, and ungulates such as elk and mule deer (NFWF 2012). Increased human presence in a landscape can lead to direct mortalities for wildlife, such as self-defense, vehicle collisions, and poaching.</p> <p>For example, the ability of grizzly bears to move between the CYE and NCDE ecosystem would likely be reduced if the area becomes developed. As more people occupy the landscape, human activities and attractants like garbage, pet food, and bird seed can lure bears into conflict situations or make wary bears avoid valley bottoms entirely (NFWF 2012).</p>

Affected Resources	<u>Alternative A (Proposed Action)</u> The Service would establish a new conservation area to be part of the Refuge System.	<u>Alternative B (No Action)</u> The Service would not establish the LTRCA.
<p><i>Native ungulates</i></p> <p>The proposed project area includes a vital migration corridor for elk and mule deer, which is part of the “Heart of the Salish Priority Area” identified in the MFWP’s Secretarial Order 3362, State Action Plan for Big Game Winter Range and Migration Corridors (MFWP 2019b). Migration corridors are used by ungulates to complete their life cycles by moving between spring/summer fawning/calving and fall/winter breeding/winter survival areas.</p> <p>Two large elk herds use the proposed project area. Global Positioning System (GPS) collar data collected by the Confederated Salish and Kootenai Tribes (CSKT) between 2012 and 2016 show elk wintering grounds on the Flathead Indian Reservation and a movement corridor to the north through the proposed project area.</p> <p>Mule deer GPS collar data collected by the University of Montana, in collaboration with MFWP, between 2017 and 2019, shows deer moving through the northern portion of the proposed project area between wintering areas along the Fisher River and fawning and summer foraging areas to the east in the Flathead National Forest.</p>		<p>This could prevent increased genetic variation in the smaller Cabinet-Yaak population, in particular. With a decreased chance of natural immigration from neighboring populations, wildlife managers would likely need to continue capture and release programs to augment the Cabinet-Yaak population.</p> <p>Because of their shy and secretive nature, development within the proposed easement area would most likely have a negative impact on Canada lynx. Increased habitat fragmentation can affect the presence of snowshoe hares, which are the primary prey for Canada lynx. Decreases in prey availability could negatively affect Canada lynx populations.</p> <p>Housing development in the project area could also negatively affect Spalding’s catchfly by causing additional habitat loss and degradation, which are recognized factors in the species’ decline.</p> <p>Critical winter habitat and migration habitat for elk and deer within the project area would be less secure. Their historic movement corridors may be disrupted by development. Mule deer and elk will often seek to avoid human disturbance, which can increase energy expenditure and negatively affect individual survival in the winter (Polfus 2011). In addition, habitat fragmentation and reduced landscape connectivity have been shown in other landscapes to lead to population declines in elk (Millhouser 2019).</p>

Affected Resources	<u>Alternative A (Proposed Action)</u> The Service would establish a new conservation area to be part of the Refuge System.	<u>Alternative B (No Action)</u> The Service would not establish the LTRCA.
Other Wildlife and Aquatic Species		
<p>In addition to the species listed in the conservation targets section above, the diverse mixed forest habitat of the proposed project area provides habitat for a variety of wildlife. Other wildlife and aquatic species that occur in the project area include ungulates, carnivores, bats, small mammals, birds, amphibians, fish, and reptiles.</p> <p>Moose spend summers in wet meadows and riverine valleys, where they can find abundant herbaceous plants to feed on, and then winter in mature conifer forests with abundant deciduous browse. White-tailed deer in western Montana primarily use moist areas and mature subclimax coniferous forest. In winter they move to forested areas with lower snow depths. Carnivores in the project area include gray wolves, coyotes, mountain lion, badgers, and fisher.</p> <p>There are currently 187 species of birds documented on the Lost Trail NWR. Most, if not all, of the upland birds found on the refuge are also using the adjacent proposed easement lands. Recent surveys in the Kootenai and Flathead National Forests, adjacent to the proposed LTRCA, also documented a wide variety of birds (Intermountain Bird Observatory 2019). The forested riparian habitat within the proposed easement area provides both nesting habitat as well as important insect food sources for resident and migratory birds. Large numbers of western bluebirds also migrate through the project area.</p>	<p>Under the Proposed Action Alternative, large areas of existing forested wildlife habitat would be protected from residential development while allowing for sustainable timber harvest. Winter range is often the limiting factor for ungulate species. The proposed LTRCA would protect large, healthy wintering areas for moose, white-tailed deer, and elk (see above). Protecting ungulate wintering areas would also benefit gray wolves and other carnivores that rely on these species as prey. Restricting residential development would also help support stable populations of carnivores by reducing interactions with human activity that can lead to conflicts (USFWS 1987).</p> <p>The LTRCA would protect habitat for resident and migratory birds. For example, the project would protect much of the water draining into Dahl Lake on the Lost Trail NWR, which in turn is responsible for providing habitat for thousands of waterfowl. Protection of the project area would be beneficial to several bird species, including migrating western bluebirds.</p> <p>Bats are considered extremely important in Montana due to the large amounts of agricultural insect pests they consume annually. The refuge provides essential feeding habitat while surrounding proposed easement lands provide equally important roosting and hibernacula habitat (trees, cliffs, talus and rock outcrops). Bat species documented on the refuge can travel up to 12 miles between feeding and roosting areas.</p>	<p>Under this alternative, the impacts on other wildlife would be similar to those described under the Conservation Targets section above. Without the protection of private land with conservation easements, the future of wildlife habitat in the project area would be uncertain. Rural subdivision and residential development affect wildlife by fragmenting habitat. Habitat fragmentation can lead to subsequent effects such as invasive plant infestations, increased fencing, roads, and vehicle traffic and loss of habitat and travel corridors for wildlife. In addition, these effects would bring increased human presence, predator-prey shifts, and sources of disturbance that can disrupt wildlife movement patterns and render habitat unusable.</p>

Affected Resources	<u>Alternative A (Proposed Action)</u>	<u>Alternative B (No Action)</u>
<p>At least 11 species of bats have been confirmed through acoustic monitoring on the refuge and on adjacent SPP Montana lands (Hicks and Schwab 2016). Twenty-five species of small mammals have been documented on the refuge as well as 12 species of amphibians and eight species of reptiles (USFWS 2005). Most of these species likely occur in the surrounding proposed project area.</p> <p>Eleven species of fish occur in the streams within the project area: westslope cutthroat trout, rainbow trout, brook trout, longnose dace, redbelt shiner, longnose sucker, largescale sucker, torrent sculpin, Columbia River redband trout, mountain whitefish, and northern pikeminnow (MFWP 2017).</p> <p>The western bumblebee has been documented on the refuge, and although not yet surveyed for bumblebees, the proposed easement area also provides suitable habitat for this species. Native plants such as huckleberries, a staple food source for bears, rely on western bumblebees for pollination in order to produce fruit.</p>	<p>The Service would establish a new conservation area to be part of the Refuge System.</p> <p>Preventing residential development would support abundant populations of small mammals within the proposed project area. Small mammals consume insects and plants while at the same time providing a food base for larger carnivore and omnivore mammals as well as the birds of prey. For example, snowshoe hares are an important food source for Canada lynx and are often found along wooded edges where there is an abundance of food but also cover.</p> <p>Sustainable timber harvest would continue with an approved timber harvest management plan, in accordance with the Sustainable Forestry Initiative (2015), State of Montana standards, or similar independently verified sustainable forest management certifications. Therefore, the proposed action would maintain the current benefits to wildlife within the proposed project area.</p>	<p>The Service would not establish the LTRCA.</p>

Affected Resources	<u>Alternative A (Proposed Action)</u> The Service would establish a new conservation area to be part of the Refuge System.	<u>Alternative B (No Action)</u> The Service would not establish the LTRCA.
Threatened and Endangered Species and Other Special Status Species		
<p>In addition to the threatened grizzly bear, Canada lynx, and Spalding’s catchfly discussed in the Conservation Targets section above, the following listed species were also considered in our analysis.</p> <p><i>Bull trout (threatened)</i></p> <p>Bull trout do not currently occur in the project area, nor is there critical habitat within the project area. Streams within the proposed easement area ultimately flow into the Kootenai River Recovery Unit in Montana (https://units.fisheries.org/montana/science/species-of-concern/species-status/bull-trout/).</p> <p><i>Yellow-billed cuckoo (threatened)</i></p> <p>No records exist indicating direct evidence of breeding in Montana. The western distinct population segment of the yellow-billed cuckoo is listed as threatened west of the NCDE in Montana. In the listing decision, the Service noted the primary factors threatening the western distinct population segment as loss and degradation of habitat for the species from altered watercourse hydrology and natural stream processes, livestock overgrazing, encroachment from agriculture, and conversion of native habitat. No critical habitat or special rules were included in the listing decision (USFWS 2014).</p>	<p>The proposed action is not expected to affect bull trout. Bull trout that occur downstream, but outside of the project area, are unlikely to be affected by activities within the LTRCA unless there is a large-scale event, such as a wildfire or washout of a road, where significant siltation is added to streams.</p> <p>Yellow-billed cuckoo are not currently known to be present in the project area, but protecting the area with easements that prevent subdivision would reduce factors that have been attributed to the species decline, such as loss and degradation of habitat from altered watercourse hydrology and natural stream processes, encroachment from agriculture, and conversion of native habitat.</p> <p>Preventing residential development and supporting sustainable timber harvest would be expected to also benefit populations of other federal and state species of concern. The area around Lost Trail NWR is the only verifiable known location for Geyer’s onion in Montana.</p>	<p>Multiple species of special concern including eagles, state species of concern, and sensitive forest species would also be negatively affected by changes brought on by dividing large blocks of timbered lands into smaller housing sites. As discussed in the Conservation Targets section above, habitat fragmentation is one of the greatest impacts caused by rural subdivision and residential development. Other impacts of this additional human presence on the landscape can include increased fencing, roads and vehicle traffic, loss of habitat and travel corridors for wildlife, predator–prey shifts, and expanded invasive species infestations.</p>

Bald and golden eagles and other special status species

There is currently one active bald eagle nest on the refuge and one on Island Lake. Golden eagles are seen on the refuge regularly. Both bald eagles and golden eagles use the proposed easement area, but no other nests have been documented at this time.

There are several state species of concern (SOC) or potential species of concern (PSOC) that have either been documented on the refuge or in Flathead/Lincoln Counties and in the habitat type of the proposed easement. These include 13 mammal species, 28 bird species, two reptiles, two amphibians, three fish species, and one insect (Appendix B, MNHP 2020b).

Wolverine home ranges are large and dependent on food resources. The proposed easement area contains the preferred ecological systems wolverine use as well as lack of development that wolverine avoids. Wolverines have been documented crossing through the refuge.

The western or boreal toad is a Montana species of concern that has been documented on the refuge adjacent to the proposed easement area. This toad has unique habitat needs because it migrates between aquatic breeding areas and forested nonbreeding areas each year. It is thought that adults can move up to a total of 2 kilometers from breeding ponds during the summer to their nonbreeding sites (Guscio et al. 2007).

The proposed project area also includes habitat for three plant species of concern. Scalepod (*Idaho scapigera*) is high risk (S1/S2); Hutchinsia (*Hornugia procumbens*) is at risk (S2) and Geyer's onion (*Allium geyeri var geyeri*) potentially at risk in Montana (S3).

In addition, the proposed project area likely provides habitat for at least 18 wildlife species and up to 42 plant species designated as "sensitive" by the U.S. Forest Service on the Kootenai and Flathead National Forests adjacent to the proposed easement lands (USFS 2011).

Affected Resources	<u>Alternative A (Proposed Action)</u> The Service would establish a new conservation area to be part of the Refuge System.	<u>Alternative B (No Action)</u> The Service would not establish the LTRCA.
Habitat		
<p><i>Mixed conifer forest</i></p> <p>Most of the proposed project area is Rocky Mountain Dry-Mesic Montana Mixed Conifer Forest (MNHP 2020c). The project is located in an area that was rated as the highest priority for forestland protection in the 2010 Montana State Assessment of Forest Resources (Montana DNRC 2010). Forest overstory trees consist of Douglas-fir, western larch, Engelmann spruce, grand fir, ponderosa pine, lodgepole pine, and aspen. There is a diverse understory of coniferous and deciduous shrubs as well as a variety of native grasses and forbs. Elements within these types of forested lands include the following:</p> <p><i>Large snags</i> – Snags are an important component of wildlife habitat for multiple mammal species including bats, porcupine, Canada lynx and multiple bird species such as flammulated owls, woodpeckers, and smaller songbirds (chickadees). Ponderosa pine and larch snags are scattered throughout the proposed easement sites.</p> <p><i>Coniferous trees</i> – Larch and ponderosa pine trees provide cover for ungulates and nesting/roosting sites for birds and bats. They also provide an important food source (cones, seeds) for multiple bird species and small mammals such as red squirrels, blue grouse and spruce grouse. Coniferous trees are a major component of the proposed project area.</p>	<p>Under the proposed action, current forest and riparian habitats would be maintained. Timber harvest would be permitted to continue using sustainable forestry practices that protect long-term forest health, including riparian areas (e.g., Sustainable Forestry Initiative [2015], State of Montana standards, or similar independently verified sustainable forest management certifications). This would provide for regeneration after harvest and maintain the productive capacity of the forestland base, and to protect and maintain long-term forest and soil productivity. Forest management would continue to protect all water bodies, including rivers, streams, lakes, and wetlands. In addition, forests would be managed to protect forests from economically or environmentally undesirable levels of wildfire, pests, diseases, invasive exotic plants and animals, and other damaging agents, and thus maintain and improve long-term forest health and productivity (Sustainable Forestry Initiative 2015).</p>	<p>If the lands within the project area were to be developed for housing, this would result in the loss of opportunity to protect historically important upland and wetland habitats. Development, fragmentation, and conversion are some of the biggest challenges for Montana forest lands. If these changes were to occur, wildlife habitat, pollution, and the ability to manage forests for ecological and economic benefit would likely be compromised (Montana DNRC 2010).</p> <p>Additional conflicts can also arise as demand for resources and amenities on private lands increase. For example, snags and deciduous trees would most likely be removed or thinned due to perceived negative aesthetic qualities and safety issues. Thick stands of pines, which provide important winter cover habitat, are often considered an eyesore and would most likely be removed, thinned/opened up, or harvested for firewood. This would have a negative impact on wildlife as these thicker stands provide winter cover for ungulates because they reduce the snow depth and also produce a large amount of hanging tree lichens, which ungulates eat in the winter. These thicker tree areas also provide year-round habitat for snowshoe hares, which are the primary food for Canada lynx.</p>

<p style="text-align: center;">Affected Resources</p>	<p style="text-align: center;"><u>Alternative A (Proposed Action)</u></p> <p>The Service would establish a new conservation area to be part of the Refuge System.</p>	<p style="text-align: center;"><u>Alternative B (No Action)</u></p> <p>The Service would not establish the LTRCA.</p>
<p><i>Deciduous trees</i> – Cottonwood and aspen trees provide both cover and food—especially browse for ungulates in the winter and early spring. Although not as common as the coniferous component, scattered aspen groves are found throughout the proposed project area, and cottonwood trees follow the stream beds.</p> <p><i>Coniferous shrubs</i> – Coniferous shrubs provide protection for small mammals as well as food (berries) for some bird species and small mammals.</p> <p><i>Deciduous shrubs</i> – Deciduous shrub understory layers are an important component of wildlife habitat due to their food (berries, leaves, and browse) and structure (nesting sites). They are also important food sources for ungulates and small mammals in the winter and early spring as browse.</p> <p><i>Dense lodgepole pine pockets</i> – These dense pockets of lodgepole pine are scattered throughout mixed forests in cooler/wetter spots and provide very important winter cover for ungulates, and mammals such as snowshoe hares. Beard lichens that hang down from the low pine tree branches also provide critical winter food for elk and other ungulates.</p> <p><i>Riparian corridors</i></p> <p>Within this mixed conifer forest are narrow belts of riparian habitat following smaller mountain streams, including Pleasant Valley Creek, Conniff Creek, Herrig Creek, and Elbow Creek. These riparian corridors are rich in both plant and animal species due to the presence of water (only seasonally in drier years) and the diversity of the riparian forest structure and plant species composition.</p>		

Affected Resources	<u>Alternative A (Proposed Action)</u> The Service would establish a new conservation area to be part of the Refuge System.	<u>Alternative B (No Action)</u> The Service would not establish the LTRCA.
<p>Common deciduous and coniferous trees and shrubs within the riparian forest belt include Engelmann spruce, willow, alder, aspen, kinnikinnick, Canada buffaloberry, and redosier dogwood. These forested riparian habitats/corridors make up a small percentage of western Montana habitat, but they provide important migratory corridors as well as foraging and nesting/roosting areas for an abundance of wildlife species including ungulates, large predators, bats, smaller mammals, and resident and migratory birds. Riparian areas, or areas that can support fruiting shrubs such as chokecherries, huckleberries, and serviceberries, are important for grizzly and black bears and other wildlife.</p> <p><i>Rock outcroppings and talus slopes</i></p> <p>Rock outcroppings and talus slopes provide cover/nesting habitat for many wildlife species—many of which are state species of concern. Within this area are sizable pockets of impressive glacial rock faces and boulder/talus fields—remnants of ancient glacial movements that formed these mountain valleys. Wildlife species using this unique rocky habitat type include bats, small and medium-sized mammals such as fisher, northern alligator lizard (SOC), and golden eagles.</p>		

Affected Resources	<u>Alternative A (Proposed Action)</u> The Service would establish a new conservation area to be part of the Refuge System.	<u>Alternative B (No Action)</u> The Service would not establish the LTRCA.
Geology and Soils		
<p>This area is part of the Belt Rock formation Series that is found in western Montana, northern Idaho, and into Canada and was formed approximately 1470 to 1400 billion years ago. Valleys were formed by glaciers within the proposed project area, and the bedrock is still visible on the higher hills area.</p> <p>Soils consist of loams—silt, sandy, gravelly, and clay loams. The soils formed in glacial deposits typically are loamy-textured with varying amounts and sizes of rock fragments. Most of these soils have a high component of volcanic ash in the surface layer. After the glaciers receded, a period of volcanic activity in the Northwestern United States deposited volcanic ash on much of the area. This pale brown ash is still visible in some forested areas under the forest litter (USFWS 2005).</p>	<p>Purchasing easements within the proposed project area would not change current land use in the area, and therefore the impact on the geology or the soils of the area would be negligible. Easements would likely afford some protection to soils because there would be limitations on the future use of the property and assurances for continued sustainable forest management practices.</p>	<p>Under the No Action Alternative, there could be soil disturbance and impacts, especially if the property were subdivided for housing or other commercial development. Development could also change drainage patterns or the rate of surface runoff, increasing soil erosion.</p>
Air Quality		
<p>Air quality in the proposed project area is considered good, with no nearby manufacturing sites or major air pollution sources. The major sources of particulate matter in this area are vehicles traveling on unpaved roads, residential wood stoves, camp fires, and slash wood burning. Of all of these sources, only the slash wood burning is a major source of air pollution during the short time period at the end of the logging season each fall (USFWS 2005).</p>	<p>Under the Proposed Action Alternative, land use within the project area would not change. Therefore, there would be no impact on air quality.</p>	<p>If no action is taken, residential development in the area could increase and acres of commercial timber harvest would decrease.</p> <p>An increase in residential housing leads to an increase in vehicle travel (approximately ten vehicle trips per day, per house) (Flathead County 2015). As roads are built inside developments, county roads that connect these areas to highways also become busier.</p>

Affected Resources	<u>Alternative A (Proposed Action)</u>	<u>Alternative B (No Action)</u>
	The Service would establish a new conservation area to be part of the Refuge System.	The Service would not establish the LTRCA. Many of the roads are gravel, and thus, increased housing development would likely lead to increased particulate matter from increased vehicle traffic. Particulate matter from residential wood stoves may also increase with residential development. Conversely, a decrease in timber harvest activities could reduce slash wood burning in the fall. Overall, the No Action Alternative could lead to a minor, negative impact on air quality in the project area.
Water Resources		
<p><i>Wetlands and riparian areas</i></p> <p>Wetlands within the proposed project area include a variety of habitats such as lakes, wet meadows, and marshes. Some of these wetlands are directly connected to the multiple creeks in the area, and some are due to high water tables that are not connected to area creeks. There are 3,400 acres of freshwater wetlands and over 200 acres of lakes within the proposed project area. Both permanent and seasonal wetlands are important wildlife habitat.</p> <p>The proposed project area includes over 300 miles of tributaries, such as Pleasant Valley Creek, Island Creek, and Wolf Creek, that flow into the Fisher River and, ultimately, the Kootenai River. There are nearly 1,000 acres of riparian habitat along these stream corridors.</p>	Water resources on up to 100,000 acres of conservation easements would be protected from increased nonpoint source pollution from residential subdivision, commercial development, and draining of wetlands, all of which are prohibited under the proposed easement project. The landowner would continue to own and control water rights. Sustainable timber harvest would continue in accordance with Montana laws and regulations and best management practices that protect and maintain the water quality of rivers, streams, lakes, wetlands, and other water bodies (Sustainable Forestry Initiative 2015).	The prospect of residential development in the project area could have negative impacts on the aquatic habitat. Residential housing in the project area would be outside of existing public water and sewer systems and would instead be on septic systems. Septic systems that fail or are not properly maintained can lead to bacterial contamination of groundwater and recreational waters, algal growth in water bodies and wetlands, and an increase in the number of nonpoint sources of water pollution. Sewage-derived nutrient additions to streams and lakes could have detrimental effects on the aquatic ecology (Flathead County 2015).

Affected Resources	<u>Alternative A (Proposed Action)</u> The Service would establish a new conservation area to be part of the Refuge System.	<u>Alternative B (No Action)</u> The Service would not establish the LTRCA.
		<p>Housing developments could also result in additional wetland drainage, water diversion, and introduction of invasive species. Development could also change drainage patterns or the rate of surface runoff, increasing soil erosion and nonpoint source pollution. With additional housing developments and/or livestock in the proposed easement area, water may become a limiting factor for wildlife.</p> <p>As demand for potable water increases for new subdivisions, water rights could be questioned and challenged to a greater extent in the future. Groundwater aquifers would receive more demand, resulting in potential degradation to the hydrology of some wetland areas. Water Rights laws in Montana are complex and can be confusing, but generally, small individual private wells that serve a household do not require a water right http://dnrc.mt.gov/licenses-and-permits/stream-permitting/StreamPermittingBinderBook2020.pdf. State protections for streams concentrate on permanent and navigable streams as well as streams with fish (Montana Stream Protection Act) These types of streams require a 124 Permit for construction projects. Smaller seasonal streams do not require permits.</p> <p>Overall, under the No Action Alternative, up to 100,000 acres would not be protected with easements that prohibit residential development. If residential development does occur, this would lead to minor, negative impacts on water resources in the project area.</p>

Key: CSKT = Confederated Salish and Kootenai Tribes; CYE = Cabinet-Yaak ecosystem; GPS = Global Positioning System; LTRCA = Lost Trail Conservation Area; MFWP = Montana Fish, Wildlife, and Parks; NCDE = Northern Continental Divide; PSOC = potential species of concern; SOC = state species of concern; SPP = Southern Pine Plantations

Table 3. Affected Visitor Use and Experience and Anticipated Impacts of the Proposed Action and Any Alternatives.

<p>Affected Resources</p>	<p><u>Alternative A (Proposed Action)</u></p>	<p><u>Alternative B (No Action)</u></p>
<p>Wildlife based recreation is an important public use on the refuge, as well as the surrounding lands within the proposed project area. Public access for hunting, fishing, photography, hiking, wildlife observation, and other noncommercial outdoor activities are all currently allowed on the lands owned by SPP Montana, Montana DNRC, and the U.S. Forest Service.</p> <p>Most of the proposed project area is within elk and deer hunting unit 103 and is the core area of the most popular elk-hunting district in northwest Montana. Big game hunting on the refuge is an important public use for hunters in the fall. Total refuge hunting visits is estimated to be over 15,000.</p> <p>The refuge and surrounding area are also popular with nonconsumptive users engaged in wildlife observation, such as bird watching, and environmental education. The refuge staff estimate over 1,000 such visitors pass through the refuge each year. Several groups such as the local Audubon and Native Plant Society chapters visit the area annually. Students from nearby schools also conduct programs on the refuge each year. Outdoor recreation, as well as access and interaction with wildlife, are considered defining characteristics of the area by many residents (Flathead County 2015).</p>	<p>The Service would establish a new conservation area to be part of the Refuge System.</p> <p>The proposed conservation area would maintain public access on up to 100,000 acres in perpetuity. Public access for fishing, hunting, wildlife viewing, and other noncommercial, nonmotorized, dispersed outdoor recreation uses would be permanently protected. The private land within the proposed LTRCA provides an estimated 6,000 hunter-use days per year (MFWP 2019c). Nonconsumptive uses such as hiking, wildlife observation, and photography would also continue on lands protected with easements. Private landowners would retain the right to regulate motorized access on nonpublic roads and overnight use on their land.</p>	<p>The Service would not establish the LTRCA.</p> <p>The proposed project area is next to recent residential development and in the path for projected exurban residential growth. Without the opportunity to protect land in the project area with easements that prohibit residential development and ensure public access, the current public uses would be expected to decrease over time as the surrounding lands become subdivided and sold in smaller parcels. In addition, when smaller tracts of land are sold, their locations may mean that previous access to other recreational opportunities is no longer available. This would have a negative impact on wildlife-based recreation within the proposed project area. Fewer opportunities for outdoor activities can also decrease the quality of life for residents (Flathead County 2015).</p>

Key: DNRC = Department of Natural Resources and Conservation; LTRCA = Lost Trail Conservation Area; SPP = Southern Pine Plantations

Table 4. Affected Cultural Resources and Anticipated Impacts of the Proposed Action and Any Alternatives.

<p style="text-align: center;">Affected Resources</p>	<p style="text-align: center;"><u>Alternative A (Proposed Action)</u></p>	<p style="text-align: center;"><u>Alternative B (No Action)</u></p>
<p>The Ksanka people (pronounced KSAHN-ka, known in English as Kootenai) occupied the proposed project area for 5,000 years before European exploration. The project lands were part of a major travel route through this region. The area has an abundance of historic foods for Native Americans. The area is rich in cultural heritage and grave sites, teepee rings, and pictographs have all been documented on the refuge and likely occur in the project area.</p> <p>The first significant in-migration of European settlers to northwest Montana occurred in 1883, following the completion of the Northern Pacific Railroad line to Ravalli, north of Missoula. (Flathead County 2015). Northwest Montana contains a variety of areas with historical and cultural significance from this time, including original homestead structures, historic trails, and railroad beds (Flathead County 2015).</p>	<p>The Service would establish a new conservation area to be part of the Refuge System.</p> <p>As a federal agency, the Service is required to comply with many laws pertaining to cultural resources, including the National Historic Preservation Act (16 U.S. Code 470 et seq., Public Law 89–665, the Archaeological Resources Protection Act of 1979 (16 U.S. Code 470aa–470mm; Public Law 96–95), as amended, and the Native American Graves Protection and Repatriation Act of 1990 (25 U.S. Code 3001et seq., Public Law 101–601). The Service has a trust responsibility to American Indian tribes that includes protection of the tribal sovereignty and preservation of tribal culture and other trust resources.</p> <p>Although conservation easements would preclude or limit most forms of surface disturbance, these requirements would not apply to or be fully effective in protecting cultural resources on private lands with easements. However, the proposed action provides benefits to cultural resources when compared to the No Action Alternative because easements would limit surface disturbance.</p>	<p>The Service would not establish the LTRCA.</p> <p>Cultural resources on the lands under consideration would remain subject to state and local regulation and permitting. Cultural resources could be negatively affected by differing land uses or development. Activities not requiring permits could contribute to the loss or damage of cultural resources, especially if resources have not been identified, and once they are gone, they cannot be retrieved.</p>

Key: LTRCA = Lost Trail Conservation Area

Table 5. Affected Land Use and Operations and Anticipated Impacts of the Proposed Action and Any Alternatives.

<p>Affected Resources</p>	<p><u>Alternative A (Proposed Action)</u></p> <p>The Service would establish a new conservation area to be part of the Refuge System.</p>	<p><u>Alternative B (No Action)</u></p> <p>The Service would not establish the LTRCA.</p>
<p>Land Use</p>		
<p>Within the 120,000-acre project area, over 28,000 acres are held by public agencies or are protected with existing conservation easements (Figure 1, Table 1). Primary land uses on these protected lands include timber harvest, cattle grazing, wildlife conservation, and outdoor recreation.</p> <p>Of the remaining unprotected private land, 97 percent is owned by SPP Montana. The primary land use for SPP Montana lands is timber harvest, although cattle grazing also occurs. SPP Montana also allows for public outdoor recreation, including hunting, on their lands. There are no houses or other structures present on SPP Montana lands within the proposed project area.</p> <p>Mineral extraction is a potential land use within the project area. Some of the private lands within the project area do not include ownership of the subsurface mineral rights. In the case of the private timberlands owned by SPP Montana, SPP Montana owns the mineral rights on some of their lands, but portions of the subsurface mineral rights that have been severed are owned by third parties. One party, WRH Nevada Properties, LLC, has asserted ownership of the subsurface mineral rights on 101,340 acres within the LTRCA.</p>	<p>The Service’s easement program would enhance the protection of wildlife species that depend on unfragmented forested and riparian habitat through prohibiting surface disturbance or development of infrastructure. The easement would allow public access for outdoor recreation to continue. This program would also provide financial compensation to landowners through the sale of easements to offset potential revenue loss from the sale of development rights or leases. The proposed project would only affect lands on which the Service has acquired a conservation easement. Development on adjacent lands that do not have Service conservation easements would not be limited.</p> <p>Private lands protected by conservation easements benefit residents through increased biodiversity, recreational quality, and hunting opportunities (Rissman et al. 2007).</p> <p>Uses such as sustainable timber harvest, grazing, and haying would be allowed to continue on easement lands. Land with historical commercial use, such as forestry and ranching, are often compatible with or beneficial to wildlife management objectives (Jordan et al. 2007; Rissman et al. 2007). Conservation easements could help keep the regional character by protecting working landscapes. Conservation easements provide financial benefits for landowners that enable them to preserve the natural and historic value of their lands.</p> <p>Private timberlands can provide multiple positive benefits. In addition to the economic aspects of timber production and material products, these timber lands provide watershed protection, wildlife habitat, recreational opportunities, and other values. Private forest lands are also valuable reservoirs of mineral resources (Flathead County 2015).</p>	<p>Development rights would remain in private ownership, with none of the restrictions that would accompany conservation easements. Residential development and subdivisions generally increase costs to the county governments that provide services to rural areas. Rural residences tend to have higher costs for county governments and school districts than urban residences. The median cost to provide community services to new residential developments is \$1.16 for every \$1.00 of revenue created by those developments (American Farmland Trust 2016).</p> <p>The majority of residents in Flathead and Lincoln Counties live outside of a city, and the current development trends are toward larger lots outside of established communities (Flathead County 2015; Lincoln County 2019). When economic conditions are favorable, northwest Montana has proven to be a desirable area for residential lots development (Flathead County 2015). Population growth in Flathead County over the past 100 years has been significant and dynamic, with growth generally exceeding 10 percent over each decade. Population projections through 2030 predict continued growth in this area (Flathead County 2015).</p>

Affected Resources	<u>Alternative A (Proposed Action)</u>	<u>Alternative B (No Action)</u>
	<p>The Service would establish a new conservation area to be part of the Refuge System.</p> <p>Conservation easements do not affect subsurface estates (mineral, oil, and gas deposits) owned by third parties. The proposed easement program would preclude mining and oil and gas exploration or development requiring surface occupancy on easement land only when the landowner owns the subsurface rights. For easements that have been put in place on land where the owner has not sold or leased the mineral or subsurface estates, the Service easement would be senior to any subsurface interests later acquired by a developer.</p> <p>The potential for mineral extraction within the project area can change over time as technology and the market demand changes. In areas within the proposed project area where the subsurface estate has been severed from surface ownership and is owned by a third party, the easement that the Service acquires from the landowner is junior to the subsurface rights. Any owner of these third-party mineral rights would be entitled to explore for and develop those minerals to the full extent afforded under Montana law. Before the Service acquires a conservation easement it will review encumbrances and third-party claims on the subject property. Under the Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016), the United States will determine if the title meets the standards required for federal acquisition or if title curative steps are required before acquisition.</p>	<p>The Service would not establish the LTRCA.</p> <p>Population growth in Lincoln County has been less dynamic, but the county’s population is expected to increase slightly over the next decade (Lincoln County 2019). Growth is expected to come primarily from people moving into the area. With population growth often comes new residential development. For example, while the population of Lincoln County grew by 10 percent between 1990 and 2000, the number of new single-family homes built increased by 73 percent, with almost all of these built outside of incorporated cities. Similarly, in Flathead County from 2000–2010, the number of housing units increased 35 percent. Many people move to, or choose to develop in, northwest Montana to live remotely on a large lot where they can enjoy the views and unique character of Montana.</p> <p>This scattered pattern of development comes with impacts such as the following (Lincoln County 2019):</p> <ul style="list-style-type: none"> • increased cost of road maintenance • loss of agricultural land and open space; • greater demand on emergency service providers • development in areas potentially at risk to wildfire • conflicting neighboring land uses • haphazard commercial development along highway corridors leading into established communities

Affected Resources	<u>Alternative A (Proposed Action)</u>	<u>Alternative B (No Action)</u>
	<p>The Service would establish a new conservation area to be part of the Refuge System.</p>	<p>The Service would not establish the LTRCA.</p> <p>The change in land uses from agriculture and timberlands to residential, and the accompanying impacts of that change, create some of the greatest growth challenges for the county governments. As more people move into the wildland–urban interface, where structures and other human development intermingle with undeveloped wildland or forests, there can be an increased risk to life, property, and infrastructure in associated communities. These risks can include inescapable wildfires and natural disasters (Lincoln County 2019).</p> <p>Since 1990, the population of Flathead County has increased approximately 54 percent, with traffic increases on selected county roads ranging from 4 percent to 64 percent per year. Increased growth directly influences land use patterns, and there is a direct correlation between land use patterns and traffic. Most of the local traffic increase is related to the rapidly expanding residential housing market. Vehicle trips in Flathead County are predicted to increase by 39 percent over the next decade. (Flathead County 2015). This increases road maintenance burden on the counties. Increased traffic could also lead to increased wildlife conflicts on roads.</p>

Affected Resources	<u>Alternative A (Proposed Action)</u>	<u>Alternative B (No Action)</u>
	<p>The Service would establish a new conservation area to be part of the Refuge System.</p>	<p>The Service would not establish the LTRCA.</p> <p>Under this alternative, sustainable timber harvest would likely be reduced if lands are converted to private residences. This would lead to a reduction in the economic benefit of timber production and material products, as well as the associated benefits of watershed protection, wildlife habitat, recreational opportunities, and other values. (Flathead County 2015).</p> <p>Under this alternative, the impacts to mineral resources would be the same as Alternative A where the mineral estate has been severed and is owned by a third party. On land where the surface and subsurface rights have a single owner and have not been severed, there would be no restrictions on exploration and extraction of mineral resources.</p>

Affected Resources	<u>Alternative A (Proposed Action)</u>	<u>Alternative B (No Action)</u>
Administration		
<p>The refuge is currently part of the WMTC. The complex project leader is stationed at Benton Lake NWR in Great Falls, Montana, and oversees general management of the complex. Lost Trail NWR and the Northwest Montana Wetland Management District are managed by Service staff (refuge manager and wildlife biologist) headquartered on the refuge. Law enforcement assistance is being provided by an officer stationed at Creston National Fish Hatchery. Supporting staff composed of administrative, fire, and maintenance professionals support all refuges within the complex.</p>	<p>The LTRCA would be administered by existing staff within the WMTC. As needed, law enforcement staff in the complex may also provide assistance. The administration of the proposed project would not require any additional refuge funds. Realty staff in Montana and the regional office in Lakewood, Colorado, would handle the real estate transactions.</p> <p>Conservation easement values in the area are approximately \$500/acre. Total project cost is estimated to be about \$50,000,000. It is important to note that these costs are only provided as an approximation based on current market value. Land value fluctuations over time and possible donations are among the factors that would likely influence the costs associated with completion of the project. The proposed funding source would be the LWCF, plus other private sources.</p> <p>The LWCF is derived from federal offshore oil and gas leasing and is not funded by taxpayer dollars.</p>	<p>Under the No Action Alternative, the proposed LTRCA would not be established and no new conservation easements would be purchased as part of this project. Administration of the WMTC, the refuge, and the Northwest Montana Wetland Management District would not change; therefore, there would be no impacts on refuge administration.</p>

Key: LTRCA = Lost Trail Conservation Area; LWCF = Land and Water Conservation Fund; SPP = Southern Pine Plantations; WMTC = Western Montana National Wildlife Refuge Complex

Table 6. Affected Socioeconomics and Anticipated Impacts of the Proposed Action and Any Alternatives.

<p>Affected Resources</p>	<p><u>Alternative A (Proposed Action)</u></p> <p>The Service would establish a new conservation area to be part of the Refuge System.</p>	<p><u>Alternative B (No Action)</u></p> <p>The Service would not establish the LTRCA.</p>
<p>Local and Regional Economics</p>		
<p>The proposed project would occur in two counties—Flathead, which is the fastest growing county in the state, and Lincoln, which has 76 percent of its land under public ownership. Flathead County was historically a natural-resource-based economy, but logging, mining, and commodities production have decreased while strong growth has occurred in the retail trade and service industries (Flathead County 2015). The natural amenities contributing to the character in Flathead County have attracted many small business and technology companies.</p> <p>The industries employing the greatest number of people in Lincoln County are government, healthcare, and retail. Historically, the timber industry was an important economic driver in Lincoln County; however, timber harvests have steadily decreased over the last 30 years. Despite this decline in timber harvest, as of 2016, Lincoln County still ranked second in timber harvests when compared to neighboring counties in Montana and Idaho (Lincoln County 2019).</p>	<p>The proposed project would allow for sustainable timber harvest management on lands with easements. Even though the impact of timber harvest on the local economics has declined in recent years, this project would help to support and maintain this element of the economies in both counties.</p> <p>The project has the potential to positively affect the tourism and recreation industry economy. This project allows sustainable forest management and protects valuable wildlife habitat and a key migratory corridor, and easements would provide permanent, year-round public access to popular recreation lands. These are all critical components of maintaining recreational assets for both resident and nonresident recreationalists.</p> <p>The economic impacts of outdoor recreation, tourism, and nonresident travel are expected to continue to be an important part of the economy in both Flathead and Lincoln Counties (Flathead County 2015). Total expenditures of big game hunters’ using the project area is estimated to be over \$600,000 annually (MFWP, personal communication).</p> <p>Overall, the project would be expected to maintain the benefits to the local and regional economies from timber harvest, tourism, and recreation.</p> <p>The LTRCA is a conservation easement project; the land does not change hands and, therefore, the property taxes continue to be paid by the landowner. The impact of the conservation easement on property taxes can be highly variable (Youngman 2006) but based on similar projects in other areas of Montana, there would likely be little to no impact on county property tax revenue from how the land is currently assessed.</p>	<p>Under the No Action Alternative, working timber lands would not be protected with easements, and lands could be developed for residential housing. This would likely further reduce the contribution of the timber industry to the economies of Flathead and Lincoln Counties. Similarly, residential development would be expected to reduce the opportunities for public access to outdoor recreation and its associated economic benefit. Development can also affect the scenic nature of this area that draws tourists and nonresidents and encourages repeat visitation.</p>

Affected Resources	<u>Alternative A (Proposed Action)</u>	<u>Alternative B (No Action)</u>
<p>In 2019, nonresident visitors spent nearly \$1.19 billion in the northwest part of Montana (Grau 2020). Recreation and access to public lands are primary reasons both first-time and repeat visitors come to Montana. Recreation-based businesses in Flathead County generate \$49.3 million annually, making it an important facet of the local economy. In addition, the scenic resources in this landscape are considered a unique quality that attract people to the area and helps drive the economy (Flathead County 2015).</p>	<p>The Service would establish a new conservation area to be part of the Refuge System.</p> <p>Similarly, it is difficult to predict the impact that conservation easements have on the land values of nearby properties without easements. Conservation easements can result in an increase in surrounding land values. However, the effect for a given parcel depends on several factors including the development potential of the parcel, proximity to protected areas, and the effect of forest composition and characteristics (Reeves et al. 2018).</p>	<p>The Service would not establish the LTRCA.</p>
Environmental Justice		
<p>Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities.</p>	<p>The Service has not identified any potential high and adverse environmental or human health impacts of this proposed action or any of the alternatives. Minority or low-income communities would not be disproportionately affected by any impacts of this proposed action or any of the alternatives.</p>	<p>Same as Alternative A.</p>

Key: LTRCA = Lost Trail Conservation Area

3.3 Cumulative Impact Analysis

Cumulative impacts are defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions” (40 CFR 1508.7).

Table 7. Anticipated Cumulative Impacts of the Proposed Action and Any Alternatives.

Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment	Descriptions of Anticipated Cumulative Impacts
Other Landscape Conservation Efforts	
<p>The proposed project area is situated in a landscape that connects the CYE and NCDE ecosystems. Public agencies, nongovernmental organizations, and private landowners have been, and continue to, collaborate on land conservation in this area (Figure 2). MFWP is currently working with SPP Montana to purchase a 7,274-acre conservation easement within the proposed conservation area. MFWP purchased an easement for 142,000 acres in 2003. There are 22,274 acres of land owned by Stimson Timber Company that were placed under a conservation easement in the fall of 2019, including mule deer summer range next to the Cabinet Mountains Wilderness. An additional 28,000 acres of Stimson land next to the existing conservation easement in the Fisher River drainage is proposed for conservation in fiscal year 2021.</p> <p>The Trust for Public Land is working with MFWP on the Montana Great Outdoors Conservation Project to protect an additional 130,000 acres in the “Chain of Lakes” immediately to the west of the proposed LTRCA through working forest conservation easements. The easements would preclude development, ensure sustainable timber management, and provide permanent public access.</p>	<p>Alternative A (Proposed Action Alternative)</p> <p>The proposed LTRCA would help to connect existing and proposed conservation lands across northwestern Montana. This would unite landscape-level conservation efforts. Over 200,000 acres would be protected as “working forests” where residential development would be precluded, sustainable timber harvest and wood-product jobs would be maintained, wildlife habitat and landscape connectivity would be protected, and outdoor recreation on these lands would be preserved.</p> <p>The beneficial impacts of the LTRCA and the other conservation areas in this landscape would likely become more important over time as population growth and residential development occurs in the surrounding landscape. As described in Table 2, “Land Use,” with population growth often comes new residential development. For example, while the population of Lincoln County grew by 10 percent between 1990 and 2000, the number of new single-family homes built increased by 73 percent, with almost all of these built outside of incorporated cities. Similarly, in Flathead County from 2000–2010, the number of housing units increased 35 percent. Many people move to, or choose to develop in, northwest Montana to live remotely on a large lot where they can enjoy the views and unique character of Montana.</p> <p>Collectively, these existing and proposed conservation efforts would stitch together conservation work over the past 20 years that protects important working timberland from Glacier National Park through the Cabinet Mountains Wilderness to the Selkirk and Coeur d’Alene mountains in the Idaho panhandle. Protecting lands in larger blocks benefits wildlife by maintaining migration corridors, supporting habitat health and integrity, and reducing the extent of the interface between protected and unprotected areas where wildlife-human conflicts may occur.</p>

Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment	Descriptions of Anticipated Cumulative Impacts
<p>Collectively, these projects would connect with existing conservation lands from Glacier National Park through the Cabinet Mountain Wilderness to the Selkirk and Coeur d'Alene mountains to protect a total of 317,000 acres.</p> <p>In addition, the lands owned by SPP Montana within the proposed project area are under a Native Fish Habitat Conservation Plan (NFHCP) with the Service through the year 2030. This voluntary agreement includes commitments for managing roads, uplands, riparian areas, grazing, land use planning, restoration, administration, and monitoring through the year 2030. This agreement is entirely separate from the proposed LTRCA. The NFHCP could be renewed in the future if the Service and the landowner agree to do so.</p>	<p>Alternative B (No Action Alternative)</p> <p>If the LTRCA is not established and easements are not purchased, the connectivity to other conservation lands would not occur. Potential residential development in this area could affect other nearby conservation areas by disrupting migration patterns for wildlife these projects seek to protect. It is possible that another conservation organization may protect the lands in the proposed project boundary, but this would not be certain.</p>
Climate Change	
<p>Average annual temperatures have risen between 2.0–3.0 degrees Fahrenheit in Montana since 1950. Temperatures are projected to continue to increase 6–10 degrees Fahrenheit by the end of the twenty-first century. Precipitation projections are less certain, but current models suggest that precipitation will increase during winter, spring, and fall. In forested areas, the fire risk is expected to increase with climate change. Fires are predicted to increase in size, frequency, and/or severity (Whitlock et al. 2017).</p>	<p>Alternative A (Proposed Action Alternative)</p> <p>Under the proposed action much of the land within the LTRCA project area would remain forests with sustainable timber harvest. While climate change may affect the amount of carbon forests are able to sequester (Whitlock et al. 2017), landowners would still be able to take advantage of any carbon credit markets in the future. Maintaining large, intact blocks of forest habitat would also be expected to increase the overall resiliency of the vegetation and wildlife to stressors associated with climate change.</p> <p>Alternative B (No Action Alternative)</p> <p>If the proposed LTRCA is not established, and working forests are converted to residential development, the resulting habitat fragmentation would be expected to decrease the resiliency of the vegetation and wildlife to the impacts of climate change. In addition, having more homes within the forested areas increases the wildland–urban interface, where life and property are at increased risk due to wildfires. This puts an additional burden on county resources, especially in light of increased fire frequency, size, and severity expected with climate change (Lincoln County 2019; Flathead County 2015).</p>

Key: CYE = Cabinet-Yaak ecosystem; LTRCA = Lost Trail Conservation Area; MWFP = Montana Fish, Wildlife, and Parks; NCDE = Northern Continental Divide; NFHCP = Native Fish Habitat Conservation Plan; SPP = Southern Pine Plantations



U.S. Fish & Wildlife Service

Lost Trail Conservation Area: Other Conservation Easements of Northwest Montana Flathead, Lincoln & Sanders Counties, Montana

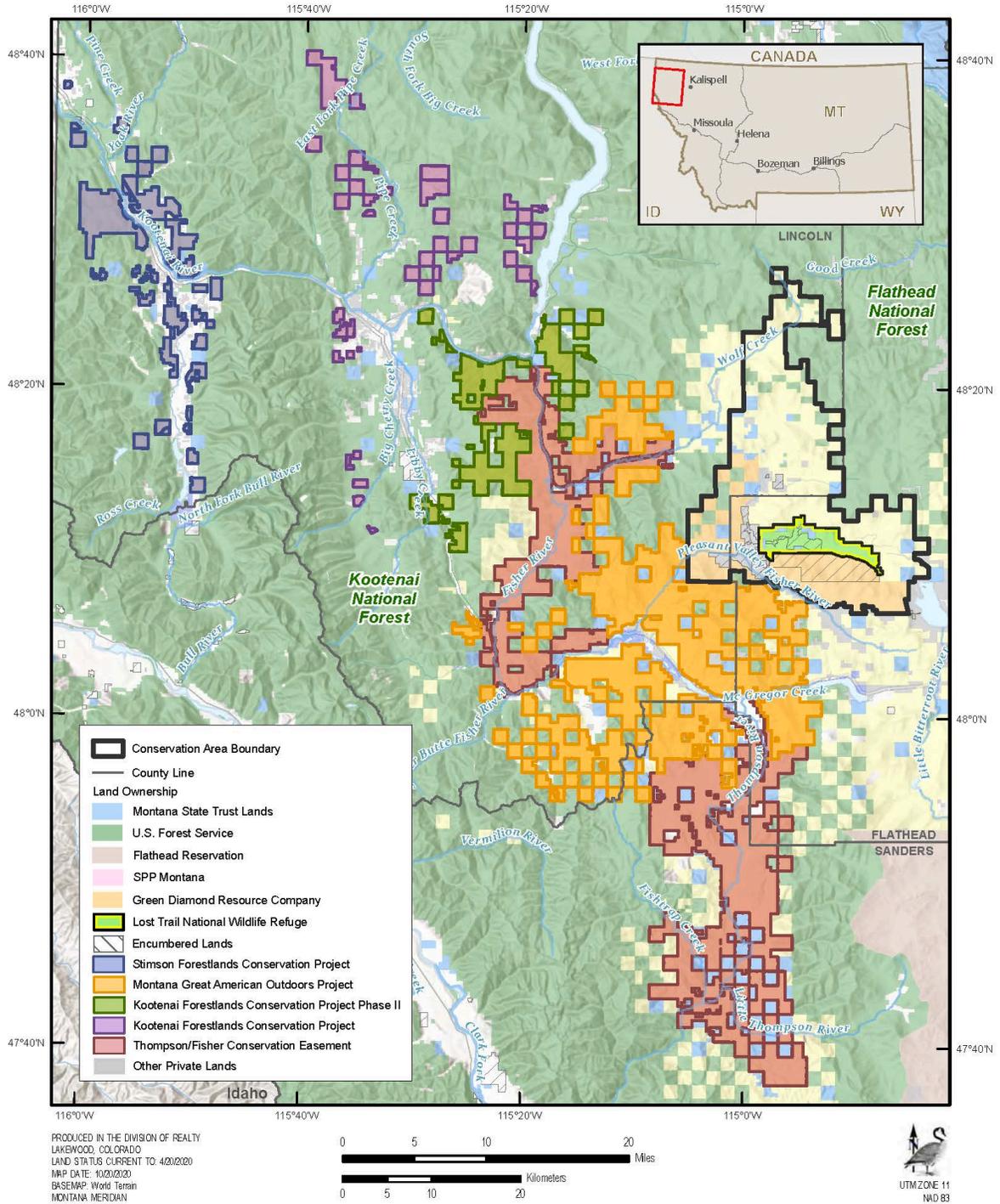


Figure 2. Other Conservation Efforts and Protected Lands Surrounding the Lost Trail Conservation Area.

3.4 Monitoring

The project area would be managed by the WMTC staff. The WMTC staff would be responsible for monitoring and administration of all Service easements on private land. Monitoring would consist of annually reviewing land status in meetings with landowners or land managers to ensure that the stipulations of the conservation easement are being met. Photo documentation and a baseline inventory study would be used at the time the easements are established to document baseline conditions.

Wildlife that occur in the project area, such as grizzly bears, Canada lynx, elk, mule deer, and native fish, would continue to be monitored, as appropriate, by the Service, MFWP, the CSKT, university researchers, and other government and nongovernmental organizations.

3.5 Summary of Analysis

The purpose of this EA is to briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

Alternative A – Proposed Action Alternative

Under the Proposed Action Alternative, the Service proposes to establish the LTRCA in the area surrounding the Lost Trail NWR. This new conservation area would authorize the Service to acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres. These conservation easements would provide perpetual protection of critical, state-identified wildlife corridors; provide public access for sportspersons and outdoor enthusiasts; and allow for continued sustainable timber harvest that supports the local economy. Conservation easement lands would remain in private ownership; property tax and land management, including invasive weed control, would remain the responsibility of the landowner. The Service would use federal Land and Water Conservation Fund (LWCF) dollars to purchase easements within the conservation area. LWCF dollars are derived from federal offshore oil and gas leasing and are not taxpayer dollars.

If implemented, the proposed LTRCA would protect important core habitat and movement corridors for the federally protected grizzly bear, Canada lynx, and Spalding's catchfly. In addition, wintering habitat and migration corridors for elk and mule deer would also be protected. Sustainable timber harvest would continue, and large expanses of mixed conifer forest with important riparian corridors would be protected for a wide diversity of plants and wildlife. Air quality and water quality would also be maintained under this alternative.

The proposed LTRCA would also maintain up to 100,000 acres of public access for noncommercial, nonmotorized, dispersed outdoor recreation. This area includes one of the most popular elk-hunting districts in Montana and supports an estimated 6,000 hunter-use days per year. Nonconsumptive uses such as hiking, wildlife observation, and photography are also popular and would continue on lands protected with easements. Inclusion of these lands in the Refuge System would afford some protection of cultural and historical resources from future residential development. The project would also help to maintain benefits to the local and regional economies from timber harvest, tourism, and recreation.

This alternative meets the purpose and needs of the Service, because it protects ecologically important habitats and migration corridors for federally-listed species, other trust species, and healthy ungulate populations. The LTRCA would also permanently protect access for wildlife-dependent recreation and other outdoor recreational activities while supporting working lands. The Service has the resources necessary to carry out this alternative and has determined that the proposed action described in this alternative align with the purposes of the project and the mission of the Refuge System.

Alternative B – No Action Alternative

Under the No Action Alternative, the Service would not establish the LTRCA and would not protect land surrounding the refuge with conservation easements. This alternative does not meet the purpose and needs of the Service because it would not protect critical, state-identified wildlife corridors or public access for sportspersons and outdoor enthusiasts. Residential and commercial development would not be restricted, and important wildlife habitat could be fragmented as well as migration corridors disrupted. Air and water quality would likely decrease as development expands in the future. Public access for outdoor recreation would be expected to decrease as lands were subdivided and sold in smaller parcels. Sustainable timber harvest, as well as tourism, would likely also decline, having a negative impact on the regional and local economies. Although this project would not require expenditures from the Land and Water Conservation Fund, it would not support our mandates under the NWRSAA and Secretarial Orders 3347, 3362 and 3356.

3.6 List of Sources, Agencies, and Persons Consulted

Name	Position	Organization
Kris Tempel	Wildlife Habitat Biologist	Montana Fish, Wildlife and Parks
Alan Wood	Science Program Supervisor	Montana Fish, Wildlife and Parks
Lori Roberts	NCDE Research Assistant	Montana Fish, Wildlife and Parks
Nick Decesare	Wildlife Biologist	Montana Fish, Wildlife and Parks
Neil Anderson	Regional Wildlife Manager	Montana Fish, Wildlife and Parks
Tonya Chilton-Radant	Wildlife Biologist	Montana Fish, Wildlife and Parks
Stacy Courville	Wildlife Biologist	CSKT, Natural Resources Department
Ben Conard	Montana Deputy Supervisor	USFWS, Ecological Services
Wayne Kasworm	Wildlife Biologist	USFWS, Ecological Services
Carter Fredenberg	Fish and Wildlife Biologist	USFWS, Ecological Services
Chris Deming	Senior Project Manager	Trust for Public Land
Dick Dolan	Director, Northern Rockies	Trust for Public Land
Melissa Castiano	Native American Liaison	USFWS, External Affairs
Jennifer Strickland	Public Affairs Specialist	USFWS, External Affairs

3.7 List of Preparers and Contributors

Name	Position	Work Unit
Amy Thornburg	Deputy Refuge Supervisor	Regional Office (Lakewood, CO)
Aubin Douglas	GIS & Cartography Fellow, Division of Realty	Regional Office (Lakewood, CO)
Benjamin Gilles	Project Leader	Western Montana NWR Complex (Great Falls, MT)
Bernardo Garza	Planner/Wildlife Biologist	Regional Office (Lakewood, CO)
Beverly Skinner	Wildlife Biologist	Lost Trail NWR (Marion, MT)
David Allen	Realty Specialist	Division of Realty, Helena, MT
Jim Lange	Refuge Manager	Western Montana NWR Complex (Great Falls, MT)
Kevin Shinn	Refuge Manager	Lost Trail NWR (Marion, MT)
Sean Finn	Science Coordinator	Science Applications (Boise, ID)
Vanessa Fields	Planner/Wildlife Biologist	Regional Office (Lakewood, CO)

3.8 State Coordination

In 2008, the Service and MFWP initiated an effort to conserve 80,000 acres around the refuge. The collective vision of the project partners was to permanently conserve intermountain valley habitats that would showcase a working landscape that provided natural resource jobs and public recreational opportunities while simultaneously sustaining important ecological services. The project was not realized at that time, but the Service and MFWP continued to coordinate and consider new opportunities.

Over the last year, the Service and MFWP have worked together closely to develop the current proposal for the LTRCA. A major conservation target for the LTRCA is elk migration. The Service relied on the MFWP's Secretarial Order 3362, "State Action Plan for Big Game Wintering and Migration Corridors," which identified the Heart of the Salish Priority Area. MFWP provided the Service with the elk and mule deer migration data for the priority, which the Service used to define the proposed boundary of the project area. MFWP provided a letter of support for the project in September 2019.

MFWP is also working to protect additional land within and around the proposed LTRCA. MFWP has already purchased a 142,000-acre easement in the surrounding area and is currently negotiating with SPP Montana to purchase a 7,274-acre conservation easement within the proposed conservation area. In addition, MFWP has another 50,000 acres of easement purchases completed or pending in the area. MFWP is also developing a new project to protect an additional 130,000 acres in the "Chain of Lakes" immediately to the west of the proposed LTRCA.

During the planning for this project, the Service also reached out to the Montana Department of Natural Resources and Conservation (DNRC). The Montana DNRC has fire protection interests and manages nearly 7,000 acres of state trust lands within the proposed project area. During the comment period for the draft EA and LPP, DNRC submitted a letter highlighting that it is critical for the agency to retain the ability to acquire legal access to trust lands for management of state trust resources, and to maintain access to other land ownerships for effective and safe fire response to protect values at risk. DNRC also expressed their commitment to continuing a positive working relationship with the Service, specifically relating to landscape resiliency, wildfire response, community protection, and sustainable forest management. DNRC stated that by working together, we can more effectively work towards an “all lands” approach to forest and watershed management and restoration benefiting both agencies’ missions.

3.9 Tribal Consultation

Early in the planning process, the Service’s tribal liaison officer identified and helped the LTRCA planning team in reaching out to the four Native American tribes known to have ancestral interests in the lands encompassed by the LTRCA. The Service reached out via telephone calls and email to the tribal historical preservation officers, the fish and game directors, and/or the environmental program directors of the Apache Tribe of Oklahoma Flathead, the CSKT, the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, and the Kootenai Tribe of Idaho to offer them information on the LTRCA, inquire about the priorities that they would like the Service to consider for this area, and invite them to participate in the planning process.

To date, the CSKT have expressed support and encouragement for the development of the LTRCA and remain in close communication with the Service in this and other conservation endeavors in northwest Montana. In a letter of support for the LTRCA, the CSKT encourages the Service to move forward with and acquire the maximum amount of acreage possible for the LTRCA. The CSKT has expressed support for similar conservation efforts by MFWP.

The Service reached out to these Native American tribes to seek comments on the draft EA and LPP. We did not receive any additional comments or request for consultation from any of the Tribes. The Service welcomes and appreciates any participation of these Native American tribes during the implementation phase.

3.10 Public Outreach

We solicited input from the public during a 30-day public scoping period from July 8 through August 6, 2020. Public notices of the scoping period were published in several local papers, on the Lost Trail NWR website and on the regional planning website (www.fws.gov/mountain-prairie/refuges/ltrca.php). We received comments from six agencies or organizations and 19 private individuals. Almost all of the comments were supportive of the proposed project. Key issues that were identified were protecting wildlife habitat, providing recreational access, quality of life, grazing, controlling noxious weeds, mineral rights, and taxes. Comments we received during scoping were used to develop the draft EA and LPP (USFWS 2020).

The Lincoln and Flathead County commissioners were also briefed on the proposed project. Both counties are supportive of this project. Specifically, protecting working lands as well as recreational access are important to the local economies as population and residential development continues to expand in the area.

We conducted a 30-day public comment period on the draft EA and LPP from September 16 through October 15, 2020. Public notices of the comment period were published in several local papers, on the Lost Trail NWR website and on the regional planning website (www.fws.gov/mountain-prairie/refuges/ltrca.php). During the 30-day public comment period, the Service accepted comments in writing, in person, electronically, or in any other form the public wished to present comments or information. Upon the close of the comment period, all comments and information were reviewed and considered.

We received comments from three agencies or organizations and 29 private individuals. Many of the comments were generally supportive of the project. In support of the proposed project, commenters mentioned the protection of wildlife habitat, quality of life, the economy of northwestern Montana, sustainable timber harvest management, the beauty of the area, climate change, and ensuring public access for activities such as hunting, hiking, fishing, biking. Several commenters also mentioned the benefit of the LTRCA protecting the resources of the Lost Trail NWR as a reason for supporting the project. Additional, specific comments are addressed below.

Comment (1): We received comments about the estimated value of the easements, specifically as it relates to the original purchase price of the land.

Response: The Service is required to offer to pay fair market value for any real estate interest the federal government acquires. If a landowner expresses an interest in selling an easement to the Service, the Service will contract with an accredited real estate appraiser to conduct a “before and after appraisal” of the property to determine the value of the land before the easement and the value after the easement. The difference in the before and after values is considered the fair market value of the easement. If the subject property has been recently sold, the price paid for the subject property is one factor that is considered as part of the appraisal. Once an appraisal has been approved, the Service can present an offer for the landowner’s consideration. All appraisals valuing real estate for Service acquisition, including conservation easement acquisition, must meet both federal and professional appraisal standards.

It is important to note that the estimated cost of easements in the LPP are only provided as an approximation based on recent easement sales in the area. Land value fluctuations over time, uniqueness of the subject properties, and possible donations or bargain sales are among the factors that would likely influence the costs associated with completion of the project.

Comment (2): We received a comment expressing concern that land with conservation easements within the LTRCA would cause property values to increase for surrounding lands without easements.

Response: It is difficult to predict the impact that conservation easements have on the land values of nearby properties without easements. Conservation easements can result in an increase in surrounding land values. However, the effect for a given parcel depends on several factors including the development potential of the parcel, proximity to protected areas, and the effect of forest composition and characteristics (Reeves et al. 2018).

No changes were made to the EA or LPP as a result of this comment.

Comment (3): One commenter identified additional benefits of the LTRCA, including plant species of concern that were missing from the draft EA.

Response: Thank you for your comment. We have revised the Species of Concern list in Appendix B and included the identified plants in the “Threatened and Endangered Species and Other Special Status Species” section of Table 2 in Section 3.2.

Comment (4): We received comments suggesting additional beneficial impacts of the proposed action to migratory and resident birds that were not included in the draft EA.

Response: We have revised the “Other Wildlife and Aquatic Species” and “Habitat” sections of Table 2 in Section 3.2 to include this information. Specifically, that the LTRCA includes much of the area that provides water draining into Dahl Lake, which in turn, is responsible for providing habitat for thousands of waterfowl. Further, there is a substantial annual migration of western bluebirds through the area. We also included the importance of conifer and riparian habitats to blue grouse and spruce grouse.

Comment (5): We received comments about the terms of the easements, including limiting roads, regulating access, and allowing camping.

Response: Existing roads and trails located on the property at the time of the easement purchase may be maintained or repaired, as necessary. Any new roads would require written approval of the Service and are generally restricted to uses permitted in the easement (e.g., timber harvest).

Under the terms of the easement, private landowners would also retain the right to regulate motorized access on nonpublic roads and overnight use on their land. When land is needed to achieve fish and wildlife conservation objectives, the Service seeks to acquire the minimum interest necessary to meet those objectives and acquire it only from willing sellers. Acquiring additional interests under the terms of the easements in order to regulate access or provide overnight use is beyond what the Service considers necessary to meet the conservation objectives of the project. The commenters did not provide any additional information that would alter this conclusion.

No changes were made to the EA or LPP as a result of these comments.

Comment (6): We received a comment suggesting that the Service provide more information on the landscape context for the LTRCA. Specifically, how the project fits in spatially with other projects mentioned in the text and how the changes in the landscape surrounding the project may affect the impacts of the LTRCA.

Response: We have added a map to the EA that shows how the LTRCA fits in with other protected lands as well as existing and proposed conservation easement projects. In Table 7 of the EA under “Other Landscape Conservation Efforts,” we have added additional analysis of impacts at the landscape scale. The beneficial impacts of the LTRCA and the other conservation areas in this landscape would likely become more important over time as population growth and residential development occurs within the surrounding landscape. As described in Table 5, “Land Use,” population growth often causes new residential development. For example, while the population of Lincoln County grew by 10 percent between 1990 and 2000, the number of new single-family homes built increased by 73 percent, with almost all these homes built outside of incorporated cities. Similarly, in Flathead County from 2000 to 2010, the number of housing units increased 35 percent. Many people move to or choose to develop in northwest Montana to live remotely on a large lot where they can enjoy the views and unique character of Montana.

Collectively, these existing and proposed conservation efforts would stitch together conservation work over the past 20 years that protects important working timberland from Glacier National

Park through the Cabinet Mountains Wilderness to the Selkirk and Coeur d'Alene mountains in the Idaho panhandle. Protecting lands in larger blocks benefits wildlife by maintaining migration corridors, supporting habitat health and integrity, and reducing the extent of the interface between protected and unprotected areas where wildlife-human conflicts may occur.

We have included this additional analysis in Table 7 of the EA.

Comment (7): We received a comment suggesting we consider another alternative with additional, phased easement acquisition beyond the proposed LTRCA boundary.

Response: The boundary for the LTRCA was determined after carefully considering the objectives of the project (see Sections 1.3 and 1.4 of the EA for the Purpose and Need), the public input we received during scoping, other conservation efforts underway in the surrounding landscape, and the feasibility of completing the project. Establishing the LTRCA with the current, proposed boundary does not preclude the Service from considering other easement programs in the future if circumstances warrant.

Comment (8): We received a comment expressing concern about the impact of silviculture practices on wildlife and that advisory help and guidance for private landowners is important.

Response: Conservation easements purchased within the LTRCA by the Service would ensure that sustainable timber harvest would continue with an approved timber harvest management plan, in accordance with the Sustainable Forestry Initiative (2015), State of Montana standards, or similar independently-verified sustainable forest management certifications.

No changes were made to the EA or LPP as a result of these comments.

Comment (9): We received a comment expressing concern about the spread of invasive species associated with timber harvest within the project area.

Response: Under the terms of the easement, timber harvest would only be permitted with an approved timber harvest management plan, in accordance with applicable laws and sound silvicultural practices consistent with accepted standards. Control of invasive species is a component addressed within the timber harvest management plan and is required before approving the plan.

No changes were made to the EA or LPP as a result of this comment.

Comment (10): We received a comment that land can be owned by families and well managed for agricultural and timber operations; individual landowners have more incentives to protect their land and any mismanagement or negative impacts would be limited to a smaller area.

Response: We agree that private land can be well managed for agricultural and timber operations. Working lands such as these are often compatible with wildlife and conservation objectives. The Service seeks to only acquire the minimum interest in land necessary to meet those objectives and acquires it only from willing sellers.

No changes were made to the EA or LPP as a result of this comment.

Comment (11): We received a comment that Table 1, *Land Ownership within the Proposed Project Boundary*, does not include subsurface mineral rights owned by WRH Nevada Properties, LLC on 101,340 acres within the project boundary.

Response: The land ownership table only lists surface ownerships, as this is the focus of the LTRCA. We do acknowledge, however, that WRH Nevada Properties, LLC claims ownership of these subsurface mineral rights and have added this information to Table 5, *Land Use* under the description of affected resources.

Comment (12): We received a comment that easements purchased by the Service within the LTRCA would be subject to existing and dominant third-party mineral rights.

Response: We concur with this comment. As stated in the EA (Table 5, *Land Use*), conservation easements purchased by the Service do not affect subsurface estates (mineral, oil, and gas deposits) owned by third parties. In general, mineral rights that are currently owned by third parties would be senior to any conservation easement subsequently acquired by the Service and therefore those mineral rights are not affected by the proposed action. The proposed easement program would preclude mining and oil and gas exploration or development requiring surface occupancy on easement land *only when the landowner also owns the subsurface rights*. The easement documents will also state this explicitly.

It is the understanding of the Service that some of the mineral rights owned by the third party WRH Nevada Properties, LLC within the project area include a provision to buy back the surface rights for use in connection with exploration or mining purposes. In this case, WRH Nevada Properties, LLC would need to buy back the surface rights at fair market value. Before the Service acquires a conservation easement it will review encumbrances and third-party claims on the subject property. Under the Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016), the United States will determine if the title meets the standards required for federal acquisition or if title curative steps are required before acquisition.

The EA has been updated to include this additional information in Table 5, *Land Use*.

Comment (14): We received a comment that congress amended Internal Revenue Code Section 170(h) National Perpetuity Standards for Federally Subsidized Conservation Easements in 1984 to create a special rule pursuant to which a deduction for the donation of a conservation easement as to severed estate lands would be allowed provided (1) the separation of the estates occurred before June 13, 1976 and (2) a possibility of surface mining occurring on the property (and consequent negative impact on the conservation purposes of the easement) was so remote as to be negligible.

Response: The IRS code that cited in this comment does not apply to the easements the Service would purchase within the proposed LTRCA. As noted in this comment, this IRS standard only applies when a landowner is claiming a charitable deduction (donation) for granting a conservation easement. Within the LTRCA, the Service plans to use its authority under several National Wildlife Refuge System statutes to pay full fair market value for the conservation easements. As stated in the previous response, before the Service acquires a conservation easement it will review encumbrances and third-party claims on the subject property. Under the Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016), the United States will determine if the title meets the standards required for federal acquisition or if title curative steps are required before acquisition. The Service purchases easements regularly that have ongoing mineral development on them; there is no prohibition to doing so.

That being said, we recognize that characterizing the potential for mineral development within the project area in the EA as “so remote as to be negligible” may have caused confusion and given the impression that we are trying to meet this standard. We have revised the impacts section of Table 5, *Land Use* in the EA to modify how the potential for mineral extraction is described.

Comment (15): We received a comment that our assessment of the mineral resources within the project area was inadequate because most of the information regarding WRH Nevada Properties, LLC’s mineral estate has been held privately for over a century. In addition, detailed analysis of the commercial feasibility was necessary, given that rising prices for minerals are making mining projects once considered somewhat marginal now commercially feasible and very profitable.

Response: We appreciate that the commenter provided additional information about the mineral estate within the project area. We also recognize that the value of these resources and the feasibility of mineral extraction can change as technology and market demand changes. As noted in other responses above, we have revised the description of the mineral resources and potential impacts within the project area to reflect the additional information we received (see Table 5, *Land Use*).

3.11 Determination

This section will be filled out upon completion of any public comment period and at the time of finalization of the EA.

- The Service's action will not result in a significant impact on the quality of the human environment. See the attached "**Finding of No Significant Impact.**"
- The Service's action **may significantly affect** the quality of the human environment and the Service will prepare an environmental impact statement.

Preparer Signature: BENJAMIN GILLES Digitally signed by BENJAMIN GILLES
Date: 2020.11.09 15:03:31 -07'00' Date: 11/9/20

Name/Title/Organization: Benjamin Gilles, Project Leader, Western Montana National Wildlife Refuge Complex

Reviewer Signature: Noreen E Walsh Date: 11/20/2020

Name/Title: Noreen Walsh, Regional Director, Interior Regions 5 and 7, Lakewood, CO

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APPENDIX A OTHER APPLICABLE STATUTES, EXECUTIVE ORDERS, AND REGULATIONS

Statutes, Executive Orders, and Regulations
Cultural Resources
<p>Antiquities Act of 1906, 16 U.S.C. 431-433; 43 CFR Part 3</p> <p>Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa – 470mm; 18 CFR Part 1312; 32 CFR Part 229; 36 CFR Part 296; 43 CFR Part 7</p> <p>National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470x-6; 36 CFR Parts 60, 63, 78, 79, 800, 801, and 810</p> <p>Paleontological Resources Protection Act, 16 U.S.C. 470aaa – 470aaa-11</p> <p>Executive Order 11593 – Protection and Enhancement of the Cultural Environment, 36 Fed. Reg. 8921 (1971)</p> <p>Executive Order 13007 – Indian Sacred Sites, 61 Fed. Reg. 26771 (1996)</p>
Fish and Wildlife
<p>Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668-668c, 50 CFR 22</p> <p>Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1544; 36 CFR Part 13; 50 CFR Parts 10, 17, 23, 81, 217, 222, 225, 402, and 450</p> <p>Fish and Wildlife Act of 1956, 16 U.S.C. 742 a-m</p> <p>Lacey Act, as amended, 16 U.S.C. 3371 et seq.; 15 CFR Parts 10, 11, 12, 14, 300, and 904</p> <p>Migratory Bird Treaty Act, as amended, 16 U.S.C. 703-712; 50 CFR Parts 10, 12, 20, and 21</p> <p>Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Fed. Reg. 3853 (2001)</p>
Natural Resources
<p>Clean Air Act, as amended, 42 U.S.C. 7401-7671q; 40 CFR Parts 23, 50, 51, 52, 58, 60, 61, 82, and 93; 48 CFR Part 23</p> <p>Executive Order 13112 – Invasive Species, 64 Fed. Reg. 6183 (1999)</p>
Water Resources
<p>Federal Water Pollution Control Act of 1972 (commonly referred to as Clean Water Act), 33 U.S.C. 1251 et seq.; 33 CFR Parts 320-330; 40 CFR Parts 110, 112, 116, 117, 230-232, 323, and 328</p> <p>Safe Drinking Water Act of 1974, 42 U.S.C. 300f et seq.; 40 CFR Parts 141-148</p> <p>Executive Order 11988 – Floodplain Management, 42 Fed. Reg. 26951 (1977)</p> <p>Executive Order 11990 – Protection of Wetlands, 42 Fed. Reg. 26961 (1977)</p>

Key: CFR = Code of Federal Regulations; U.S.C. = U.S. Code

**APPENDIX B LIST OF SPECIES OF CONCERN EXPECTED TO OCCUR IN
THE PROPOSED LOST TRAIL CONSERVATION AREA PROJECT AREA
(MNHP 2020B)**

State Species of Concern (SOC)

Common Name	Scientific Name
<i>Mammals</i>	
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>
Wolverine	<i>Gulo gulo</i>
Eastern red bat	<i>Lasiurus borealist</i>
Hoary bat	<i>Lasiurus cinereus</i>
Canada lynx	<i>Lynx canadensis</i>
Little brown myotis	<i>Myotis lucifugus</i>
Fringed myotis	<i>Myotis thysanodes</i>
Yuma myotis	<i>Myotis umanensis</i>
Fisher	<i>Pekania pennanti</i>
Northern bog lemming	<i>Synaptomys borealist</i>
Grizzly bear	<i>Ursus arctos</i>
<i>Birds</i>	
Northern goshawk	<i>Accipiter gentilis</i>
Golden eagle	<i>Aquila chrysaetos</i>
Veery	<i>Catharus fuscescens</i>
Brown creeper	<i>Certhia americana</i>
Evening grosbeak	<i>Coccothraustes vespertinus</i>
Trumpeter swan	<i>Cygnus buccinators</i>
Pileated woodpecker	<i>Dryocopus pileastus</i>
Alder flycatcher	<i>Empidonax alnorum</i>
Peregrine falcon	<i>Falco peregrinus</i>
Common loon	<i>Gavia immer</i>
Cassin's finch	<i>Haemorhous cassinii</i>
Black-necked stilt	<i>Himantopus mexicanus</i>
Varied thrush	<i>Ixoreus naevius</i>
Loggerhead shrike	<i>Lanius ludovicianus</i>

Common Name	Scientific Name
Gray-crowned rosy-finch	<i>Leucosticte tephrocotis</i>
Lewis's woodpecker	<i>Melanerpes lewis</i>
Clark's nutcracker	<i>Nucifraga columbiana</i>
Black-backed woodpecker	<i>Picoides arcticus</i>
Boreal chickadee	<i>Poecile hudsonicus</i>
Flammulated owl	<i>Psiloscops flammeolus</i>
Great gray owl	<i>Strix nebulosi</i>
Northern hawk owl	<i>Surnia ulula</i>
Pacific wren	<i>Troglodytes pacificus</i>
<i>Reptiles</i>	
Northern alligator lizard	<i>Elgaria coerulea</i>
Western skink	<i>Plestiodon skiltonianus</i>
<i>Amphibians</i>	
Western toad	<i>Anaxyrus boreas</i>
Northern leopard frog	<i>Lithobates pipiens</i>
<i>Fish</i>	
Torrent sculpin	<i>Cottus rhotheus</i>
Westslope cutthroat trout	<i>Oncorhynchus clarki lewisi</i>
Columbia river redband trout	<i>Oncorhynchus mykiss</i>

State Potential Species of Concern (PSOC)

Common Name	Scientific Name
<i>Mammals</i>	
Porcupine	<i>Erethizontidae dorsatum</i>
Silver-haired bat	<i>Lasionycteris noctivagans</i>
<i>Birds</i>	
Boreal owl	<i>Aegolius funerues</i>
Tennessee warbler	<i>Leiothlypis peregrine</i>
Western screech owl	<i>Megascops kennicottii</i>
Broad-tailed hummingbird	<i>Selasphorus platycercus</i>
Rufus hummingbird	<i>Selasphorus rufus</i>
<i>Insect</i>	
Red-spotted admiral	<i>Limenitis arthemis</i>
<i>Plants</i>	
Scalepod	<i>Idaho scapigera</i>
Hutchinsia	<i>Hornugia procumbens</i>
Geyer's onion	<i>Allium geeyeri var geeyeri</i>

APPENDIX C FINDING OF NO SIGNIFICANT IMPACT

FINDING OF NO SIGNIFICANT IMPACT AND DECISION TO ESTABLISH THE LOST TRAIL CONSERVATION AREA

Lincoln and Flathead Counties, Montana

The United States (U.S.) Fish and Wildlife Service (Service) is establishing the Lost Trail Conservation Area in Flathead and Lincoln Counties, Montana in accordance with the Lost Trail Conservation Area Land Protection Plan (USFWS 2020a). This new conservation area authorizes the Service to acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres.

Selected Action

Alternative A—Proposed Action Alternative

The Service proposes to establish a new conservation area to be part of the National Wildlife Refuge System (Refuge System). The proposed conservation area surrounds the Lost Trail National Wildlife Refuge (NWR) in Flathead and Lincoln Counties, Montana. Approval of the Land Protection Plan for this new conservation area, the Lost Trail Conservation Area (LTRCA, conservation area), would authorize the Service to potentially acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres.

The proposed acquisition boundary delineates parcels where the Service may consider negotiations with willing sellers for easement acquisition. No fee-title acquisition by the Service would be authorized. The potential easements would be similar to other existing easements in the area and similar to the 7,274-acre easement within the project area proposed for acquisition by Montana Fish, Wildlife and Parks (MFWP) (MFWP 2019a). Development for residential, commercial, or industrial purposes would not be permitted on properties under a conservation easement. Timber harvest would be permitted on easement lands with an approved timber harvest management plan, in accordance with applicable laws and sound silvicultural practices consistent with accepted standards. Public access for fishing, hunting, wildlife viewing, and other noncommercial, nonmotorized, dispersed outdoor recreational uses would be permanently protected. Grazing would not be restricted on the land included in the easement contract. Alteration of the natural topography, conversion of native grassland to cropland, drainage of wetlands, and establishment of game farms would be prohibited.

Conservation easement lands would remain in private ownership; property tax and land management, including invasive weed control, would remain the responsibility of the landowner. Private landowners would also retain the right to regulate motorized access on nonpublic roads and overnight use on their land.

The Service would use federal Land and Water Conservation Fund (LWCF) funding to purchase easements within the conservation area. LWCF funding is derived from federal offshore oil and gas leasing and are not taxpayer dollars.

Prioritization of lands for conservation easements within the project area would be based on the biological needs of the wildlife species of concern (i.e., threatened and endangered species and native ungulates), connectivity with other protected lands, and presence of high-quality habitat types (e.g., riparian areas). The Service generally focuses on parcels greater than 160 acres; however, parcels less than 160 acres may be considered for conservation easements if unique biological values exist. The LPP describes these priorities in detail (USFWS 2020).

The refuge is part of the Western Montana NWR Complex (WMTC, complex), headquartered in Great Falls, Montana. The LTRCA would be administered and monitored by existing staff within the WMTC. Monitoring would consist of annually reviewing land status in meetings with the landowners or land managers to ensure that the terms of the conservation easement are being met. A baseline inventory study that includes photo documentation would be completed at the time the easements are acquired to document baseline conditions. This project is not expected to require any additional staff or WMTC funding to administer.

This alternative was selected over the other alternatives because:

These conservation easements would provide multiple benefits, including perpetual protection of critical wildlife habitat and movement corridors, as well as a large portion of the encompassing watershed for the refuge, public access for sportspersons and outdoor enthusiasts, and would allow for continued sustainable timber harvest that supports the local economy. This alternative also offers the best opportunity to meet the Service's mandates under the National Wildlife Refuge System Administration Act (NWRSA), as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S. Code §§ 668dd et seq.) and Secretarial Orders 3362, "Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors", 3347, "Conservation Stewardship and Outdoor Recreation" and 3356, "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories"

Other Alternatives Considered and Analyzed

Alternative B—No Action Alternative

Under the No Action Alternative, the Service would not establish the LTRCA. The Service would continue to manage the Lost Trail NWR and work cooperatively with other federal and state agencies, nongovernmental organizations, and private landowners. The surrounding areas that are not currently protected would likely remain largely in private ownership and would be subject to changes in land use or habitat type. Public agencies and private land trusts would continue conservation efforts through securing easements but landowner choices for easements would be reduced without the Service's ability to offer easements to willing sellers. In addition, if the LTRCA is not established, potential sources of funding to protect land by the Service, MFWP, and other partners would be reduced.

This alternative was not selected, because:

Not undertaking the creation of the LTRCA would likely increase the probability of fragmentation of ecologically important habitats and migration corridors for federally-listed

species, other trust species, and large ungulate populations. This fragmentation may hinder recovery efforts for listed species, exclude a significant opportunity to develop publicly-available wildlife-based recreation in the future, and put the future of the Heart of the Salish Priority Area wildlife corridor into question. Failure to secure these lands from development and fragmentation would risk the biological and recreational connection between the uplands and lowlands of Pleasant Valley, potentially hindering the established purposes of the Lost Trail NWR.

Summary of Effects of the Selected Action

An Environmental Assessment (EA) was prepared in compliance with the National Environmental Policy Act (NEPA) to provide decision-making framework that (1) explored a reasonable range of alternatives to meet project objectives, (2) evaluated potential issues and impacts to the refuge, resources and values, and (3) identified mitigation measures to lessen the degree or extent of these impacts. The EA evaluated the effects associated with two alternatives. It is incorporated as part of this finding.

Implementation of the agency's decision would be expected to result in the following environmental, social, and economic effects:

- Under the Proposed Action Alternative, the Service proposes to establish the LTRCA in the area surrounding the Lost Trail NWR. This new conservation area would authorize the Service to acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres. These conservation easements would provide perpetual protection of critical, state-identified wildlife corridors; provide public access for sportspersons and outdoor enthusiasts; and allow for continued sustainable timber harvest that supports the local economy. Conservation easement lands would remain in private ownership; property tax and land management, including invasive weed control, would remain the responsibility of the landowner. The Service would use federal LWCF funding to purchase easements within the conservation area. LWCF funding is derived from federal offshore oil and gas leasing and are not taxpayer dollars.
- The proposed LTRCA would protect important core habitat and movement corridors for the federally-protected grizzly bear, Canada lynx, and Spalding's catchfly. Wintering habitat and migration corridors for elk and mule deer would also be protected. Sustainable timber harvest would continue, and large expanses of mixed conifer forest with important riparian corridors would be protected for a wide diversity of plants and wildlife. Air quality and water quality would be maintained under this alternative.
- The proposed LTRCA would also maintain up to 100,000 acres of public access for noncommercial, nonmotorized, dispersed outdoor recreation. This area includes one of the most popular elk-hunting districts in Montana and supports an estimated 6,000 hunter-use days per year. Nonconsumptive uses such as hiking, wildlife observation, and photography are also popular and would continue on lands protected with easements. Inclusion of these lands in the Refuge System would afford some protection of cultural and historical resources from future residential development. The project would also help to maintain benefits to the local and regional economies from timber harvest, tourism, and recreation.

- This alternative meets the purpose and needs of the Service, because it protects ecologically important habitats and migration corridors for federally-listed species, other trust species, and healthy ungulate populations. The LTRCA would also permanently protect access for wildlife-dependent recreation and other outdoor recreational activities while supporting working lands. The Service has the resources necessary to carry out this alternative and has determined that the proposed action described in this alternative aligns with the purposes of the project and the mission of the Refuge System.
- The action would result in beneficial effects on the human environment, including the biodiversity and ecological integrity of the Lost Trail NWR and the surrounding area, as well as the wildlife-dependent recreational opportunities and socioeconomics of the local economy. There is no scientific controversy over the impacts of this action and the impacts of the proposed action are relatively certain. The proposal is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988, because the action of establishing the LTRCA and subsequently purchasing conservation easements would not cause any destruction or degradation of wetlands or result in any floodplain development.

Public Review

The proposal has been thoroughly coordinated with all interested and affected parties. Parties contacted include:

State Coordination

In 2008, the Service and MFWP initiated an effort to conserve 80,000 acres around the refuge. The collective vision of the project partners was to permanently conserve intermountain valley habitats that would showcase a working landscape that provided natural resource jobs and public recreational opportunities while simultaneously sustaining important ecological services. The project was not realized at that time, but the Service and MFWP continued to coordinate and consider new opportunities.

Over the last year, the Service and MFWP have worked together closely to develop the current proposal for the LTRCA. A major conservation target for the LTRCA is elk migration. The Service relied on the MFWP's Secretarial Order 3362, "State Action Plan for Big Game Wintering and Migration Corridors," which identified the Heart of the Salish Priority Area. MFWP provided the Service with the elk and mule deer migration data for the priority, which the Service used to define the proposed boundary of the project area. MFWP provided a letter of support for the project in September 2019.

MFWP is also working to protect additional land within and around the proposed LTRCA. MFWP has already purchased a 142,000-acre easement in the surrounding area and is currently negotiating with SPP Montana to purchase a 7,274-acre conservation easement within the proposed conservation area. In addition, MFWP has another 50,000 acres of easement purchases completed or pending in the area. MFWP is also developing a new project to protect an additional 130,000 acres in the "Chain of Lakes" immediately to the west of the proposed LTRCA.

During the planning for this project, the Service also reached out to the Montana Department of Natural Resources and Conservation Service (DNRC). The Montana DNRC has fire protection

interests and manages nearly 7,000 acres of state trust lands within the proposed project area. During the comment period for the draft EA and LPP, DNRC submitted a letter highlighting that it is critical for the agency to retain the ability to acquire legal access to trust lands for management of state trust resources, and to maintain access to other land ownerships for effective and safe fire response to protect values at risk. DNRC also expressed their commitment to continuing a positive working relationship with the Service, specifically relating to landscape resiliency, wildfire response, community protection, and sustainable forest management. DNRC stated that by working together, we can more effectively work towards an “all lands” approach to forest and watershed management and restoration benefiting both agencies’ missions.

Tribal Consultation

Early in the planning process, the Service’s tribal liaison officer identified and helped the LTRCA planning team in reaching out to the four Native American tribes known to have ancestral interests in the lands encompassed by the LTRCA. The Service reached out via telephone calls and email to the tribal historical preservation officers, the fish and game directors, and/or the environmental program directors of the Apache Tribe of Oklahoma Flathead, the Confederated Salish and Kootenai Tribes (CSKT), the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, and the Kootenai Tribe of Idaho to offer them information on the LTRCA, inquire about the priorities that they would like the Service to consider for this area, and invite them to participate in the planning process.

To date, the CSKT have expressed support and encouragement for the development of the LTRCA and remain in close communication with the Service in this and other conservation endeavors in northwest Montana. In a letter of support for the LTRCA, the CSKT encourages the Service to move forward with and acquire the maximum amount of acreage possible for the LTRCA. The CSKT has expressed support for similar conservation efforts by MFWP.

The Service reached out to these Native American tribes to seek comments on the draft EA and LPP. We did not receive any additional comments or request for consultation from any of the Tribes. The Service welcomes and appreciates any participation of these Native American tribes during the implementation phase.

Public Comment

We solicited input from the public during a 30-day public scoping period from July 8 through August 6, 2020. Public notices of the scoping period were published in several local papers, on the Lost Trail NWR website, and on the regional planning website (www.fws.gov/mountain-prairie/refuges/ltrca.php). We received comments from six agencies or organizations and 19 private individuals. Almost all the comments were supportive of the proposed project. Key issues that were identified were protecting wildlife habitat, providing recreational access, quality of life, grazing, controlling noxious weeds, mineral rights, and taxes. Comments we received during scoping were used to develop the draft EA and LPP (USFWS 2020).

The Lincoln and Flathead County commissioners were also briefed on the proposed project, and both counties are supportive of this project. Specifically, protecting working lands as well as recreational access are important to the local economies as population and residential development continues to expand in the area.

We conducted a 30-day public comment period on the draft EA and LPP from September 16 through October 15, 2020. Public notices of the comment period were published in several local

papers, on the Lost Trail NWR website, and on the regional planning website (www.fws.gov/mountain-prairie/refuges/ltrca.php). During the 30-day public comment period, the Service accepted comments in writing, in person, electronically, or in any other form the public wished to present comments or information. Upon the close of the comment period, all comments and information were reviewed and considered.

We received comments from three agencies or organizations and 29 private individuals. Many of the comments were generally supportive of the project. In support of the proposed project, commenters mentioned the protection of wildlife habitat, quality of life, the economy of northwestern Montana, sustainable timber harvest management, the beauty of the area, climate change and ensuring public access for activities such as hunting, hiking, fishing, biking. Several commenters also mentioned the benefit of the LTRCA protecting the resources of the Lost Trail NWR as a reason for supporting the project. Additional, specific comments are addressed below.

Comment (1): We received comments about the estimated value of the easements, specifically as it relates to the original purchase price of the land.

Response: The Service is required to offer to pay fair market value for any real estate interest the federal government acquires. If a landowner expresses an interest in selling an easement to the Service, the Service will contract with an accredited real estate appraiser to conduct a “before and after appraisal” of the property to determine the value of the land before the easement and the value after the easement. The difference in the before and after values is considered the fair market value of the easement. If the subject property has been recently sold, the price paid for the subject property is one factor that is considered as part of the appraisal. Once an appraisal has been approved, the Service can present an offer for the landowner’s consideration. All appraisals valuing real estate for Service acquisition, including conservation easement acquisition, must meet both federal and professional appraisal standards.

It is important to note that the estimated cost of easements in the LPP are only provided as an approximation based on recent easement sales in the area. Land value fluctuations over time, uniqueness of the subject properties, and possible donations or bargain sales are among the factors that would likely influence the costs associated with completion of the project.

Comment (2): We received a comment expressing concern that land with conservation easements within the LTRCA would cause property values to increase for surrounding lands without easements.

Response: It is difficult to predict the impact that conservation easements have on the land values of nearby properties without easements. Conservation easements can result in an increase in surrounding land values. However, the effect for a given parcel depends on several factors including the development potential of the parcel, proximity to protected areas, and the effect of forest composition and characteristics (Reeves et al. 2018).

No changes were made to the EA or LPP as a result of this comment.

Comment (3): One commenter identified additional benefits of the LTRCA, including plant species of concern that were missing from the draft EA.

Response: Thank you for your comment. We have revised the Species of Concern list in Appendix B of the EA and included the identified plants in the “Threatened and Endangered Species and Other Special Status Species” section of Table 2 in Section 3.2 of the EA.

Comment (4): We received comments suggesting additional beneficial impacts of the proposed action to migratory and resident birds that were not included in the draft EA.

Response: We have revised the “Other wildlife and aquatic species” and “Habitat” sections of Table 2 in Section 3.2 of the EA to include this information. Specifically, that the LTRCA includes much of the area that provides water draining into Dahl Lake, which in turn is responsible for providing habitat for thousands of waterfowl. Furthermore, there is a substantial annual migration of western bluebirds through the area. We also included the importance of conifer and riparian habitats to blue grouse and spruce grouse.

Comment (5): We received comments about the terms of the easements, including limiting roads, regulating access, and allowing camping.

Response: Existing roads and trails located on the property at the time of the easement purchase may be maintained or repaired, as necessary. Any new roads would require written approval of the Service and are generally restricted to uses permitted in the easement (e.g., timber harvest).

Under the terms of the easement, private landowners would also retain the right to regulate motorized access on nonpublic roads and overnight use on their land. When land is needed to achieve fish and wildlife conservation objectives, the Service seeks to acquire the minimum interest necessary to meet those objectives and acquire it only from willing sellers. Acquiring additional interests under the terms of the easements in order to regulate access or provide overnight use is beyond what the Service considers necessary to meet the conservation objectives of the project. The commenters did not provide any additional information that would alter this conclusion.

No changes were made to the EA or LPP as a result of these comments.

Comment (6): We received a comment suggesting that the Service provide more information on the landscape context for the LTRCA. Specifically, how the project fits in spatially with other projects mentioned in the text and how the changes in the landscape surrounding the project may affect the impacts of the LTRCA.

Response: We have added a map to the EA that shows how the LTRCA fits in with other protected lands as well as existing and proposed conservation easement projects. In Table 7 of the EA under “Other Landscape Conservation Efforts”, we have added additional analysis of impacts at the landscape scale. The beneficial impacts of the LTRCA and the other conservation areas in this landscape will likely become more important over time as population growth and residential development occurs in the surrounding landscape. As described in Table 5, “Land Use,” population growth often causes new residential development. For example, while the population of Lincoln County grew by 10 percent between 1990 and 2000, the number of new single-family homes built increased by 73 percent, with almost all these built outside of incorporated cities. Similarly, in Flathead County from 2000 to 2010, the number of housing units increased 35 percent. Many people move to or choose to develop in northwest Montana to live remotely on a large lot where they can enjoy the views and unique character of Montana.

Collectively, these existing and proposed conservation efforts would stitch together conservation work over the past 20 years that protects important working timberland from Glacier National Park through the Cabinet Mountains Wilderness to the Selkirk and Coeur d’Alene mountains in the Idaho panhandle. Protecting lands in larger blocks benefits wildlife by maintaining migration

corridors, supporting habitat health and integrity, and reducing the extent of the interface between protected and unprotected areas where wildlife-human conflicts may occur.

We have included this additional analysis in Table 7 of the EA.

Comment (7): We received a comment suggesting we consider another alternative with additional, phased easement acquisition beyond the proposed LTRCA boundary.

Response: The boundary for the LTRCA was determined after carefully considering the objectives of the project (see Sections 1.3 and 1.4 of the EA for the Purpose and Need), the public input we received during scoping, other conservation efforts underway in the surrounding landscape, and the feasibility of completing the project. Establishing the LTRCA, with the current, proposed boundary, does not preclude the Service from considering other easement programs in the future if circumstances warrant.

Comment (8): We received a comment expressing concern about the impact of silviculture practices on wildlife and that advisory help and guidance for private landowners is important.

Response: Conservation easements purchased within the LTRCA by the Service would ensure that sustainable timber harvest would continue with an approved timber harvest management plan, in accordance with the Sustainable Forestry Initiative (2015), State of Montana standards, or similar independently-verified sustainable forest management certifications.

No changes were made to the EA or LPP as a result of these comments.

Comment (9): We received a comment expressing concern about the spread of invasive species associated with timber harvest within the project area.

Response: Under the terms of the easement, timber harvest would only be permitted with an approved timber harvest management plan, in accordance with applicable laws and sound silvicultural practices consistent with accepted standards. Control of invasive species is a component addressed within the timber harvest management plan and is required before approving the plan.

No changes were made to the EA or LPP as a result of this comment.

Comment (10): We received a comment that land can be owned by families and well managed for agricultural and timber operations; individual land owners have more incentives to protect their land and any mismanagement or negative impacts would be limited to a smaller area.

Response: We agree that private land can be well managed for agricultural and timber operations. Working lands such as these are often compatible with wildlife and conservation objectives. The Service seeks to only acquire the minimum interest in land necessary to meet those objectives and acquires it only from willing sellers.

No changes were made to the EA or LPP as a result of this comment.

Comment (11): We received a comment that Table 1, *Land Ownership within the Proposed Project Boundary*, does not include subsurface mineral rights owned by WRH Nevada Properties, LLC on 101,340 acres within the project boundary.

Response: The land ownership table only lists surface ownerships as this is the focus of the LTRCA. We do acknowledge, however, that WRH Nevada Properties, LLC claims ownership of

these subsurface mineral rights and have added this information to Table 5, *Land Use* section under the description of affected resources.

Comment (12): We received a comment that easements purchased by the Service within the LTRCA would be subject to existing and dominant third-party mineral rights.

Response: We concur with this comment. As stated in the EA (Table 5, *Land Use*), conservation easements purchased by the Service do not affect subsurface estates (mineral, oil, and gas deposits) owned by third parties. In general, mineral rights that are currently owned by third parties would be senior to any conservation easement subsequently acquired by the Service and therefore those mineral rights are not affected by the proposed action. The proposed easement program would preclude mining and oil and gas exploration or development requiring surface occupancy on easement land *only when the landowner also owns the subsurface rights*. The easement documents will also state this explicitly.

It is the understanding of the Service that some of the mineral rights owned by the third party WRH Nevada Properties, LLC within the project area include a provision to buy back the surface rights for use in connection with exploration or mining purposes. In this case, WRH Nevada Properties, LLC would need to buy back the surface rights at fair market value. Before the Service acquires a conservation easement it will review encumbrances and third-party claims on the subject property. Under the Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016), the United States will determine if the title meets the standards required for federal acquisition or if title curative steps are required before acquisition.

The EA has been updated to include this additional information in Table 5, *Land Use*.

Comment (14): We received a comment that congress amended Internal Revenue Code Section 170(h) National Perpetuity Standards for Federally Subsidized Conservation Easements in 1984 to create a special rule pursuant to which a deduction for the donation of a conservation easement as to severed estate lands would be allowed provided (1) the separation of the estates occurred before June 13, 1976 and (2) a possibility of surface mining occurring on the property (and consequent negative impact on the conservation purposes of the easement) was so remote as to be negligible.

Response: The IRS code that cited in this comment does not apply to the easements the Service would purchase within the proposed LTRCA. As noted in this comment, this IRS standard only applies when a landowner is claiming a charitable deduction (donation) for granting a conservation easement. Within the LTRCA, the Service plans to use its authority under several National Wildlife Refuge System statutes to pay full fair market value for the conservation easements. As stated in the previous response, before the Service acquires a conservation easement it will review encumbrances and third-party claims on the subject property. Under the Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016), the United States will determine if the title meets the standards required for federal acquisition or if title curative steps are required before acquisition. The Service purchases easements regularly that have ongoing mineral development on them; there is no prohibition to doing so.

That being said, we recognize that characterizing the potential for mineral development within the project area in the EA as “so remote as to be negligible” may have caused confusion and

given the impression that we are trying to meet this standard. We have revised the impacts section of Table 5, *Land Use* in the EA to modify how the potential for mineral extraction is described.

Comment (15): We received a comment that our assessment of the mineral resources within the project area was inadequate because most of the information regarding WRH Nevada Properties, LLC's mineral estate has been held privately for over a century. In addition, detailed analysis of the commercial feasibility was necessary, given that rising prices for minerals are making mining projects once considered somewhat marginal now commercially feasible and very profitable.

Response: We appreciate that the commenter provided additional information about the mineral estate within the project area. We also recognize that the value of these resources and the feasibility of mineral extraction can change as technology and market demand changes. As noted in other responses above, we have revised the description of the mineral resources and potential impacts within the project area to reflect the additional information we received (see Table 5, *Land Use*).

Finding of No Significant Impact

Based upon a review and evaluation of the information contained in the EA as well as other documents and actions of record affiliated with this proposal, the Service has determined that the proposal to create the Lost Trail Conservation Area in Lincoln and Flathead Counties, Montana does not constitute a major federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required.

Decision

The Service has decided to establish the Lost Trail Conservation Area (LTRCA) surrounding the Lost Trail NWR in Flathead and Lincoln Counties, Montana. Approval of the Land Protection Plan for the LTRCA would authorize the Service to potentially acquire up to 100,000 acres of conservation easements from willing sellers within an acquisition boundary encompassing 120,000 acres.

The LTRCA acquisition boundary delineates parcels where the Service may consider negotiations with willing sellers for easement acquisition. These conservation easements would provide perpetual protection of critical, state-identified wildlife corridors, and public access for sportspersons and outdoor enthusiasts. It also would allow for continued sustainable timber harvest that supports the local economy. Land interests within the LTRCA would be acquired from willing sellers only and are not subject to any LTRCA regulations unless and until acquired.

The action is consistent with applicable laws and policies regarding the establishment of a conservation areas as a unit of the National Wildlife Refuge System.



Regional Director, Interior Regions 5 and 7
U.S. Fish and Wildlife Service
Lakewood, Colorado



Date

U.S. Department of the Interior

U.S. Fish and Wildlife Service Interior Regions 5/7, Lakewood, Colorado

ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action to establish the Lost Trail Conservation Area and associated easement and land acquisition program:

- is a categorical exclusion as provided by 516 DM 8. No further documentation will be made.
- is found not to have significant environmental effects as determined by the attached Finding of No Significant Impact and Environmental Assessment.
- is found to have special environmental conditions as described in the attached environmental assessment. The attached Finding of No Significant Impact will not be final nor any actions taken pending a 30-day period for public review [40CFR 1501.4(e)(2)].
- is found to have significant effects and, therefore, a notice of intent will be published in the *Federal Register* to prepare an environmental impact statement before the project is considered further.
- is denied because of environmental damage, Service policy, or mandate.
- is an emergency situation. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting document: U.S. Fish and Wildlife Service. 2020. *Final Land Protection Plan for the Establishment of the Lost Trail Conservation Area*, Great Falls, Montana.

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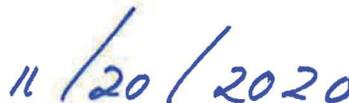
Assistant Regional Director,
Interior Regions 5 and 7
U.S. Fish and Wildlife Service
Lakewood, Colorado

Date



Regional Director, Interior Regions 5 and 7
U.S. Fish and Wildlife Service
Lakewood, Colorado

Date



ENVIRONMENTAL COMPLIANCE CERTIFICATE
U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE
INTERIOR REGIONS 5 AND 7, LAKEWOOD, COLORADO

PROJECT: Lost Trail Conservation Area STATE: Montana

ACTION (indicate if not applicable)	DATE
NEPA (NATIONAL ENVIRONMENTAL POLICY ACT) (INDICATE ONE)	
Categorical Exclusion.....	N/A
Environmental Assessment/Finding of No Significant Impact.....	11/20/2020
Environmental Impact Statement/Record of Decision.....	N/A
Executive Order 11593, Protection of Historical, Archaeological, and Scientific Properties	10/30/2020
Executive Order 11988, Floodplain Management.....	11/20/2020
Executive Order 11990, Protection of Wetlands	11/20/2020
Executive Order 12372, Intergovernmental Review of Federal Programs.....	10/15/2020
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations	11/20/2020
Executive Order 12996, Management and General Public Use of the National Wildlife Refuge System.....	11/20/2020
Endangered Species Act, Section 7	10/22/20
Coastal Zone Management Act, Section 307	N/A
Uniform Relocation Assistance and Real Property Acquisition Policies Act	Various
Level I Contaminants and Hazardous Waste (Secretarial Order 3127: 602DM2)	Various

I hereby certify that all requirements of the law, rules, and Service regulations or policies applicable to planning for the above project have met with compliance. I approve the establishment of the Lost Trail Conservation Area to be administered and managed as part of the National Wildlife Refuge System.

Norman E. Wahr

Regional Director, Interior Regions 5 and 7

U.S. Fish and Wildlife Service

Lakewood, Colorado

11/20/2020

Date

STATEMENT OF COMPLIANCE

The following Executive Orders and legislative acts have been reviewed as they apply to the establishment of the Lost Trail Conservation Area:

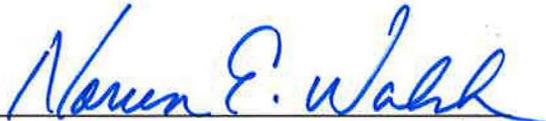
- 1. Executive Order 11593. Protection of Historical, Archaeological, and Scientific Properties.** The creation of this document constitutes an Undertaking as defined by the National Historic Preservation Act (NHPA: 36CFR 800.16(y)). It is an undertaking that has no potential to cause effects on historic properties and therefore there are no further review obligations under NHPA. If, in the future, there are undertakings planned that would potentially cause adverse effects on historic properties, including ground disturbance or alterations to buildings or structures over 50 years of age, those projects should be reviewed under Section 106 of NHPA prior to the start of the project.
- 2. Executive Order 11988. Floodplain Management.** No structures that could be damaged by or that would significantly influence the movement of floodwater are planned for construction by the Fish and Wildlife Service on land acquired as part of this project.
- 3. Executive Order 11990. Protection of Wetlands.** Conveyance of the lands and interests herein shall not exempt such lands and interests from all federal, state, and local laws and regulations as applicable thereto by virtue of their characteristics as wetlands, subject to Executive Order 11990 (May 24, 1990).
- 4. Executive Order 12372. Intergovernmental Review.** The Service has discussed or offered to discuss the proposal to establish the Lost Trail Conservation Area with landowners; conservation organizations; state, federal, and county agencies; tribes; and other interested groups and individuals.

At the federal level, the Service staff has coordinated with the U.S. Forest Service, the National Park Service, and the Natural Resource Conservation Service, as well as the congressional delegations for the affected region. At the State level, the service has worked with Montana Fish, Wildlife and Parks and the Montana Department of Natural Resources and Conservation. The Service has consulted representatives from local governments including the Flathead and Lincoln County Commissioners. In addition, the Service has provided information to four Tribes with potential interest in this project.

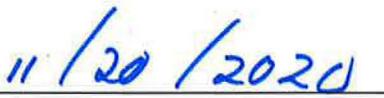
- 5. Executive Order 12898. Federal Actions to Address Environmental Justice in Minority and Low-Income Populations.** Establishing the Lost Trail Conservation Area will not have a disproportionately high or adverse human health or environmental effect on minority or low-income populations. Therefore, this action complies with this Executive Order.

6. **Executive Order 12996. Management and General Public Use of the National Wildlife Refuge System.** The public has been invited to participate in the planning process and has been engaged. The Service conducted a 30-day public scoping and held a public comment period on the draft environmental assessment and land protection plan for 30 days to get input on the project. The Service received 32 written public comments on the draft environmental assessment. Comments and issues raised by the public have been incorporated into the Land Protection Plan and Environmental Assessment. A copy of the final document will be shared with all interested landowners, agencies, private groups, and other parties.
7. **Endangered Species Act, section 7.** An informal intra-Service section 7 consultation with the Ecological Services field office in Montana concluded with their concurrence that the establishment of the Lost Trail Conservation Area may affect, but is not likely to adversely affect, Endangered Species Act-protected species
8. **Coastal Zone Management Act.** Due to the location of the project area, compliance of this Act was determined not to be needed.
9. **Uniform Relocation Assistance and Real Property Acquisition Policies Act.** The relevant portions of the Uniform Act relating to tax reimbursements, etc. will be implemented on a case-by-case basis as appropriate.
10. **Secretarial Order 3127. Contaminants and Hazardous Waste.** A Level 1 pre-acquisition contaminant survey will be completed before the purchase of any easement.

I hereby certify that the Service has complied with all requirements of law, rules, or regulations applicable to pre-acquisition planning for the above project. I approve the establishment of an acquisition boundary for the Lost Trail Conservation Area and the subsequent acquisition of easements from willing sellers on a strictly voluntary basis on up to 100,000 acres.



Regional Director, Interior Regions 5 and 7
U.S. Fish and Wildlife Service
Lakewood, Colorado



Date

Intra-Service Section 7 Biological Evaluation Form - Region 6

Originating Person: Aubin Douglas/Vanessa Fields Date Submitted: 10/19/20

Telephone Number: 303-236-4384

I. Service Program and Geographic Area or Station Name:

Refuges; Lost Trail Conservation Area; Lincoln and Flathead Counties, Montana

II. Flexible Funding Program (e.g. Joint Venture, etc) if applicable: N/A

III. Location: See attached map; surrounding Lost Trail National Wildlife Refuge in Lincoln and Flathead Counties, Montana, 19 miles directly west of Kalispell, MT

IV. Species/Critical Habitat:

(A) Threatened:

- Grizzly Bear (*Ursus arctos horribilis*)
- Canada Lynx (*Lynx canadensis*)
- Yellow-billed Cuckoo (*Coccyzus americanus*)
- Spalding's Catchfly (*Silene spaldingii*)
- Bull trout (*Salvelinus confluentus*)

(B) Proposed threatened

- Wolverine (*Gulo gulo luscus*)

(C) Critical Habitat

- Canada Lynx (*Lynx canadensis*)

V. Project Description:

The U.S. Fish and Wildlife Service (Service) proposes to establish the Lost Trail Conservation Area (CA) as a new addition to the National Wildlife Refuge System (Refuge System) on lands surrounding the previously established 7,876-acre Lost Trail National Wildlife Refuge. The proposed CA acquisition boundary encompasses a total of 120,000 acres of private and public land across Lincoln and Flathead Counties in northwestern Montana. With the inception of the new CA, the Service would be authorized to acquire only conservation easements (non-fee-title acquisitions) from willing sellers on up to 100,000 acres within the acquisition boundary using Land and Water Conservation Fund dollars. SPP Montana is an American timber company that owns 97% of the unencumbered private land within the proposed CA boundary and is interested in selling easements to the Service for their land within the proposed boundary. If approved, the Service will work to acquire conservation easements that protect critical, state-identified wildlife corridors; guarantee public access for sportspersons and outdoor enthusiasts in perpetuity; and allow for sustainable timber harvest that supports the local economy in northwest Montana.

VI. Biological Justification:

The mission of the Refuge System is "to preserve a national network of lands and waters for the conservation, management, and where proper, 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 proposed Lost Trail Conservation Area would be a part of the Refuge System managed in accordance with the National Wildlife Refuge System Administration Act of 1966 and other relevant legislation, Executive orders, regulations, and policies.

Conservation of more wildlife habitat in the Lost Trail acquisition boundary would also continue in a manner consistent with the following policies and management plans:

- Migratory Bird Treaty Act (1918)
- Migratory Bird Hunting and Conservation Stamp Act (1934)
- Bald and Golden Eagle Protection Act (1940)
- Fish and Wildlife Act (1956)
- Land and Water Conservation Fund Act (1965)
- Endangered Species Act (1973)
- “North American Waterfowl Management Plan” (1994)
- “Migratory Non-game Birds of Management Concern in the U.S.” (2002)

The proposed project protects crucial habitat and linkage corridors for federally listed species, including grizzly bear, Canada lynx, Spalding’s catchfly, and other federal trust species. This land would also secure a vital migration corridor for elk and mule deer, which is part of the Heart of the Salish Priority Area identified in the MFWP’s Secretarial Order 3362, “State Action Plan for Big Game Winter Range and Migration Corridors.” The proposed acquisition boundary connects other protected lands within the area, namely the Kootenai and Flathead National Forests thereby providing a contiguous migration and movement corridor for federal trust species with particularly large ranges, such as grizzly bear and Canada lynx. The land within the proposed project area is primarily conifer forests with narrow belts of riparian woodlands following small mountain streams that have historically held cold-water fish such as westslope cutthroat trout.

In February 2018, the Secretary of the Interior issued Secretarial Order 3362, “Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors.” This order directs the Service to work in close partnership with western states, including Montana, to enhance and improve the quality of big-game winter range and migration corridor habitat. Through scientific endeavors and land management actions, wildlife such as Rocky Mountain elk (elk), mule deer (deer), pronghorn antelope (pronghorn), and a host of other species would benefit. In addition, this order seeks to expand opportunities for big-game hunting by improving priority habitats to assist states in their efforts to increase and maintain sustainable big game populations across western states. Therefore, it is a priority of the Service to provide for the conservation of wildlife, fish, plants, and their habitats; ensure wildlife-dependent recreation opportunities, including hunting and fishing, when those opportunities are compatible with refuge purposes and the mission of the Refuge System; and work cooperatively with owners of land adjoining refuges and the fish and wildlife agency of the states in which the units of the Refuge System are located.

VII. Determination of Effects:

(A) Description of Effects:

Grizzly bear:

The North American range of grizzly bears has been reduced by 98 percent due to a combination of human-caused mortality, habitat loss, and population fragmentation. (National Fish and Wildlife Foundation [NFWF] 2012). There are currently six recovery zones for grizzly bears in the lower 48 states, including the Cabinet-Yaak and the Northern Continental Divide in northwestern Montana. The Northern Continental Divide ecosystem (NCDE), east of the proposed project, holds the largest population of grizzly bears in the lower 48 states and is contiguous with a Canadian population. The Cabinet-Yaak population is small, and linkages to other populations is required to maintain and improve the genetic health of this particular population (NFWF 2012; USFWS 2019). The proposed easement area lies between these two ecosystems. Radio-collared grizzly bears have been documented passing through the Lost Trail refuge and the proposed project area. This area is an important movement corridor between the NCDE and Cabinet-Yaak

recovery zones, although it is currently a relatively low-density area for grizzlies.

Conservation easements in the LTRCA would help reduce potential habitat fragmentation. Key biological linkages would be protected that facilitate wildlife movement, provide for wildlife habitat requirements, and increase population resilience by maintaining resources that allow animals to respond to changes in vegetation, food distribution, and seasonal habitats (NFWF 2012). The potential for conflicts between wildlife and humans is likely to be reduced with the establishment of the proposed CA.

Canada lynx:

The proposed project area includes designated critical habitat for Canada lynx (USFWS 2017). Long-term presence of Canada lynx has been documented on the Kootenai National Forest, which is adjacent to the western edge of the proposed easement area (USFWS 2017). Surveys and genetics work show successful reproduction and recruitment from other areas.

The proposed CA would also maintain large, contiguous patches of forested habitat, which supports greater numbers of snowshoe hares, the primary prey for Canada lynx. Canada lynx achieve the highest densities in landscapes with a high percentage of large, contiguous patches of high-quality hare habitat (USFWS 2017).

Spalding's catchfly:

This perennial Palouse Prairie plant is currently found in several areas of the Lost Trail refuge. Small populations have also been documented on SPP Montana land within the proposed project area. In northwest Montana, Spalding's catchfly is found in bluebunch grasslands and occasionally in open ponderosa pine communities. Reasons for decline include habitat loss due to human development and off road vehicle use, habitat degradation associated with domestic livestock and native ungulate grazing and trampling, changes in fire frequency and seasonality, loss of genetic fitness from population fragmentation, herbicide treatment for area weeds, competition from aggressive non-native plants, and the decline of native pollinators (Montana Natural Heritage Program [MNHP] 2020; USFS 2020; USFWS 2007). The proposed project would prohibit subdivision and housing development within the project area which would benefit Spalding's catchfly by preventing additional habitat loss, fragmentation, and degradation, which are recognized factors in the species' decline.

Bull trout:

Bull trout do not currently occur in the project area, nor is there designated critical habitat within the project area. Streams within the proposed easement area ultimately flow into the Kootenai River Recovery Unit in Montana (<https://units.fisheries.org/montana/science/species-of-concern/species-status/bull-trout/>). The proposed project is not expected to affect bull trout. Bull trout that occur downstream, but outside of the project area, are unlikely to be affected by activities within the LTRCA unless there is a large-scale event, such as a wildfire or washout of a road where significant siltation is added to streams (C. Fredenberg, personal communication, July 29, 2020).

Yellow-billed cuckoo:

No records exist indicating direct evidence of breeding in Montana. The western distinct population segment of the yellow-billed cuckoo is listed as threatened west of the NCDE in Montana. In the listing decision, the Service noted the primary factors threatening the western distinct population segment as loss and degradation of habitat for the species from altered watercourse hydrology and natural stream processes, livestock overgrazing, encroachment from agriculture, and conversion of native habitat. No critical habitat or special rules were included in the listing decision (USFWS 2014). Yellow-billed cuckoo are not currently known to be present in the project area, but protecting the area with easements that prevent subdivision would reduce factors that have been attributed to the species decline, such as habitat loss and degradation from altered watercourse hydrology and natural stream processes, encroachment from agriculture, and conversion of native habitat.



Wolverine:

Wolverine home ranges are large and dependent on food resources. The proposed easement area contains the preferred ecological systems wolverine use as well as lack of development that wolverine avoid. Wolverine have been documented crossing through the Lost Trail refuge. The

proposed project would help maintain corridors for wolverines moving between high-elevation habitats within and adjacent to the proposed project area.

References Cited:

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[USFWS]. 2017. Species Status Assessment for the Canada lynx (*Lynx canadensis*) Contiguous United States Distinct Population Segment. Version 1.0, October 2017. Lakewood, Colorado. www.fws.gov/mountain-prairie/es/species/mammals/lynx/SSA2018/01112018_SSA_Report_CanadaLynx.pdf

[USFWS]. 2014. Endangered and Threatened Wildlife and Plants: Determination of Threatened Status for the Western Distinct Population Segment of the Yellow-billed Cuckoo (*Coccyzus americanus*). Federal Register [79(192):59992-59998]. <https://www.govinfo.gov/content/pkg/FR-2014-10-03/pdf/2014-23640.pdf#page=1>

[USFWS]. 2007. Recovery Plan for *Silene spaldingii* (Spalding's Catchfly). U.S. Fish and Wildlife Service, Portland, OR. 203 p. www.fws.gov/montanafieldoffice/Endangered_Species/Recovery_and_Mgmt_Plans/Spaldings_Campion_Recovery_Plan.pdf

[USFWS]. 2020. Threatened, Endangered and Proposed (TEP) Plant Profile: *Silene spaldingii*, Spalding's Catchfly. https://www.fs.fed.us/wildflowers/Rare_Plants/profiles/TEP/silene_spaldingii/index.shtml, accessed August 4, 2020.

(B) Determination: Determine the anticipated effects of the proposed project on species and critical habitats listed in item IV. Check all applicable boxes and list the species (or attach a list) associated with each determination.

Determination

No Effect: This determination is appropriate when the proposed project will not directly or indirectly affect (neither negatively nor beneficially) individuals of listed/proposed/candidate species or designated/proposed critical habitat of such species. **No concurrence from ESFO required.**
Applies to: bull trout, yellow-billed cuckoo

 X

May Affect but Not Likely to Adversely Affect: This determination is appropriate when the proposed project is likely to cause insignificant, discountable, or wholly beneficial effects to individuals of listed species and/or designated critical habitat. **Concurrence from ESFO required.**
Applies to: Grizzly bear, Spalding's catchfly, Canada lynx and wolverine

 X

*AS OF 10/13/2020,
THE WOLVERINE IS
NO LONGER A PROPOSED
SPECIES.

May Affect and Likely to Adversely Affect: This determination is appropriate when the proposed project is likely to adversely impact individuals of listed species and/or designated critical habitat. **Formal consultation with ESFO required.**

May Affect and Likely to Adversely Affect but the proposed action is for the purpose of endangered or threatened species recovery and falls under Region 6's Programmatic Consultation on Service-initiated Recovery Actions: This determination is appropriate when adverse effects are likely but the project is designed to assist with recovery of listed species and/or designated critical habitat. **Concurrence from the ESFO that the project is covered by the programmatic consultation is required.**

May affect but Not Likely to Jeopardize candidate or proposed species/critical habitat: This determination is appropriate when the proposed project may affect, but is not expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. **Concurrence from ESFO optional.**

Likely to Jeopardize candidate or proposed species/critical habitat: This determination is appropriate when the proposed project is reasonably expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. **Conferencing with ESFO required**

Digitally signed by BENJAMIN GILLES
GILLES
Date: 2020.10.19 10:03:04 -06'00'

Signature BENJAMIN GILLES Date _____
Benjamin Gilles, Project Leader, Western Montana National Wildlife Refuge Complex

Reviewing Ecological Services Office Evaluation (check all that apply):

A. Concurrence Nonconcurrency _____

Explanation for nonconcurrency:

B. Formal consultation required List species or critical habitat unit _____

C. Effects are addressed in the Programmatic Consultation on RG's Recovery Program – no further consultation needed _____

D. Conference required List species or critical habitat unit _____

Name of Reviewing ES Office MONTANA ES OFFICE

Signature  Date 10/22/2020
BEN CONARD,
DEPUTY OFFICE SUPERVISOR

Revised
1/2012

APPENDIX C CONCURRENCE MEMORANDUM



United States Department of the Interior



FISH AND WILDLIFE SERVICE
134 Union Blvd
Lakewood, Colorado 80228

In Reply Refer to:
FWS/IR05/IR07

Memorandum

To: Stephen D. Guertin, Deputy Director
From: Regional Director, Interior Regions 05 and 07
Subject: Approval Memorandum for the establishment of the Lost Trail Conservation Area, Montana

NOREEN WALSH

Digitally signed by NOREEN WALSH
Date: 2021.02.18 15:30:46 -07'00'

This memorandum is submitted for your approval to establish the Lost Trail Conservation Area in Flathead and Lincoln Counties in northwest Montana.

In compliance with the National Environmental Policy Act of 1969, we have prepared an Environmental Assessment that evaluates two alternatives and their potential impacts on the project area. Alternative A, Establishment of the Lost Trail Conservation Area, as a new unit of the National Wildlife Refuge System is the preferred alternative. Through acquisition of conservation easements with willing sellers, this alternative will protect wildlife habitat, maintain migration corridors, and preserve sustainable timber harvests, public hunting, fishing, and recreational access.

Based on the documentation contained in the environmental assessment, a Finding of No Significant Impact was signed on November 20, 2020 for the establishment of the Lost Trail Conservation Area. All other procedures, laws, regulations, policy directives, and Executive Orders identified in 341 FW 2 planning guidance, have been considered during the planning of this acquisition proposal. The attached Land Acquisition Planning Compliance Certificate lists the required documentation and the associated completion dates.

We respectfully request your approval to establish the Lost Trail Conservation Area.

Attachments

[Checked box] Approved

[Empty box] Disapproved

STEPHEN GUERTIN

Digitally signed by STEPHEN GUERTIN
Date: 2021.02.24 09:52:43 -05'00'

Stephen D. Guertin
Deputy Director

INTERIOR REGION 5
MISSOURI BASIN

INTERIOR REGION 7
UPPER COLORADO RIVER BASIN

KANSAS, MONTANA*, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA

COLORADO, NEW MEXICO, UTAH, WYOMING

*PARTIAL

**U.S. Department of the Interior
U.S. Fish & Wildlife Service**

<http://www.fws.gov>

**Western Montana National Wildlife Refuge Complex
922 Bootlegger Trail
Great Falls, MT 59404
406/644 2211**

November 2020

