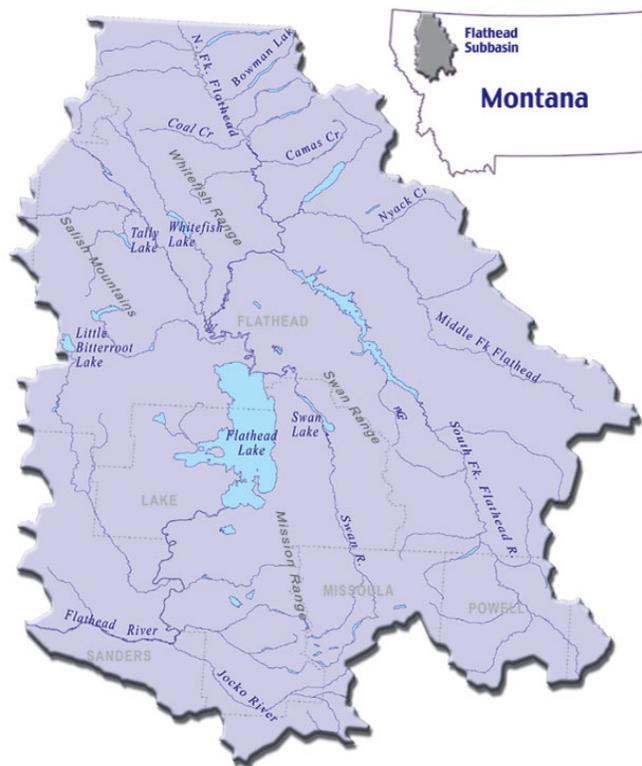


# Secure & Restore Critical Fisheries Habitat

Annual Report FY 2008  
Project 2002-00-300



by:

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## INTRODUCTION

The construction of Hungry Horse Dam inundated 125 km of adfluvial trout habitat in the South Fork of the Flathead River and its tributaries, impacting natural fish reproduction and rearing. Rapid residential and commercial growth in the Flathead Watershed now threaten the best remaining habitats and restrict our opportunities to offset natural resource losses. Hydropower development and other land disturbances caused severe declines in the range and abundance of our focal resident fish species, bull trout and westslope cutthroat trout. Bull trout were listed as threatened in 1998 under the Endangered Species Act and westslope cutthroat were petitioned for listing under ESA. Westslope cutthroat are a species of special concern in Montana and a species of special consideration by the Confederated Salish and Kootenai Tribes. The Secure & Protect Fisheries Habitat project follows the logical progression towards habitat restoration outlined in the Hungry Horse Dam Fisheries Mitigation Implementation Plan approved by the NWPPC in 1993. This project is also consistent with the 2000 Fish and Wildlife Program and the Flathead River Subbasin Plan that identifies the protection of habitats for these populations as one of the most critical needs in the subbasin and directs actions to offset habitat losses.

The Flathead basin is one of the fastest growing human population centers in Montana. Riparian habitats are being rapidly developed and subdivided, causing habitat degradation and altering ecosystem functions. Remaining critical habitats in the Flathead Watershed need to be purchased or protected with conservation easements if westslope cutthroat and bull trout are to persist and expand within the subbasin. In addition, habitats degraded by past land uses need to be restored to maximize the value of remaining habitats and offset losses caused by the construction of Hungry Horse Dam. Securing and restoring remaining riparian habitat will benefit fish by shading and moderating water temperatures, stabilizing banks and protecting the integrity of channel dimension, improving woody debris recruitment for in-channel habitat features, producing terrestrial insects and leaf litter for recruitment to the stream, and helping to accommodate and attenuate flood flows.

The purpose of this project is to work with willing landowners to protect the best remaining habitats in the Flathead subbasin as identified in the Flathead River Subbasin Plan. The target areas for land protection activities follow the priorities established in the Flathead subbasin plan and include: 1) Class 1 waters as identified in the Flathead River Subbasin Plan; 2) Class 2 watersheds as identified in the Flathead River Subbasin Plan; and 3) "Offsite mitigation" defined as those Class 1 and Class 2 watersheds that lack connectivity to the mainstem Flathead River or Flathead Lake.

This program focuses on conserving the highest quality or most important riparian or fisheries habitat areas consistent with program criteria. The success of our efforts is subject to a property's actual availability and individual landowner negotiations. The program is guided using biological and project-based criteria that reflect not only the

priority needs established in the Flathead subbasin plan, but also such factors as cost, credits, threats, and partners.

The implementation of this project requires both an expense and a capital budget to allow work to be completed. This report addresses accomplishments under both budgets during FY08 as the two budgets are interrelated. The expense budget provided pre-acquisition funding to conduct activities such as surveys, appraisals, staff support, etc. The capital budget was used to purchase the interest in each parcel including closing costs. Both the pre-acquisition contract funds and the capital funds used to purchase fee title or conservation easements were spent in accordance with the terms negotiated within the FY08 through FY09 MOA between the Tribes, State, and BPA. In FY08, the focus of this project was to pursue all possible properties targeted by the Tribes and Montana Fish, Wildlife and Parks. Although we were not be able to acquire an interest in all properties targeted this fiscal year due to limited time, BPA staff constraints, and negotiation constraints, we expended approximately \$4.2M providing BPA with 4.2 km of credit. The Siderius and Gardner parcels were protected with conservation easements. The Siderius conservation easement is held by the Flathead Land Trust and the Gardner conservation easement is held by the Tribes. Fee title was acquired for three parcels with the Tribes holding title to the Cole and Firestone parcels and MFWP holding title to the parcels acquired from Plum Creek Timber Company. All stream kilometers credited to BPA offset construction and inundation impacts (not operations related impacts) associated with Hungry Horse Dam as defined in the 1991 Hungry Horse Loss Assessment.

## **Work Element: Conduct Pre-Acquisition Activities**

### ***A. Initiate review of potential properties by Tribal Land Review Team***

The Tribes and MFWP established a ranking team which consists of two fisheries biologists from CSKT and two fisheries biologists from MFWP. Other individuals were welcome to participate and solicited for comment but did not play a role in the final score for each criterion. Each parcel under consideration is jointly ranked by both agencies to determine the final scores.

Criteria used to identify parcels included: subbasin plan classification; acreage:stream length; habitat attributes; extent of floodplain or landscape position; quality of native habitat; relationship to other protected lands and efforts; and conservation of habitat for endangered, threatened, or species of special concern. Each property had to possess the appropriate physical characteristics, such as hydric soils, wetland hydrology, and/or landscape position that provides reasonable assurance that fisheries losses will be successfully mitigated.

***B. Approach landowners for purchase of part or all of their land***

The Tribes and MFWP contacted multiple private landowners to determine interest in selling or placing a conservation easement on all or part of their land. Of those contacted, 5 parcels came to fruition in FY08. Parcels that could not be completed in FY08 have been added to the parcels scheduled to close in FY09.

***C. Complete appraisals***

The Tribes contracted with three appraisal companies with numerous appraisers to complete the necessary evaluations prior to purchase. The appraisers on contract to the Tribes were also available for utilization on parcels pursued by MFWP. Over the course of FY08, we conducted preliminary value estimates on seven parcels for negotiation purposes. Seven full appraisal reports in accordance with Uniform Appraisal Standards for Federal Land Acquisitions and Uniform Standards of Professional Appraisal Practice were completed and submitted to BPA. Some of the appraisals completed in FY08 are on properties scheduled to close in FY09.

***D. Complete title search***

Three title companies within Lake County, one title company in Sanders County and two title companies in Flathead County were used to conduct title searches on candidate properties. The CSKT Title Plant was used to conduct title searches on trust properties. Preliminary title searches or title status reports were conducted on over 10 properties that were considered for acquisition.

***E. Complete any necessary surveys***

BPA conducted environmental surveys and the Tribes and MFWP managed the logistics and landowner contacts. The Tribes contracted with one local survey firm to complete all necessary land survey work for partial acquisitions and conservation easements. We completed one survey on the Gardner property to define the riparian management area as defined in the Gardner conservation easement document. We conducted one boundary survey (Firestone property) to delineate Tribal purchase vs. land that the landowner wished to retain. We began survey work on a property that will likely close in FY09. The purpose of that survey is to delineate the portion of the property that will be acquired with BPA funds.

***F. Negotiate purchase and work to close on property***

Under the MOA negotiated for implementation of this project in 2008-2009, this project successfully acquired 5 parcels in FY08 crediting BPA with 4.2 km toward their total obligation of 125.8 km associated with the construction and inundation of Hungry Horse Dam. Table 1 identifies all acquisitions acquired during FY08 under the FY08 through FY09 MOA.

Table 1: Properties acquired by CSKT under the FY05 and FY06 MOAs.

Property	Drainage	Acreage	Credit (km)	Legal Description
Cole	Jocko River	100.95	0.68	<p>The Northeast quarter of the Northwest quarter (NE1/4 NW1/4) of Section 27, Township 18 North, Range 21 West, P.M.M., Sanders County, Montana.</p> <p>EXCEPTING THEREFROM the Northern Pacific Railway right-of-way AND Government Lot 2 and Government Lot 3 of Section 22, Township 18 North, Range 21 West, P.M.M., Sanders County, Montana.</p>
Siderius	Flathead River	675	1.0	<p>All within Township 28 North, Range 21 West, P.M.M., Flathead County, Montana:</p> <p>Section 14: SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>; SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> EXCEPTING THEREFROM a tract of land, situated, lying, and being in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of said Section 14, more particularly described as follows: Beginning at the NE corner of the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 14, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana; thence and along the East boundary of the said SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> S. 000N03'07" E., a distance of 722.57 feet to a point; thence N. 35N01'02" W., a distance of 893.98 feet to a point on the North boundary of said SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>; thence and along the said North boundary S. 88N55'41" E., a distance of 512.42 feet to the point of beginning.</p> <p>Section 23: NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>; NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>  Section 26: W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>; NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>  Section 27: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>; Government Lots 7 and 8  Section 14: S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>; N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> EXCEPTING THEREFROM those portions conveyed to Flathead County by instruments recorded April 30, 1921, under Recorder's Fee #1635, in Book 148, page 328 and December 11, 1933 under Recorder's Fee #2988, in Book 214, page 219, records of Flathead County, Montana.</p>

Property	Drainage	Acreage	Credit (km)	Legal Description
				Section 15: SE <sup>1</sup> / <sub>4</sub> EXCEPTING THEREFROM that portion of the NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> of said Section 15, more particularly described as follows: Beginning at the NE corner of the NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> ; thence Southerly along the Easterly line of said NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , a distance of 466.69 feet; thence Westerly, parallel with the Northerly boundary of said NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , a distance of 466.69 feet; thence Northerly, parallel with the Easterly boundary of said NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , a distance of 466.69 feet to the Northerly boundary of said NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> ; thence Easterly along said Northerly boundary, a distance of 466.69 feet more or less, to the place of beginning
Squeezer	Swan	320	1.5	NW <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> , T23N R17W Sec 21
Firestone	Jocko River	32.86	0.514	The true point of beginning being the C-S 1/16, Section 10, T.16N, R.19W, P.M.M., Lake County, a FD. 5/8" rebar with 1 1/4" YPC marked "Balstad 3322S", thence N00°00'40"E for 1107.27' to the centerline of FIP 'K Canal'; thence S65°39'52"E for 100.05' along the centerline of FIP 'K Canal'; thence S66°06'58"E for 53.79' along the centerline of FIP 'K Canal'; thence S65°08'05"E for 53.15' along the centerline of FIP 'K Canal'; thence S70°40'46"E for 51.11' along the centerline of FIP 'K Canal'; thence S81°05'56"E for 52.31' along the centerline of FIP 'K Canal'; thence N86°47'31"E for 52.85' along the centerline of FIP 'K Canal'; thence N83°57'19"E for 60.11' along the centerline of FIP 'K Canal'; thence N48°01'46"E for 118.94' along the centerline of FIP 'K Canal'; thence N14°52'15"E for 66.24' along the centerline of FIP 'K Canal'; thence N09°21'47"W for 182.85' along the centerline of FIP 'K Canal'; thence N15°49'53"E for 115.28' to a centerline of 'Jocko River'; thence N26°33'34"E for 243.25' along the centerline of 'Jocko River'; thence N34°51'04"E for 95.42' along the centerline of 'Jocko River'; thence N51°49'22"E for 236.67' along the centerline of 'Jocko River'; thence N56°02'40"E for 238.42' along the centerline of 'Jocko River'; thence N69°22'39"E for 284.71' along the centerline of 'Jocko River'; thence N83°18'27"E for 156.32' along the centerline of 'Jocko River'; thence N63°45'48"E for 132.44' along the centerline of

Property	Drainage	Acreage	Credit (km)	Legal Description
				<p>‘Jocko River’; thence N57°20’28”E for 296.84’ along the centerline of ‘Jocko River’; thence S72°57’08”E for 148.10’ along and to a point on the centerline of ‘Jocko River’; thence S00°06’03”E for 323.04’ to a FD. 5/8” rebar with 1¼” YPC marked “WESTER 4130 S”; thence N89°41’24”E for 75.98’ to a set 5/8” X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S53°31’24”W for 288.85’ to a set 5/8” X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S42°03’21”W for 261.15’ to a set 5/8”X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S82°20’18”W for 308.72’ to a set 5/8” X 24” rebar with 1¼” YPC stamped “M. Carstens 5940LS”; thence S55°27’11”W for 136.13’ to a set 5/8”X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S51°35’40”W for 373.29’ to a set 5/8”X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S08°33’03”E for 253.60’ to a set 5/8” X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S09°09’51”W for 154.63’ to a set 5/8”X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S43°28’05”W for 185.37’ to a set 5/8”X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S88°07’07”W for 95.29’ to a set 5/8”X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence N82°12’05”W for 411.87’ to a set 5/8”X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S00°00’00”E for 785.89’ to a set 5/8”X 24” rebar with 1¼” YPC stamped “M CARSTENS 5940LS”; thence S89°53’37”W for 328.52’ to a C-S 1/16, Section 10, R.16N., R.19W., P.M.M., Lake County, A FD 5/8” rebar with 1¼” YPC marked “Balstad 3322S”, to the true point of beginning, the area being 32.86 acres, subject to all restrictions, reservations and easements apparent or of record.</p>
Gardner	Post Creek	122.03	0.48	<p>The West Half of the Northwest Quarter (W1/2NW1/4) and the Northeast Quarter of the Northwest (NE1/4NW1/4) of Section Ten (10), Township Nineteen (19) North, Range Nineteen (19) West, M.P.M.,</p>

Property	Drainage	Acreage	Credit (km)	Legal Description
				Lake County, Montana, further shown and described as being Tract 1 on Certificate of Survey NO. 6684, on file in the office of the Clerk and Recorder of Lake County, Montana, and consisting of approximately 122.03 acres, more or less.