CHAPTER 1: INTRODUCTION

Background

Montana Fish, Wildlife and Parks (MFWP) and the Confederated Salish and Kootenai Tribes (CSKT), under their fisheries management authority, are responsible for mitigating the impacts caused by the construction of Hungry Horse Dam. The nationally significant bull trout population residing in Flathead Lake lost about 40% of its rearing and spawning habitat because of blockage by the dam. Since 1992, these agencies have striven to mitigate these impacts with funding from Bonneville Power Administration through a wide range of activities including habitat restoration, non-native species suppression, and coordination with private landowners to reduce the impacts of development.

During the course of these activities it became apparent that while mitigation of damages is often effective, it is rarely as biologically beneficial as protection of undisturbed portions of the landscape in perpetuity. For example, the fisheries profession has learned that hatcheries cannot replace functional habitat when the goal is long-term protection of native fish populations. Consequently the agencies initiated a new mitigation program in 2003 to acquire and protect properties that border water bodies. The rationale in this new program is that maximum benefits to fish will accrue from maintaining habitat in its natural state in perpetuity. Swan River and Elk Creek were identified for acquisition because they are key components of a functioning ecosystem that supports a robust population of bull trout, and that is also under extreme development pressure, threatening its long-term integrity.

Partnership: Swan Ecosystem Center and Confederated Salish and Kootenai Tribes

The Swan Ecosystem Center (SEC) and CSKT each purchased 320 acres of contiguous land from Plum Creek Timber Company in September 2006 using mitigation funds from the Bonneville Power Administration (BPA). The mitigation property (totaling one section) is situated at the confluence of Elk Creek and the Swan River in the Upper Swan Valley. This Elk Creek Conservation Area is but one piece of a larger conservation strategy headed by SEC to protect additional acreage in the Elk Creek drainage. The proposed Elk Creek Community Forest includes the Elk Creek Conservation Area and two other sections of land, as shown in Figure 1.

The BPA holds a conservation easement on the land, protecting habitat for native bull trout in perpetuity. The Northwest Power and Conservation Council recommended allocation of BPA mitigation dollars through its fish and wildlife program and approved the Swan Valley projects in 2006. Due to the high resource values of Elk Creek, BPA earned mitigation credits for habitat lost during construction of its Hungry Horse dam and reservoir. Elk Creek is a major spawning, rearing, staging, and migratory tributary for this threatened species. The project mitigates for 4.18 km of the 125.8 km of habitat affected by the construction and inundation of the dam.

Legal Framework

Land ownership in the Swan Valley forms a checkerboard pattern, where one-square-mile sections alternate in private and public ownership. Plum Creek Timber (PCT) is by

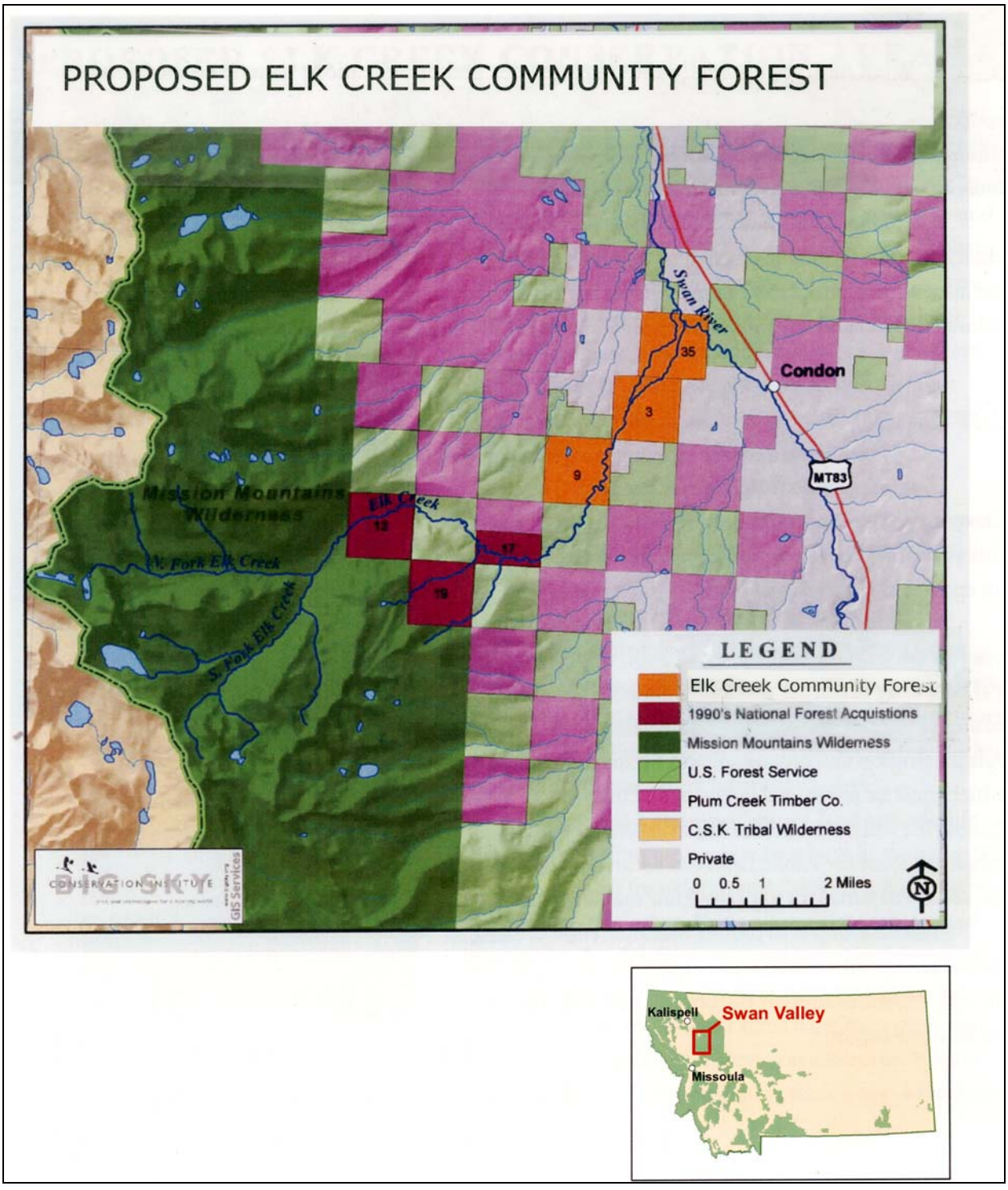

Figure 1. Elk Creek Conservation Area (section 35), shown within the larger proposed Elk Creek Community Forest (sections 35, 3 and 9). Sections 3 and 9 are currently owned by Plum Creek Timber.

far the largest private landowner in the valley, with 70,000 acres. The Elk Creek Conservation Area is one of several properties that have recently been acquired from PCT for conservation in western Montana.

The Elk Creek Conservation Area is situated in the Condon area, less than a mile from Highway 83. Its legal description is *T21N R17W Section 35* (Figure 2). The CSKT owns the east half of section 35 and SEC owns the west half.

A Memorandum of Agreement (MOA) between BPA, CSKT, and MFWP was signed to provide the funding and the overarching stipulations for land acquisition. Since SEC obtained half of the section and is not a trustee of the fisheries resource, a second MOA (Appendix 1) was signed to insure that the conservation obligations for which the funding was provided are also vested with SEC.

The MOA stipulates that the public will have reasonable access to the property and that tribal members will retain their treaty-reserved fishing rights. It also spells out prohibited uses for the Elk Creek Conservation Area; the following are prohibited, except as specifically spelled out in this management plan:

- Residential, commercial, or industrial uses of the property;
- Erecting any building, billboard, or sign;
- Depositing of soil, trash, ashes, garbage, waste, bio-solids or any other material;
- Excavating, dredging, or removing loam, gravel, soil, rock, minerals, sand, hydrocarbons or other materials;
- Otherwise altering the general topography of the property, including the building of roads and flood control work, except for work related to restoration or enhancement projects identified in the plan;
- Livestock grazing, timber harvest, removal of shrubbery or vegetation unless those actions are specifically provided in the Management Plan for purposes which include protecting resident fish, protecting against wildfire, preventing disease, or protecting persons or property.

A conservation easement also helps govern future use of the Elk Creek Conservation Area (Appendix 2). BPA holds the easements on SEC's west half and CSKT's east half of the Elk Creek property. The conservation easement also includes a list of prohibited uses, but states that the restrictions outlined in this management plan may be substituted for those listed in the easement.

Property Description

Elk Creek, flowing from the Mission Mountains Wilderness, is a major tributary of the Swan River. The Elk Creek Conservation Area falls within the Valley Bottom Ecosystem,[1] which includes undulating flat lands of the valley floor and numerous wetlands. This ecosystem is a warm, moist habitat that is mostly forested with a large diversity of coniferous and deciduous tree species. Geologically, the Valley Bottom Ecosystem is highly diverse, including glacial troughs with small pockets of wet depressions and glacial outwash (kame and kettle topography).

[1] Swan Ecosystem Center, 2004. *Upper Swan Valley Landscape Assessment.*

Elk Creek is a vital corridor for many wildlife species. It connects habitat in the Mission Mountains Wilderness on the west side of the valley with a major wetland complex on the east side of the valley—which then connects to the Swan Range and the greater Bob Marshall Wilderness. The U.S. Forest Service acquired the upper reaches of Elk Creek, outside the wilderness, through a land exchange in the 1990s. The 640-acre Elk Creek Conservation Area helps prevent development along the stream and uplands, providing forestlands, habitat for fish and wildlife, and community access. It

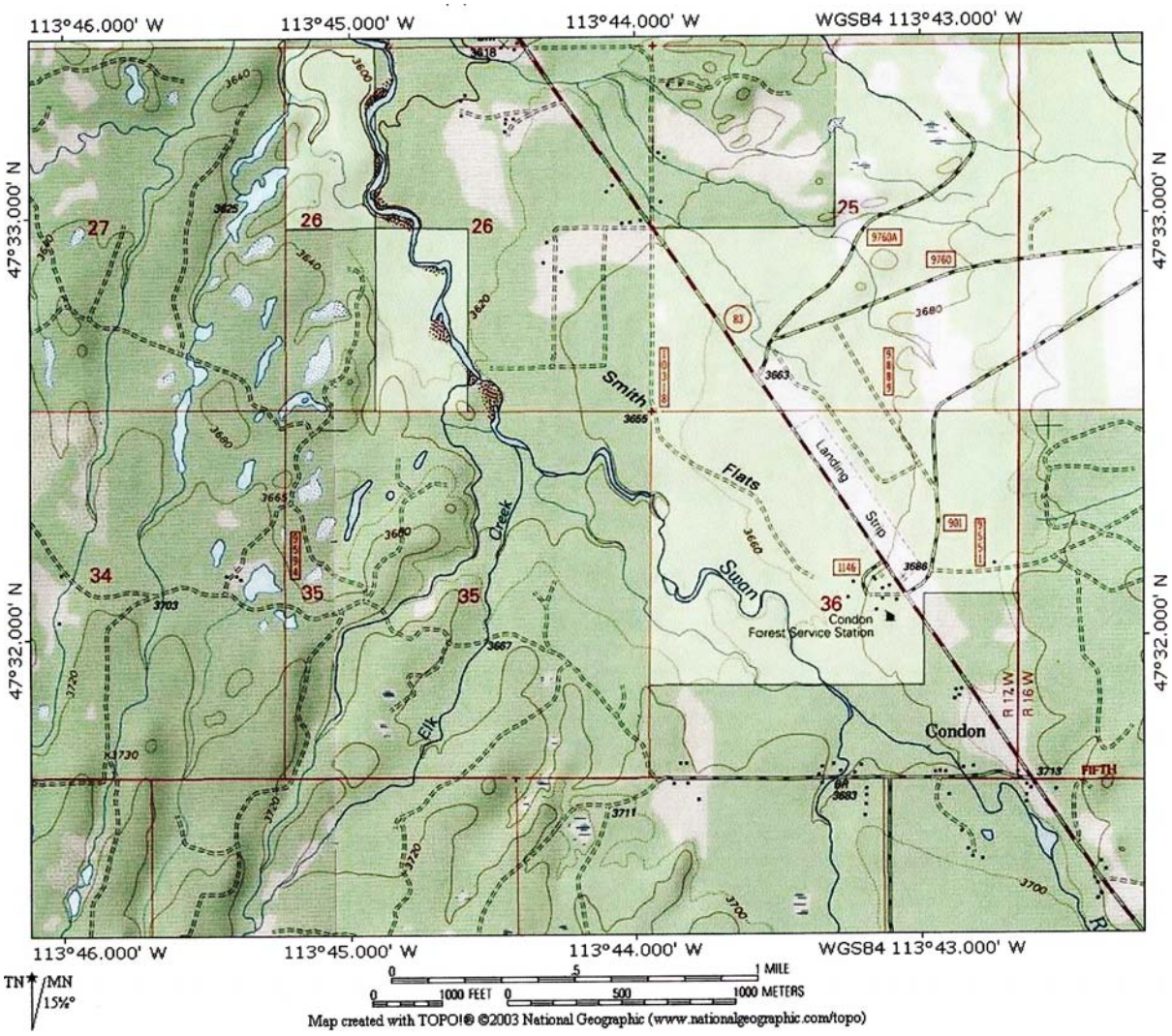

Figure 2. Topographic map of the Elk Creek Conservation Area (Section 35) in relation to Highway 83, Condon, the Swan River, and surrounding lands.

is part of a larger Swan Valley Conservation Strategy.[2]

Elk Creek has consistently been ranked the highest and best in every category biologists catalog. Elk Creek is a priority watershed and has core habitat for bull trout production. MFWP has repeatedly identified Elk Creek as the highest priority for conservation in the Swan Valley for lands outside grizzly bear linkage zones. Bull trout are native species listed as "threatened" on the federal Threatened and Endangered Species list. The cottonwood and willow streamside areas and the many wetlands also offer important low-elevation habitat for grizzly bears, winter range for deer and elk, and important rare plant habitat.

Most of the Swan Valley's residential, commercial, and recreational development is located in the Valley Bottom Ecosystem. Disturbances to this zone (and to the Elk Creek Conservation Area within it) include timber harvest, sometimes encroaching to the edge of wetlands and streams. The section was logged from at least 1965 to 2001 by Burlington Northern and then Plum Creek Timber. Noxious weeds are a recent disturbance to the ecosystem and are prevalent due to logging, roads, and nearby human settlement.

Mission and Goals

The mission of Elk Creek Conservation Area management is to:

[2] The Swan Valley Conservation Strategy is a partnership effort among all the agencies and organizations that have a role in the Swan Valley, working together to protect timberlands, wildlife habitat, and public access in response to divestment of Plum Creek Timber Company lands.

Allow dynamic processes to create and sustain habitat for all bull trout life stages. Protect and promote habitat for all native plant and animal species in a naturally functioning forest. Recognize that this forest is a part of a larger landscape that supports humans. Considering that not all natural processes (such as wildfire) can be allowed to proceed, we will follow a well-defined process for decision making to identify management interventions that simulate a naturally functioning forest.

Within that mission, more specific goals are to:

1. Perpetuate native species and their habitats by allowing natural processes to occur.
2. When natural processes cannot be allowed to occur, identify appropriate management interventions by means of a structured decision-making process.
3. Integrate human use consistent with the mission statement.
4. Respect our neighbors by recognizing that our actions have implications beyond the property's boundaries.

Collaboration and Participation with Stakeholders

The Elk Creek Management Group was formed late in 2006. The Management Group includes Swan Valley residents, CSKT planners, foresters, biologists, and other relevant professionals. It was charged to create a cooperative management plan that encompasses both the SEC and CSKT portions of the Elk Creek Conservation Area. The Management Group worked actively from winter 2006 to the present in

order to engage stakeholders and create this plan. A community meeting focused on the management plan for the newly acquired Elk Creek Conservation Area was held on January 16, 2007 at the Swan Valley Community Hall in order to gather local residents' input. Several of the Management Group's 2006-2007 meetings were open to the public.

The Management Group performed field work to inventory biological, cultural and historic features in the summer of 2007. For a complete list of meetings and field days, please see Appendix 3.

Conformance with BPA Standard Planning Process

This management plan provides actions that preserve, restore, enhance and/or create naturally self-sustaining habitat. This plan is consistent with BPA's eight standard planning process steps contained in the "Watershed Management Program Record of Decision." It includes management actions that preserve, restore, enhance and/or create naturally self-sustaining native habitat or native-like habitat that supports indigenous resident fish species of the area. The BPA eight planning steps are set out in this planning document as follows:

1) Define the area of concern/interest—Chapter 1;
2) Describe the involvement of stakeholders—Chapter 1;
3) State desired future conditions—Chapter 4;
4) Characterize the historical and present site conditions and trends—Chapters 2 and 3;
5) Establish project goals—Chapter 4;
6) Develop and implement an action plan for achieving the goals—Chapters 5 and 6;
7) Plan monitoring to assess conditions and evaluate results—Chapter 6;
8) Plan for adaptive management using new information—Chapters 5 and 6.