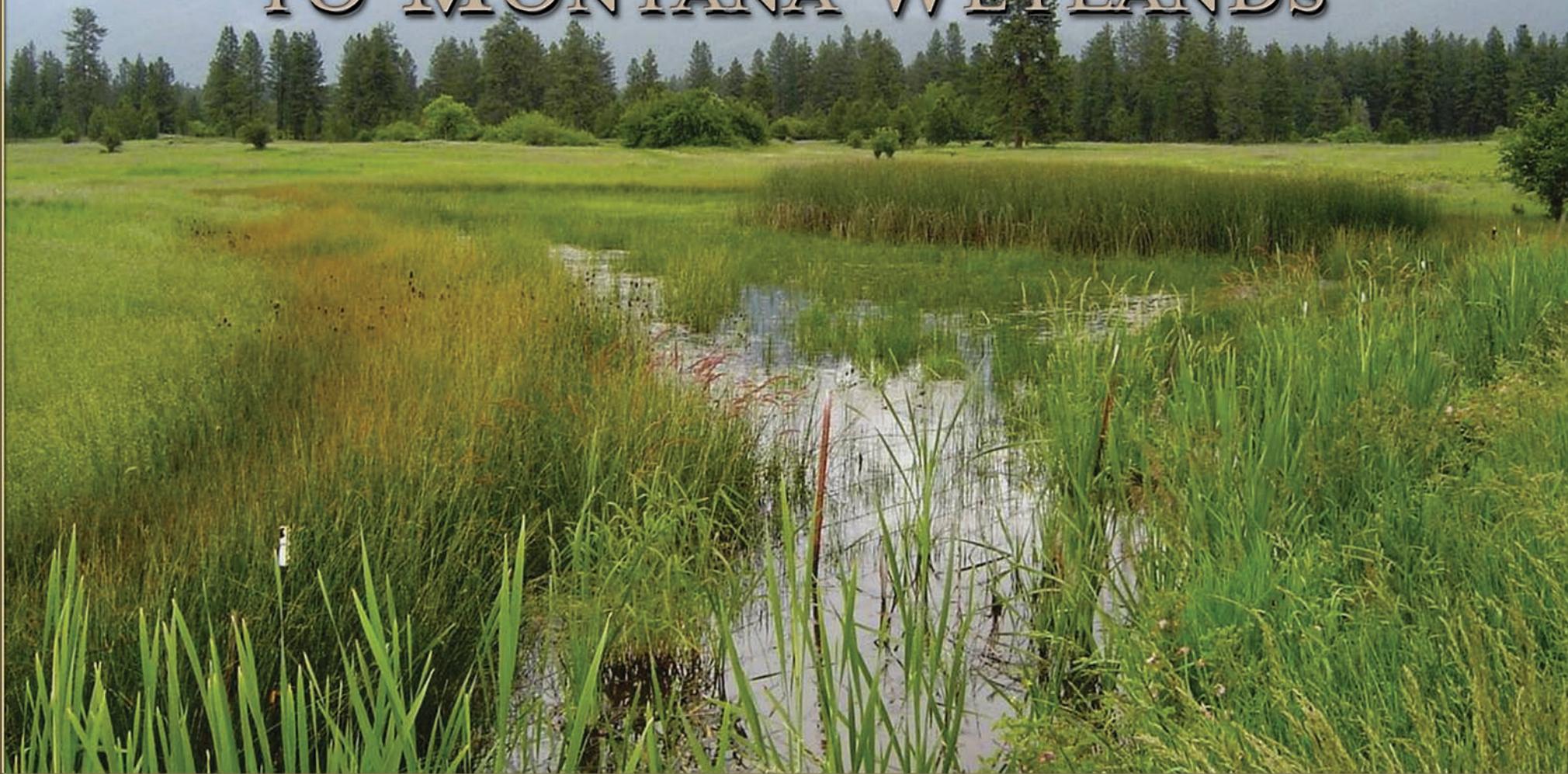


# *A Landowners' Guide* TO MONTANA WETLANDS



OFFICE OF THE GOVERNOR  
STATE OF MONTANA

JOHN BOHLINGER  
LT. GOVERNOR



BRIAN SCHWEITZER  
GOVERNOR

July 2008

Dear Montana Landowner:

In Montana our ties to the landscape are part of our heritage. Many of us make our living from the land, and we hunt, fish, camp, and enjoy the outdoors. These are among the reasons that Montana is the best place to live, work, and raise a family. As a landowner you understand the value in caring for your land and protecting one of our most valuable resources, water. This is a guide to help you protect that resource.

Wetlands are an integral part of a clean water supply, whether through flood control, water purification and retention, or for wildlife habitat or recreation. Montana has committed to cleaning up the mistakes of the past, having witnessed that restoring and protecting healthy wetlands and riparian areas enhances our lives and our economy.

With great pleasure I introduce the latest version of the *Landowners' Guide to Montana Wetlands*. This guide provides private landowners useful information on wetland stewardship. Note the stories shared by other landowners who have included wetland protections within their land management strategies. Their actions serve as a legacy for generations to come.

If you're considering voluntary wetland restoration or conservation on your property, this guide can provide information on the many private and public technical and financial resources available to private landowners.

Good wetland management is best practiced by you, the landowner. Let's work together to protect and restore valuable wetlands across the state.

Sincerely,

BRIAN SCHWEITZER  
Governor

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Andrew Laszlo

Governor Schweitzer and landowner, Jeff Laszlo, discuss the Odell Creek headwaters wetland and riparian restoration project on the Granger Ranches near Ennis.



## FOREWORD:

Good decisions emerge from access to solid information. This guide provides facts and resources to enable each Montana landowner to make informed decisions about managing wetlands, bringing to life the multiple options for wetland protection, enhancement, and restoration. The basic information contained here provides a starting point for landowners who wish to contact

agency and organization partners to learn about possible technical and financial assistance and long term preservation. Agency personnel will find this guide useful when working with private landowners who need additional information regarding available management options.



USEWS

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## INTRODUCTION

### HAVING A WETLAND

MONTANANS' understanding of and management of wetlands has evolved over time. For decades, wetlands were considered wastelands and the federal government provided subsidies to fill and drain them. Today we know wetlands are a vital natural resource for wildlife habitat and for maintaining water quality. Thankfully, many government and private programs help landowners restore and protect wetlands.

This guide provides information about the importance and value of wetlands to help landowners make informed land use and stewardship decisions. Managers on large and small acreages as well as landowners in areas of rapid growth and

development are faced with difficult land management questions. How can we balance the needs of property owners to farm, ranch, or build on their land while maintaining the beneficial functions of natural wetlands? How can we respect individual property rights and ensure that traditional land uses continue in the face of growing demands for other land uses, while conserving both privately and publicly owned wetlands? Answers to these questions depend on whether landowners appreciate the many functions of wetlands, and know how management choices affect these valuable resources.

"It comes down to cooperation and wanting it to work. If you are open-minded, it becomes a win-win situation."

—Jim Brady, Petroleum County rancher on working with government agencies



Jodi Coston

Wetlands are defined as lands where water is the dominant factor determining soil, plant, and animal communities.

## Do You Have a Wetland?

IS THERE A PLACE ON YOUR LAND WHERE YOU WATCH DUCKS, or where your tractor seems to always get stuck? Chances are you have a wetland. Montana's wetlands include marshes, fens, wet meadows, riparian areas along rivers and streams, prairie potholes, and spring seeps. In a wetland, water is often on or near the surface all or part of the year, the soil is poorly drained and may smell like rotten eggs and look gray, and water-tolerant plants such as cottonwoods, willows, cattails, rushes, and sedges may be present.

## What Do You Look For?

IDENTIFYING WETLANDS can be challenging. Generally, three attributes are present, as illustrated in these photographs:



*Debbie Earl, Montana Watercourse*

Wetland hydrology is water at or near the land surface, all or part of the year.



*Pete Husby, NRCS*

Hydrophytes are vegetation adapted to life in wet soils.



*Pete Husby, NRCS*

Hydric soils are soils that are poorly drained and develop certain soil characteristics due to the presence of water and absence of oxygen.

## SECTION 1 WHAT ARE WETLANDS?



## HOW CAN YOU BE SURE THAT YOU HAVE A WETLAND?

WETLANDS AREN'T ALWAYS WET. As demonstrated in the three pictures to the right, the amount of moisture in a wetland can vary during the year. During some seasons, a wetland may actually be dry.

If you think your land contains a wetland, ask a wetland specialist who understands vegetation, soils, and hydrology. Some work for agencies like the Natural Resources Conservation Service and the Army Corps of Engineers, others are private consultants. Be sure to accompany this person so you can ask questions and understand the exact location and characteristics of your wetland. The wetland specialist can also provide the names of people to contact about projects that might affect the wetland. Most land management practices, building projects, and other actions that occur in or near wetlands require state and/or federal permits. Sections 3 and 4 of this guide display easy-to-use information on permits, water rights, and the agencies that issue them.



*Temporarily flooded pothole wetlands fill in the spring . . .*



*. . . and then slowly dry up during the summer months.*



*By fall, the wetland may no longer be wet.*



*Terry Lomner, Media Works*

*Wetlands provide valuable habitat for breeding birds.*

## WHAT KINDS OF WETLANDS OCCUR IN MONTANA?



Riverine wetlands are associated with flowing water of rivers and streams. Examples: sloughs, abandoned meanders, and river and creek margins.



Depressional wetlands are low spots on the landscape. Examples: glacial and prairie potholes, saline basins, wet meadows, and ephemeral ponds.



Slope wetlands are groundwater discharge areas on a topographic gradient. Examples: sloping wet meadows, subalpine and montane areas of higher elevation, fens, springs and seeps.



Lacustrine fringe wetlands are associated with lakes or deep water habitats. Examples: margins around mud flats, lakes, reservoirs and ponds.



Artificial wetlands are created by human-related activities such as this surface water impoundment along a Sheridan County road.



## WHY ARE WETLANDS IMPORTANT?

MONTANA'S WETLANDS provide services essential to our state's wildlife, water quality, and flood control. Although we were unaware of wetlands' important functions for many years, we now understand the irreplaceable role of natural wetlands.

### A healthy wetland can:

- Absorb and retain large volumes of water and gradually release it to adjacent streams and other bodies of water during low-flow periods and at other times of the year.
- Recharge aquifers by holding water on the land, allowing the water to percolate into underlying soil to replenish groundwater supplies. Groundwater provides 94% of Montana's rural domestic water supply and 39% of the state's public water supply.
- Support vegetation that acts as a flood buffer and stabilizes streambanks and shorelines.
- Maintain and improve water quality by trapping sediment and toxic substances such as heavy metals, chemicals, and pathogens, and other undesirable substances that find their way into surface waters. About 54% of Montana's human population uses public drinking water systems that rely on clean surface water.
- Naturally purify water by absorbing excess nutrients such as nitrogen and phosphorus.
- Decompose organic matter, and cycle nutrients back into the food chain.
- Provide habitat for most of the nation's migratory birds, including waterfowl, shorebirds, water birds, and songbirds.
- Provide critical habitat for mammals, reptiles, insects, and amphibians.
- Provide habitat for fish to breed, spawn, rear their young, grow, and survive Montana winters.
- Protect habitat for threatened and endangered species. According to U.S. Fish and Wildlife Service, in Montana, nearly 85% of endangered species are found in or are dependent on wetlands to complete at least part of their life cycle.
- Increase property value through enhanced aesthetics, storing water, attracting wildlife, and other factors.
- Enhance the quality of life for people to interact with nature by providing open space, wild areas in public parks, and trail systems in wetlands and riparian areas.
- Provide recreational opportunities for anglers, hunters, wildlife watchers, hikers, and other water-based or water-related human activities.



## THREATS TO WETLANDS

HUMAN ALTERATIONS TO THE LANDSCAPE have caused massive wetland loss. Wetlands in rural areas continue to be lost as land is put into agricultural production. In urban areas, development fragments wetland areas and in some cases, eliminates wetlands. Human activities that cause wetland degradation include the following.

### Hydrologic alterations due to:

- draining or filling for development and farming
- dredging and stream channelization for flood control and development
- diking and damming to form ponds and lakes
- diverting flow to or from wetlands
- adding impervious surfaces in the watershed, thereby increasing water runoff into wetlands

### Vegetative damage due to:

- overgrazing and trampling by livestock
- browsing by wild and domestic ungulates
- introduction of non-native species that compete with natives
- removal of riparian vegetation for unimpeded watershed views

Pollution inputs of sediment, fertilizer, human sewage, animal waste, road salts, pesticides, heavy metals, and selenium come from sources such as:

- runoff from urban, agricultural, silvicultural, and mining areas
- air pollution from cars, industries, and power plants
- old landfills and dumps that leak toxic substances

### Land use changes due to:

- plowing native grassland for crop production
- locating homes and other development in riparian corridors
- building roads and other infrastructure that fragment habitat and increase runoff



## WHERE ARE MONTANA'S WETLANDS?

MONTANA HAS LOST almost 30% of its wetlands since settlement in the 1860s. Wetlands are key habitats for many plants and animals in this arid state, yet the National Wetland Inventory (NWI) has never been completed in Montana, unlike most of the nation. The few areas that were mapped were recorded over 20 years ago.

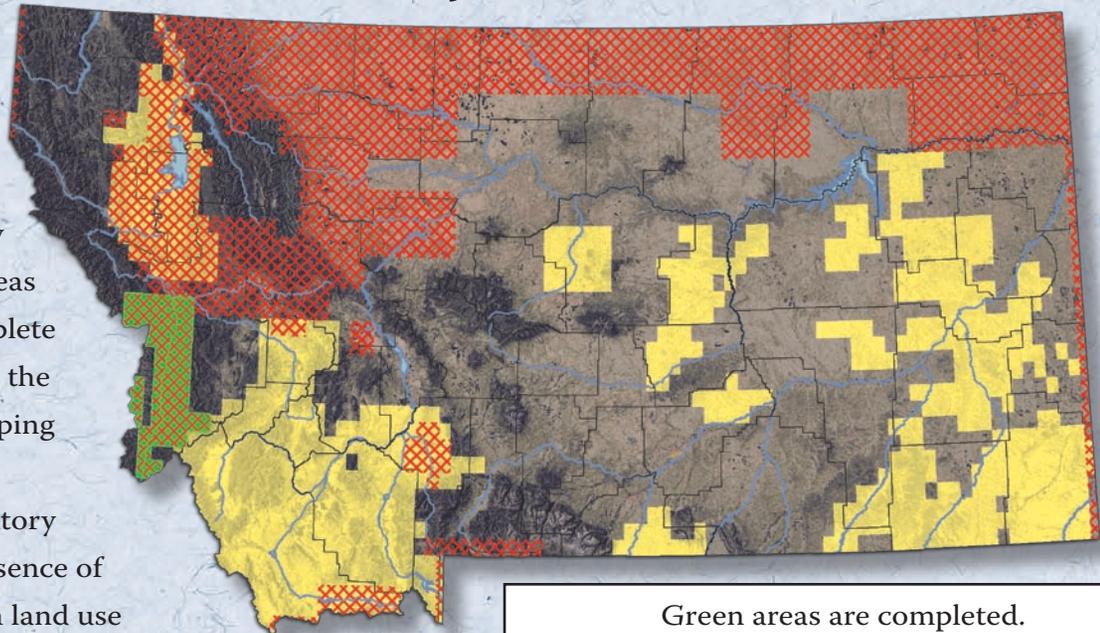
Riparian areas were not mapped at all. The Montana Land Information Advisory Council, whose mission is to collect and disseminate digital information about Montana's natural and artificial land characteristics, now considers wetland mapping a priority.

About 25% of Montana is now funded for new NWI mapping, concentrating on rapidly developing areas of western Montana and areas that were not mapped in the original, incomplete NWI. The new NWI focus includes mapping the riparian areas along streams and rivers. Mapping will be completed as funds become available.

The wetland maps that result from this inventory will give landowners an indication of the presence of wetlands on their property to help them with land use decisions. However, these maps are developed from

aerial photography that has a degree of error. Landowners should check with the Army Corps of Engineers, a wetland delineation expert, or agency representative to verify the presence of wetlands. Additional information about wetland mapping and the Montana Wetland and Riparian Mapping Center is posted at: <http://nhp.nris.mt.gov/community/wetlands/default.asp>

*CURRENT & COMPLETED NATIONAL WETLAND INVENTORY MAPPING  
2005 CIR IMAGERY*



Green areas are completed.  
Yellow areas are currently being mapped.  
Crosshatched areas have 1970s NWI available.

Montana Wetland and Riparian  
Mapping Center 

10-Apr-2008



## WETLAND RESTORATION IN MONTANA

WETLAND AND RIPARIAN RESTORATION is a vital and growing part of Montana's "Restoration Economy." Governor Brian Schweitzer has identified the Restoration Economy as a significant sector of Montana's workforce and an essential part of the state's change from a resource extraction economy to an economy founded on healthy landscapes and vibrant communities. More than 40 agencies and organizations currently participate in the collaborative Montana Wetlands Legacy Partnership to assist private landowners and public land managers to restore, enhance, and improve the effectiveness of wetland resource management. Other independent entities, including tribal governments, natural resource damage programs, and natural resource consulting firms, also play a major part in this important work across the state. Section 3 of this guide identifies sources for financial and technical assistance for landowners who support restoration efforts.



*A restoration project on Big Spring Creek near Lewistown. The previously straightened channel was restored to a meandering stream to allow increased public access, provide quality fish habitat, enhance existing wetlands, and create new wetlands.*



Restoration is essential to the future of Montana's wetlands and riparian areas. More than half of the nation's original wetlands have been lost to draining, filling, and other land use changes. In Montana that number is about 30%. Because approximately 1% of Montana's landscape is wetlands, ensuring that each of those acres is functioning is of great value to all residents. Benefits include wildlife habitat, flood storage, improved water quality, and aesthetic and recreational enjoyment.

In 1989, President George H. W. Bush issued a pledge to work toward a goal of "no net loss of wetlands." In 2004, President George

W. Bush went further, professing the need to create a net gain of three million acres of wetlands in five years.

Montana's resource managers and landowners are committed to contributing to the nation's goal. In so doing, we will not only restore some of our lost wetland heritage but, just as important, we will conserve our remaining natural wetlands in a highly functional condition. Professional land managers and resource specialists look forward to working with you to create the right programs and activities that will help achieve your goals for wetland and riparian conservation and land stewardship.



## IRRIGATION AND WETLANDS

THE ROLE OF IRRIGATION on landscapes is best understood over time. Lynn Owens grew up with flood irrigation and later added sprinkler irrigation. He shares his observations of the changes he has seen on the Madison Valley ranch his family has owned for over sixty years, noting the relationship between types of irrigation and land use, and the resulting effects on the wetlands.

### LYNN OWENS: A RANCHER'S IRRIGATION STORY

"My family moved to a ranch on Meadow Creek in the Madison Valley in 1946. At that time we used gravity-flow flood irrigation. By late summer the lower reaches of the creeks were dewatered by the irrigation diversions upstream. Those with junior water rights often went without water in late summer or in dry years because the senior water rights users took water out of the streams and didn't have excess water to return to the streams. This situation continues today. The diversions in the upper stream reaches and the floodwater irrigation dispersion resulted in ditch-flow seepage and percolation of the flood-irrigated lands.

"Small streams also flow from the mountains on each side of the valley. Many never reach the river as surface-flowing streams, but instead they sink into the bench ground (mostly gravel) on their paths to the river. The water from these streams plus the seepage from the flood irrigation contributed to the wetlands adjacent to the river and lower creek lands.

"In the 1940s the spin-off from flood irrigation caused increasingly higher water tables along those lower lands

that are adjacent to the river and small streams. So by the 1950s the water tables had risen, making some of the low-lying cultivated lands too wet for crops. During this time the Soil Conservation Service (now NRCS) cost-shared the excavation of many canals to help us drain and salvage this land for crop and pasture use. Some of this land had gotten to the point that one old rancher said, "Don't go through there, it will mire a saddle blanket."

"I installed some of the first sprinkler irrigation in the 1970s. Cheap power made it economical to pump water to fields not irrigated by gravity ditches. It also made it possible to irrigate three times more land with the same amount of water used previously, so we could put more land into production and not pull more water from the river. However, the sprinklers made the water more susceptible to evaporation due to the low humidity, windy environment, and large surface area covered by the water. This type of irrigation is resulting in a drastic reduction of recharge waters for the wetlands and riparian areas that had been created by flood irrigation.

"The economically priced power is no longer available, and we've abandoned many of the high-energy-use sprinkler projects. Where feasible, we're converting the sprinkler



projects to gravity flow systems that demand higher installation costs but result in lower energy costs.

"Another large factor in the reduction of recharge flows is the change of land use from agriculture to housing developments and large recreation ranches that do not make a living off the land. These are not as intensively irrigated. With little or no flood irrigation on the benches above them, the springs and seeps that had developed in the bench break-off areas near the river are now dry or drying up due to changed land use on the benches above them.

"What the wetlands were before white man came here, I don't know. But I do know that I have seen a cycle happen that is still in a state of change. With the large decrease in flood irrigation, the wetlands in our area are noticeably decreasing, and the riparian belts along the streams and river are changing."

~Lynn Owens

## How Do Wetlands Benefit Ranchers and Farmers?

IN THE ARID WEST, the availability of water directly affects the value of land—especially for those whose livelihoods depend on agricultural production. Wetlands are often overlooked as a source of water. Wetlands benefit farms and ranches because they:

- Provide water for livestock
- Maintain late-summer stream flows, which are critical for irrigating crops, watering stock, sustaining fisheries, and recharging aquifers
- Maintain a higher water table than non-wetland areas, which increases subsurface irrigation and production of forage
- Filter sediment, which protects the quality of water, prolongs the life of irrigation pumps, and reduces siltation of ponds and irrigation ditches
- Reduce velocity of floodwaters and bank erosion, which minimizes property losses
- Filter out chemicals applied to the land, such as nitrogen, phosphorus, and pesticides, which helps keep these elements from entering nearby lakes, streams, or groundwater
- Sustain shrubs and trees that shelter livestock



Although these wetland functions benefit farms and ranches, some of them also benefit everyone who lives in Montana.

## ADDITIONAL WETLAND BENEFITS FOR ALL

- Recreational opportunities such as hiking, fishing, hunting, and wildlife viewing
- Revenues from fishing, big game, waterfowl, and upland game bird licenses and activities
- Educational opportunities to develop knowledge and skills in nature study
- Wastewater treatment—a few small communities have constructed wetlands for this purpose



## CAN LIVESTOCK ENHANCE WETLANDS?

WHILE LIVESTOCK GRAZING in wetland areas is generally not advisable, research has shown that in the right circumstances and under the correct prescriptions livestock grazing has the potential to enhance wetland health and productivity. For instance, proper livestock grazing can provide the disturbance mechanism often needed by native wetland plants to rejuvenate and reproduce. The buildup of plant litter, called thatch, can stifle new growth and prevent seed germination. Removal and disturbance of this litter can provide the impetus and conditions necessary for increases in wetland plant productivity and diversity.

Conversely, improperly timed and high-intensity grazing can permanently damage wetlands by reducing reproductive efforts, providing a foothold opportunity for invasive species, and by increasing sedimentation that adversely impacts aquatic plants and animals. Grazing during

the growing season, or for extended periods, can cause more damage to wetland plants than the benefit of thatch removal can compensate for. Accordingly, short-term, high-intensity late fall or early winter grazing of thatch-laden wetlands is likely the best prescription to achieve improved wetland health and productivity.



*Maxcia Rueter Lertz*



## WORKING WITH WETLAND CHALLENGES

THE VALUES AND BENEFITS of wetlands are many. However, as a landowner you may deal with wetland issues that aren't always positive:

- Wetlands are sometimes not accessible to livestock, can be difficult or impossible to farm or hay, and may require extra time and fuel to manage around them.
- Wildlife attracted by wetlands may cause damage to trees, ornamental plantings, and crops, or may affect water levels such as when beavers dam watercourses next to homes or other infrastructure.
- Wetlands can harbor mosquitoes.
- Some wetlands are protected by the federal Clean Water Act. Such wetlands are referred to as “jurisdictional,” which means that the landowner’s management options for these areas may be limited.
- Wetland restoration may require a water right. See Section 4 for information.
- Surface water held in wetlands can result in a high water table that may be problematic for septic systems and basements.

In some cases, assistance from agencies and organizations can help turn these challenges into opportunities. The real-life stories in Section 2 illustrate how some Montana landowners found creative ways to tap into resources and programs to create positive outcomes. Section 3 provides contact information for assistance as you decide how to manage or develop wetlands.



*Jeanne Spaur, Manning Lake Wildlife Refuge*

*Manning Lake Wildlife Refuge near Poplar.*



## BEAVERS — NATURE'S LOW-COST WETLAND MANAGERS?

BEAVER DAMS can cause flooding near homes, agricultural fields, and other places they're not wanted. Beavers might cut down trees in areas where trees are needed for bank stability, shade, or aesthetic values. However, beavers can and do play a role in restoring and maintaining wetland and riparian health in places where they do not pose a hazard or threat of damage.

### For example, beaver dams and canals can:

- Reduce sediment loads in streams where trampled banks, lack of stream margin buffer strips, and other factors cause back erosion
- Recharge groundwater and raise the groundwater table
- Reduce flood damage by increasing the water-holding capacity of an area or stream
- Maintain flow rates and, in some cases, release cooler water into streams during low-flow periods
- Cause new wetlands to develop
- Provide habitat for fish, waterfowl, and other wetland or water-dependent wildlife and plants
- Maintain a more stable water supply for wildlife and wetland vegetation
- Provide wet meadows, shrub habitat, and eventually grassland habitat for livestock and wildlife to utilize when dammed ponds ultimately fill in

Some landowners find they can move beyond just tolerating beavers, to actually enjoying their presence. A range of options allows landowners to manage beavers on their property. Beaver water control devices are commercially available to maintain water levels and prevent flooding. Trees can be saved by wrapping trunks with wire mesh that should be loosened as the trees grow. Montana Fish, Wildlife & Parks suggests painting desired trees with a mixture of paint and sand as a deterrent to beaver activity.



## WETLANDS & DROUGHT

WETLANDS PLAY AN INCREASINGLY IMPORTANT ROLE during periods of drought. They provide water for stock in times of scarcity, and allow continued habitat for many species of

plants and animals. Wetlands act as sponges, absorbing high flows, enhancing the rate of groundwater recharge for the surrounding area, and slowly releasing water.

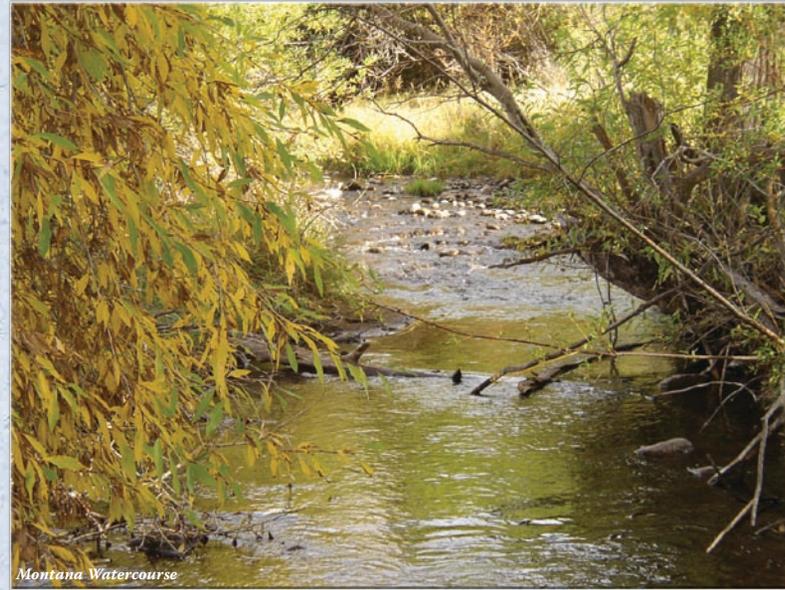


## PROPERLY FUNCTIONING WETLANDS ADD TO PROPERTY AND COMMUNITY VALUES

WETLANDS IN URBAN OR RURAL LANDSCAPES include not only those benefits previously discussed, but also benefit overall property values. Simply put, property near open water is worth more. Studies reveal housing price increases for homes near a protected riparian corridor range from 6% (*Colby and Wishart, 2002*) up to 15% (*Quayle and Hamilton, 1999*).

Protected wetlands and riparian areas may not only increase property value, but also provide additional local economic advantages. Healthy wetlands and riparian areas provide:

- Inexpensive flood protection
- Inexpensive erosion control
- Protection for surface and groundwater quality, thus eliminating the need for costly water treatment facilities that many communities cannot afford



## WHAT HAPPENS IF WE INTERFERE WITH WETLANDS?

DESTRUCTION OF WETLANDS can create far-reaching impacts:

- Decline in wildlife populations
- Increased flood damage
- Increased sediment and nutrients in lakes and streams
- Contaminated drinking water and irrigation wells
- Reduced fish productivity due to poor water quality and habitat loss
- Increased costs of treating drinking water
- Reduced recreational opportunities and loss of tourist dollars
- Lower water tables
- Reduced production of livestock

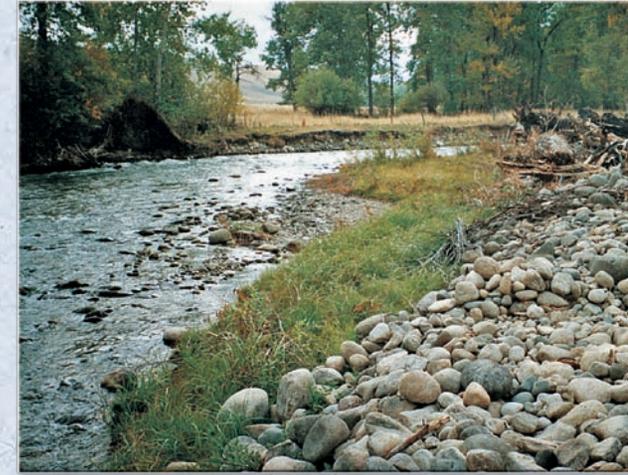
Because wetlands destruction can have such extensive impacts, wetland alterations need to be reviewed by the appropriate agencies (see Section 4). As seen in the following example, one Montana landowner learned this lesson the hard way. He began to build a house and pond in a wetland without regard to wetland protection laws or getting the necessary permits. After much hard work, he had to comply with the law and reclaim lost ground with the help of an environmental engineering company.

## NEGATIVE IMPACTS OF LANDOWNER ACTIONS

- Stripped entire streamside (riparian) area of vegetation and topsoil during construction of a residential building pad, driveway, and recreational pond
- Constructed pond (right) in the central portion of the wetland
- Constructed building pad over a portion of the wetland using pond excavation material
- Piled cottonwood trees and stumps near the streambank and burned them, which created the threat of ash and sediment washing into the stream and impacting water quality

## LANDOWNER'S RECLAMATION OF NEGATIVE IMPACTS

- Removed downed trees, ash, and other debris from the floodplain
- Removed granular soil that was overlying the former ground surface on the floodplain
- Returned the area to the approximate grade before construction began
- Backfilled pond with similar granular soil
- Reconstructed an irrigation ditch that had flowed across the site before excavation activities
- Constructed erosion control features along the south and east sides of the building pad, and reconstructed the slopes of the building pad



*After landowner's uninformed actions, but before reclamation work.*



*One year later, following completion of reclamation work.*





Paul Burley photos



- Reduced sediment erosion during spring floods by leaving boulders, cobbles, and woody debris on the ground surface of the disturbed area
- Re-established vegetation, including native wetland species, on the floodplain

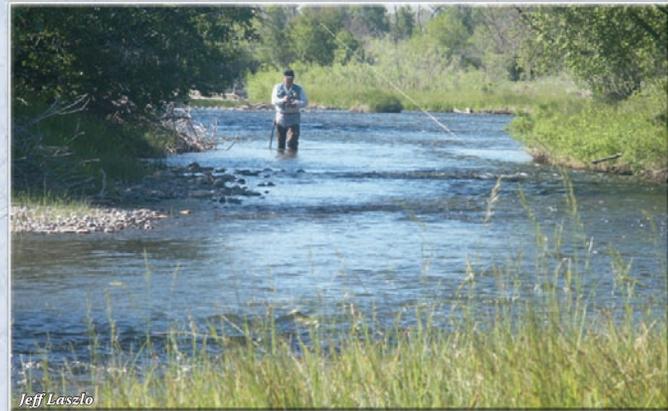
## DO WETLANDS AFFECT HUMAN HEALTH?

HUMAN HEALTH is directly tied to wetlands because we all need clean water. Wetlands break down and hold nutrients, chemical pesticides, salts, sediments, and organic wastes. The pollutants can enter our water through runoff from sources such as city streets, lawns, construction sites, mining operations, and agricultural fields. In times of normal flow, wetlands act like a filter, reducing the amount of these elements entering lakes, streams, and, ultimately, our drinking water!

The Montana State Constitution guarantees a healthy environment for its citizens. Shared responsibility for protection and improvement of Montana's water is found in Section One of Article IX: "The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations."



Montana Watercourse



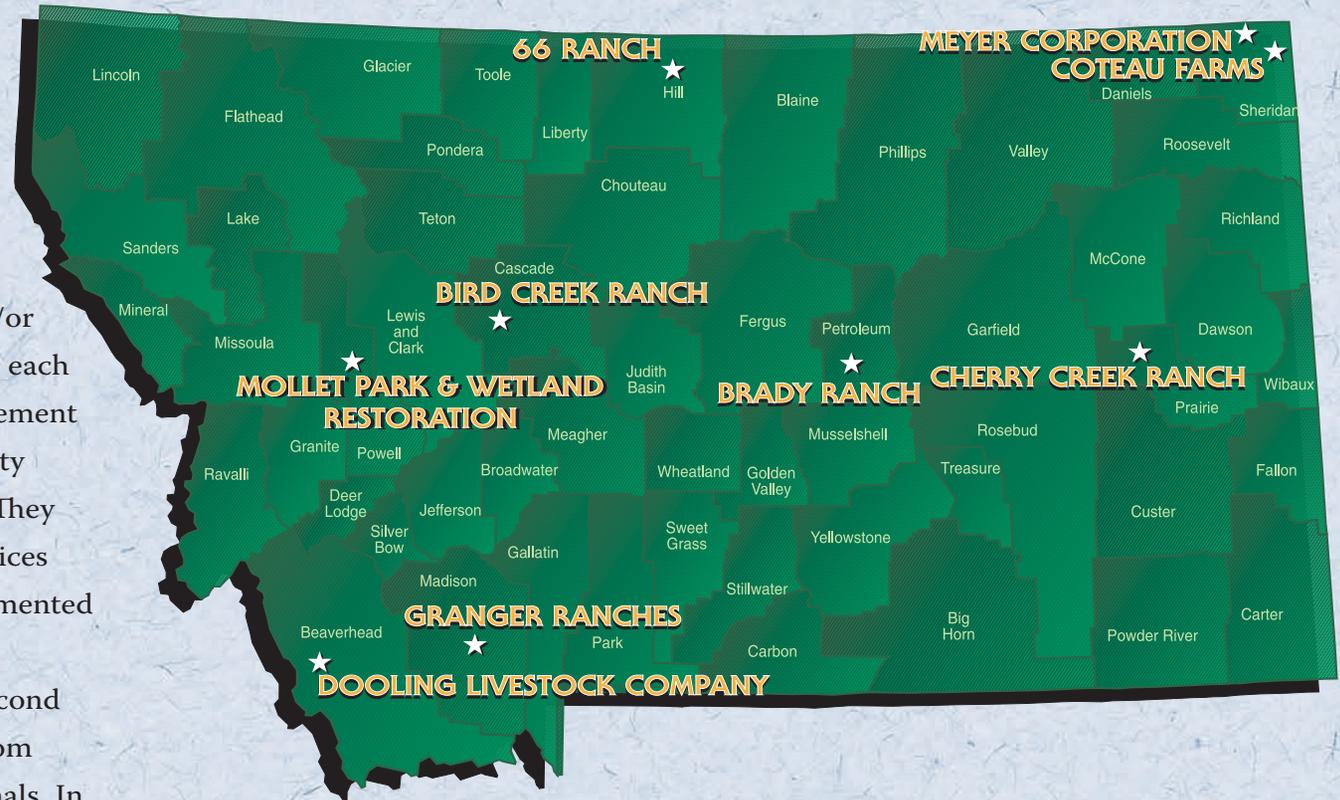
Jeff Laszlo



## SECTION 2

# WORKING WITH WETLANDS

AS YOU CONSIDER your own wetland, read on to meet some Montanans who have restored and/or protected their wetlands. Although each situation is unique, the common element is that the landowners or community of stakeholders took the first step. They recognized that management practices could and should be altered or augmented to protect and restore the wetland features on their property. Their second step was to seek advice and help from agency and organization professionals. In the case of the Mollet Park and Wetland Restoration Project, a community of various stakeholders worked together through the efforts of the Blackfoot Challenge: Blackfoot Community Project, to enhance and manage public lands for the benefit of many. Each of these stories shows various ways that Montana landowners have successfully managed wetlands in ways that enhance both the environmental and economic value of the land.



### FEATURED MONTANANS AND PROPERTIES

- 💧 **Bim and Janas Strauser** – 66 Ranch, Hill County
- 💧 **Lon and Vicki Reukauf** – Cherry Creek Ranch, Prairie County
- 💧 **Jim and Cindy Kittredge** – Bird Creek Ranch, Cascade County
- 💧 **Jim and Diana Brady** – Brady Ranch, Petroleum County
- 💧 **Vance, Myron, and Kim Meyer** – Meyer Corporation, Sheridan County
- 💧 **John Dooling & Family** – Dooling Livestock Company, Beaverhead County
- 💧 **Jeff Laszlo** – Granger Ranches, Madison County
- 💧 **Al and Dennis Joyes** – Coteau Farms, Sheridan County
- 💧 **Mollet Park and Wetland Restoration Project** – Powell County



BIM AND JANAS STRAUSSER of northern Hill County have done more than just talk about their interest in improving the wetland/grassland habitat for wildlife—they have established partnerships to improve their land and to create a paradise for area wildlife. The Strausers have permanently protected approximately 3,200 upland and wetland acres on their 66 Ranch. Previous owners had established a conservation easement on the land. With the easement in place, the Strausers worked with Natural Resources Conservation Service and Ducks Unlimited to develop wildlife habitat on the property. Their restoration work that was accomplished on wetlands at Wild Horse Lake has corrected previous alterations to the natural water flow that had depleted the wetland. The restoration, completed in 2005, has already proven to have positive effects on a diverse mix of upland and wetland wildlife. Additionally, the hydrology of the area has responded well. A secondary benefit of the partnership effort has been the development of a successful rotational grazing system that retains some aspect of the economic viability for the traditional ranching aspects while meeting the intent of the Wetlands Reserve Program conservation easement.

## ACTIONS

- Restored 514 wetland acres through rehabilitated and new dikes, 5 water-control structures, and 10 shallow-water impoundments.
- Established 901 acres of native upland vegetation.
- Established a rotational grazing system to improve wildlife cover through the use of livestock grazing. Grazing adjustments are made following annual monitoring.

## WHO HELPED?

- Natural Resources Conservation Service paid easement cost, provided wetland identification, planned restoration, and paid restoration costs.
- Ducks Unlimited provided the design and delivery of the wetland restoration.

## PERMITS REQUIRED

- None

## BENEFITS AND REWARDS

- Natural Resources Conservation Service paid all costs of the wetland restoration work through the perpetual conservation easement.
- Increase in all types of birds: ducks, geese, shorebirds, songbirds, upland game birds.
- Increase in deer and pronghorn antelope in the area.
- Improved wildlife in all of the surrounding area.

## LANDOWNER'S COMMENTS

"It's been very exciting watching the project develop, the wildlife increase, and we are pleased with the project. We would also like to thank NRCS and Ducks Unlimited for their assistance with getting this project lined out and working."

~Bim Strauser

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*Matt Walker, NRCS*

*Water control structure in place in rehabilitated wetland.*



*Matt Walker, NRCS*

*Improved wetlands attract waterfowl and wildlife.*



THIRD-GENERATION RANCHER Lon Reukauf, owner of Cherry Creek Ranch, manages the 1,100 acres purchased by his parents in 1958, as well as 7,900 acres of deeded land purchased through the years, plus 16,000 acres of leased land. The ranch is located in the eastern rolling plains and badlands of Prairie County, west of Terry. Native grassland comprises the majority of this cattle ranch where Lon acquired his enjoyment of wildlife from his father, an avid birder, angler, and hunter. This prairie region is cut through with intermittent streams and cottonwood and ash draws. Riparian areas make up only about 7-8% of the land. Lon's management goal has been to increase the productivity of the summer-grazed range through one six-pasture rest-rotation grazing, and two to three pasture-deferred rotation grazing systems, non-summer-only use of some riparian areas, and wise water management. The plan has paid off, the result of years of hard work and of taking advantage of management programs offered by several agencies.



Vicki Reukauf

*Non-summer use of riparian areas and water spreading results in improved wildlife habitat and riparian forage.*

### ACTIONS

- Developed a grazing system that included fencing pastures for rotation and spreading of water supply.
- Developed the water resource with use of windmills, storage tanks, and pipelines to draw cattle away from riparian areas.
- Hand planted cottonwood, ash, buffaloberry, chokecherry, and plum trees along Cherry Creek and assorted tributaries.
- Entered 25,000 acres into the Block Management Hunting Access Program.
- Enrolled 8,000 acres into the Conservation Security Program.
- Supported 200 acres of alfalfa through water spreading and diking. Systems utilize water from spring runoff and summer flooding.

### WHO HELPED?

- Natural Resources Conservation Service cost-shared water development for off-riparian water storage and improvements, gravity-fed pipelines, 13 windmills, water spreading through series of dikes, and a rotation grazing program.
- Montana Fish Wildlife & Parks provided financial incentive for healthy wildlife habitat through Block Management Program.
- Bureau of Land Management purchased materials for cross fencing and one mile of pipeline.
- Montana State University professors Don Ryerson, Jack Taylor, and Bob Ross

provided grazing management practices information.

- Gus Hormay, the originator of Rest Rotation Grazing ideas.
- 90 years of family diaries and stories chronicling their experiences ranching and farming in eastern Montana.

### PERMITS REQUIRED

- None

### BENEFITS AND REWARDS

- Improved wildlife habitat, increased hunting revenue from Montana Fish, Wildlife & Parks.
- Greater riparian forage.
- Greater diversity of mammal and bird species.
- Increased nesting cover resulting in increase of songbirds, wild turkeys, and nesting geese.
- 10–15% increase in total carrying capacity.
- Higher percentage of cows bred in a shorter time span.

### LANDOWNER'S COMMENTS

“Resting a pasture for twelve to eighteen continuous months every few years is magical. Non-summer use of riparian areas is wonderful. Search out and be aware of the options open to you. I have found NRCS to be easy to work with and most helpful.”

~Lon Reukauf

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Terry, MT 59349

(406) 486-5600

JIM AND CINDY KITTREDGE own Bird Creek Ranch, near Cascade. This working ranch is home to Highland cattle, Icelandic sheep, and diverse wildlife species. Situated on Bird Creek, the ranch sits on prime and unique soils, and contains archaeological and historically significant sites. The driving force behind their efforts to preserve the family ranch is the Kittredges' understanding of the connection between land and people. Building on the prior generation's legacy and working in partnership with several agencies and organizations, the Kittredges are improving the property for livestock production and wildlife while simultaneously increasing the overall value of their land.



Dale Krause, NRCS

Wetland Reserve Program provides benefits to wildlife and livestock.

### ACTIONS

- Placed 282 acres of wetland and surrounding uplands into a conservation easement through Natural Resources Conservation Service's (NRCS) Wetlands Reserve Program.
- Wetland restoration includes repair of a failed dike and water control structure, to be completed in 2008.

- Enrolled the remainder of the ranchland in the Farm and Ranchlands Protection Program through NRCS, and leveraged the easement costs with a Montana Fish, Wildlife & Parks conservation easement in 2007.
- Replaced flood irrigation with sprinkler irrigation to conserve water, thereby allowing more to remain in the Missouri River.
- Developed additional water sources and cross fencing to implement a prescribed grazing system that will improve livestock forage and benefit wildlife with extra forage and additional nesting and brood-rearing cover.

### WHO HELPED?

- American Bird Conservancy provided funding to fence the river boundary, provide a solar watering system for livestock, and buy cottonwoods and willows to restore habitat.
- Montana Conservation Corps built fences and planted trees and willows.
- Montana Fish, Wildlife & Parks provided a conservation easement and assistance in wetland restoration work and grazing plan implementation.
- Natural Resources Conservation Service assisted with a perpetual easement through the Wetlands Reserve Program on a 120-acre oxbow along the Missouri River and 162 acres of surrounding uplands, evaluated the ranch for Farm and Ranchlands Protection Program, provided technical assistance, and

provided cost-share information on agricultural improvements through the Environmental Quality Incentives Program.

- American Lands provided input for keeping the entire property intact through conservation easements.

### PERMITS REQUIRED

- 310
- 404
- Floodplain permit

### BENEFITS AND REWARDS

- Natural Resources Conservation Service purchased the perpetual easement and will pay 100% of wetland restoration costs.
- Restored wetlands will benefit wildlife and riparian areas.
- Improved grazing system will improve upland riparian habitat.
- Maintained ability to preserve valuable wildlife habitat while operating and protecting a working ranch in perpetuity.
- Protected valuable habitat from subdivision and development.

### LANDOWNERS' COMMENTS

"NRCS has helped us ensure the legacy of this ranch, while also demonstrating how the wild and working landscapes can work in balance, benefiting each other."

~ Jim and Cindy Kittredge

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## BRADY RANCH

JIM BRADY grew up along the banks of Box Elder Creek near Winnett, where he and his wife, Diana, now ranch over 9,700 acres of private and public lands. In the 1990s they added to their ranch holdings by purchasing a riparian area that had seen heavy grazing that resulted in trampled banks and impacted riparian vegetation, including shrubs and trees. Determined to improve that area, along with the upland native grass pastures, Jim worked with the Bureau of Land Management (BLM) and Montana Fish, Wildlife & Parks to create some management changes. A three-way partnership ensued that enabled the Bradys to create a rest-rotation program that allowed the land to return to healthier conditions while supporting their livestock operation. Ten years later, the benefits of the work are evident in more robust riparian and pasture habitats.



Dan Brunkhorst, BLM  
Box Elder Creek near Vogel Reservoir.

## ACTIONS

- Developed a stock water well away from the riparian zone.
- Laid about ten miles of pipelines and installed 10 stock water tanks.
- Installed cross fencing for pasture rotation.
- Initiated a two-pasture riparian rest-rotation, and four-pasture upland deferred program.
- Future improvements include additional water spreading development.

## WHO HELPED?

- Bureau of Land Management cost-shared for one well, electricity, and materials for 6½ miles of cross fencing.
- Montana Fish, Wildlife & Parks cost-shared for 7½ miles of pipelines.

## PERMITS REQUIRED

- None

## BENEFITS AND REWARDS

- Improved riparian area includes re-growth of willows and cottonwoods.
- Improved livestock distribution on private and public lands.
- Improved native grass forage for livestock in pastures and riparian areas.
- Improved cover for nesting, brooding, and winter habitat of upland birds.
- Overall habitat improvement for livestock and wildlife.
- Maintained livestock operations while enhancing recreational value of public lands.

- Good working relationship with agency personnel.

## LANDOWNER'S COMMENTS

“Improving habitat for livestock should improve habitat for wildlife. People get the idea they can’t work with government agencies. It comes down to cooperation and wanting it to work. If you are open-minded, it becomes a win-win situation. I have been very pleased with what has been done so far. Now we need more time to see more improvement.”

~ Jim Brady

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Riparian vegetation on Box Elder Creek improved as a result of rest-rotation grazing program and development of off-creek stock water system.

**BROTHERS** Vance, Myron, and Kim Meyer are second-generation landowners who manage a ranching and farming operation on over 2,700 acres on the Missouri Coteau in Sheridan County. Approximately one third of the property is rangeland and two thirds have been farmed at one time. Many wetlands on the property had been drained and farmed, as was normal practice in the 1950s and '60s when farmers were paid to drain the sloughs to put more grassland into production. By the 1980s, when drier years brought evidence of erosion problems on the areas that were strip farmed, the Meyers turned to the Soil Conservation Service (now Natural Resources Conservation Service) and the Farm Service Agency for help in putting this land into the Conservation Reserve Program. The next step was to restore the many drained wetlands. With help from the U.S. Fish & Wildlife Service's Partners for Fish and Wildlife program the drained wetlands were restored to hold water, help recharge the groundwater, and provide wildlife habitat. The Meyers have placed most of the rangeland and associated wetlands into U.S. Fish & Wildlife Service easements, assuring this important grassland/wetland complex is perpetually protected, while retaining the right to graze, and grow and harvest hay on the land.

## ACTIONS

- Enrolled 1,335 acres of marginal farmland in the Conservation Reserve Program in 1988. Re-enrolled the land in 1998.
- Restored 48 drained wetlands totaling over 140 surface acres.
- Perpetually protected 705 rangeland acres and 68 wetland acres in 54 basins with U.S. Fish & Wildlife Service easements.

## WHO HELPED?

- Farm Service Agency paid for placing land into the Conservation Reserve Program and for re-enrolling in the program ten years later.
- Natural Resources Conservation Service guided the range restoration process and provided seed mix for twice reseeded the marginal land into more productive grasses.
- U.S. Fish & Wildlife Service designed and paid for wetland restoration work, and purchased perpetual grassland and wetland easements.

## PERMITS REQUIRED

- None

## BENEFITS AND REWARDS

- Monetary benefits through Conservation Reserve Program payments and U.S. Fish & Wildlife Service purchase of land easements.

- Erosion control due to planted grasslands (grasses are holding more water, resulting in less runoff).
- Building the value of the land over time because of an improved soil profile.
- Improved water table and water quality from the restored wetlands.
- Improved habitat for wildlife and birds.
- Increased wildlife on the land.

## LANDOWNER'S COMMENTS

"I hate to see all the land broken up. Some of this fragile land is not made for farming so it is good for future generations if we restore the land. It is a long-term deal. Breaking the ground for crops is short lived."

~ Vance Meyer  
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Ducks Unlimited

Prairie potholes of the Missouri Coteau.



## THE DOOLING LIVESTOCK COMPANY

THE DOOLING LIVESTOCK COMPANY, situated in the upper Big Hole Valley, serves as an example of how a working ranch can allow wetland conservation to provide dynamic functioning habitat that benefits both livestock and wildlife. The property, which has been in the Dooling family for nearly 80 years, provides a home for migratory birds, and native fish and wildlife, while sustaining a profitable ranching operation for owners John and Gail Dooling. In 2005, the ranch placed more than 6,300 acres—including 2,736 acres of wetlands—into a conservation easement. Funded in part by the U.S. Fish & Wildlife Service's

North American Wetlands Conservation Act, the easement is held in perpetuity by The Nature Conservancy of Montana. Additionally, Dooling Livestock Company is voluntarily enrolled in the Candidate Conservation Agreement with Assurances (CCAA) program to protect the last native population of fluvial (river dwelling) Arctic grayling in the lower forty-eight states. As part of the CCAA program, which is overseen by Montana Fish, Wildlife & Parks, the ranch has benefited from a number of cooperative habitat restoration projects, including stock water wells and water conservation projects.

### ACTIONS

- Enrolled over 6,300 acres into a conservation easement by donating partial value of the land.
- Installed a stock water well that allowed water to stay in-stream and benefit the fish population.
- Installed headgates to better control irrigation of hay meadows through a cost share: Natural Resources Conservation Service 75%, landowner 25%.
- Future plans include installing additional stock water wells and other water conservation measures.

### WHO HELPED?

In addition to the help listed below, each of the partnering agencies and organizations provided either cost-share and/or fundraising for conservation efforts for this project and others in the Big Hole.

- The Nature Conservancy holds the conservation easement and conducts annual monitoring.
- U.S. Fish & Wildlife Service provides guidance and assistance with water conservation projects, and monitors for stream and riparian health.
- Montana Fish, Wildlife & Parks oversees the CCAA program and monitors the Arctic grayling population.
- Natural Resources Conservation Service provides guidance and assistance for future grazing management plans, and monitors for range health.
- Montana Department of Natural Resources and Conservation is responsible for water rights management.



## PERMITS REQUIRED

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- 310

## BENEFITS AND REWARDS

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- The conservation easement has allowed the family to keep the land together for ranching.
- The land is protected from subdivision and development.
- Neighbors are following suit and putting land in conservation easements. This will ultimately benefit the valley on a landscape level.
- Water conservation efforts are protecting the stream health for survival of the fluvial Arctic grayling.

## LANDOWNER'S COMMENTS

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“Conservation easements are not cut and dried. Become informed and educated about the many possibilities. The information is out there, so get the facts before you act. There is nothing to be afraid of, just make sure you have the accurate information.”

~ *John Dooling*

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*Wayne Munford*

*The agricultural heritage is maintained through partnerships and a conservation easement.*



## GRANGER RANCHES

GRANGER RANCHES is one of the Madison Valley's oldest and largest traditional cattle ranches, operating on several distinct units. Most of the ranches' 13,000 acres are pasture or irrigated hayfields, but the portion containing the Odell Creek headwaters has a special character. This area adjacent to the Madison River is a geologically unique wetland; water percolates out of the ground almost everywhere. In the 1950s the headwaters of Odell Creek were ditched and drained to make the riverbottom holdings more suitable for cattle and hay production. More than five miles of drainage canals were excavated to intercept the countless springs and move water off

the ranch as rapidly as possible. At the time, the only appreciable value of the Odell headwaters was in its carrying capacity for cattle and its abundant water for flood irrigation. No one understood the ecological importance of wetlands and healthy riparian areas. As ranch owners began observing changes, including reduced creek flow and deterioration of streambanks, they began exploring what could be done. The Odell Creek headwaters restoration project evolved from these concerns and represents a fresh managerial concept for a ranch that has been owned by the same family for 70 years.

### ACTIONS

- Enrolled 340 acres into Conservation Reserve Enhancement Program.
- Installed seven miles of fencing.
- Filled five miles of drainage canals.
- Restored historic stream channels.
- Future plans include continuing stream rehabilitation and closing remaining drainage canals.

### WHO HELPED?

- PPL Montana was the original funder for restoration work, and the continuing lead partner.
- Natural Resources Conservation Service, Montana Fish, Wildlife & Parks, U.S. Fish & Wildlife Service, and PPL Montana have been cost-share partners for fencing, stream crossings, and compensation for lost grazing and restoration.
- Montana Conservation Corps provided clean-up and finishing hand labor during the summers of 2005 and 2006.



*Restoration work, in progress, focused on restoring Odell Creek headwaters to its historic floodplain.*

## PERMITS REQUIRED

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- 404
- 310

## BENEFITS AND REWARDS

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- Through working with partners, Granger Ranches has been able to return the Odell Creek headwaters to a pristine condition.
- Stream channels have greater flows and improved water temperatures, which are now in a constant optimum range for trout production.
- Bird species that are in decline across the entire Rocky Mountain region have increased here.
- The restoration contributes to the future health of the area's fish and wildlife.

## LANDOWNER'S COMMENTS

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“It has been amazing to witness the rapid transformation of the headwaters area and the positive influence it is having downstream. All downstream users of this water will benefit from these results. One of the great pleasures of having been involved with this endeavor has been the forging of friendships between the many people who have contributed their knowledge, time, and energy to this effort. I have learned from them continually and been enriched by their passion for improving our environment.”

~ Jeff Laszlo

P.O. Box 691

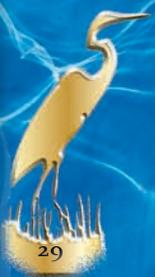
Ennis, MT 59729

laszloj86@hotmail.com



Jeff Laszlo

*Restoration of Odell Creek and adjacent wetlands has improved water quality, water temperature, and overall trout habitat.*



THE JOYES FAMILY manages Coteau Farms, in Sheridan County. Brothers Al and Dennis Joyes, along with other family members, are working to protect wetland and grassland habitat on over 5,000 acres of land, while continuing a successful agricultural operation. Situated in prime Missouri Coteau country, the land is dotted with wetlands and includes 1,400 acres of cultivated and hay lands as well as plenty of native range—prime habitat for a variety of

plants and birds. Moved by a desire to preserve native grassland and improve grazing lands, Dennis and Al investigated alternatives. Looking back, Al understands that deciding what to do is often the hardest part. “You, the landowner, have to take the first step in conservation and management issues, but nine out of ten times the partnerships you build will be beneficial to the landowner and the environment.”

### ACTIONS

- Enrolled 36 acres of marginal farmland into Conservation Reserve Program.
- Donated an initial easement on 280 acres of their best native range, including one permanent lake, to The Nature Conservancy (TNC) for perpetual protection from development. Over time, the amount of protected land has increased to about 900 acres.
- Seeded cropland back to grass on over 100 acres of owned and leased land.
- Partnered with TNC in a land purchase/swap to secure a key piece of rangeland for the grazing system. The parcel is now protected from development through easement.
- Implemented a rest-rotation grazing program that involved drilling wells, installing pipelines, and building cross fences.
- Participated in USDA’s Environmental Quality Incentives Program for startup of a no-till system.
- Entered into a “Grazing Management Agreement” with Montana Fish, Wildlife & Parks for financial and technical aid in the start-up of the grazing system.
- Enhanced habitat for piping plover (a federally threatened species) through U.S. Fish & Wildlife Service’s Partners for Fish and Wildlife program. Added gravel on Coteau Farms’ property along the shores of Salt Lake to create additional nesting habitat.



Brian Martin - TNC

*This large prairie pothole naturally dries by mid-summer.*

- Created a waterfowl nesting island on another permanent lake.

### WHO HELPED?

- Farm Service Agency administered Conservation Reserve Program, with technical support from Natural Resources Conservation Service.
- Natural Resources Conservation Service provided technical support and cost-share for the grazing system improvements.

- The Nature Conservancy tailored conservation easements to protect and improve the areas while allowing private property rights.
- Ducks Unlimited provided technical support and funding to construct a waterfowl nesting island.
- U.S. Fish & Wildlife Service provided technical support for the grazing system development, and funding to construct a waterfowl nesting island.
- Partners for Fish and Wildlife completed permit applications, provided funding for gravel, and supervised construction of the piping plover habitat enhancement project.
- Montana Fish, Wildlife & Parks provided planning and financial assistance through its Migratory Bird Stamp Program.

## PERMITS REQUIRED

- Intraservice Section 7 Biological Evaluation Consultation (for piping plover habitat enhancement program)

## BENEFITS AND REWARDS

- Improved grazing patterns, land use, and rangeland conditions.
- Increased amount of fall grazing after “turn-out.”
- Increased carrying capacity and livestock numbers.
- Enhanced habitat for Sprague’s pipits, Baird’s sparrows, and other upland birds and wildlife.
- Good agency contacts; built a team that works together.
- Neighboring farmers and ranchers are restoring marginal cropland to native grasslands and developing grazing systems.
- The Nature Conservancy easement allows landowner the freedom to control hunting on the land.



Brian Martin – TNC

*Lonetree Lake with native range provides habitat for livestock, waterfowl and other wildlife.*

## LANDOWNER’S COMMENTS

“It is important to work to hammer out differences while watching out for your own interests. We learned to figure out a way to make money and at the same time demonstrate that we can keep some of the land native. Neighbors are building partnerships with government agencies and conservation groups. Maybe this is the most gratifying aspect, and most beneficial for conservation in the long run.”

~ Al Joyes

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## MOLLET PARK AND WETLAND RESTORATION PROJECT

MOLLET PARK AND WETLAND is a truly collaborative effort to restore and protect lands at a watershed level. Located on the west side of Ovando Mountain in northern Powell County, Mollet Park and Wetland is a native grassland and perennial pothole complex that is within an area currently managed as the “Blackfoot Community Conservation Area,” a multi-partner effort at community-based forestry and land management. The Nature Conservancy (TNC) purchased the wetland and surrounding 10,000 acres in 2004 as part of the larger Blackfoot Community Project, in association with the Blackfoot Challenge, the local watershed conservation organization.

This area was formerly owned by timber corporations and had been greatly altered over the past 80 years. The 20-acre perennial pothole wetland on the eastern edge of the park had been ditched and drained. Seventy acres of native prairie adjacent to the wetland had been bulldozed and planted in

ponderosa pines. A levee built along two sides of the wetland prevented the ponderosa plantation from seasonal inundation. Additionally, the native prairie and wetland had been exposed to summer-long cattle grazing, which exacerbated problems with invasive weeds such as spotted knapweed, common toadflax, and houndstongue.

In 2005 TNC, with assistance from Natural Resources Conservation Service, the U.S. Fish & Wildlife Service’s Partners for Fish and Wildlife program, and the Blackfoot Challenge, developed a multifaceted restoration plan that continues today. Ongoing restoration and protection efforts in Mollet Park and Wetland add to the work being done on a larger scale in the 41,000-acre Blackfoot Community Conservation Area.

### ACTIONS IN PROGRESS

- Return Mollet Wetland hydrology to its former elevation.
- Remove as much of the plantation as is economically feasible, level the wetland dikes and topsoil windrows, and replant it to native prairie.
- Manage cattle grazing in the wetland and native prairie through fencing and livestock rotation.
- Manage noxious weeds in Mollet Park and Wetland through long-term spot herbicide treatment.

### WHO HELPED?

- Natural Resources Conservation Service’s Wildlife Habitat Incentives Program provided the majority of the funding for the restoration implementation.
- The Nature Conservancy provided funding for restoration, aided in weed control, and oversaw contract restoration work.



Patrick Cole, University of Idaho

Reseeded grassland area with wetland to the left.

- U.S. Fish & Wildlife Service provided funding, guidance, and assistance for wetland restoration work.
- Natural Resources Conservation Service, with input from the U.S. Fish & Wildlife Service’s Partners for Fish and Wildlife program, designed the water control device called a “canal check,” which allows adjustment of the water elevation in the wetland.

- Neighbors volunteered to help remove approximately three acres of the pine plantation.
- Big Blackfoot Chapter of Trout Unlimited, with assistance from the Blackfoot Challenge, is leading the grazing management planning effort that will utilize rotational pastures, temporary electric fences, and off-channel stock tanks.

## PERMITS REQUIRED

- Federal 404

## ONGOING BENEFITS AND REWARDS

- Enhanced wetland size and species composition through recovery of historic water elevation and permanent livestock enclosure.
- Improved wildlife habitat in a large perennial wetland, resulting in a greater diversity of bird species and greater number of amphibians and reptiles.
- Recovery of native prairie adjacent to the wetland through re-grading and seeding.
- Protected habitat for Howell's gumweed, an endemic native plant listed by the Montana Natural Heritage Program as a species of special concern.
- Rehabilitation of the larger native prairie through weed and livestock management.
- Better forage utilization and livestock health through active pasture management.
- Local partnerships strengthened through collaboration.



Steve Kloetzel, TNC

*The water level and plant community of this large pothole wetland have been restored following reclamation of Mollet Park Wetland.*

## PARTICIPANTS' COMMENTS

*“Native plant recovery takes many years, so be patient, do a little gardening to help it out, and do your best to keep the weeds and unmanaged grazing at bay.”*

*~ Steve Kloetzel*

Blackfoot Land Steward  
The Nature Conservancy  
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*“Trust is the foundation for cooperative conservation.”*

*~ Hank Goetz*

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## SECTION 3

# GETTING HELP: WHO, WHAT, AND WHERE

LANDOWNERS make new management decisions about wetlands on their properties for a variety of reasons. People drawing close to retirement often envision the future of the property. Some wish it to remain as it was while they lived and worked on the land. In such circumstances, these landowners can carefully consider ensuring the future of the property by putting some land into conservation status as a legacy for future generations. In some cases financial need predominates and the land is simply sold with no parameters on future land use. When landowners make no decisions for the future, some of these lands may become residential or commercial property with reduced or limited conservation value. In some cases, open space, the rural nature, and aesthetics of the property may be altered forever.

As illustrated by the farm and ranch family stories described in Section 2, many Montana landowners are motivated to make a change in order to increase the productivity of their land. At the same time, they recognize that the value of long-term protection of the natural landscape may outweigh short-term economic gain. Other landowners are driven by the desire to preserve open spaces, to protect land from development, or because they've learned new partnerships and opportunities are now available to help maintain their lifestyle and ties to the land.

## ROLE OF PARTNERSHIPS

TODAY, most wetlands restoration and protection projects happen through partnerships. Typically, no single organization, has all that it takes to complete the comprehensive, multi-benefit endeavors that interest landowners today. Completing these partnerships requires commitment and determination. The most successful projects result when landowners pursue the most complete partnerships before proceeding with the project, producing a greater likelihood of meeting all or most of the conservation goals for their property.



*Jeff Laszlo*  
Restored meander on Odell Creek near Ennis.

Partners may have different expectations for the landowner's participation in funding the project, or for ensuring conservation of the area once restoration is complete. Conservation easements are most often the vehicle used to secure the future protection of project investments. Generally speaking, the more financial resources that are required to restore a wetland or riparian area, the greater the likelihood that the landowner will be asked to protect the restored area through a conservation easement.

### WHERE DO I START?

THE TYPE OF ASSISTANCE YOU SEEK will depend upon your goals for the land. Some landowners undertake restoration and protection projects at their own expense; others participate in voluntary programs administered by public agencies and private organizations to help finance these projects. The Reference Guide to Assistance on pages 38–39 outlines sources of help.

If you have already established a relationship with the local Farm Service Agency, Natural Resources Conservation Service, U.S. Fish, & Wildlife Service, Montana Fish, Wildlife & Parks, local Conservation District office, or tribal government, you may find these avenues the best place to start as you consider your conservation options. Another possibility is to contact Montana Wetlands Legacy Partnership or one of their partner agencies or organizations. The Legacy's goal is "to bring people and resources together" for the common achievement of wetland protection.

We recommend that you ask questions to learn as much as possible about the various programs from a variety of sources. It

is possible that a given property may qualify for assistance from several public agencies and conservation organizations. You may need to go beyond this initial contact to involve other partners necessary to complete the project. In some cases, the initial agency or organizational contact may not be aware of or open to the breadth of available opportunities to expand the project to create the greatest possible conservation benefits. Whatever route you take, learn as much as possible about your options by continuing to make contacts and by asking questions.



*Assistance to landowners is available from many sources. If you have an established relationship with local agency personnel you may wish to contact them first, or contact the Montana Wetlands Legacy Partnership (see page 40). Their goal is to bring people and resources together.*



## SOME LANDOWNER OPTIONS

IF YOU HAVE A WETLAND ON YOUR PROPERTY, you can choose from a wide range of options to restore and/or conserve the wetland. They range from retaining ownership to donating the land, and are described next.

### 1. *Retain ownership and guide future use of the property.* You can choose one or a combination of options:

TECHNICAL ASSISTANCE AND EDUCATION are the first steps to determine what, if any, options you will pursue. It may be best to start with an agency or organization you are familiar with, or contact Montana Wetlands Legacy Partnership. The Reference Guide on pages 38–39 offers suggestions for assistance.

COST-SHARE/MANAGEMENT AGREEMENTS are tailored to fit each individual restoration and conservation project. These agreements are worked out between the landowner, conservation organizations, and agencies. Landowners may enter into several cost-share/management agreements with several conservation entities for the same property.

TERM LEASES are agreements by a landowner to rent land to a private conservation organization or agency for a specified period of time. The landowner receives periodic payments for the leased property while some uses of the property are controlled by the leasing agency or organization. In all cases, leased land remains the property of the original owner throughout the period of the lease.

CONSERVATION EASEMENTS allow the property owner to retain ownership of the property while potentially receiving income and estate tax reductions. Conservation easements may be either term or perpetual; they run with the property's deed for the length of the easement.

### OTHER OPTIONS:

- **MANAGEMENT AGREEMENTS** are worked out between a landowner and a conservation agency. Either the landowner or conservation agency agrees to maintain the property in a manner consistent with the goals of the conservation agency and the landowner.
- **LIMITED DEVELOPMENT STRATEGIES** involve the sensitive development of the least environmentally significant portions of property to finance conservation of the remaining property and meet the landowner's economic needs and goals.
- **REMAINDER INTERESTS** transfer full or partial interest in a property to an appropriate grantee, such as a nonprofit conservation organization, after the death of a landowner. It may also affect any subsequent title holders named by the landowner.

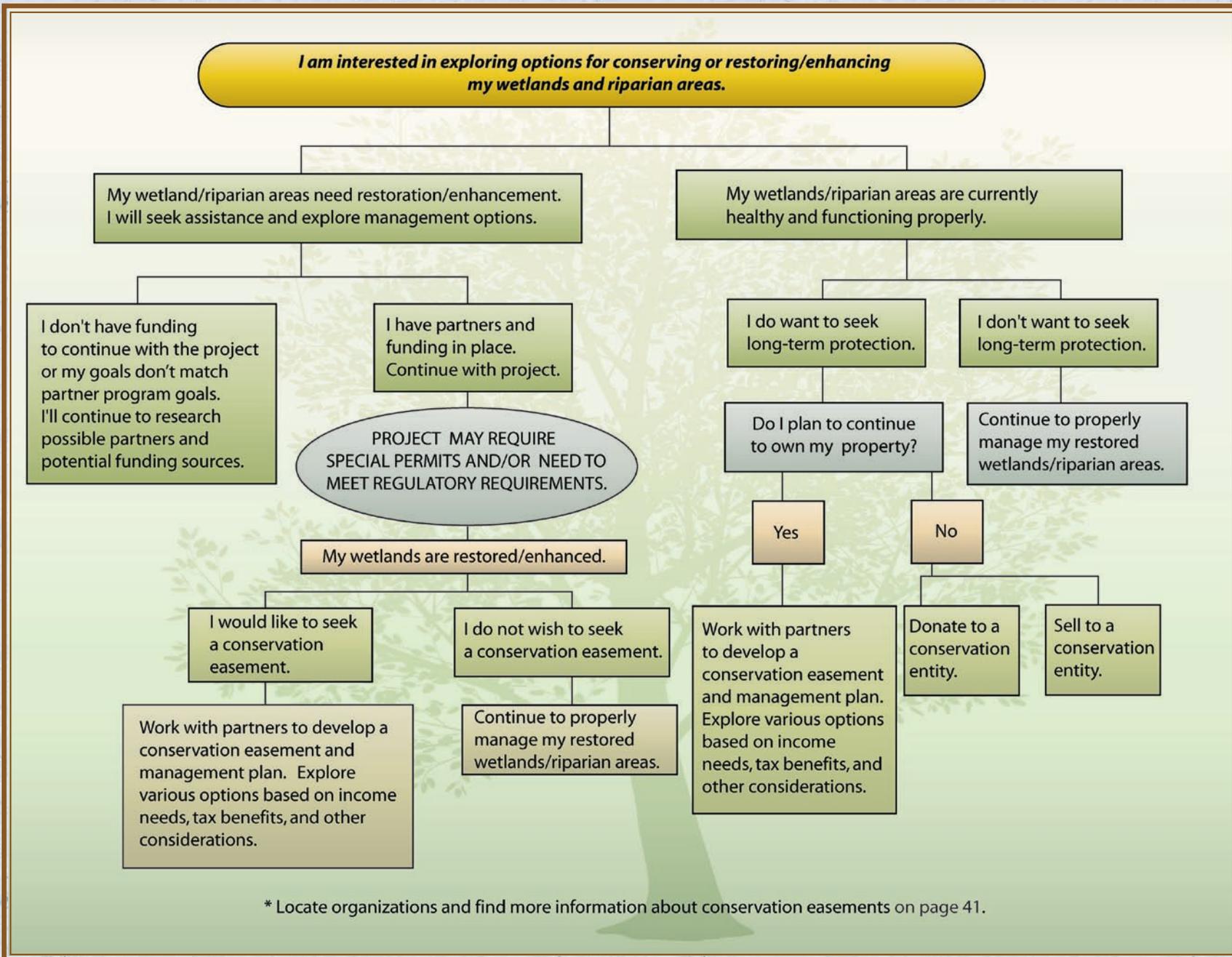
### 2. *Sell the property*

You can sell land to a conservation organization at full market value or as a bargain sale (a price below full market value) which could result in tax benefits. Other sale options are installment sales or selling with a right of first refusal.

### 3. *Donate the land*

If you donate land (transfer of title without compensation) to a conservation organization (land trust), you ensure total protection for the wetland and know that it will be maintained and enhanced. This may entitle you to a reduction in income and/or estate taxes.

Expect to actively participate in the planning and execution of your conservation project. As with any successful endeavor, identify your goals and plan ahead to elicit the best results.



## REFERENCE GUIDE TO ASSISTANCE

	Financial Assistance		Technical Assistance				Other			Contact	E-mail or Website	
	Conservation Easements (Purchase / Donation)	Restoration / Enhancement	Determination / Delineation	Monitoring	Permitting	Restoration	Research	Education	Conservation Easements (Holding)*			
Agency /Organization Name												
<b>FEDERAL AGENCIES</b>	<b>U.S. Department of Agriculture</b> Farm Service Agency		cost share and annual rental and farm loans								Local FSA Office	<a href="http://www.fsa.usda.gov/FSA">http://www.fsa.usda.gov/FSA</a>
			x	x	x		x		x		Local NRCS Office	<a href="http://offices.sc.egov.usda.gov/locator/app">http://offices.sc.egov.usda.gov/locator/app</a>
	<b>U.S. Department of Interior</b> Bureau of Land Management					x		x			(406) 895-5041	<a href="mailto:mphilbin@blm.gov">mphilbin@blm.gov</a>
	Montana Interagency Riparian Cadre							x			(406) 895-5041	<a href="mailto:mphilbin@blm.gov">mphilbin@blm.gov</a>
	<b>U.S. Fish &amp; Wildlife Service</b> Partners for Fish & Wildlife			x	x	x	x			x	(406) 727-7400 x224	<a href="mailto:jim_stutzman@fws.gov">jim_stutzman@fws.gov</a>
	Realty		x								(406) 727-7400 x225	<a href="mailto:gary_l_sullivan@fws.gov">gary_l_sullivan@fws.gov</a>
<b>STATE AGENCIES</b>	<b>U.S. Army Corps of Engineers</b>					x				(406) 441-1375	<a href="https://www.nwo.usace.army.mil/html/od-rmt/mthome.htm">https://www.nwo.usace.army.mil/html/od-rmt/mthome.htm</a>	
	<b>Montana Association of Conservation Districts</b> (or contact your local Conservation District)						x		x	(406) 443-5711 (or contact your local Conservation District)	<a href="mailto:mail@macdnet.org">mail@macdnet.org</a>	
	<b>Montana Fish, Wildlife &amp; Parks</b> Habitat Programs		x	x	x		x	x	x		Local FWP Office	<a href="http://fwp.mt.gov/habitat/landowner.asp">http://fwp.mt.gov/habitat/landowner.asp</a>
	Migratory Bird Stamp Program			x			x	x			(406) 994-7889	<a href="mailto:thinz@mt.gov">thinz@mt.gov</a>
	Montana Wetlands Legacy Partnership		x	x	x	x	x	x	x		(406) 994-7889	<a href="http://www.wetlandslegacy.org">http://www.wetlandslegacy.org</a>
<b>TRIBAL GOVERNMENTS</b>	<b>Blackfeet Reservation</b>				x	x				(406) 388-7421	<a href="mailto:mweatherwax@3rivers.net">mweatherwax@3rivers.net</a>	
	<b>Crow Reservation</b>				x	x	x	x		(406) 638-3748	<a href="mailto:robertas@crownations.net">robertas@crownations.net</a>	

\* Holders of conservation easements sometimes do not purchase an easement from a landowner, but they do have the legal right and responsibility to enforce the restrictions of the easement in order to ensure protection of the land's conservation values.

## REFERENCE GUIDE TO ASSISTANCE

	Financial Assistance		Technical Assistance				Other		Contact	E-mail or Website
	Conservation Easements (Purchase / Donation)	Restoration / Enhancement	Determination / Delineation	Monitoring	Permitting	Restoration	Research	Education		
<b>Agency /Organization Name</b>										
<b>TRIBAL GOVERNMENTS</b>										
Flathead Reservation			x	x	x	x	x	x		(406) 883-2888 www.cskt.org/tr/epa.htm
Fort Belknap Reservation				x	x	x		x		(406) 353-8412 dlongknife@ftbelknap.msn.gov
Fort Peck Reservation			x	x	x	x	x			(406) 768-5155 x325 2horses@nemontel.net
Northern Cheyenne Reservation		x		x	x	x		x		(406) 477-6503 x102 yulberton@yahoo.com
Rocky Boy's Reservation			x	x	x	x	x			(406) 395-4225 (ask for Wetland Coordinator)
American Bird Conservancy			x	x			x	x		(406) 756-2681 dcasey@abcbirds.org
Ducks Unlimited	x	x	x	x	x	x	x	x	x	(406) 492-2002 rsanders@ducks.org
Montana Association of Land Trusts	x								x	(406) 490-1659 or see chart in Sec. 3, Pg. 41 www.montanalandtrusts.org/
Montana Audubon							x	x		(406) 443-3949 mtaudubon@mtaudubon.org
Montana Land Reliance									x	(406) 443-4027 Helena (406) 837-4980 Bigfork (406) 259-1328 Billings info@mtlandreliance.org
<b>PRIVATE ORGANIZATIONS / OTHERS</b>										
Montana State University - Extension				x		x	x	x		(406) 994-1750 http://www.extn.msu.montana.edu/
Northern Rocky Mountain Science Center							x	x		(406) 994-7544 http://nrmsc.usgs.gov/about
Pheasants Forever		x						x		(406) 465-8126 dhare@pheasantsforever.org
Ranchers Stewardship Alliance	x	x					x	x	x	(406) 658-2504 info@ranchersstewardshipalliance.org
Rocky Mountain Elk Foundation									x	(406) 523-4500 www.rmef.org/home
The Conservation Fund	x							x		(406) 541-8555 www.conservationfund.org
The Nature Conservancy	x								x	(406) 443-0303 bee_hall@tnc.org
Trout Unlimited				x		x	x	x		(406) 543-0054 Missoula (406) 449-9933 Helena www.montanatu.org/
Trust for Public Land	x	x					x	x		(406) 522-7450 www.tpl.org

THE MONTANA WETLANDS LEGACY PARTNERSHIP is a voluntary, incentive-based program committed to conserving Montana's wetlands, riparian areas, and associated watershed lands. The Legacy partners work to conserve about 50,000 acres per year through conservation easements, wildlife habitat agreements, and fee title acquisitions. The Legacy is continually seeking new projects that include high-quality wetlands and riparian areas that landowners and land managers are working to conserve. Priority is

given to landscape-scale projects in conservation focus areas across Montana. To learn more about the Legacy's work in your area, contact:

MONTANA WETLANDS LEGACY PARTNERSHIP COORDINATOR  
1400 South Nineteenth Street  
Bozeman, MT 59718  
Phone: (406) 994-7889  
<http://www.wetlandslegacy.org>

Montana Wetlands Legacy partners include the following organizations and agencies that protect and restore wetlands and riparian areas in Montana:

- Army Corps of Engineers
- Bitter Root Land Trust
- Confederated Salish and Kootenai Tribes
- Ducks Unlimited
- Federal Highway Administration
- Five Valleys Land Trust
- Flathead Land Trust
- Fort Peck Tribes
- Gallatin Local Water Quality District
- Gallatin Valley Land Trust
- Montana Association of Conservation Districts
- Montana Audubon Council
- Montana Department of Environmental Quality
- Montana Department of Natural Resources and Conservation
- Montana Department of Transportation
- Montana Fish, Wildlife & Parks
- Montana Fish, Wildlife & Parks Foundation
- Montana Land Reliance
- Montana Natural Heritage Program
- Montana Natural History Center
- Montana Watercourse
- Pheasants Forever
- PPL Montana
- Prickly Pear Land Trust
- Rocky Mountain Elk Foundation
- The Conservation Fund
- The Nature Conservancy
- Trout Unlimited
- Trust for Public Land
- U.S. Bureau of Land Management
- U.S. Bureau of Reclamation
- U.S. Farm Service Agency
- U.S. Fish & Wildlife Service
- U.S. Forest Service
- U.S. Natural Resources Conservation Service
- Watershed Education Network



CONSERVATION EASEMENTS are legally binding agreements that are voluntarily entered into by landowners who wish to protect land for future generations by agreeing to either sell or donate specified rights that limit certain uses of the land or to prevent future development on the land.

The restrictions placed on the property are determined by the landowner and are either sold or donated to a public agency or private organization. The holder of the conservation easement holds the right to enforce the landowner's promise not to exercise those rights.

If you are considering a conservation easement on your land, start by contacting various public agencies or private organizations such as land trusts. The table below provides contact information for groups that handle conservation easements in Montana.

**MONTANA ORGANIZATIONS THAT HANDLE CONSERVATION EASEMENTS**

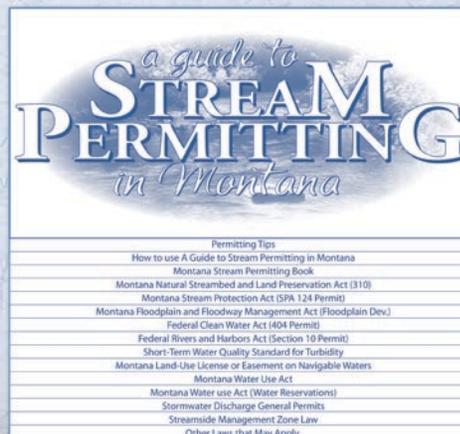
<b>Organization</b>	<b>Scope of Work</b>	<b>Contact</b>	<b>Phone/Email/Website</b>
Bitter Root Land Trust	Bitterroot Valley & adjoining lands in Ravalli County	P.O. Box 1806, Hamilton, MT 59840	(406) 375-0956 <a href="http://www.BitterRootLandTrust.org">www.BitterRootLandTrust.org</a>
Blackfeet Land Trust	Blackfeet Reservation & adjoining areas	P.O. Box 3030, Browning, MT 59417	(406) 338-2992
Clark Fork-Pend Oreille Conservancy	Sanders County, MT and Bonner County, ID	P.O. Box 2123, Sandpoint, ID 83864	(208) 263-9471 <a href="mailto:CFPOConservancy@Sandpoint.net">CFPOConservancy@Sandpoint.net</a> <a href="http://www.cfpoconservancy.org">www.cfpoconservancy.org</a>
Ducks Unlimited	Statewide	P.O. Box 183, Elliston, MT 59728	(406) 492-2002 <a href="mailto:rsanders@ducks.org">rsanders@ducks.org</a>
Five Valleys Land Trust	Deer Lodge, Granite, Lake, Lewis & Clark, Mineral, Missoula, Powell, Ravalli, and Sanders counties	P.O. Box 8953, Missoula, MT 59807	(406) 549-0755 <a href="mailto:fvlt@montana.com">fvlt@montana.com</a> <a href="http://www.fvlt.org">www.fvlt.org</a>
Flathead Land Trust	Flathead, Lake, Lincoln, and Sanders counties	P.O. Box 1913, Kalispell, MT 59903	(406) 752-8293, <a href="mailto:flt@bigsky.net">flt@bigsky.net</a> <a href="http://www.flatheadlandtrust.org">www.flatheadlandtrust.org</a>
Gallatin Valley Land Trust	Broadwater, Gallatin, Jefferson, Madison, Meagher, and Park counties	P.O. Box 7021, Bozeman, MT 59771	(406) 587-8404 <a href="mailto:landtrust@gvlt.org">landtrust@gvlt.org</a> <a href="http://www.gvlt.org">www.gvlt.org</a>
Mid-Yellowstone Land Trust	Southeast and central Montana	907 Avenue B, Billings, MT 59012	(406) 252-2606
Montana Fish Wildlife & Parks	Statewide	Contact Regional Montana FWP Supervisors	<a href="http://fwp.mt.gov/habitat/landowner.asp">http://fwp.mt.gov/habitat/landowner.asp</a>
Montana Land Reliance	Statewide	P.O. Box 355, Helena, MT 59624	(406) 443-7027 <a href="mailto:info@mtlandreliance.org">info@mtlandreliance.org</a> <a href="http://www.mtlandreliance.org">www.mtlandreliance.org</a>
Montana Wetlands Legacy Partnership	Statewide	1400 S. 19th Ave. Bozeman, MT 59718	(406) 994-7889 <a href="mailto:thinz@mt.gov">thinz@mt.gov</a> <a href="http://www.wetlandslegacy.org">www.wetlandslegacy.org</a>
Natural Resources Conservation Service (USDA)	Statewide	Contact Local NRCS Office	<a href="http://www.mt.nrcs.usda.gov/programs/wrp/">www.mt.nrcs.usda.gov/programs/wrp/</a> or <a href="http://www.mt.nrcs.usda.gov/contact/offices/localoff.html">www.mt.nrcs.usda.gov/contact/offices/localoff.html</a>
Prickly Pear Land Trust	Broadwater, Jefferson, and Lewis & Clark counties	P.O. Box 892, Helena, MT 59624	(406) 442-0490 <a href="http://www.pricklypearlt.org">www.pricklypearlt.org</a>
Ranchers Stewardship Alliance	Phillips and adjoining counties	22787 Midale Road, Malta, MT 59538	(406) 658-2504 <a href="http://www.rancherstewardshipalliance.org/index.asp">www.rancherstewardshipalliance.org/index.asp</a>
Rattlesnake Land Trust (formerly Save Open Space)	Missoula	411 1101 E Broadway Suite 2 Missoula, MT 59802	(406) 549-6083 <a href="mailto:ssproull@montana.com">ssproull@montana.com</a>
Rocky Mountain Elk Foundation	Statewide	5705 Grant Creek Missoula, MT 59808	1-800-225-5355 <a href="http://www.rmef.org">www.rmef.org</a>
The Conservation Fund	Statewide	125 Bank Street Suite 612 Missoula, MT 59802	(406) 541-8555 <a href="http://www.conservationfund.org">www.conservationfund.org</a>
The Nature Conservancy	Statewide	32 South Ewing, Helena, MT 59601	(406) 443-0303 <a href="http://www.nature.org">www.nature.org</a>
Trust for Public Land	Statewide	111 S Grand Ave. Suite 203 Bozeman, MT 59715	(406) 522-7450 <a href="http://www.tpl.org">www.tpl.org</a>
U.S. Fish & Wildlife Service	Statewide	Benton Lake National Wildlife Refuge 922 Bootlegger Trail Great Falls, MT 59404	(406) 727-7400 <a href="http://www.fws.gov/bentonlake/Conservation%20Easements.htm">www.fws.gov/bentonlake/Conservation%20Easements.htm</a>
Vital Ground Foundation	Grizzly bear habitat in western Montana	Building T-2 Fort Missoula Road Missoula, MT 59804	(406) 549-8650 <a href="http://www.vitalground.org">www.vitalground.org</a>



# SECTION 4 PROTECTION LAWS, PERMITS, AND REGULATIONS

## WETLAND AND STREAM PERMITS FOR RESTORATION

SOME WETLAND AND STREAM RESTORATION WORK may require federal, state, local, or tribal permits to ensure water quality is protected and that private water rights are considered. Wading through the permitting system can be difficult and confusing due to the number of agencies that have permitting authority. To make the permit application process easier, agencies responsible for some of the permits have cooperatively developed a Joint Application Form. "A Guide to Stream Permitting in Montana," pictured below, also provides important information. Both of these resources are available at any Conservation District office, via the internet at [http://dnrc.mt.gov/permits/streampermitting/joint\\_application.asp](http://dnrc.mt.gov/permits/streampermitting/joint_application.asp), or by calling (406) 444-6667. The agencies and/or consultants who work with you on your restoration project can advise about necessary permits, but ultimately all permits are your responsibility. Expect that the permitting process will take time. In some cases it might take several months to more than a year to get everything in place before your project may begin.



## COMMON PERMITS REFERRED TO IN THIS GUIDE

**State 310 Permit** – Required when working in or near a year-round (perennial) stream or river on private or public land.

- Purpose is to protect stream or adjoining lands from damage.
- Administered by Conservation Districts.
- No fee. Permit is good for one year.
- Permitting process takes 30 to 90 days.

**Federal 404 Certification** (Clean Water Act Section 401) – Required when a project involves dredging and filling in jurisdictional (waters protected by the Clean Water Act) lakes, rivers, streams (including perennial, intermittent, and ephemeral channels with an ordinary high water mark), wetlands, and other aquatic sites.

- Purpose is to restore and maintain the chemical, physical, and biological integrity of the nation's waters.
- Administered by Army Corps of Engineers.
- Application fees for individual permits range from \$10 for private individuals to \$100 for commercial applicants.
- Process may take 45 to 160 days.

## WATER RIGHTS AND WETLANDS

NATURALLY OCCURRING WETLANDS don't require water rights. If you are creating, enhancing, or enlarging wetlands, then the law may require you to apply for some type of water right approval. Any time you interfere with the natural flow of water across your property, you could be adversely affecting the prior water rights of downstream neighbors. By the same token, if you go to the time and expense of developing a wetland, you probably want the legal right to prevent your upstream neighbors from excessive interference in the water flowing to you.

The general rule is that if water is being diverted into or otherwise artificially manipulated to remain in a wetland (such as through excavated ponds or dikes), a water right may be required. Making that determination and finding out what type of water right approval may be required is very site-specific. Remember that some basins are closed to new water rights. Direct these questions to your local Montana Department of Natural Resources and Conservation Water Resources Regional Office.

### DNRC WATER RESOURCES REGIONAL OFFICES

<b>Office</b>	<b>Telephone</b>	<b>Counties Served</b>
<b>Billings</b>	247-4415	Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Yellowstone
<b>Bozeman</b>	586-3136	Gallatin, Madison, Park
<b>Glasgow</b>	228-2561	Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Wibaux
<b>Havre</b>	265-5516	Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, Toole
<b>Helena</b>	444-6999	Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis & Clark, Powell, Silver Bow
<b>Kalispell</b>	752-2288	Flathead, Lake, Lincoln, Sanders
<b>Lewistown</b>	538-7459	Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, Wheatland
<b>Missoula</b>	721-4284	Granite, Mineral, Missoula, Ravalli



## TRIBAL LAWS AFFECTING WETLANDS

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THERE ARE SEVEN INDIAN RESERVATIONS IN MONTANA. Also within the state are what is commonly called the Turtle Mountain public domain allotments, primarily in northern Montana along the Hi-Line. Tribal governments safeguard the health, welfare, and economic security of their people. They protect aquatic resources, including wetlands that are critical for water quality, fisheries, and wildlife. Tribes on six reservations have entered into legal compacts with the state of Montana pertaining to water. The Confederated Salish and Kootenai Tribes (Flathead Reservation) and the Blackfeet Tribe currently have regulations and ordinances in place (see below). If you own land adjacent to or within reservation boundaries, you need to consult the appropriate tribal government offices about wetlands on your property.

### WETLANDS ON THE FLATHEAD RESERVATION

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The Confederated Salish and Kootenai Tribes have specific codes for wetland management. One ordinance addresses the banks below the high-water mark of the south half of Flathead Lake. Another ordinance protects wetlands and riparian areas throughout the remainder of the reservation. The Aquatic Lands Conservation Ordinance prevents degradation of reservation waters and aquatic lands by regulating construction whenever such a project will cause erosion, sedimentation, or other disturbances that adversely affect water quality. Permits are obtained and processed through the Shoreline Protection Program Office of the Confederated Salish and Kootenai Tribes. Failure to comply with the permit terms

may result in law enforcement. Presently, the Confederated Salish and Kootenai Tribes are developing a comprehensive management plan that includes a “no net loss” policy and guidelines to increase the quality and quantity of wetlands. The plan has evolved since the 1990s and includes wetlands mitigation for the 1.25-million-acre Flathead Reservation. Wetlands on reservation lands are being mapped as part of the National Wetland Inventory.

### THE BLACKFEET NATION’S WETLANDS PLAN

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The Blackfeet Tribe protects wetlands through the use of the Aquatic Lands Protection Ordinance and the tribe’s Wetland Mitigation Policy. The ordinance requires that a permit be issued prior to wetland work. The mitigation policy spells out the type of wetland mitigation required to avoid wetland impacts. The tribe has authority to issue permits and to fine anyone working without a permit in wetlands or waters of the reservation, to revoke a permit for non-compliance, and to require restoration or replacement of damaged wetlands, riparian areas, and streams. The tribe coordinates efforts with the U.S. Army Corps of Engineers (Section 404 Permitting), and with the Environmental Protection Agency (EPA) (Section 401 Water Quality Certification).



The Blackfeet Tribe Wetlands Program is funded through the EPA with the goal of developing and implementing a comprehensive wetlands protection program on the Blackfeet Indian Reservation. To meet that goal, the tribe's wetlands monitoring program collects baseline data on a subset of wetlands in all four watersheds within the reservation boundary. The Wetlands Program has developed a draft "Wetlands Conservation Strategy" to guide management and protection of reservation wetlands. Additionally, the Wetlands Program has assisted with three wetland creation projects and one wetland restoration project on the reservation. These projects are: creation of approximately 9 acres at Pikuni Park, creation of 27.6 acres at the Perry Ranch, creation of approximately 9 acres along Highway 2, and restoration of about 176 acres at Alkali Lake.



*Sue Ball*  
Potholes near Charlo, Montana.

***MONTANA RESERVATIONS CONTACT INFORMATION***

<b>Blackfeet Reservation</b>	
<b>Blackfeet Environmental Office</b>	(406) 338-7481
<b>Crow Reservation</b>	
<b>Office of Legal Counsel</b>	(406) 638-2059
<b>Flathead Reservation</b>	
<b>Wetlands Conservation Program</b>	(406) 883-2888, x 7203
<b>Fort Belknap Reservation</b>	
<b>Water Rights Division</b>	(406) 353-8454
<b>Fort Peck Reservation</b>	
<b>Water Resource Office</b>	(406) 768-5846
<b>Northern Cheyenne</b>	
<b>Tribal Water Coordinator</b>	(406) 477-6503, x 102
<b>Rocky Boy's Reservation</b>	
<b>Water Resources</b>	(406) 395-4225



*Kirwin Werner, CSKT*  
These researchers are sampling amphibian larvae through dipnetting near Perma on the Flathead Indian Reservation.



## FREQUENTLY ASKED QUESTIONS

AS YOU CONSIDER wetland restoration or enhancement, questions will arise that are unique to your property.



You may need to ask more than one agency or organization for advice or assistance. Do not overlook the important permitting and regulations step, and remember that it is your responsibility to obtain all permits and landowner permissions prior to beginning project work. Following are some typical questions asked by landowners as they consider projects that might impact wetlands and riparian areas.

### **How do I know if I have a wetland on my property?**

A private consultant, the Natural Resources Conservation Service (NRCS), or another agency wetland professional can visit your property to make that determination. If your land contains hydric soil, NRCS may provide a wetlands specialist for a wetland determination. The Reference Guide to Assistance on pages 38–39 provides contact information.

### **I have a construction project planned for an area that is a wetland. What regulations/permits could apply?**

Be aware that Section 404 of the federal Clean Water Act requires applicants to first avoid all impacts to jurisdictional waters of the U.S. including most wetlands, next

to minimize impacts, and then to mitigate for those impacts that can't be avoided or minimized. Mitigation can be expensive and requires permitting. You may need a 404 Permit from the Army Corps of Engineers (ACOE) or a 310 Permit from your local Conservation District. The Joint Application Form (see page 42) is an easy way to access information about these permits.

### **I have a wetland that has filled in with sediment and plants. I would like to excavate. What regulations/permits could apply?**

Heavy equipment often requires a 404 Permit from ACOE. Section 404 of the Clean Water Act regulates discharge of dredge or fill materials into waters of the U.S., including most wetlands. A state permit may also be required for water quality issues. The Joint Application Form (see page 42) is an easy way to access information on these permits.

### **I would like to build a pond by excavating in an upland area, or by damming a coulee. What regulations/permits could apply?**

You may need a water right. The water rights process varies between river basins. Some basins in Montana are closed to further water appropriations, so it is important to contact your local DNRC Water Resources Office. Depending on the location, you may be required to comply with a variety of regulations. Contact your local planning office and check local county zoning laws. If your project will create even short-term water quality changes, you may need a 318

Permit issued through Montana DEQ which is part of the Joint Application Form (see page 42).

### **I would like to remove woody plants from my wetland. What regulations/permits could apply?**

If you will use only hand-held equipment such as chainsaws and shovels, you don't need a permit. Heavy equipment often requires a 404 Permit from the ACOE. If your wetland is in a riparian area, the Streamside Management Zone Law may apply. Contact the Forestry Division of DNRC at (406) 542-4300. Be aware that removal of all woody plants may jeopardize eligibility for some federal farm program benefits. Contact your local FSA or NRCS office.

### **I would like to drain a wetland for construction or agricultural activities. What are the possible implications?**

First of all, consider options. You are now familiar with the important functions of wetlands and their value to water quality and quantity, habitat, recreation, and property. If you expect greater benefits in draining the wetland, then begin by contacting the ACOE to determine if a 404 Permit is needed. Contact your local FSA or NRCS office regarding activities that might jeopardize eligibility for federal farm program benefits.



Informed landowners understand the importance of any actions taken on their land and manage wetlands with care. We hope this guide has provided concise, useful information that helps you consider wetland conservation, restoration, and enhancement projects.

#### COMMON ACRONYMS ENCOUNTERED IN WETLANDS WORK

<b>ACOE</b>	Army Corps of Engineers (U.S.)
<b>BLM</b>	Bureau of Land Management (U.S.)
<b>BOR</b>	Bureau of Reclamation (U.S.)
<b>CCAA</b>	Candidate Conservation Agreement with Assurances (USFWS)
<b>CD</b>	Conservation District
<b>CREP</b>	Conservation Reserve Enhancement Program (U.S. Farm Service Agency)
<b>CRP</b>	Conservation Reserve Program (U.S. Natural Resources Conservation Service)
<b>DEQ</b>	Department of Environmental Quality (Montana)
<b>DNRC</b>	Department of Natural Resources and Conservation (Montana)
<b>DU</b>	Ducks Unlimited (nonprofit organization)
<b>EPA</b>	Environmental Protection Agency (U.S.)
<b>EQIP</b>	Environmental Quality Incentives Program (U.S. Natural Resources Conservation Service)
<b>FSA</b>	Farm Service Agency (U.S.)
<b>FWP</b>	Montana Department of Fish, Wildlife & Parks
<b>FWS</b>	Fish & Wildlife Service (U.S.)
<b>NRCS</b>	Natural Resources Conservation Service (U.S.)
<b>PFW</b>	Partners for Wildlife (USFWS)
<b>USDA</b>	United States Department of Agriculture
<b>USDI</b>	United States Department of the Interior
<b>WRP</b>	Wetlands Reserve Program (U.S. Natural Resources Conservation Service)



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### *Landowner Guide Advisory Committee:*

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