

September 17 - 18, 2014

ITEM 164-1012-R0914

Acquisition of Real Property by Gift; Revision of Easement for Wildlife Habitat Conservation to United States Department of the Interior, U.S. Fish and Wildlife Service; University of Montana – Missoula

THAT

Pursuant to Montana University System Policy 1003.6, the Board of Regents of the Montana University System authorizes the University of Montana – Missoula (UM) to acquire by gift from The Nature Conservancy (“TNC”) two pieces of real property: a 160-acre parcel located in Powell County, Montana and a 6-acre parcel located in Missoula County, Montana.

The 160-acre parcel located in Powell County, MT is an in-holding in the Bandy Ranch property currently held by the Montana Forest and Conservation Experiment Station of the University of Montana (“MFCES”). The Board of Regents of the Montana University System authorizes UM to modify the existing US Fish and Wildlife Service (“USFWS”) wildlife habitat conservation easement on the Bandy Ranch property to match the slightly more refined USFWS conservation easement on the 160 gifted acres. No significant change in the existing land use pattern is contemplated.

The 6-acre parcel located in Missoula County, Montana is contiguous to the southern border of UM’s Lubrecht Experimental Forest. The Board of Regents of the Montana University System authorizes UM to accept a gift deed restriction limiting future development of buildings, property or subdivisions on this property.

The terms of these gifts and the conservation easement have been reviewed and found acceptable by the University of Montana Legal Counsel.

EXPLANATION

POWELL COUNTY PARCEL

UM currently owns real property in Powell County, Montana known as the “Bandy Ranch”. The property was bequeathed to UM upon the death of Mr. Edward Bandy, Jr. in October, 1989. In September, 1994, UM granted a wildlife habitat conservation easement to the USFWS on the bequeathed property. TNC currently owns a 160-acre in-holding in the Bandy Ranch property. In January, 2008, TNC granted a wildlife conservation easement to the USFWS on the 160 acres.

TNC wishes to gift its 160 acre in-holding to MFCES. UM is requesting approval from the Board of Regents of the Montana University System to acquire the real property by gift from TNC. The gift of 160 acres from TNC is an excellent opportunity to acquire this Bandy Ranch in-holding at no direct cost to the MFCES. The 160 acre parcel is rich in natural resources. It has a perennial stream and more standing timber inventory than any other 160 acre parcel on the present ranch property.

The 2008 conservation easement granted by TNC to USFWS on the 160 acres is nearly identical to the 1994 conservation easement granted by MFCES to USFWS on the Bandy Ranch property in 1994 with one minor

exception. The 1994 easement allowed timber harvesting on the property “without written approval” from the USFWS. The 2008 conservation easement refines the timber harvest language to distinguish between commercial timber harvesting (requiring prior written approval by the USFWS) and non-commercial timber harvests (not requiring prior USFWS approval). All harvests remain subject to compliance with state and federal forestry laws, regulations, practices, and guidelines.

UM is requesting approval from The Board of Regents of the Montana University System to update the 1994 wildlife habitat conservation easement on the Bandy Ranch property with refined USFWS wildlife habitat conservation easement granted by TNC on the 160 gifted acres. This would have the effect of making the wildlife habitat conservation easement terms and language uniform for all Bandy Ranch properties. Additionally, because there is no history of timber harvesting taking place on the property, at least since UM has acquired it, updating the easement has little or no effect on property’s current and anticipated future use.

MISSOULA COUNTY PARCEL

TNC also wishes to gift to MFCES a tract of land directly south and contiguous to the Lubrecht Experimental Forest so that it may be preserved and enjoyed by UM. This land is premier river front property with several acres bordering the Blackfoot River – which is why TNC desires that the land be preserved. UM is requesting approval from the Board of Regents of the Montana University System to acquire this tract of land by gift from TNC. The gift of this tract of land is contingent on acceptance of the deed restriction limiting any subdivision or development of buildings and residences on this tract of land.

ATTACHMENTS

N/A