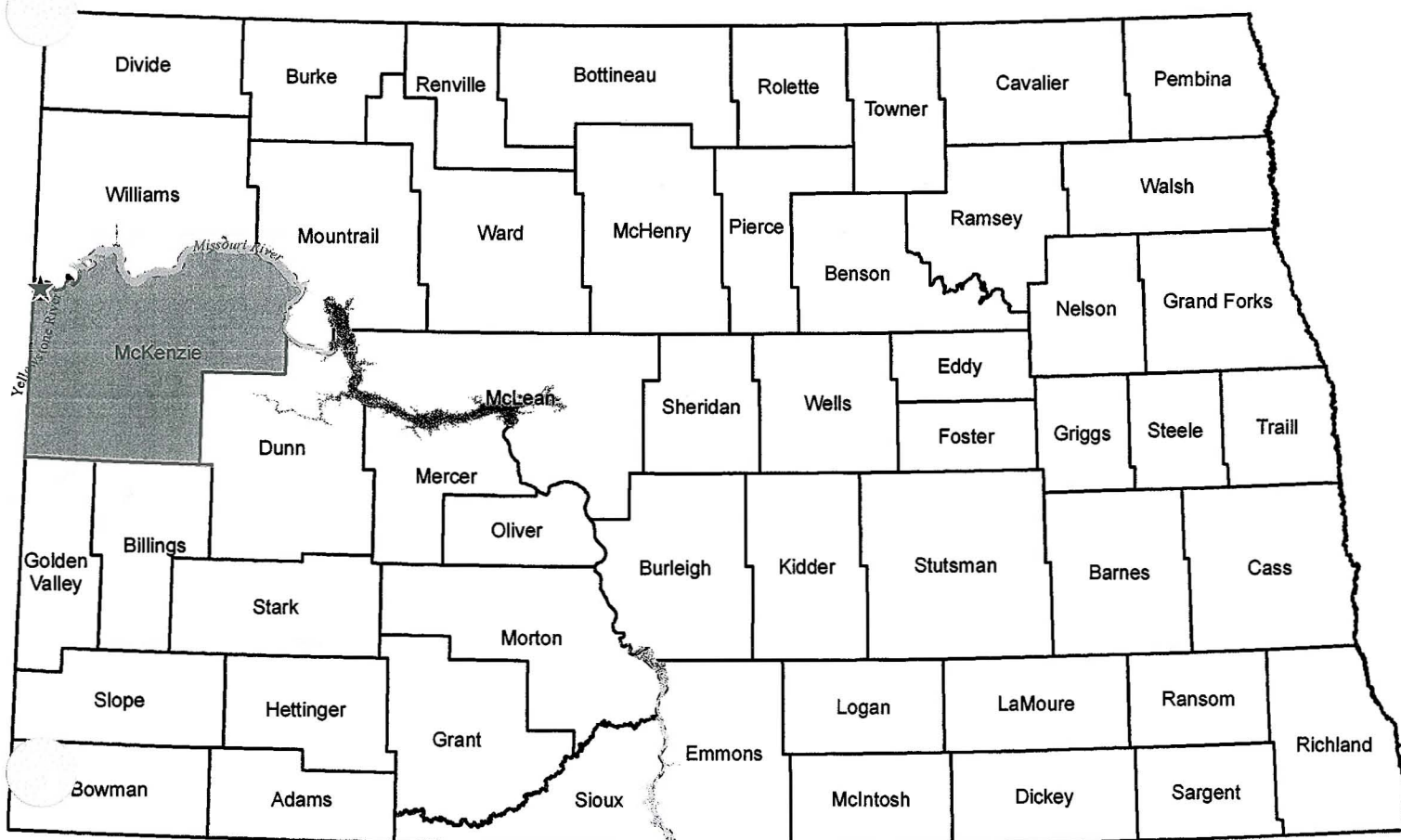


# North Dakota Game and Fish Department



## Land Acquisition Proposal of Approximately 983 Acres of Land along the Missouri River Near the Confluence of the Missouri and Yellowstone Rivers, in McKenzie County



### **Proposal:**

The North Dakota Game and Fish Department is requesting Budget Section approval for the expenditure of \$363,333.00 of its current appropriation for its contribution to the purchase of 983 acres of land in McKenzie County. Even though the Department will not be the official purchaser of this land, the Department will ultimately gain title to this property. The Department would like to use funds that were appropriated last session for land acquisition. It is felt that the intent of N.D.C.C. 20.1-02-05.1 requires Budget Section approval.

### **Background:**

The ND Natural Resources Trust (Trust) and the American Foundation for Wildlife (Foundation) came to the North Dakota Game and Fish Department (Department) with a proposal to purchase approximately 983 acres of land in McKenzie County adjacent to the Missouri River west of the confluence of the Yellowstone and Missouri Rivers. They had been approached by numerous landowners expressing a strong interest in selling their property locally known as the Big Oxbow (5 landowners and one estate). The Department has partnered in the past on several successful projects with these organizations. The proposal was as follows:

- The ND Natural Resources Trust would work toward a financial package with numerous financial contributors. The Trust would conduct the background and legal work including landowner contacts.
- The American Foundation for Wildlife would be the purchaser of the land and hold the property until all aspects of the sale were completed. This included gaining Governor's approval for the acquisition through the hearing process established by N.D.C.C. 10-06-10. After all approvals are completed and clear title is established the Foundation would donate the land to the Department for public use and enjoyment as part of the Department's Wildlife Management Area system.
- The Department would apply for a US Fish and Wildlife Service Endangered Species grant and provide the non-federal match, as well as providing the non-federal match for another grant they were applying for. A total commitment of \$363,333 of which \$113,333 is from the Game and Fish Fund and \$250,000 is from a grant from the US Fish and Wildlife Service.

The partners assisting in funding and other forms of contributions are as follows:

ND Natural Resources Trust  
American Foundation for Wildlife  
US Fish and Wildlife Service  
ND Game and Fish Department  
United Sportsmen  
ND Wild Turkey Federation  
Ducks Unlimited, Inc.

Craig Larson  
ND Conservation Fund  
ND Chapter of the Wildlife Society  
SEI Investments, Inc.  
Starion Financial, Inc.  
ND Conservation Foundation  
Northern Great Plains Joint Venture

The American Foundation for Wildlife has complied with all aspects of N.D.C.C. 10-06.1-10 and Governor John Hoeven has approved the purchase. (See attachment)

### **The Big Oxbow Project**

The confluence of the Yellowstone and Missouri Rivers has received considerable local, state, and national recognition with the celebration of the Lewis and Clark expedition. Because of the significance this area played in the Lewis and Clark expedition, the unique wildlife and fishery values of the area, the great influence the area has on threatened and endangered fish and birds, the protection the acquisition will provide for the viewshed of the new confluence visitor center constructed by the North Dakota State Historical Society, and the sheer undeveloped beauty of the area, natural resources agencies and organizations, and several agencies and organizations with historical interests have made efforts to acquire permanent protection for some of the confluence area.

### **Justification**

The confluence creates a unique biological environment in an area with great historical significance that should be protected and preserved for future generations. The purpose of the acquisition is to ensure that this unique area will be forever protected and preserved. This acquisition will provide permanent protection for the area and will provide public access and use of the area for broad-based outdoor recreation including hunting, fishing, hiking, photography, bird watching, historical education and enjoyment, and other outdoor activities. The acquisition will also provide an area for adult and youth educational opportunities involving wetlands, native grass prairie, bottomland forest lands, and historical endeavors/interests. Besides providing additional viewshed protection, the Big Oxbow tract contains additional high value wildlife/fisheries habitat and provides protection to 1.4 miles of Missouri River shoreline. A unique feature of the tract is a large (400+ acre) old river channel oxbow wetland. This wetland fills with backflow waters whenever either the Missouri or Yellowstone flows are very high and also receives a permanent (growing season) water supply through irrigation return flows from three sources. There are no croplands on the entire tract, and never have been primarily because access to the area is difficult. The landowners have attempted grazing in the past, but the extremely poor access made the venture difficult and risky. There has been no grazing since 2001.

### **Management**

When the land acquisition process is completed, the lands will be transferred in fee title to the North Dakota Game and Fish Department. The Department has a strong desire to manage the acquired area as a wildlife management area, which would allow use and access by the visiting public. There may be potential for joint management of parts of the property with historical interests and/or other public interests.

## Issues of Special Concern

*Noxious Weeds* – Weed control will be assured under long-term management by the ND Game and Fish Department. Tamarisk or salt cedar has been invading the Missouri and Yellowstone drainages in recent years and has been found on nearby properties. This noxious plant will require careful monitoring and control.

*Taxes* - The Foundation pays full property taxes. The ND Game and Fish Department pays full property taxes as required under North Dakota law.

*Public Use* –The Foundation will allow full public use of the acquired lands during its temporary ownership. As part of their long-term management, the ND Game and Fish Department will highlight the area as available for public use and encourage the public to visit the area for recreational and educational purposes. Historical interests will be encouraged.



State of  
**North Dakota**  
*Office of the Governor*

John Hoeven  
Governor

April 26, 2010

Vern Axtman, Vice President  
American Foundation for Wildlife  
PO Box 236  
Bismarck, ND 58502

Dear Mr. Axtman:

Pursuant to N.D.C.C. § 10-06.1-10, and subject to its requirements and recommendations of the Natural Areas Acquisition Advisory Committee, I hereby approve the acquisition of 983 acres in McKenzie County, North Dakota by the American Foundation for Wildlife as described in your letter of March 3, 2010, to Agriculture Commissioner Doug Goehring. The Natural Areas Acquisition Advisory Committee provided a recommendation that I approve the proposed acquisition.

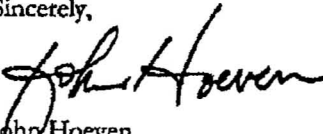
The land will be deeded to the North Dakota Game and Fish Department, who will manage and maintain it. The Department has agreed to accept transfer of the property and will make payment of lieu of taxes, as it is required to do by North Dakota law.

It is apparent that the land has little agricultural value, having not been grazed since 2001, and it has no history of crop production.

The property will be open for public purposes such as hunting, bird watching, nature study and general public enjoyment. It is in a historic location that has significant tourism value as part of the Missouri-Yellowstone Confluence, in the direct viewshed of the Confluence Visitor Center. Also, since it will be open to hunting as a North Dakota Wildlife Management Area, it will help off-set in part the loss of Conservation Reserve Program (CRP) land available to hunters. In accordance with these terms, I approve this acquisition.

Thank you for your continued work in cooperative agreements with landowners and local officials regarding sound stewardship and management of natural resources in the State of North Dakota.

Sincerely,

  
John Hoeven  
Governor

38:47:67:56

C: Natural Areas Acquisition Advisory Committee members

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Lewis and Clark

Ft. Buford

Ft. Union

Big  
Oxbow  
Project