

**Meeting Date:** 11/20/2020

**Agenda Item No. 5. C.**

**Agenda Item:** Clagstone Conservation Easement  
Adjustment

**Bureau Chief Approval:** MCW  
for TB

**Prepared by:** Don Kemner, Bill Bosworth, and Steve Elam

**Background:**

In 2019, the Idaho Transportation Department (ITD) provided notice of its intent to acquire approximately 13.7 acres of land currently encumbered by the Clagstone Meadows Conservation Easement (CE). The purpose of the acquisition is to expand U.S. Highway 95 and frontage roads to improve safety and maintain traffic to meet increased travel demands on this major regional transportation corridor. The parcel is north of the town of Athol in Bonner County.

In 2016, the Idaho Department of Fish and Game (IDFG) and the Idaho Department of Lands (IDL) acquired the Clagstone Meadows Conservation Easement (CE) from Stimson Lumber Company. The CE protects 14,432 acres in Bonner County across several non-contiguous parcels. The 13.7 acre parcel to be acquired by ITD is non-contiguous with other parcels and is bisected by U.S. Highway 95. This parcel represents just 0.01% of the easement acreage.

Under the terms of the CE, subdivision of the Clagstone Meadows property is prohibited. However, the parties have determined that no better alternative route is available. State legal counsel has advised that condemnation is inevitable and a partial CE extinguishment and sale in lieu of condemnation is therefore justifiable and would be more efficient than going through a judicial condemnation process.

Because IDL and IDFG contributed differing amounts, the CE specifies that in the event of extinguishment, IDFG's proportional interest in the CE is 27%. The expected compensation from ITD to IDFG is \$10,831.

IDFG purchased the easement using Pittman-Robertson funds and staff are working with the U.S. Fish and Wildlife Service and IDL on disposition and management of the federal funds.

**Statutory Authority and/or Policy issues:**

Subdivision of the Clagstone Meadows property is prohibited under the terms of the CE. The extinguishment of the CE associated with the sale requires Commission approval.

**Public Involvement Process:**

Staff conducts land acquisition and disposal in accordance with Commission and Department land acquisition policy. The proposal is simultaneously being presented to the Idaho Board of Land Commissioners by IDL staff for approval.

**Staff Recommendation:**

Recommend authorizing the Clagstone Meadows Conservation Easement to be extinguished on the 13.7 acres to allow for the sale in lieu of condemnation by the Idaho Transportation Department.

**Suggested Motion:**

Approve extinguishing the Clagstone Meadows Conservation Easement on approximately 13.7 acres.