

CONSERVATION COMMITTEE REPORT

March 17, 2010

9:35–10:40 am

140 West Pine Street

Members Present: Marilyn Marler (chair), Pam Walzer, Dave Strohmaier, Bob Jaffe, Dick Haines, Renee Mitchell, Ed Childers, Jon Wilkins, Lyn Hellegaard, and Roy Houseman

Members Absent: Stacy Rye

Others Present: Mayor Engen, Jackie Corday, Jim Berkey, Pelah Hoyt, and Max Bauer

I. ADMINISTRATIVE BUSINESS

A. Approve minutes.

Minutes of March 10, 2010 were approved as submitted.

II. FINAL CONSIDERATION AGENDA ITEMS

1. **CONSENT AGENDA ITEMS** – Confirm the re-appointment of Dale Harris to the Parks and Recreation Board for a term commencing May 1, 2010 and ending April 30, 2013 ([memo](#)).—Regular Agenda (Mayor Engen) (Referred to committee: 03/15/10)**Remove from Agenda**

Motion: The committee recommends the City Council (re)appoint Dale Harris to the Parks and Recreation Board for a term commencing May 1, 2010 and ending April 30, 2013.

Mayor Engen requested the committee approve his appointment of Dale Harris for another term beginning May 1, 2010 and ending April 30, 2013. It was moved to recommend approval and there was no discussion. The motion was approved unanimously.

2. Consider a resolution authorizing the purchase of a conservation easement on a 304 acre parcel in the North Hills with 2006 Open Space Bond funds ([memo](#)).—Regular Agenda (Jackie Corday) (Referred to committee: 03/15/10) **(REMOVE FROM AGENDA)**

MOTION: The committee recommends Council set a joint public hearing with the County Commissions for adoption of a [Resolution](#) that authorizes contributing towards the purchase of a conservation easement on a 304 acre parcel in the North Hills with 2006 Open Space Bond funds for April 5, 2010.

Pelah Hoyt (Five Valleys Land Trust), and Max Bauer were present to provide information regarding the conservation easement opportunity in the North Hills.

Five Valleys Land Trust (FVLT) has negotiated the purchase of a conservation easement for \$495,000 from Allied Waste Systems (AWS) on 304 acres of its property in the North Hills that was formerly known as the Ryan family ranch, using a combination of three funding sources: 1) \$445,000 proposed from the 2006 Missoula County Open Space Bond, 2) \$50,000 from FVLT member donations, and 3) AWS donating approximately 71% of the conservation easement appraised value (\$1,710,000).

The property is mainly open grasslands traversed by several woody draws that provide great wildlife and bird habitat. The draws contain many huge Ponderosa pines and a couple intermittent springs. The North Hills were identified as a Cornerstone priority area in the 1995 Open Space Plan, and again by citizens during the process of updating the plan in 2006. The property is wholly within the North Hills Cornerstone as shown in the Missoula Urban Area Open Space Plan, which means that such lands are a high priority for protection. The area is level and highly developable. The property is visible from the large majority of all neighborhoods in Missoula. In addition to the tremendous scenic view shed value, the conservation easement will protect elk winter range, wildlife habitat and bird nesting and feeding habitat for numerous species, and over 120 acres of soils of Local Importance.

Max Bauer, Manager of the Allied Waste Landfill, is very interested in improving the wildlife value of the land and has already begun projects towards that goal, including removing the sheep fencing along the northern border this past fall to make it easier for the North Hills Elk

Herd to utilize the area. The elk are in fact already using the property more than in the past. Allied Waste has been a great corporate partner, good employer and supports non profits. The property was purchased with the purpose of a conservation easement and is not needed in future years as a landfill site.

If approved by Council and the Commissioners, the \$445,000 would be deducted from the City's \$5,000,000 share of the bond. The acreage would be managed and maintained by AWS, not the City. Public recreational access will be carefully planned to preserve the conservation value of the property.

There was limited discussion by the committee and a motion was made to set the public hearing for April 5, 2010. The motion was approved unanimously.

3. Consider a resolution authorizing the purchase of 216 acre parcel on east side of Mt. Jumbo in Marshall Canyon with 2006 Open Space Bond funds ([memo](#)).—Regular Agenda (Jackie Corday) (Referred to committee: 03/15/10)(**REMOVE FROM AGENDA**)

Motion: The committee recommends Council set a joint public hearing with the County Commissions for adoption of a [Resolution](#) that authorizes the purchase of an approximately 216 acre parcel with 2006 Open Space Bond funds on April 5, 2010.

Jim Berkey presented The Nature Conservancy (TNC) request for the City to consider purchasing approximately 216 acres adjacent to the City's Mt. Jumbo Open Space on the east side of the mountain in Marshall Canyon. This land was formerly owned by Plum Creek Timber and purchased by TNC as part of the Montana Legacy Project. The eastern boundary is Marshall Canyon Road and to the north is US Forest Service (USFS) and Montana Fish, Wildlife & Parks (FWP) public property.

Jackie Corday – the selling price of the property has been reduced to \$216,000 rather than the stated \$400,000. The TNC has requested a deed restriction on the property that prohibits any use except for open space purposes, which reduces the value of the property. TNC has agreed to sell the property at the lower appraised value.

The property consists mostly of steep timbered hillsides with one gravel logging road traversing the property running north/south that leads to the USFS lands to the north. Marshall Creek runs parallel to Marshall Canyon Road along the entire eastern border. There are no structures on the property.

The gravel road has been used for many years by hikers, runners, cyclists, and XC skiers to reach the Lolo National Forest to the north. It is closed to motorized use by a gate at the base of Marshall Canyon Road. There is a short spur road off the main road that connects to the Mt. Jumbo saddle road on the City's Open Space. This is an important connection for recreational users that enjoy going from East Missoula, up the gravel road, up the spur road and then over Mt. Jumbo or going from the Rattlesnake to East Missoula. The only other party with legal rights to use the road is the USFS. Plum Creek's predecessor, Champion International, granted an access easement to the USFS in 1977. If this TNC parcel was sold to a private buyer, because there is no recorded easement for the spur road, they could opt to close the spur road, which would then cut off the only access from the City's open space to this parcel.

Because neither the USFS nor FWP is able to purchase this particular property due to large commitments to other Montana Legacy lands, it is important for the City to seize this opportunity to protect almost the entire mountain as a whole. The main purposes for purchasing the property are: 1) to further consolidate the City's Mt. Jumbo open space – this property significantly protects one of the last remaining large parcels to allow for management of almost the entire mountain; 2) to permanently protect wildlife habitat and one mile of Marshall Creek; and 3) to permanently protect the trail connection from the saddle road blue gate on the east border of the City's Mt. Jumbo open space to the former Plum Creek gravel road that connects to Marshall Canyon Road.

The property is partially within the Mt. Jumbo Cornerstone as shown in the Missoula Urban Area Open Space Plan, which means that such lands are a high priority for protection.

If approved by Council and the Commissioners, approximately \$224,000 (purchase price of \$216,000 plus survey and closing costs) would be deducted from the City's \$5,000,000 share of the bond. The acreage would be added to the City's Open Space System to manage.

Discussion:

Jon Wilkins asked about motorized access as he has limited ability to use public open space lands.

Jackie – the property would be managed with non motorized transportation.

Dick – who is responsible for maintenance of road?

Jim Berkey– we would need to review the easement regarding road maintenance as the City would own the road, but the Forest Service would be allowed to use the road, and we have no power to modify the agreement.

Jackie – I would think this would be a joint management project with the Forest Service and The City.

Bob – if the public has access on road why do we need to purchase the property?

Jackie – this was also an important issue discussed by OSAC and we discussed the worst case scenario to help them understand the issues. Who would buy the property if the City does not make this purchase? Right now none of the other public agencies would consider this a top priority. If there is not a public buyer, then TNC would consider a private buyer with a conservation easement. This could include one or two building sites. It is very likely that private buyer would not allow access on the critical trail which connects City open space from Rattlesnake to East Missoula or even open the road to year round use which would adversely affect the elk winter range. OSAC members were convinced that this is an important connection and opportunity.

Jim – TNC needs to get the money back that was borrowed from the bank and this could involve the worst case scenario with limited home sites.

Dave – with the timbered area it will be important to have discussion on a plan of action for management of this parcel.

The motion was made to set the public hearing with all committee members voting in favor of the motion.

III.

IV. REGULAR AGENDA ITEMS

V. NON-AGENDA ITEMS

VI. REMOVE FROM AGENDA:

1. **Support for City employee cash for Bus Commuters Program ([memo](#)).—Regular Agenda (Ben Schmidt and Nancy Wilson) (Referred to committee: 08/24/09)
REMOVE FROM AGENDA**

VII. HELD AND ONGOING AGENDA ITEMS - PER COMMITTEE CHAIR – Marilyn Marler

1. Review Conservation and Urban Wildlife Subcommittee referrals. ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 01/11/10)
2. Budget update on aquatics ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 12/21/09)
3. Update from the Mount Jumbo Advisory Committee ([memo](#)).—Regular Agenda (Marilyn Marler and Giles Thelen) (Referred to committee: 03/01/10)

ADJOURNMENT - The meeting adjourned at 10:45 am.