

OPEN SPACE ADVISORY COMMITTEE
ABBREVIATED MINUTES
April 14, 2011
4:00 – 5:30 pm

Present:	Jenny Tollefson	Mary Manning	Absent:
	Jed Little	Tim Aldrich	Maureen Hartman
	Bob Clark	Beth Hahn, Park Brd Rep	Gary Knudsen
	Ethel MacDonald	Bert Lindler	
	Jeff Stevens	Adam Liljeblad	

Also Present: Jackie Corday, Open Space Program Mgr, Pelah Hoyt (FVLT), & Jim Habeck

Boemlher Property in Upper Butler Creek Area – FVLT Presentation & Rough Cut Evaluation

Pelah Hoyt from Five Valleys Land Trust informed us they are working with the Boehmler's who own 160 acres up the LaValle Creek Valley to secure a conservation easement. The easement will be donated by the family, but they are asking the City to cover the transaction costs of approximately \$13,840. FVLT has spoken to surrounding landowners about also granting conservation easements, but so far, no one else has committed so this one will be the first one in the upper LaValle Creek area.

Conservation Values. The property is a great mix of conifer forest, grasslands, and a riparian corridor along LaValle Creek, which provides a good variety of habitat types. It is located at the northern end of the LaValle Creek Cornerstone as shown in the Open Space Plan.

Elk Corridor. The property is heavily used by the North Hills elk herd, both as a critical migratory corridor and winter range. The property lies in a transitional zone between the forest and lower elevation grasslands. Elk cross the property during seasonal movements between summer and winter range, and as many as 150 elk forage and rest here during cold winter months. Elk travel from the security of the forest to open areas for feeding so frequently that major pathways are now visible across the property. Pelah showed us data from Shawn Cleveland's Master's project to track the elk movements with GPS collars. The data shows heavy use by the elk of this property. Based upon this and other data, FWP has designated this property as a high priority for protection. Last year Bert and Tim, along with many other volunteers, helped install 12 gates along the north and south boundaries in order to allow easy pass through for the elk herd. The gates are left open all winter when the Boehmler's horses are taken off the property. Bert and Tim returned to the property in March to see if the gates were being utilized by the elk and the evidence on the ground confirmed that the elk are using the gates.

Migratory Bird Habitat. The variety of habitat niches on the Boehmler property supports an impressive array of bird species. Audubon Society surveys recorded 46 bird species there including five species of warblers and several species of concern: Calliope Hummingbird, Rufous Hummingbird, Pygmy Nuthatch and Lazuli Bunting. A pair of Dusky Grouse, a species that has declined in recent years, was also observed raising a brood of chicks. Pelah provided member with a copy of the list to view and a letter of support from the local chapter of the Audubon Society.

Weeds. The family has tried hard over the years to manage the noxious weeds. The spraying has lessened the diversity of native forbs and the weeds are still present so Bert conveyed the frustration that the family has over the problem. They are committed to continue trying. Bob asked Pelah if the conservation easement terms add any additional weed management requirements above what is already required by state law and Pelah answered "no."

Conservation Easement – Allowed Uses. There is currently 1 existing residence located on the property that has been there for over 50 years. The terms of the conservation easement will allow one more residence to be placed on the property within either of the two building envelopes that are located where there currently are agricultural buildings and the existing residence. The building envelopes (one is 6 acres and the other is 3 acres) are located

near the eastern border of the property, which leaves approximately 4/5 of the property in open space without any structures. Any additional agricultural buildings must also be located within the 2 residential building envelopes.

Tim asked about the appraised value of the conservation easement and Pelah said that since it is being donated and the family does not intend to seek tax deductions, no appraisal will be prepared. She mentioned that such appraisals are about \$8-10,000. The requested \$13,840 includes \$10,000 for FVLT Land Stewardship and Legal Fee. Pelah explained that the fee covers perpetual annual monitoring of the property and also a portion of it is dedicated to a legal fund should the conservation easement terms be challenged or need to be enforced. Adam asked how did FVLT decide on the \$10,000 figure? Pelah explained it is based upon the monitoring costs and the low risk of potential litigation and that it is significantly less than what Montana Land Reliance or other land trusts charge.

Jim Habeck stated that there is significant value to the community that this is the first conservation easement in the upper LaValle Creek area and that this will hopefully have a domino effect for other landowners in the area.

Members then discussed the merits of this project in relation to the Rough Cut evaluation criteria – the costs are reasonable and the easement protects the land with the least expenditure of bond funds, the property is in the LaValle Creek Cornerstone where no other lands have been protected to date, and although the land is currently not under development threat due to the down economy, that can certainly change within a matter of years as the Butler Creek area is highly desirable and fairly close to town. Members unanimously scored the project high enough to continue to the next steps in the evaluation process.

Open Space Updates

Legislative Session – This session has been very hard on FWP (attacks on their budget, programs, funding sources), but fortunately many bad bills died or are likely to be vetoed by the Governor. Jackie mentioned that the Governor had just vetoed HB 542, which would have significantly weakened local government's ability to impose any subdivision conditions to mitigate for the loss of agricultural land.

Thompson/Huff & Jacobs – Jackie said that both the Jacobs project and the Thompson/Huff project are scheduled for a joint Commissioner/Council hearing on May 23rd at 7:00pm in the Council Chambers and asked that 3 OSAC members attend and plan to speak in support of the projects.

MATP – Jackie and Dave have put a significant amount of time into reviewing and commenting on the draft Missoula Active Transportation Plan. Jackie explained that it is a very important plan that serves as the blue-print for how to improve and expand non-motorized transportation in the greater Missoula area. She said it will go to Planning Board on May 2 and then to Council and the Commissioners to be adopted as an amendment to the Growth Policy.

Volunteer Event - Mary informed members that Tangle Free, a local group formed to remove barbed-wire fencing in areas important to wildlife, is having their next fence removal project on April 30th in the North Hills. They will be removing barbed-wire on City open space and will meet at 10:00 at the Waterworks trailhead.

The meeting adjourned at 5:30 pm with the next meeting date scheduled for 4:00 – 6:00pm on Thursday, May 12th at Currents.