

MINUTES DRAFT
Of the May 4th 2009
Woods Bay/Bigfork 440 Working Group
Held at 10:00am Saddlehorn Office, Bigfork

Kitty Rich opened the meeting with Chairman George Darrow absent and Vice-Chair Frizzell indisposed at the start of meeting. The following members present: Kitty Rich, Anne Moran (DNRC), Greg Poncin (DNRC), Kevin Gownley, Paul Rana, Tracy Reiling, Jim Frizzell and Ed Blackler, (attending as a guest).

Minutes of the Mar 30th meeting were reviewed and motion made to accept as written was approved.

In Chairman George Darrow's absence it was noted he would continue to hold the position with Jim Frizzell as Co-Chairman. We all appreciate George and Elna's contribution to the 440 project and will continue to move forward with both of them in our minds. We will make sure George is updated of our progress and look forward to his return.

Because of the last meeting's low attendance the group had agreed that Greg should review the last meeting's information and he presented a chart summarizing it. (See attached) At this point it is important that we are communicating to the public what has been accomplished by the group. Following the chart we can see the steps that have been made and the start of a direction to take for short, mid and long range goals while keeping to our 7 points that must be met. A time frame now needs to be put forth.

Anne noted that if a lease were created for this use, such a lease would be a concentrated recreational use lease and would fall under the statutory designation of "commercial" which would allow for a longer-term land use authorization. However, a lease must be released for competitive bid. A Land Use License (LUL) can be authorized for up to 10 years and would not have to be competitively bid. out and could be fashioned to accommodate many of the same uses as a designated Natural Area might indicate. Currently, the Owen Sowerwine Natural Area is authorized by an LUL (they are working toward a permanent easement). The Kalispell Audubon and MT State Autobahn are paying the LUL fee for the Owen Sowerwine Natural Area. Anne thought the LUL seems to be the best option at this time for the short term. This is a 10 year maximum authorization with an option to renew, and if at some point we need to transition to a lease, the process is generally easier if an LUL has been issued for the same use desired in a lease.

This brought up the permanent access issue again. Greg explained that a permanent access is desired by the DRNC. A verbal approval has been given by Commissioner Trusler through the county park access point, however the cost of constructing a road through that difficult terrain would be more than a timber sale could cover.

Jim asked who would establish the LUL appraisal price. Anne reminded the group of the preliminary and approximate value figures in the area of \$8000 to \$11,000 per acre. The required 6% fee would be \$480 - \$600 per acre., approximately \$22,000 per year if the entire area were licensed. . We need to find a group to work with to come up with the funds.

Greg pointed out that the Jewel Basin Nordic Trails was given as an example for licensing a use for the lease. The lease for them is much lower because it is based on the trails only. Not the entire acres it is on, a possibility for a trail system through Estes Lake. It would be hard to enforce access only limited to trails.

Kitty still wondered how we would be able to satisfy the surrounding landowners about access issues. Greg thought that through proper signage, managing for legal access for non-motorized use, gates on the road(s) that don't provide for legal public access and friendly timber harvest practices all included in the access process we could reach that goal. The desired 60 foot access is desired as the standard but they will work with the neighbors on what is reasonable and will suffice into the agreement. If access is only needed for resource management in a land bank sale, then that is all that access can be used for.

What kind of guarantees can be given by DNRC on timber sale projects (that they'll be responsive to the concerns and issues of the locals)? Greg stated all proposed projects go out for public comment and that in accordance with the Montana Environmental Policy Act, those issues raised are incorporated into the project design to the extent possible.

Edd Blackler asked why temporary access cannot be used by DNRC? Greg needs to have predictability for the DNRC to facilitate ongoing land management (weeds, recreation, and timber) as well as our obligation to the beneficiary to produce revenue, and that is what has brought us to this point.

To get us on a timeline Greg suggested we try to work to September for a proposal to present to the community. Jim feels this needs to happen much sooner. We will all become busier with the summer season approaching and time will become precious. We need to lay out a straw man plan (i.e., various alternatives) and seek out groups willing to partner in the project ASAP.

Edd noted the area is being used by ATVs and has greatly changed over the years from simple footpaths to trods (trail/roads).

Kitty thought it best at this time to come up with two straw man plans to present. Edd wondered if there is any money available through FWP? They are already working on a short budget and have since been only monitoring our meetings via minutes and website, because they feel they cannot be of service.

Because of the designation of no motorized vehicles now and the possibility of wanting to include motorized use in the future is it possible for DNRC to approve or change the use? Yes.

In regards to access Greg has determined the road to be 10,700 feet long and 30 feet wide encompassing approximately 7.4 acres. In response to our request of how the 440 is made up: there is about 120 acres around the lakes and includes some of the bench with views of Flathead Lake. About 120 acres of harvestable timber area 40 to 60 of which could be labeled accessible. The remaining 200 acres of timber to the south is generally less productive commercial timber ground from the standpoint of site quality and accessibility.

Land banking is still on the table even if it is not the first choice. It can be tailored to meet our needs, with a potential for (deed)restriction possibilities. There could be ways to modify it.

The question was raised how would partitioning the 440 and using different tools to protect it look? A possibility would be to have a "conservation buyer" purchase part with the requirement in the transaction that a Conservation easement put on the Estes Lake area that would ensure its protection for recreational use and public access.

(At this point Tracy left the meeting and Anne followed up)

Kitty and Jim brought up the idea of getting a couple of people together (subcommittee) to come up with clarification on a couple of proposals. These would be "broad-strokes" type proposals.

Questions and discussion followed over appraisal values. Greg P. and Anne M. reviewed how the very approximate values that we are currently using were arrived at (comparable properties, based on highest & best use), and noted that a final appraisal would be needed within a year of finalizing an arrangement for the land involved. Greg reported that the requirement is that the appraisals will be done/engaged by DNRC. The proponent provides funding for the DNRC to do the appraisal, and the proponent and DNRC work together on instructions to the appraiser.

A subcommittee of Kevin, Jim, Greg, and Anne will meet on Friday, May 8 at 10:00 a.m. at Saddlehorn to try to discuss some possible proposals to bring back to the larger group at the June 8 meeting.

Meeting adjourned at 11:40 a.m.

Next meeting is scheduled for Monday June 8th, 10:00 am at Saddlehorn.
Meeting adjourned.

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