

MINUTES DRAFT
Of the March 30th 2009
Woods Bay/Bigfork 440 Working Group
Held at 10:00am Saddlehorn Office, Bigfork

Kitty Rich agreed to stand in as Chair as both Chairman Darrow and Vice-Chair Frizzell were absent. Kitty called the meeting to order, with the following members present: Clarice Ryan, Kitty Rich, Anne Moran (DNRC), Greg Poncin (DNRC), Steve Brady (USFS) and Tracy Reiling.

Minutes of the Mar 3rd meeting were reviewed. Clarice wanted to have clarified the statement she made regarding a community group purchasing the land out right. The minutes were approved with the correction inseted as follows: "Clarice commented that the land could be purchased by members of the public, fee-simple, from DNRC. The general public would be out of the picture; a private ownership co-operative could then oversee the property."

Anne looked into the possibility of a blog-able feature to add to the web-site and because of limitations to the site format did not think we would be able to add this feature.

With respect to finding a dollar value to be able to work from, Anne reported the Leasing Figures and Market Value. A recreational land use lease with no residential is classified as "other." Lease or license fee is calculated by arriving at an appraised value (*roughly* calculated at this time to be approximately \$8000-\$11,000/acre) and then taking that times an annual fee of 6% which gets us to approximately \$480-\$660/acre, at this time. If this were a leased use, it would be designated as "commercial" given that it would be a concentrated recreational use, which is provided for in the State's commercial leasing statute. (Residential leasing would apply to residential uses, not recreational uses.) A plus for Land Use Licensing is that it is not required to go out for public bidding in the same fashion a lease is, and it allows the underlying land classification to remain in place, which could be beneficial for the 7 goals we've identified. It also provides for a use different from what the land is classified as. A Land Use License is issued for up to 10 years and is also calculated based on % of market value.

The market return must be met for the chancellor and Kitty wondered if the 6% would do that? Greg said he would be thrilled with 6%.

Kitty stated the Owen Sowerwine yearly lease was much cheaper. Anne said it was because the area is an unbuildable area, in the floodplain.

Kitty asked who is in charge of handling changes in the land classifications and Anne said pursuing a land classification change falls within DNRC's purview and she would typically handle the necessary paperwork submissions to Helena as part of her job..

An Environmental Assessment would need to be done as part of the Licensing process but then a Land Use License may be tailored to meet our criteria. Kitty asked about designating it a Natural Area. The designation is long-term and very binding also needs to meet conditions; we would require the purchase of a permanent ("use") easement in order to support a Natural Area Designation.

Permanent (road) Access would still need to be achieved in order to use the Land Use License.

Clarice brought up the issues of fighting fires and who can do so if access is limited. Greg stated the DRNC has the authority to fight wildland fires within its designated protection area anytime it is needed.

Clarice asked Anne (DNRC) what option they saw as the best at this time. She felt we are narrowing our choices and does see the Land Use License as the best tool with the information we have now, and as a good fit to meet the 7 goals for the short term.

Kitty asked Greg what had come of the discussion with the land owner who lives in Florida offering to give easement to the 440. Greg stated that unfortunately the land does not work well for access (her proposed access fronts on the area where road-construction is so prohibitive) and Red Gate is better.

Greg then wanted to review what has been accomplished and led us to where we are now, as we have actually accomplished a great deal in terms of research and diligence to date

After the Land Banking Proposal was announced the public was stirred-up to act, resulting in the June 12th public meeting. From there we formed the committee and since August 21st have been meeting regularly.

The first order of business was the creation of our goals. We came up with seven criteria (“7 goals”) to be met in order to satisfy the community and the School of Mines:

- 1.) Compensation to Beneficiary
- 2.) Land Management/Access – Timber, Weeds,
- 3.) Fire Safety – Fuel Reduction
- 4.) Education – Living Classroom
- 5.) Preservation of Wildlife Corridors and uniqueness of area
- 6.) No Development
- 7.) Do this in a timely manner

We recognized that we may need to use different approaches to meet these goals for: the short term; the intermediate term; and the long-term.

We then needed to understand the tools we had to work with and be schooled in the complex language of the DNRC and legalities of all agencies that could be used. We are now able to have informed discussions that have led us to 3 options. Greg produced a diagram that depicts the analysis the group has done and the primary tools explored to meet the 7 goals, and how they relate to one another. *(Note: the diagram is hard to depict in the minutes and will be reproduced for everyone’s review at the next meeting, and we’ll try to scan a .pdf into that meeting’s website-posted minutes for those reviewing them online.)*

This group has come along way with information overload at every turn and Greg wanted to acknowledge our progress.

As it stands now the 440 is not public land in the same way, say Forest Service land is public land, it is for the beneficiary’s benefit

Anne and Steve Brady were asked about the parcels talked about at the last meeting that may meet the exchange requirements. Steve needed more time to look into these and will report at our next meeting.

Greg feels concentrating on the Land Use License to achieve short-term goals is a good option and we now need to work on refining it before we make a presentation to the public. Public input will be needed to find out how they want to use the 440. This information will help form the language used in the License agreements.

Anne encouraged having people enlist on the email server to stay up to date with information.

Because of the small group we had at this meeting we were reluctant to make any motions or decisions about where to go from here. As homework for the next meeting Greg was asked to divide out timber harvestable and recreation areas and come up with acreages for each. We now need to think about how to get the information out to the public and how to get the information we need back from them.

We will need to relay this information to the rest of our group (Greg will walk through this same presentation to the full advisory group) and try to make some decisions at the next meeting.

Next meeting is scheduled for Monday May 4th, 10:00 am at Saddlehorn.
Meeting adjourned.