

EXHIBIT 3  
DATE 4/2/09  
SB 435



**PARKS AND RECREATION DEPARTMENT**

100 HICKORY • MISSOULA, MT 59801 • (406) 721-7275 • FAX: (406) 258-3665  
PARKS • RECREATION • URBAN FORESTRY • CONSERVATION LANDS • TRAILS

Representative Van Dyk  
Chair, Fish, Wildlife & Parks Committee

April 1, 2009

**RE: SB 435 – Prohibit net gain of State Lands**

Dear Representative Van Dyk,

As the Open Space Program Manager for the City of Missoula, I am writing to express strong opposition against SB 435 because it would limit MT Fish, Wildlife, & Parks' ability to protect wildlife habitat. Although FWP mostly focuses on using conservation easements as their main tool to protect habitat, sometimes private landowners wish to sell their property instead of granting an easement, and thus the ability to purchase is also an important protection tool.

FWP has been an important partner to the City in our open space protection program. For example, in 1996, FWP purchased 120 acres north of the Mt. Jumbo Saddle with money from the Habitat MT program in order to protect critical elk winter range. The acreage is adjacent to approximately 1,465 acres that the City purchased as a major cornerstone of our open space system. The 120 acres was a very important addition that preserved a part of the Mt. Jumbo Saddle area for the elk to travel from the northern part of the mountain to the southern slopes. We greatly appreciated the ability of FWP to be able to purchase this property.

Another more recent example took place in 2007 when the City purchased 40 acres adjacent to FWP's Kelly Island, a 660 acre island surrounded by the Clark Fork and Bitterroot Rivers. This island consists of prime native cottonwood riparian habitat that is listed by Audubon as a nationally Important Bird Area utilized by dozens of bird and mammal species. Because Missoula County residents had approved an Open Space Bond in 2006, we had the funds available to purchase the property when the landowners offered to sell it to the City. However, because it was adjacent to Kelly Island, the most appropriate new owner was FWP. We partnered with FWP to take it through the local government and state approval process; FWP paid the appraisal cost and a portion of the closing costs, the City paid the purchase price, and then we gifted the land to FWP.

The current amended version of SB 435 states: Land purchases may not, to the extent that is practical, result in a net gain in land ownership by the state. THE NET GAIN RESTRICTION DOES NOT APPLY TO LAND ACQUIRED FOR THE PURPOSES OF ECONOMIC DEVELOPMENT OR MAINTAINING HISTORIC LAND USE. Thus, unless "maintaining wildlife habitat" is considered "maintaining historic land use," this provision could preclude future purchases such as the two examples above. Therefore, I urge the committee to please vote no on this bill.

Sincerely,

Jacquelyn Corday, Open Space Program Manager

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