

Senator Jon Sonju, Chairman of the Senate Local Government, and members of the committee, my name is Richard E. Grady, of Canyon Creek, MT. My family has a ranching operation that is involved with the requirements of a burning permit program in Lewis and Clark County, worked with the hazard reduction agreement to burn slash on the ranch with the Montana Department of Natural Resources and Conservation (DNRC), work to comply with the Air Quality regulations with DEQ and has a conservation easement with Montana Fish, Wildlife and Parks.

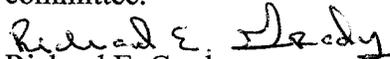
I also serve as a trustee/secretary for the Canyon Creek Rural Fire District and a member of the Citizens Advisory Committee regarding the open space committee in Lewis and Clark County.

I am in support of Senate Bill No.298, but have one question that I would like to bring too the committee that pertains to the Lewis and Clark County Open Lands Program that members of the Citizens Advisory Committee address regarding the application process that could or could not be affected by this bill.

I attached a copy of a draft frequently asked questions on the program and a copy of a recent application that I am involved with that ask the question is the property located within the urban/wildland interface.

Just want to make sure if this bill was to become law, how it could affect open lands programs within the counties of Montana.

Thank-you for the opportunity too provide written comments and testify before the committee.



Richard E. Grady

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From Sponsor - PPLT

1. Does the property contain "prime, unique, statewide or locally important" agricultural soils, as defined by NRCS? **Yes (see attached map for location).**
2. Is the property contiguous with other working lands? **Yes, it borders a portion of the RV Ranch along the southern boundary (see attached maps).**
3. Is this property currently a working farm or ranch? **No**
4. Are there agricultural water rights associated with the property? **No water rights on Seven Mile Creek; but there are groundwater rights.**
5. Is there an existing farm or ranch management plan in place? **Not formally, although the landowners currently use Best Management Practices for livestock grazing and weed control.**

Conserve Working Forests

1. Is the property located within the urban/wildland interface? **No**
2. Is the location deemed to be an area of high risk for wildfire? **No**
3. Is there a current forest management plan? **No. The property does not contain significant forest resources.**
4. Is the property, or a portion of it, classified as forest land/commercial timber for tax purposes? **No**
5. Is the forest being actively managed for current or future timber harvest? **No**

Protect Habitat for Fish and Wildlife

1. Does the property contain significant wildlife habitat as identified by MFWP? **Yes. Eric Roberts, the Helena area fish biologist, noted that "FWP has documented brook trout and rainbow trout in Sevenmile Creek and genetically pure populations of westslope cutthroat trout still exist in the headwater reaches of the watershed. Elk, moose, deer and antelope are found throughout the area and likely use the riparian corridor for cover and migration routes to and from critical habitats. I'm sure countless songbirds and waterfowl also use the extensive wetland areas created through the well-established beaver pond complex on the creek." (A copy of the original letter is included in this application)**
2. Is there a diversity of habitat for wildlife or fish on the property? **Yes**
3. Has the property been identified as an area critical to the lifecycle of some wildlife species? (Summer or winter range, migration corridors, spawning habitat, etc.) **Yes. It is part of a migration corridor between the Continental Divide and the Scratchgravel Hills, Boulder Mountains, Elkhorn Mountains and other critical habitats. (see attached map)**

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- Resolution 2008-97 and Ballot

Open Lands Program

Open Lands Program

In November 2008, voters in Lewis and Clark County, Montana, (the County) approved the Land, Water and Wildlife bond measure, a \$10 million general obligation bond measure for "...protecting drinking water sources and ground water quality; protecting water quality in and along rivers and streams; conserving working farm, ranch and forest lands; protecting wildlife areas; preserving open lands and natural areas; providing for recreation; and managing growth and development." Funds generated by sales of these bonds will be distributed through the Open Lands Program. The primary purpose of the Program is to conserve resources on private lands in Lewis and Clark County that fulfill the objectives of the bond measure.

The Board of County Commissioners (BOCC) appointed the Citizens Advisory Committee on Open Lands (CAC) to make recommendations on project applications. The CAC is advisory only and the BOCC makes the decision to utilize the bond funds on a particular project.

Bylaws (PDF)

Contact Information:

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Commission (BOCC)
» Boards
» » Open Lands Program
» » Committee Members ««

Open Lands Committee Members

Eliza Frazer - Chair
John Tietz - Vice Chair
Jerry Wells - Secretary
John Wilson
Jerry Burns
Paul Sihler
Michael Downey
Eric Grove
Rick Grady
Mike Bay
Winston Greely
Wilbur Rehmann
Dave Cole

Staff:
Misty Edwards
Rebecca Shaw
Katie Jerstad

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Members serve at the will of the County Commission. Initially, there shall be 4 one-year terms, 4 two-year terms, and 5 three-year terms. Upon expiration of an initial term, terms shall be three years. Members may serve successive terms. A member may request reappointment by the County Commission. In the event a member resigns or is removed before the end of his term, the County Commission may appoint a new member to serve the remaining unexpired term. (from the By-Laws, adopted August 2009.)



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Lewis and Clark County Open Lands Program **Frequently Asked Questions**

Q: What was the impetus for creating an Open Lands Program in Lewis and Clark County?

A: For over 25 years there has been citizen concern about the loss of open lands and the traditions and resources associated with them: ranching, farming, forestry, hunting and fishing, water quality, productive soils, and scenic qualities.



Q: How did this concern get translated into the program that is starting now?

A: The Heritage Lands Working Group was formed in fall of 2007 by the Board of County Commissioners (BOCC) to study all techniques for encouraging conservation of open land and supporting families in the business of farming, ranching, forestry and recreation. One recommendation was the creation of a local funding source that could help pay for purchases of development rights from willing sellers, providing landowners with an additional financial incentive for conservation. This recommendation was the first step toward the successful November 4, 2008, **Land, Water and Wildlife Bond Measure**. The **Open Lands Program** will implement the purposes of the bond measure.

Q: Remind me about the 2008 bond measure purposes.

A: On November 4, 2008 voters in Lewis and Clark County approved a \$10 million general obligation bond measure for "...protecting drinking water sources and ground water quality; protecting water quality in and along rivers and streams; conserving working farm, ranch and forest lands; protecting wildlife areas; preserving open lands and natural areas; providing for recreation; and managing growth and development."

Q: Has anything happened since the bond measure was approved?

A: Yes! The BOCC appointed 13 county residents to the Citizens Advisory Committee on Open Lands (CAC) to advise the BOCC on how to implement the bond measure and to provide recommendations on the best projects to support with the funds. The CAC has been working together with county staff since May 2009, studying successful programs around the country, building relationships with potential project partners, investigating sources of matching monies and developing draft policies and procedures for consideration by BOCC. After the BOCC approves these policies and procedures, the County will begin accepting applications.

Q: How will the county make sure that conserved lands will be properly maintained?

A: The conservation easement includes restrictions to protect the conservation values of the property in perpetuity. The terms of those restrictions will provide safeguards to ensure that the land will always be preserved in accordance with the goals of the landowner and the county Open Lands Program. Easement terms or restrictions are voluntarily entered into by the landowner, and are monitored by a qualified organization or agency.



Q: Where can I get more information?

A: For more information, check out the CAC's website:

Open Lands Program: Lewis and Clark County
or contact the Open Lands Program Coordinator,
Rebecca Shaw, (406) 447- 8342
openspace@co.lewis-clark.mt.us.

The Open Lands Program is headquartered in the
Community Development & Planning Department in the City-County Building, 316 N.
Park Avenue, Helena, Montana 59623

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