



May 11, 2006

Jason Rice
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Dear Jason:

I have reviewed the letter from Mack Long of the Montana Department of Fish Wildlife & Parks regarding the Legacy Ranch Project and take issue with several of his comments as well as some implicit assumptions in the letter. I have conducted field studies of the proposed development site and believe that Mr. Long exaggerated the current wildlife habitat values of the site and did not consider existing conditions on private lands surrounding the Legacy Ranch Project area. He also did not appear to consider proposed plans to avoid or mitigate impacts to wildlife through planning, public education, and planned development sequencing and patterns.

Specific comments of Mr. Long with which I take issue regard:

- Importance of the project area for wildlife
- Pileated woodpecker use of the project area
- Failure to recognize that starlings are currently present on the project area
- The probability that domestic dogs from the Legacy Ranch Subdivision would range over the entire wildlife refuge and harass wildlife
- Option of hunting to regulate wildlife numbers would be lost
- Failure to recognize that unregulated residential development adjacent to the proposed project and surrounding Bitterroot Valley has been largely unplanned and is not an appropriate model for consideration of the Legacy Ranch project.
- That the proposed project would set a precedent by being constructed near a wildlife refuge
- The intimation that the proposed project would not be consistent with Countywide Goals of the Ravalli County Growth Policy

Importance of the Project Area for Wildlife

In his generalization that the project area is "important wildlife habitat," Mr. Long does not take into consideration that most of the project area currently supports cultivated dry

land farming with open stands of ponderosa pine that have a high composition of noxious weeds. White-tailed deer are the most common and readily observed species of wildlife using the project area. They are extremely adaptive to human presence and development and would continue using the project area after development of residences. In fact, white-tailed deer are currently a management problem on the Lee Metcalf National Wildlife Refuge because their population numbers are adversely affecting habitat for other wildlife species. The proposed project would have little or no effect on white-tailed deer movement between the Refuge and upland areas or populations of deer. Evidence of the white-tailed deer's capacity to adapt to human development is apparent to residents of Missoula and most cities in western Montana. This is a problem independent of the proposed subdivision.

The reference to elk, moose, and black bear using the project area implicitly misrepresents the habitat values of the proposed development. Habitat is not suitable for elk, moose, and black bear because there is little or no hiding cover, agricultural activities displace them, and surrounding residential development would conflict with their movement and use of habitat. Bears that could be present in the proposed project area would likely be in conflict with existing residents because their presence would likely result from attraction to garbage, pet foods, or other possible food sources. This would not change with the proposed subdivision.

Typically, "important wildlife habitat" supports wildlife linkage and movement among habitats, provides seasonal feeding and security areas, and provides suitable breeding habitat. The proposed project area does not provide important linkage or movement corridors among seasonal habitats for deer, elk, moose, or other species of wildlife; nor is it part of elk or mule deer winter ranges or birthing areas, always a consideration when evaluating habitat.

Pileated Woodpecker use of the Project Area

I have conducted pedestrian surveys of the proposed project area and have not observed pileated woodpeckers or evidence of their use in the proposed project area. Pileated woodpeckers excavate characteristic holes in snags and trees, which I have not observed in trees on the Legacy Ranch project site. Typically, pileated woodpeckers are associated with communities of large-diameter Douglas-fir, where they nest; however, they can also nest in large-diameter cottonwood trees. Neither Douglas-fir nor large-diameter cottonwood trees are present on the proposed project site.

Starlings

Starlings are ubiquitous in the Bitterroot Valley in residential areas and native habitats. The proposed subdivision would not increase the presence of starlings because they are cavity nesters and would not find suitable nesting habitat in residences constructed in the project area. If trees left in the project area are excavated by flickers, a common woodpecker in the project area and Bitterroot Valley, starlings would compete for nesting habitat. They would compete with wood peckers and other cavity nesters with or without

construction of the project. The proposed subdivision would have no influence on starling numbers or local distribution of this non-native species. English sparrows are also currently present in the project area around residences and out buildings. They may increase in abundance with construction of the proposed project; however, an increase in English sparrows could provide prey for domestic cats and discourage their movement into adjacent habitats supporting native birds.

Domestic Dogs

Domestic dogs apparently are a problem on the Wildlife Refuge, indicating that there are currently residences adjacent to the refuge that do not have covenants that prevent pets from roaming free. This is typical of the un-planned, chaotic development that has been a common feature of the Bitterroot Valley. Many residences and neighborhoods do not have covenants that restrict free-roaming pets. The proposed Legacy Ranch Subdivision would have covenants that restrict free-roaming pets and an education program to inform residents of the problems with free-roaming pets. Legacy Ranch residents would receive a membership to Friends of the Lee Metcalf National Wildlife Refuge that would, consequently, reinforce the pet-owner responsibilities that are part of living near an important wildlife area.

Hunting Option

The option of hunting to manage wildlife on the Refuge would not change with the proposed project. Currently, waterfowl hunting takes place in fall and would not endanger people living in the proposed Legacy Ranch project. The sound of gunfire would be discernable to some residents; however prior to buying a home, residents would be informed that hunting is a regular and accepted tradition on the Refuge and in Montana in general. Waterfowl hunting has been ongoing for many years and there are residents currently adjacent to the refuge. Have these residents complained about hunting in numbers to indicate that there is a problem with noise or personal safety?

Currently, the Refuge does not allow hunting of white-tailed deer but may implement a controlled hunt to reduce their overabundance. Presumably, hunting would be limited to bow and arrow, shotguns, and muzzleloaders as in many areas in close proximity to residences. If the Refuge management is currently considering implementing hunting, the assumption would appear to be that hunting is compatible with the existing residences, some of which directly abut the refuge. Why would it not be compatible with future development of the Legacy Ranch project?

Being a hunter, I am discouraged by the ease with which the Montana Department of Fish, Wildlife & Parks and the U.S. Fish and Wildlife Service appear to back away from hunting as soon as there are complaints about shooting noise. Hunting in Montana is a traditional pastime enjoyed by the majority of the population. Gun shots are part of the process and experience. To restrict hunting because a small vocal minority opposes hunting sets a precedent that would ultimately result in less hunting opportunity for all

Montanans because subdivisions in proximity to wildlife are rapidly becoming a reality throughout the state.

Unregulated Development

As previously mentioned, unregulated and often chaotic residential development has been a long-time feature of the much of the Bitterroot Valley. The Legacy Ranch project is a carefully planned project that has implemented extensive well-thought-out planning practices to reduce effects to the wildlife and other elements of the environment. By discouraging such planned developments, unplanned and diffuse building will continue in the Bitterroot Valley. Regardless of the cumulative effects on wildlife and habitat, private lands in the Bitterroot Valley will be developed, including those adjacent to the Metcalf Wildlife Refuge and other important wildlife habitats. The approach taken by the Montana Department of Fish, Wildlife & Parks, apparently is to discourage all subdivision in Montana, an unrealistic Sisyphean endeavor. Rather than discouraging well-planned, relatively high-density development, the negative spin and exaggeration that typify comment letters on subdivisions by the Montana Department of Fish, Wildlife & Parks encourage maintaining the current piecemeal approach to random and unplanned development. I have worked on a number of development projects and letters from the Montana Department of Fish, Wildlife & Parks concerning these projects all have approximately the same tone and general substance. They do not seem to discriminate between carefully planned development and uncontrolled proliferation of haphazard construction and land use.

Precedents

The proposed project would set a precedent in the Bitterroot Valley for being one of the most carefully planned developments to date. The developers and consultants have gone to great length to contact agencies, organizations, and individuals to integrate concerns into the planning process. This is a positive precedent.

Mr. Long alludes to constructing a subdivision near a wildlife refuge as setting a precedent. For the proposed Legacy Project to set a precedent, there would have to be other unoccupied blocks of land near the Refuge that are suitable for development and a landowner with the money and inclination to construct a subdivision similar to the proposed Legacy Ranch. I do not think this situation exists. With or without the Legacy Ranch project, subdivisions will continue to be constructed on private land adjacent to the Refuge and elsewhere in the valley, some on wildlife habitat that is truly important to wildlife.

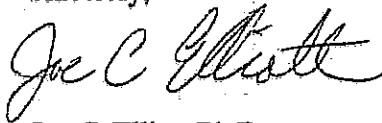
Countywide Goals

The proposed project promotes public open space and recognizes agriculture and forestry. Concentrating development, as proposed with the Legacy Ranch project, preserves agricultural land that would otherwise be consumed by unplanned residential developments. Planning tools have been extensively implemented to avoid and reduce

impacts. The value of the Lee Metcalf National Wildlife Refuge is explicitly emphasized by the developer and consultants.

Given the Montana Department of Fish, Wildlife and Park's lack of comment when contacted in the very earliest stages of the project, their current response is unconstructive and has enormous economic implications for private property owners. I believe they need to develop a coherent, transparent, and publicly articulated policy on dealing with subdivisions rather than routinely submitting "boiler plate" comments referring to all lands as "important wildlife habitat" and repeating the same litany of problems associated with subdivisions and wildlife. There needs to be recognition that some subdivisions are better from a wildlife perspective than others and that careful and sincere planning is a positive element to strive for rather than discouraging.

Sincerely,

A handwritten signature in cursive script that reads "Joe C. Elliott".

Joe C. Elliott Ph.D.
Senior Biologist