FIVE VALLEYS AUDUBON SOCIETY
P.O. BOX 8425
MISSOULA, MT 59807

February 24, 2014

Hilary Schoendorf
Missoula County Community and Planning Services
200 West Broadway
Missoula, MT 59802

Dear Ms. Schoendorf:

Thank you for the opportunity to comment on the application by the JTL Group to rezone its Mullan South property. Our interest in the JTL request, centers on the fact that the subject land lies within the riparian zone of the Clark Fork River-Grass Valley Important Bird Area (IBA). The IBA program is a global initiative aimed at calling attention to areas with habitat that is critical for the conservation of birds (see attached brochure).

The Clark Fork River-Grass Valley IBA was established only after scientific data collected by the Five Valleys Audubon Society showed the area supports habitat used by one or more species of high conservation priority. In this instance, the data documented the presence of four heron rookeries and the breeding occurrence of thirteen species of high conservation priority. Significantly, the number of breeding pairs of Lewis's Woodpeckers documented in the IBA resulted in the area being designated as one of *"continental significance."* Lewis's Woodpeckers have experienced a dramatic decline throughout their range and are therefore a species of national conservation concern.

The important wildlife habitat found within the Mullan South property is a gallery cottonwood forest. It is a plant community having critical significance in the Missoula Valley and throughout Montana. No other habitat in the West supports a higher diversity of breeding birds. In addition, many species that breed in other habitats forage in these cottonwood bottomlands during their migration. However, the slow process of cottonwood degradation is resulting in the gradual reduction of our riparian forests. Viewed as a major concern, this situation has led the Montana Department of Fish, Wildlife and Parks to classify riparian cottonwoods and wetlands as being *"Community Types of Greatest Conservation Need"*.

The cottonwood forest on the JTL Mullan South property provides habitat for a rich diversity of bird species. Although we have not conducted bird surveys on the JTL land, directly across the river on the Tower Street Open Space Park, multi-year bird inventories have been made. Findings from those surveys have revealed that well over 100 bird species use the Tower Street Park during the course of a year. A similarly diverse array of species would be expected to make annual use of the JTL property.

Significantly, the JTL land being considered for the zoning change contains valued nesting sites for several species of conservation concern. These species are among those that served as the basis for creating the Clark Fork River-Grass Valley IBA. Included are the Red-naped Sapsucker, Willow Flycatcher, Hooded Merganser, Great Blue Heron, which have used this

area as a rookery, and Lewis's Woodpecker. Observations from the Tower Street Park show that Lewis's Woodpeckers, the IBA species of national conservation concern, nest on the JTL Mullan South property.

A key means to limit the impact of increased human presence in an area is that of having adequate open space buffers between riparian habitats and adjoining land development activity. Appropriately, in its application for rezoning, JTL has proposed stream-vegetated buffering setbacks along both the river and the slough. Recognizing the need for such setbacks is laudable, however their proposed width is not sufficient. The 100-foot setback along the sough is an example.

In 2008, Montana Audubon compiled results from scientific studies aimed at defining the size of stream-vegetated buffers needed to protect wildlife and wildlife habitat. On the basis of those studies, the minimum buffers we would recommend are substantially greater than those noted in the JTL re-zoning application. A buffer of more than 400 feet is needed to protect a full complement of birds in cottonwood floodplains. Cavity nesting ducks require 600 feet and Great Blue Heron nesting sites require buffer widths of 800 to 1,000 feet. We believe a setback of at least 600 feet for both the river and the slough is needed to avoid disturbance to several species of conservation concern that can be found on the Mullan South property.

A key concern we have with the rezoning request centers on fact that, under the present zoning designation, C-RR1 (Residential), mining is not an allowable use. If the zoning is changed to C-A1 (Open and Resource Lands), mining becomes a possibility since it is a special exemption. We realize the applicant does not plan to "… pursue resource extraction in the near future." And too, we know that changing the zoning for the property would not constitute an approval for a gravel extraction operation. That would require authorization by the County Board of Adjustment. At the same time, gravel extraction would always be an option under C-A1 zoning.

In 2006, with the creation of the Clark Fork River-Grass Valley IBA, Five Valleys Audubon embarked on an effort to seek the preservation of limited habitat that is critical to bird species having a high conservation priority. The goal is to assure the long-term preservation of that diminishing habitat. Allowing the possibility of having mining affect the extremely important natural values found on the JTL property would be contrary to that goal. Resource development could take place in the defined habitat we are seeking to protect. We would therefore ask that mining be precluded in the Mullan South property by means of a special condition to any Commission action on the rezoning request. Alternatively, the entire area under consideration could be subject to a "no-build, no-disturb" restriction.

Again, we appreciate the opportunity to offer comment on the JTL rezone proposal. If you wish further information or clarification concerning our comments, please feel free to contact me.

Sincerely,

Jim Brown
Five Valleys Audubon Society

Enclosure