January 17, 2008

Elaine Hawk
Territorial-Landworks, Inc.
P.O. Box 3851
Missoula, MT 59806

Dear Ms. Hawk:

Thank you for providing us the opportunity to comment on the proposed Pontiac Commercial Development proposal. Our interest in the project stems from our concern that it encompasses important avian habitat. One element of that habitat is the dense, brushy draw along the west side of the development. Key among the species using this environment are the Long-eared Owl, Swainson's Hawk and a variety of song birds including the Clay-colored Sparrow, an uncommon resident of the Missoula Valley. The grassland encompassing the balance of the site was another important component of the avian habitat and contained a good diversity of native grass species including a rich component of Bitterroot plants.

The brushy draw is significant in that it has provided important roosting and nesting sites for the Long-eared Owl. The Swainson's Hawk, which is on the National Audubon Society's Watchlist of species in decline, nests nearby in this same draw. Our bird surveys show that, during the spring and summer months, the draw bordering the development is used by nesting Clay-colored Sparrows, Spotted Towhees, Yellow Warblers, Gray Catbirds, Warbling Vireos and Lazuli Buntings. The adjoining grassland hillside served as vital foraging habitat for the sparrows. The entire grassland portion of the site supported a vole population that provided an important food source for the Long-eared Owl, the uncommon Short-eared Owl and other raptors. The Short-eared Owl, a grassland species having little habitat remaining in the Missoula Valley, is also on the National Audubon Watchlist of species needing urgent conservation action.

It is noteworthy that the brushy draw is among several similar sites in the vicinity that have been the object of research by the Owl Research Institute and the Ninepipes Center for Wildlife Research and Education. According to Denver Holt, president of these organizations, the study is focused on understanding the life histories of owls. Ongoing for over twenty-two years, it is acknowledged as being the most comprehensive and long-standing study of the Long-eared Owl species in North America with observations made on over 1,600 marked birds. The work is facilitated by the fact that the general area within which the proposed development would occur consistently has the largest concentration of wintering Long-eared Owls in the United States. This fact is based on Christmas Bird Count data from over 2,000 sites across the nation.

At the time we received your request for comment, we realized the potential implications of the prospective development and hoped we could offer comment that might mitigate its impacts. Unfortunately, when we made our field review we found that, in large measure, the earthworks portion of the project has been completed. Much of the action we hoped could be avoided has now taken place. This has occurred in spite of the fact that the project has received no governing body approvals.

Had we been able to offer meaningful comment, we would have asked that lots seven and eight be either eliminated or reconfigured in order to preserve the steep grassy slopes adjoining the brushy draw. Such an action would afford a needed buffer and preserve grassland valuable to the Clay-colored Sparrows, the Long-eared Owls and other avian species. With so much of the earthwork portion of the project completed, that land area is now covered with a deep layer of fill material. The opportunity to do something toward protecting the important wildlife habitat of the site has largely been foregone. Although the 21-acre development site may seem like a small area, it contains important wildlife habitat and the incremental loss of such areas due to development has a critical impact on many bird and other wildlife species.

It is most disheartening when we are so constrained in our ability to offer anything meaningful toward the implementation of a project such as this. It would seem the whole purpose of the agency review process is to seek comment from a range of interests and identify issues and concerns such as those we have presented. Then, on the basis of such comment, devise action aimed at addressing the problems involved. The steps taken by this developer fly in the face of such a process.

If you wish to discuss possible remedial action that, at least in some part, might address our concerns, please feel free to contact me.

Sincerely,

Jim Brown

Copy: Tim Worley, OPG
Denver Holt, ORI