December 30, 2008

Ron Ewart
Eli and Associates, Inc.
P.O. Box 16462
Missoula, MT 59808

Dear Mr. Ewart:

Thank you for the opportunity to comment on the Blue Heron Estates subdivision proposal. Our interest in the planned development centers on the fact that it is within the Clark Fork River-Grass Valley Important Bird Area (IBA). As you know, the IBA program is an international conservation effort aimed at calling attention to areas that are critical for the conservation of birds and encouraging voluntary conservation efforts. An IBA supports habitat used by one or more species of high conservation priority or such colonial nesting species as herons. Data collected by the Five Valleys Audubon Society demonstrated that, within this IBA, there are breeding populations of thirteen species having a high conservation priority as well as four heron rookeries. Critical habitat components of the Clark Fork River-Grass Valley IBA are riparian cottonwoods and associated wetlands and grasslands. Key among the species of concern are the Lewis's Woodpecker, Willow Flycatcher, Calliope Hummingbird, Pileated Woodpecker, Red-naped Sapsucker, and Red-eyed Vireo. All would be found on the Blue Heron Estates property.

Riparian habitats, such as those found in the Blue Heron Estates development area are, by their very nature, critical wildlife habitat types. Riparian areas and wetlands occupy less than four percent of Montana's land area, yet they are used by more than 80 percent of the bird species found in the state during all or part of the year. No other habitat in the West supports a greater diversity of breeding birds. In addition, many species that breed in other habitats forage in these areas during their migration. Not surprisingly, the Montana Department of Fish, Wildlife and Parks has identified riparian cottonwoods and wetlands as being *"Community Types of Greatest Conservation Need"*. The high use of these habitats by birds, their natural scarcity, and the threats to their existence make riparian cottonwoods and wetlands critical components in the conservation of native birds in Montana and across the West.

A key concern we have with the proposed plan of development for Blue Heron Estates is that it will do little, if anything, to preserve the riparian resource values inherent in the site. Our concern is founded on the fact that the entire riparian habitat is included in land area dedicated to seven lots. Although the riparian area of each lot is designated a no-build zone, all other allowable action would be at the discretion of seven individual landowners. With this situation, there is little likelihood that the riparian resources would be managed in the unified and focused manner needed to protect the long-term interest of the resource. We would posit that these riparian lands should be designated and managed as a common area as is the case with every other subdivision proposal we have seen that contains such important habitat. The resource is far

too valuable to be treated otherwise.

Key to managing the site's riparian resource is that of developing a substantive resource management plan. Such a plan would serve as the foundation for action aimed at protecting and, hopefully, improving the site's wildlife habitat. It would lead to the mapping and description of the various habitat types and set forth management objectives for those lands. Among other things, it would also consider such matters as maintaining snags, promoting insects by creating a dense understory, and preventing grazing or excessive human use so cottonwoods and understory plant species can regenerate. Allowable human activity in both the riparian zone and buffer areas would be further defined so as to reduce impacts to breeding bird populations and other wildlife species. Of particular significance to the situation at Blue Heron Estates is the need to identify habitat enhancement opportunities such as that of restoring the wetland areas impacted by long-standing grazing activity. Finally, the plan would identify who would be responsible for its implementation.

Another important resource protection measure is that of having adequate open space buffers between riparian habitat and adjoining land development activity. Recently, the Montana Audubon Society compiled results from scientific research aimed at defining the size of stream-vegetated buffers needed to protect wildlife and wildlife habitat. On the basis of those studies, a minimum buffer width of 150 feet would be needed to support the waterfowl and neotropic migrant bird species that would likely use the riparian area in Blue Heron Estates. This is substantially greater than the 25-foot width noted on the preliminary plat for the project. The research further concludes that a buffer of 300 feet is necessary to support a broader diversity of wildlife and that some waterfowl and songbird species require a buffer exceeding 300 feet. We would suggest that, in order to protect the riparian bird habitat within Blue Heron Estates, there be a minimum buffer of 200 feet associated with lots 8 through 11 and the eastern half of lot 12. The buffer width for the remaining lots that abut the riparian area should be 100 feet. Although the suggested buffer widths would not eliminate the impacts upon resident bird populations, it would reduce their severity.

The design of the Blue Heron Estates development stands in marked contrast with the recently approved subdivision that lies immediately to the south and east. In that development, the lots were smaller and clustered so as to minimize impacts to the important riparian lands found on the site. Given the implications of the presently contemplated design for Blue Heron Estates, we would suggest that consideration be given to reconfiguring the development plan. This might involve clustering the lots away from the riparian habitat and closer to housing that now exists in the vicinity. We would also suggest that the lot size be reduced substantially from the now-contemplated five acres since lots of this size could be subdivided at a later date. That being the case, there is really no way to define the ultimate scope of the Blue Heron Estates development and to effectively respond to the concomitant impacts.

We are most appreciative of the opportunity to offer comment at this earlier stage of plan review. If you should wish any further information or clarification regarding our comments, please feel

free to contact me.

Sincerely,

Jim Brown
Five Valleys Audubon Society

Copy: Tim Worley