Lewis and Clark County
Community Development and Planning
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To: Open Lands Citizens Advisory Committee (CAC)
From: Matt Heimel, Special Districts Planner
Date: 9/29/16
Re: Gehring Ranch Conservation Easement (CE) Project

GENERAL INFORMATION

DATE OF APPLICATION: 1/14/16 (Level 1), 8/16/16 (Level 2)

MEETING DATES: 1/28/16 (Level one pre-application); 9/12/16 & 9/29/16 (Site visits); 10/4/16 (Citizens Advisory Committee regular public meeting)

PROPERTY OWNER: William Gehring, 5601 Lincoln Road, Helena, MT, 59602

SPONSOR ORGANIZATION: Prickly Pear Land Trust, PO Box 892, Helena, MT 59624

PROPERTY LEGAL LOCATIONS:

S12, T11 N, R05 W, C.O.S. 3196023, PARCEL 1-B, IN E2; S18, T11 N, R04 W, CRYSTAL CREEK, ISABELLA & SILVER BELL LODES MS 9396; S05, T11 N, R04 W, QUEEN LODE MS 7080; S01, T11 N, R05 W, C.O.S. 3016001, ACRES 40, TRACT 4A, IN SE4; S05, T11 N, R04 W, ALL LESS CLAIM #7080; S07, T11 N, R04 W, SENE N OF BNRR R/W LESS 2AC; S07, T11 N, R04 W, S2, S2N2 S OF BNRR R/W; S08, T11 N, R04 W, E2W2 N OF HWY; S08, T11 N, R04 W, W2SW W OF BNRR R/W; S08, T11 N, R04 W, SWNW & SW;SW OF HWY & NE OF BN RR R/W; S17, T11 N, R04 W, NE4 N OF HWY 279 R/W; S17, T11 N, R04 W, N2 S OF HWY 279 R/W & N OF BN; S17, T11 N, R04 W, N2 S OF BN R/W; S18, T11 N, R04 W, LTS 5-8, NE, E2NW, NESW; S19, T11 N, R04 W, N2NE4; S32, T12 N, R04 W, LTS 5-6, S2SW; S07, T11 N, R04 W, C.O.S. 479376/T, TRACT A, IN N2N2; S07, T11 N, R04 W, C.O.S. 538805/B, TR B & TR A-B IN E2E2NE

GENERAL LOCATION: The 2,888 acre property is west of and adjacent to Lincoln Rd W, approximately 4 road miles west of Green Meadow Drive, and includes portions of Silver Creek and Threemile Creek.

GENERAL PROJECT DETAILS

A) PROPOSAL

The level 2 application requested $1,000,000, proposed to be applied to the purchase of the conservation easement.

C) PRESENT LAND USE

The property is currently utilized for livestock grazing and management and agricultural land stewardship.

D) ADJACENT LAND USE

North: Single-family residential
East: Lincoln Rd W & rangeland
South: Single-family residential
West: Single-family residential

COMMITTEE OPTIONS

After the project is reviewed according to the project evaluation criteria in the Open Lands Program Guide, the CAC may vote on a motion to recommend to the Board of County Commissioners that the Gehring Ranch Conservation Easement be processed one of four ways, outlined below:

A) Recommendation in favor of project approval with full funding, contingent upon County legal staff's review to confirm the application's compliance with due diligence requirements;

B) Recommendation in favor of project approval with partial funding, contingent upon County legal staff's review to confirm the application's compliance with due diligence requirements;

C) Recommendation in favor of project approval if the Project Sponsor secures additional agency funding sources, contingent upon County legal staff's review to confirm the application's compliance with due diligence requirements;

D) Recommendation against project approval.

ATTACHMENTS

- Gehring Ranch CE Level 2 Application
- Gehring Ranch CE Project Maps

Lewis and Clark County Open Lands Program
Level Two Application

Landowner and Agency Identification
Please state the name, address, and telephone number of the landowner and of the sponsoring land conservation organization.
Project Applicant: William Gehring, 5601 Lincoln Road, Helena, MT 59602, xxx-xxxx.
Sponsor Organization: Prickly Pear Land Trust, PO Box 892, Helena, MT 59624, 442-0490.

Please submit this application by digital media accompanied by one complete paper version.

Note: When submitted to the County, this application will become a public document and all information contained in it may be viewed by any member of the public that may request to do so.

These criteria summarize the objective, quantifiable, desirable characteristics sought by the Open Lands Program as established by the Land, Water and Wildlife bond measure passed by voters in 2008. These criteria will be used by County Staff and the Citizens Advisory Committee on Open Lands (CAC) as an objective means to guide the evaluation of specific projects to determine if they meet the voter-approved goals for conservation funding. The CAC recognizes that not all these features will be present on each property.

Provide a general description of the property that includes:

a. The size of the property – total acreage and amounts by sub-ownership categories (i.e., deeded, leased, permitted public land, etc.)
b. Size of the area to be included in the conservation easement or land purchase – total acreage and percentage of deeded land
c. Permitted home sites – identify any existing home sites and future home sites that will be permitted in the conservation easement.
d. Water/Mineral Rights - identify any other rights appurtenant to the property and whether they will remain with the property
e. Hazardous materials – confirm that no hazardous materials, as defined by the federal government, are known or believed to be present on the property both above and below ground. If the land is contaminated, the contamination has been identified and a description is included as to how the material can be removed from the property and the site reclaimed.
f. Other Conservation Easements and Public Lands – adjacent or nearby existing or proposed conservation easements and/or public land that would enhance the purpose of this application.
g. Commercial Activities – identify and describe any existing and/or proposed commercial activities occurring on the property.

The subject property is approximately 2,888 acres in size, all of which will be included in the proposed conservation easement. There will be three building envelopes; the first is 7 acres in size and contains the original 1860's homestead and associated ranch buildings, the

second building envelope is 3 acres in size and contains the landowner's current residence, and the third building envelope is 1 acre and contains a trailer home. The subject property is a working ranch that has been in the landowner's family since it was homesteaded just after the Civil War. The property is used for both cattle and bison ranching as well as hay production. The ranch lies just northwest of the Bureau of Land Management's Scratchgravel Hills and serves as a connection to the large and intact Sieben, Chevalier, and Settle ranches to the northwest.

There are twenty-two water rights associated with the property; the majority of which are for irrigation. The mineral rights have not been severed from the property; they will be retired, in effect, through the conservation easement. No hazardous materials are known or believed to be present on the property, nor is there any existing or proposed commercial activity occurring on the property outside of agricultural use.

Funding: Describe the general budget of the project and any of the following that apply.

- What funding is requested from the County and how will they be applied? **$1,000,000.00 is requested from the County to be applied to the purchase of the easement.**
- Will the County's funds be matched through donation of land value and/or other funding sources? If so, what amounts have been approved or requested, or are pending approval? **Yes, the landowner is donating $1.21 million or almost 55 percent of the easement value. In addition, the Rocky Mountain Elk Foundation has agreed to commit $7,500 to the project, and $2,500 will be coming from the Travelers for Open Land program.**
- If applicable, describe the total project costs, including transaction costs and stewardship fees. **The project costs including the stewardship fee ($12,871), preliminary appraisal ($3,000), title reports ($1,000), mineral rights search ($1,530), baseline report and environmental report ($5,976), PPLT staff time ($2,938), legal fees ($962.80), and other expenses total more than $28,000.**

Conserve Working Farms and Ranches: Describe the value of the property in terms of continuing or restoring the historic land use, and identify any of the following characteristics that apply.

- Does the property contain "prime, unique, statewide or locally important" agricultural soils, as defined by NRCS? **Yes, there are nine different soil types covering almost 30 percent of the property that are classified as "prime and unique".**
- Is the property contiguous with other working lands? **Yes, the 5,980 acre Settle Ranch borders the property to the north and beyond the Settle ranch lie the nearly 15,000 acre Chevalier and almost 70,000 acre Sieben ranches**
- Is this property currently a working farm or ranch? **Yes, the property is currently used for hay production and grazing of both bison and cattle.**
- Is there an existing farm or ranch management plan in place? **No**

Conserve Working Forests: Describe the value of the property in terms of protecting or improving forest uses, and identify any of the following characteristics that apply.

- Is the property located within the urban/wildland interface? **No**
- Is the location deemed to be an area of high risk for wildfire? **Yes. The majority of the property is rated at 'low' risk for fire but there are two small sections listed at 'high to severe'.**
- Is there a current forest management plan? **No**
- Is the property, or a portion of it, classified as forest land/commercial timber for tax purposes? **No**
- Is the forest being actively managed for current or future timber harvest? **No**

Protect Habitat for Fish and Wildlife: Describe the value of the property as fish and wildlife habitat, and include any of the following that apply.

- Does the property contain significant wildlife habitat? **Yes, this property contains important wildlife habitat for many species, including whitetail and mule deer, elk, bobcat, westslope cutthroat trout, bobolink and the long-billed curlew.**
- Is there a diversity of habitat for wildlife or fish on the property? **Yes, the property contains native grasslands, small forested areas, wetlands, and riparian areas.**
- 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.) **No, but the property does provide a critical link for wildlife between the Scratchgravel Hills and the Canyon Creek area. The property owner has consistently seen more and more elk use of his property over the past decade, most recently with a herd of over 150 residing there this past winter.**
- Is there habitat for Threatened and Endangered, or Sensitive species of wildlife or fish? **Yes, there is habitat for the threatened Canada Lynx as well as habitat for the Black-tailed Prairie Dog, Spotted Bat, and the Westslope Cutthroat Trout.**
- Are there streams or rivers with high habitat ratings from MFWP? **No, both Silver Creek and Threemile Creek have not been rated by MFWP.**
- Is there intact native riparian habitat? **Yes, with almost 2.4 miles of Silver Creek and 1.6 miles of Threemile Creek, there is extensive riparian habitat on the property. In particular along Threemile Creek there are some impressive aspen groves.**

Provide Opportunities for Outdoor Recreation: Describe the value of the property for outdoor recreation, and identify any of the following that apply.

- Will the proposed project maintain or increase legal and physical access for the public to existing public land or waters? **No, but the landowner currently participates in MFWP's Block Management program and has over 1,200 acres open to hunters. He has no intention of ending his membership in Block Management.**
- Does the proposed project include legal access for the public on the private land proposed for conservation? **No**
- Will the project secure access for the public to an existing, long-standing recreation or access site? **No**
- Does the site and type of access offer the possibility of recreation for people with physical limitations? **No**
- Will the project create or maintain a trailhead or trail for use by the public? **No**

- Does the project support an existing, adopted outdoor recreation plan or initiative? **No**

Protect Water Resources and Water Quality: Describe the value of the property in terms of Water Resources and Water Quality, and identify any of the following that may apply.

- Does the property contain high-quality wetlands? **Yes**
- Are there lakes, ponds, or springs located on the property? **Yes, there is a large pond located on Threemile Creek behind a dam created by past ranch owners.**
- Does the property contain riparian areas with intact vegetation? **Yes, both Threemile and Silver Creek have intact vegetation with healthy Black Cottonwood and Quaking Aspens.**
- Are there rivers/streams with perennial flows? **Yes, both Threemile and Silver Creek have perennial flow.**
- Does the property contain land in the 100 year floodplain? **Yes**
- Are there water rights appurtenant to the property? **Yes, there are 22 water rights appurtenant to the property.**
- Is the property within a watershed that is the source of a public water supply system? **No**
- Is the property in an area that has been identified by a local, state or federal government agency as particularly sensitive in terms of its geology, soils or risk to an aquifer? **No**
- Has DEQ classified the waterway on the property as A-1 or better (per ARM 17.30.606-614)? **No, classified as B-1**

Preserve Open Lands, Natural Areas and Historic Value: Describe the value of the property in terms of Open Lands, Natural Areas and Historic Value, and identify any of the following that may apply.

- Does the property contain scenic features that are strongly associated with the county's identity and sense of place? **Yes, the original home site of 1860's homesteaders' remains and the property is emblematic of a Montana ranch. The ranch contains several historic mining sites, as well as views of the Helena Valley and the foothills of the Continental Divide.**
- Will the project conserve unique geologic or geographic features? **No**
- Does the proposed project help implement an adopted community plan or neighborhood vision? **No, there is no formal plan in this community.**
- Does the property adjoin a city, town or unincorporated community? **No, the property is approximately 15 miles NW of Helena.**
- Are there threatened or endangered species, or species of concern on the property? **Yes, there is one threatened species, the Canada Lynx. In addition there are a total of 17 animal species of concern on the property: 1 fish, 2 mammals, and 14 bird species. There are 4 plant species of concern on the property.**
- Is there a particularly good example of a native habitat (e.g., native grasslands, healthy stands of aspen or limber pine, riparian plant associations)? **Yes, there are native grasslands on the intermediate mountain slopes of the property, stands of aspen along Threemile Creek, and Limber and Ponderosa Pine in the forested areas.**
- Are there historic, archeological or prehistoric sites located on the property including historic or prehistoric corridors and trails? **Yes, old mining structures and ranching**

machinery can be found on the property. The landowner is currently working to designate a number of buildings on the property as historical landmarks.

Are there any other outstanding or unique feature of the property you would like to describe? The property is in the unique position of being a working ranch in an area that has been increasingly subdivided in recent years. A number of other ranches have been sold and divided in the past 20 years and the fact that these almost 3,000 acres remain intact and open space is a testament to the landowner and a boon to both wildlife and the people of Lewis and Clark County.

Required Supporting Documentation: Please refer to the 'Required Attachments for Level Two Application for Projects Funded by the Open Lands Program, Lewis and Clark County, Montana' document.

I/we have prepared this application to the best of our ability and knowledge and request that Lewis and Clark County evaluate this request for funding based on the information contained herein. I/we understand the project selection process described in the Lewis and Clark Open Lands Program Guide. I/we understand that a recommendation that this project move to the Due Diligence Phase is not a guarantee of funding. If any information or circumstance changes substantially the project may be subject to reconsideration or reapplication, as described in the Program Guide.

I am authorized to sign this application as the applicant/landowner or a representative of the Sponsor.

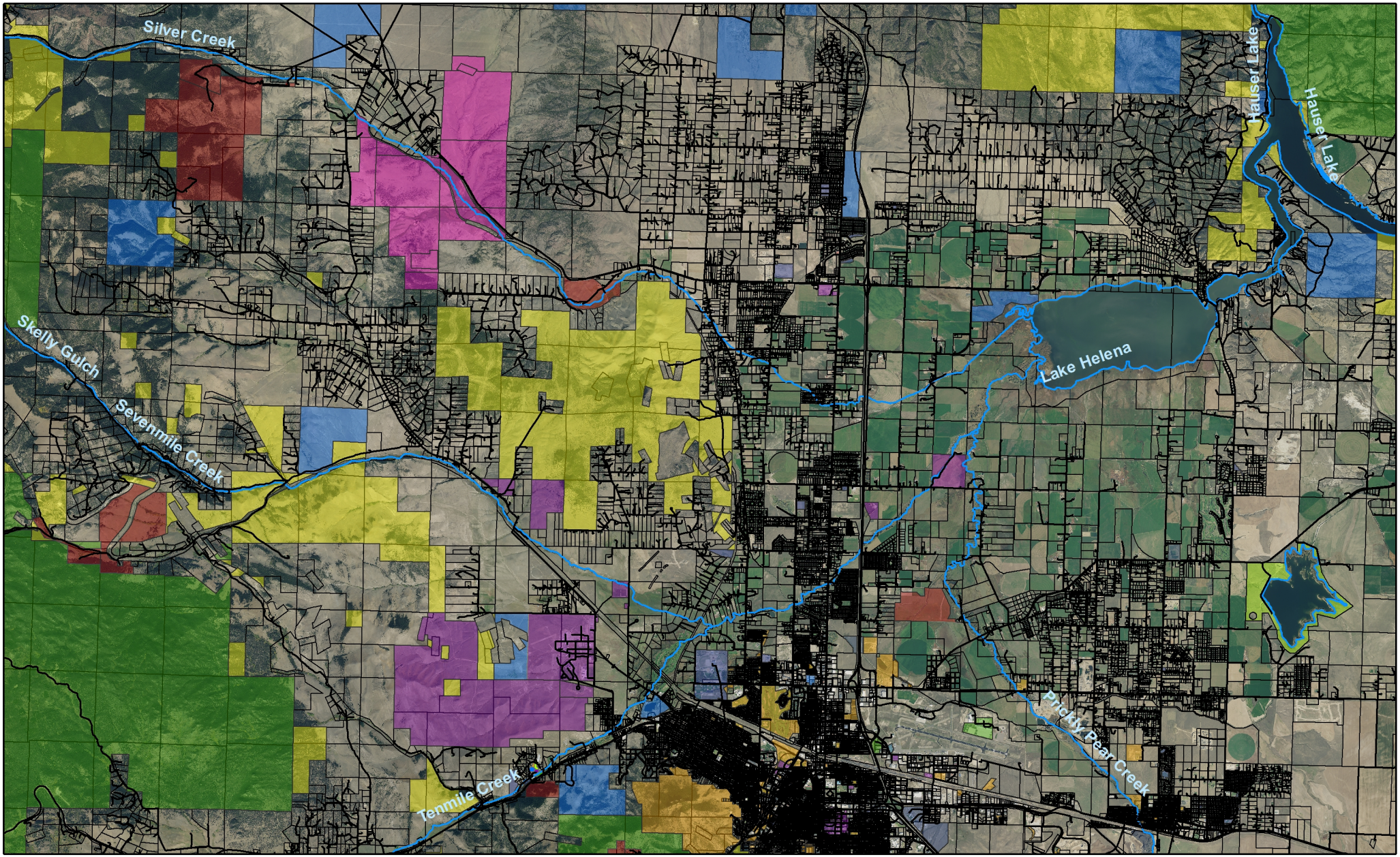
_____

Landowner signature Date

And/or

_____

Sponsor representative signature Date



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- Gehring Ranch
- Conservation Easements
- Local Government
- Bureau of Land Mgmt
- Bureau of Reclamation
- US Forest Service
- State of Montana
- Fort Harrison

Proposed Gehring Conservation Easement, Canyon Creek, MT

0 0.75 1.5 3 Miles

Map Prepared By:
Nate Kopp
August 2016

PRICKLY PEAR LAND TRUST
Connecting Land and People