



Montana Fish, Wildlife & Parks

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Flathead County Planning Board &
Flathead County Planning & Zoning
1035 First Avenue West
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Dear Members and Staff,

Montana Fish, Wildlife & Parks (FWP) staff has reviewed the North Shore Estates preliminary plat application, the recent staff report, Flathead County's Growth Policy and Implementation Plans, and the previous wildlife and wildlife habitat information submitted by agencies and the applicants. FWP has revisited this project in more detail based on need to gather additional information to pursue funding for conservation in the North Shore area and address specific project concerns raised by the community.

We reaffirm the issues outlined in our letter dated November 16, 2007 and herein offer additional information that we respectfully believe provides a solid basis for revising some of the Findings of Fact and Conclusions reached in the most recent staff report. We would specifically like to address Findings #32-36 related to Wildlife and Wildlife Habitat, and Finding #47 related to Public Safety.

Finding #32. The proposed subdivision will have a negative impact on some species of wildlife on adjacent Federal lands because both the wildlife report submitted by the applicant and agency comments from Montana Fish, Wildlife and Parks state some species that are sensitive to the presence of humans would be displaced by the proposed subdivision and development.

- We agree that the proposed subdivision will have a negative impact on wildlife. This Finding does not address which species, their significance on a statewide or national scale, or how significant the impacts could be. The finding only mentions displacement that is but only one of several possible effects of the proposal.

We believe the Findings should also recognize that the impacted species are significant on national and statewide scale. Additionally, the proposed project may have an impact on a high diversity of wildlife species or their habitats.

- The project will have an impact on at least 3 Tier One species (those species in "Greatest Need of Conservation") as well as another 44 Tier II bird species, 30 of which are documented to occur on an annual basis (Casey, D. see attached bird list) that occur in the project area. Many of these species such as bald eagles, nesting harriers or waterfowl, migratory waterfowl, nesting shorebirds are sensitive to disturbance.
- FWP recently published our "Montana Comprehensive Fish and Wildlife Conservation Strategy". This document is a compilation at the statewide level of the best available science for fish and wildlife and is the key document that we are using to guide to fish and wildlife conservation over the next 5 years. This document identifies what we consider to be Tier I species, those species of Greatest Need of Conservation as well as species in Tier II and Tier III. Based on our knowledge

of this project area, data provided by the U.S. Fish & Wildlife Service (FWS), and information provided by the applicant, we know that that this project area supports or has the potential to support at least 3 Tier One wildlife species: Bald Eagles, Long-billed Curlews, and Black Terns. The impacts to these species and their habitats will be in part through direct loss of habitat associated with development and trails and also through disturbance on and offsite by people, pets, and their associated activities. We also recognize, that as the approval of Mackinaw Estates may have set the stage for this project, the approval of this project will set the stage for more adjoining high-density developments over time in a highly sensitive wildlife area.

- These project area uplands also support thousands of migratory Northern Pintails, a waterfowl species that is in decline in North America. This species is a major migrant through the Lower Valley both resting/feeding in shallow areas along the North Shore and Flathead River sloughs and also feeding and foraging in croplands. This project will reduce foraging opportunities for pintails as well as for many other economically important waterfowl species.

FWP believes the Findings should include a statement that the North Shore is recognized by the County as a "critical" or "crucial wildlife habitat" area.

- This designation can be justified by the establishment of the Flathead Lake WPA, previous support for this type of designation by both FWP and FWS, and the fact that the Flathead Lake WPA is listed as a "special designated wildlife area in Flathead County" in Table 8.4 (page 128) as stated in the existing Growth Policy.

Further, the Findings should reflect that the proposed density is too high for this area when considering the proposed mitigation measures.

- Flathead County's Growth Policy provides guidance for development in these "critical" fish and wildlife habitats and recommends against high density development in these areas:

Growth Policy Statement 41 states:

"Promote the preservation of critical fish and wildlife habitat and preserve the area's unique outdoor amenities and quality of life".

On page 24, the County's Growth Policy also states:

"The **density of residential land use** (emphasis added) has a significant impact on wildlife and wildlife habitat if not adequately mitigated. When proper development techniques are combined with a low overall density, humans and wildlife can successfully co-exist. It is unreasonable to stop all development in wildlife habitat, but it is also unreasonable to allow high density development in areas that are critical to the healthy management of wildlife populations".

FWP believes this statement is appropriate to this project and should be reflected in the Findings of Fact. This overall proposed density (1 residence/0.79 acres) is not consistent with the purposes of protecting "critical" or "crucial" wildlife areas. Additionally, FWP believes the proposed buffer area and covenants are not adequate to mitigate all the probable impacts of development and recreation.

- The North Shore of Flathead Lake is a nationally significant resting and feeding area for thousands of migratory birds and a nesting and wintering area for hundreds of raptors. The lands both within the Flathead Lake WPA and the adjoining agricultural lands and wetlands on private land are integral to maintaining security and habitat values for these nationally significant wildlife resources. We have provided information to support the importance of this area in our previous comments to Flathead County that this area should be considered "critical" or "crucial wildlife habitat". We believe the historical uses of the proposed project lands have helped maintain the high habitat values for the WPA. As supported below, we believe the construction of 290 homes