

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
SPECIAL MEETING OF THE SEPTEMBER 2011 SESSION**

**Land Water and Wildlife Levy  
Levy Advisory Board Recommendations**

**Fourth Day**

**Wednesday, September 14, 2011**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 2:00 p.m. Present were Chairman Angenie McCleary, Vice Chairman Tom Bowman, Commissioner Lawrence Schoen; County Administrator Derek Voss; County Prosecutor Jim Thomas, Chief Deputy Prosecuting Attorney Tim Graves, Land Use Administrator Tom Bergin, County Planner Kathy Grotto; Applicants John, Diane and Tom Peavey; Nature Conservancy Central Idaho Conservation Manager Mark Davidson and Inland Northwest Land Steward Justin Petty; Blaine County Levy Advisory Board (LAB) consultant Clare Swanger, LAB chairman Alan Reynolds, and LAB members Ben Sinnamon, Barb Acker, and Lili Simpson; The Nature Conservancy Associate State Director Lou Lunte; Carey City Councilmember Vonnie Olson; Carey residents Rick Baird and Laurie Fiscus; Lava Lake President Mike Stevens; Wood River Land Trust Keri Wood River Land Trust Stewardship Coordinator Keri York; Mountain Express reporter Mark Wood River Land Trust Stewardship Coordinator Keri York; Brian Camilli; Pete Haswell; Mickey Garcia; Martin Flannes; Natalie Ertz; Heather Crocker; Clark Shafer, Jim Phillips; Ross Youngman; Ashley Wells; Garrick Dutcher; Matt Furber; Lynne Stone; Jon Marvel; D. Liebich; Cindy Hamlin; Len Harlig; Terry and Anita Clark; and Recording Secretary Sunny Grant.

Chairman McCleary called the meeting to order at 2:08 p.m.

**LAND WATER AND WILDLIFE LEVY** – LAB consultant Clare Swanger

- **Flat Top Sheep Company – Little Wood River Conservation Easement with partner, The Nature Conservancy:** A public hearing on and consideration of an application for funding from the Land, Water & Wildlife Levy for \$300,000 (50% of the total cost) to protect 1,114 acres of land with a perpetual conservation easement that will be held, monitored and enforced by The Nature Conservancy.

Bergin said notice was by agenda posted in public places and on the County website. Letters were sent to surrounding landowners within 300 feet of the boundaries of the application property.

The Land, Water and Wildlife Citizens Levy Advisory Board (LAB) was appointed by resolution of the Blaine County Commissioners in 2008. The LAB created the levy-funded conservation process, with public input, and is now considering its first application. The Land, Water and Wildlife levy has raised nearly \$3.4 million.

The six essential requirements for a Land, Water and Wildlife (LWW) program are:

1. the property is located in Blaine County;
2. preserves at least one of the Land, Water and Wildlife conservation goals;
3. has a willing landowner;
4. has a willing seller;
5. the Nature Conservancy will hold, monitor and defend the easement in perpetuity; and conserve it forever; and
6. matching funds are available, if possible, to best leverage the levy funds.

Graves said the Ethics in Government Act and Local Land Use Planning Act prohibit conflicts of interest, but only in an economic sense. The only potential legal conflict of interest in this application would be someone from the Peavey family, who stands to be paid money from the purchase of their land. Mary Austin Crofts, a member of the Levy Advisory Board, works with the Peavey family on the Trailing of the Sheep festival, and recused herself from all discussions regarding this application.

Commissioners McCleary and Schoen disclosed that they had visited the property with Land Use staff.

The Flat Top Sheep Company (Peavey family) has applied for \$300,000 in Land, Water and Wildlife levy funds to match \$300,000 from The Nature Conservancy. The Nature Conservancy will use the funds to purchase a sheep easement (located at the confluence of Muldoon Creek and the Little Wood River) from Flat Top.

The Flat Top Sheep Company proposal consists of two parcels. The first parcel is 994 acres of irrigated farmland, wetlands and riparian habitat, and native shrubs steppe habitat. The second parcel is 120 acres of Cold Springs Creek frontage, Muldoon Canyon Road, and riparian and native shrub steppe habitat. The Flat Top Sheep Company is a connector between Craters of the Moon National Monument to the south, and Pioneer Mountains on the north, which further joins the proposed Boulder-White Clouds Wilderness Area and the Frank Church Wilderness to the north.

The Nature Conservancy has been working with the Peavey family for a number of years, and has secured over 8,000 acres of Conservation Easement, and about 13,000 acres of easements through partnership with the Natural Resources Conservation program.

The conservation areas to be protected are the Little Wood River and its tributaries, riparian and wetland ecosystems, working agricultural lands and productive agricultural soils, critical wildlife habitat, and unfragmented open space bordering federal and state lands. Public access is through High Five Canyon, which is currently part of the Access Yes program and would become a conservation easement.

If the BCC approves this Flat Top pre-application today, the Commissioners accept in concept the proposed terms and conservation mechanisms of the project, and indicate that property characteristics and resources fulfill the objectives of the levy. BCC approval will move the project forward to making a full application. The project and property will undergo additional scrutiny and due diligence investigation. The LAB and its attorney will review the whole project again; and resubmit it to the BCC for a final decision to fund the project.

**PUBLIC COMMENT:**

Martin Flannes supported the project, but expressed concern that the process might be construed as public fundraising for nonprofit organizations. Jon Marvel agreed. The levy process is good, but the money comes from taxpayers, and taxpayers' interests should be protected.

- Commercial ranching operations can continue on LWW levy properties, according to a Grazing and Agricultural Management Plan. Where can this Plan be reviewed?
- How will riparian areas be managed, especially those that are in trouble now?
- How will wildlife be managed, including wolves that are accused of killing livestock?

Cindy Hamlin said the conservation easements should be available for everyone, including wildlife. Lynne Stone related an experience she had witnessed where Wildlife Services shot wolves from a helicopter.

Mike Stevens of Lava Lake Ranch supported the project. It is critical that the County help protect the landscape while problems with livestock and predators are resolved. Ashley Wells and Ray Baird said this private land could be sold for development if not protected. Development would further degrade habitat and contribute to loss of wildlife. Jim Phillips and Wood River Land Trust Stewardship Coordinator Keri York concurred. This is critical habitat that should be under the guidance and management of The Nature Conservancy. This conservation easement includes public access, which makes it even more desirable.

The LAB felt the best use of taxpayer money was to have experienced non-profit conservation organizations manage LWW levy properties. They structured the levy program to have conservation organizations make application to the LAB.

Bowman said the properties would be deed restricted, and the County's name should be reflected on the deed. Swanger said the LAB still had to work out details of how non-profit management of LWW lands would be transparent, to allow the County some oversight of the program.

Schoen suggested easement language prioritizing non-lethal predator deterrents over lethal control, but advised caution in placing specific wildlife management language in the contract. Sometimes management is necessary to protect wildlife, such as trapping to attach radio collars.

The BCC suggested there be a public access plan and habitat enhancement plan. It's important to keep livestock out of important riparian areas.

**Schoen moved, seconded by Bowman, to approve conceptually the application for conservation easement by the Peavey family, conditioned upon their meeting the requirements laid out today for working and moving to the due diligence phase, to enable them to work out details of the plan as outlined by the BCC today.** In discussion, McCleary said the details of those plans are important; today's approval is to go forward with the application so the BCC has a complete picture of the project. **Motion carried unanimously.**

**ADJOURN**

At the hour of 3:56 p.m., the BCC finding no more business before them adjourned.

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
JoLynn Drage Angenie McCleary  
County Clerk Chairman