

# Hayden – Grass Valley Conservation Easement Proposal



## Level 2 – Application for Funding Missoula Open Space Bond

Submitted by:



FIVE VALLEYS  
LAND TRUST

120 Hickory Street, Suite B  
Missoula, MT 59801  
406-549-0755

## Landowner and Agency Identification

### Landowner:

Carl Hayden  
1124 Whitaker Dr.  
Missoula, MT 59803

### Supporting Organization:

Five Valleys Land Trust  
120 Hickory Street, Suite B  
Missoula, MT 59801

## Project Overview

### Project Context

- Size of the Property and Area to be Conserved

The Hayden Property consists of 4 contiguous parcels totaling approximately 287 acres in the Grass Valley just west of the Missoula Airport and 250 yards from the Missoula City Limit boundary (Appendix 1). The property is owned and managed by Carl Hayden and was purchased by Carl two years ago.

The Hayden – Grass Valley Conservation Easement property (hereafter “the Property”) will cover all of the approximately 287 acres. Once complete, the conservation easement will unite all 4 parcels and prohibit any subdivision of the Property.

- Current and Proposed Uses

The Property is primarily comprised of irrigated agricultural land and riparian wetlands, including approximately 65 acres of springs, creeks, and wetlands.

There are currently 2 homes located on the Property. The conservation easement will allow for 1 additional homesite. In total the Property will allow for 3 homes—2 existing and 1 new—spread across 2 total building envelopes. There are four proposed building envelopes provided on the map in Appendix 2. Building Envelope 1 covers all existing residential dwellings and structures on the property, spanning 8 acres. Proposed Building Envelopes 2, 3, and 4 are all 3 acres in size. The landowner will eventually select one of the three additional proposed building envelopes, at which point the other two will be voided. The combined acreage of the two building envelopes will be 11 acres (3.8% of the total easement property).

The landowner does not intend to include public access as a component of the project at this time. However, he has regularly allowed Five Valleys Audubon Society to conduct bird watching and bird surveys on the property with prior approval and intends to continue this practice.

- Long-Term Management and Stewardship of the Property

The conservation easement will be held and stewarded by Five Valleys Land Trust. The Property will remain in the ownership and management of Carl Hayden. The budget will provide a contribution to Five Valleys' Stewardship and Legal Defense Fund upon closing, which will provide funding for Five Valleys to steward the property in perpetuity. All easements held by Five Valleys are enrolled in Terrafirma, a charitable risk pool owned exclusively by participating land trusts which insures its members against the legal costs of defending conservation easements.

- Other Conservation Easements and Public Lands

The Property is situated adjacent to other conservation lands. Directly to the west is a 324-acre conservation easement held by Five Valleys. There are two other Five Valleys-held easements approximately 1.5 miles to the west, at 130 acres and 75 acres each.

Approximately 250 yards to the east is the Missoula County Airport which includes the boundary to the Missoula City Limits. Council Grove State Park is approximately 0.6 miles to the southwest of the Hayden property.

- Nearby Land Use

Lands directly to the south and the west of the property are primarily agricultural. Significant subdivision has occurred to the southeast along Mullan Road and continues to push further west towards the property. The airport boundary is just east of the property. The clay hills that border the property to the north have remained undeveloped.

- Water and Mineral Rights

The property has an irrigation water right from the Grass Valley French Ditch, which forms the northern border of the property. There are also stock water rights from the LaValle Creek slough, and the residence is supplied by an artesian well.

At this time, it is unclear whether the subsurface mineral rights have been severed from the surface rights of the property. A mineral remoteness test will be completed in late 2024 by a qualified geologist to determine the likelihood of mineral development on the Property.

- Hazardous Materials

To Five Valleys' knowledge, there are no hazardous materials, contaminated sites or other federally identified hazards on the Property. An Environmental Site Assessment will be conducted on the Property prior to the finalization of the conservation easement.

- Connection to other open space bond funds requests.

This property was nearly conserved by Five Valleys back in 2008, but the project fell through just before closing. At that time, \$161,000 of Missoula City Open Space bond money was voted on and approved by City Council from the 2006 Open Space Bond for use on the project. Five Valleys had worked on the project for over seven years at that point, investing significant resources into completing the project. There are no planned future requests for additional Open Space Bond funds for this Property.

## Project Funding

Five Valleys is applying for up to \$26,050 of Open Space Bond funds from the City, due to the project's proximity to city limit boundaries and history of approved funding through the city program. The easement purchase price back in 2008 was around \$500,000, and the total easement was valued at over \$1.4 million. The project size and boundaries are slightly different from the original effort, but the past cost highlights the tremendous value provided by the landowner Carl Hayden by fully donating the easement. The estimated easement value now is approximately \$700,000, informed by a previous appraisal conducted in 2008. An updated tax appraisal will be conducted after closing. This is an opportunity to conserve prime Missoula Valley lands that have remained high in conservation value for over 20 years at a fraction of the cost from last conservation effort.

The requested funds would help pay for the landowner stewardship contribution that ensures Five Valleys' ability to steward the property in perpetuity and to cover some of the project's transaction costs.

The total cost for the project is estimated to be \$37,550, with the value of the easement fully donated, putting the total project cost at less than \$131 per acre. The Open Space Bond Request of \$26,050 puts the Open Space Bond cost at just over \$90 per acre. The project budget includes \$37,550 in transaction and project facilitation costs, including: \$6,000 for attorney and legal fees, \$5,050 in transaction costs (closing and recording fees, mineral assessment, etc.), \$11,500 for project facilitation staff time, and \$15,000 for the stewardship fund contribution.

Five Valleys carefully evaluates conservation easements to align with our goals and those of our partners across 10 counties. All projects incur significant costs to uphold our standard as a nationally accredited land trust. The process, starting from initial landowner inquiries to potential project realization, is resource intensive. Typically, only one in every 10 to 15 leads to a feasible project, often hinging on funding.

The Open Space Bond Program provides essential support from the outset, offering a clear pathway for both landowners and our organization. This program is pivotal when choosing project like the Hayden – Grass Valley Conservation Easement, allowing us to dedicate our resources to protecting valuable open spaces for the benefit of Missoula residents.

## Conservation/Open Space Values and Resources

### Wildlife Habitat/Native Plant Communities

The Hayden property is home to significant wetlands, which support many species of waterfowl and wildlife (Appendix 3). It plays a critical role in the local ecosystem by maintaining a year-round water supply that flows into the Missoula Valley and the Clark Fork River. A conservation easement would protect the wetlands and surrounding habitats by preventing the subdivision and commercial use of the land. It would also expand upon the existing wetland protection from the Kinney Conservation Easement directly to the west and

provide a total of over 2 miles of continuous protection for a perennial stretch of LaValle creek.

The wetlands in Grass Valley are particularly unique because most of their water is fed by artesian springs, keeping them open year-round — an uncommon feature in western Montana. This makes Grass Valley especially valuable as a cold-weather refuge, providing winter shelter for large populations of ducks and geese.

Grass Valley also plays a crucial role in the migration of waterfowl. Birds following the Pacific Flyway's eastern edge typically travel through the large north-south valleys of the Rocky Mountains. Situated between two major resting areas for migratory birds, the Ninepipe Wildlife Refuge (45 miles north of Missoula) and the Lee Metcalf Wildlife Refuge (30 miles south), Grass Valley's expansive flatwater marshes and ponds offer an ideal stopover habitat for ducks and geese.

Beyond its significance for waterfowl, Grass Valley supports a wide range of raptors, including hawks, owls, and other birds of prey. The area's mix of wet and dry habitats sustains large populations of montane and meadow voles, which attract these raptors in great numbers.

Recognizing the ecological importance of Grass Valley for birds, the local chapter of the Audubon Society successfully designated the greater Grass Valley region as an "Important Bird Area" in 2006 (Appendix 4). In 2009, the National Audubon Society elevated the Clark Fork River-Grass Valley Important Bird Area to one of continental significance due to high numbers of Lewis' Woodpeckers, a species of conservation priority.

The Property is encompassed by the Evaro-Hill-North Hills Tier I Terrestrial Focus Area, as identified in Montana Fish, Wildlife, and Parks' State Wildlife Action Plan. Tier I Focus Areas are those that have been identified as having the highest need for conservation efforts. The Evaro-Hill-North Hills Tier I Terrestrial Focus Area habitat type is associated with supporting 43 Montana Species of Conservation Concern. The conservation easement will also include language speaking to the management of the property for noxious and invasive weeds.

## Water Quality and Water Resources

The Hayden property is located in the heart of the Grass Valley. Many of the artesian springs that generate water for the entire area's wetlands originate on or are adjacent to the property. This ensures a temperate, year-round water supply to the Grass Valley and Clark Fork River. Maintaining the natural integrity of the Property's 287 acres is crucial to the ecological functioning of the entire Grass Valley. Furthermore, conserving this vital water supply is consistent with the Missoula City and County climate goals of protecting clean waterways and floodplains to enhance future climate resiliency.

## Agriculture and Cultural Values

The Property has a deep tradition of agricultural use. It was home to some of the earliest homesteading in the Missoula area and, until very recently, held the oldest barn in the Missoula

Valley. The property has been frequented by the Five Valleys Audubon over the past 20 years to conduct bird surveys and collect bird data from the Missoula Valley.

The land is currently used for crop production and livestock grazing. Approximately 215 acres, or 75% of the Property, is comprised of agricultural soils of local or statewide importance, as identified by the Natural Resources Conservation Service (Appendix 5). The Property is zoned as agricultural working land. Approximately 150 acres of the property are irrigated using a center pivot for the main field and a line irrigation for the field to the south (Appendix 3). The irrigation water right comes from the Grass Valley French Ditch, which acts as the northern boundary to the property.

There is other agricultural land near the property, including over 500 acres directly to the south and 340 acres of land under conservation easement directly to the west. Conservation of this property will protect agricultural land use of the property and expand upon existing agricultural land protection in the Grass Valley.

## Public Benefit

While this project does not include a public access component, there is immense public benefit to conserving the Property. Conservation of the property will protect critical water resources to the Missoula valley, unique and prime bird habitat, agricultural land and prime soils, and will meet a number of other local and regional policy plans. The Hayden-Grass Valley Conservation Easement would support the goals of city, county, and state policy plans as described below:

**Missoula Urban Area Open Space Plan:** In 2019 the City of Missoula adopted an updated Open Space Plan that called for an expansion of the open space system in a way that addresses conservation of public resources and private agricultural areas, increases connectivity areas and provides high quality habitat for wildlife. The plan defined cornerstone areas within the Missoula Valley as areas that contain a combination of resources and open space values that make lands in that cornerstone a priority for protection. The Hayden Property falls entirely within one of these cornerstones (Appendix 6). The open space and scenic features of the Property are consistent with the sense of open space provided by the hillsides that frame the Missoula Valley.

**Missoula County Growth Policy:** The Missoula County Growth Policy seeks to protect natural landscape and open spaces that are important to Missoula County while preparing for growth and promoting the economic well-being of Missoula County residents. It also recognizes that a healthy agricultural sector is essential to the well-being of the community due to benefits such as food security, open space, wildlife habitat, economic activity, health promotion, and quality of life. The Growth Policy establishes the objective of conserving agricultural lands to sustain and promote agriculture in Missoula County. The Property is zoned as agricultural working land.

**Montana's Statewide Wildlife Action Plan:** The Property is located in an area designated by the Montana Department of Fish, Wildlife & Parks in the State Wildlife Action Plan as the

Evaro Hill-North Hills focal area, which is a Tier I Terrestrial Focal Area that the State has recognized as having significant fish and wildlife communities that are in greatest need of conservation in the State, and this Easement is consistent with the State's Plan by protecting open space lands within that Focal Area.

**Missoula Community Climate Smart Action Plan:** In 2015 the City of Missoula partnered to develop the Missoula Community Climate Smart Action Plan, with the goal of balancing environmental quality, economic development, and social equity. The plan identified actions and strategies in 12 community areas of focus. Included in those focus areas are Local Food and Agriculture, and Water Conservation and Protection. Goals for Local Food and Agriculture include “protect(ing) our remaining agricultural land from future development.” Goals for Water Conservation and Protection include “enhance(ing) Missoula’s water resources and floodplains so they have resiliency to withstand new pressures imposed by climate change and continue to provide clean water and ecosystem benefits to our community.” The Hayden-Grass Valley Conservation Easement would help meet these goals.

### Scenic and Aesthetic Values

Much of the property is visible from Mullan Road and Deschamps Lane. The open lands of the Grass Valley provide crucial open space aesthetic value. The Property’s conservation aligns with multiple objectives set forth by the 2018 Open Space Bond including “conserving, enjoying, and enhancing open space land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; and protecting scenic views.”

### Equity

The protection of water resources and floodplain conservation benefits all community residents by ensuring a reliable supply of clean water for the Missoula Valley and preserving floodplains to mitigate flood risks in the area. Additionally, the conservation of critical wildlife habitats, including those important for migratory birds and species of conservation concern, enhances ecological sustainability. Preserving open space and scenic views also provides indirect benefits by maintaining the region’s natural beauty, a shared resource for all. The project aligns with the Missoula Community Climate Smart Action Plan, which explicitly incorporates social equity into its goals. By conserving water resources and agricultural lands, the project strengthens community resilience and ensures that Missoula's open spaces and natural resources remain accessible for the long-term benefit of all residents.

### Project Timeline

While Five Valleys worked on this property in earnest in the early 2000s, it has remained relatively quiet for 15 years. The property changed hands in 2022, and the conservation effort was renewed, this time coming as a fully donated project. Five Valleys has been working to move the project forward in partnership with the landowner since late 2023. Funding for transaction and stewardship costs through the Missoula Open Space Bond program will allow the project to close on time in late 2024.

## Estimated Project Budget

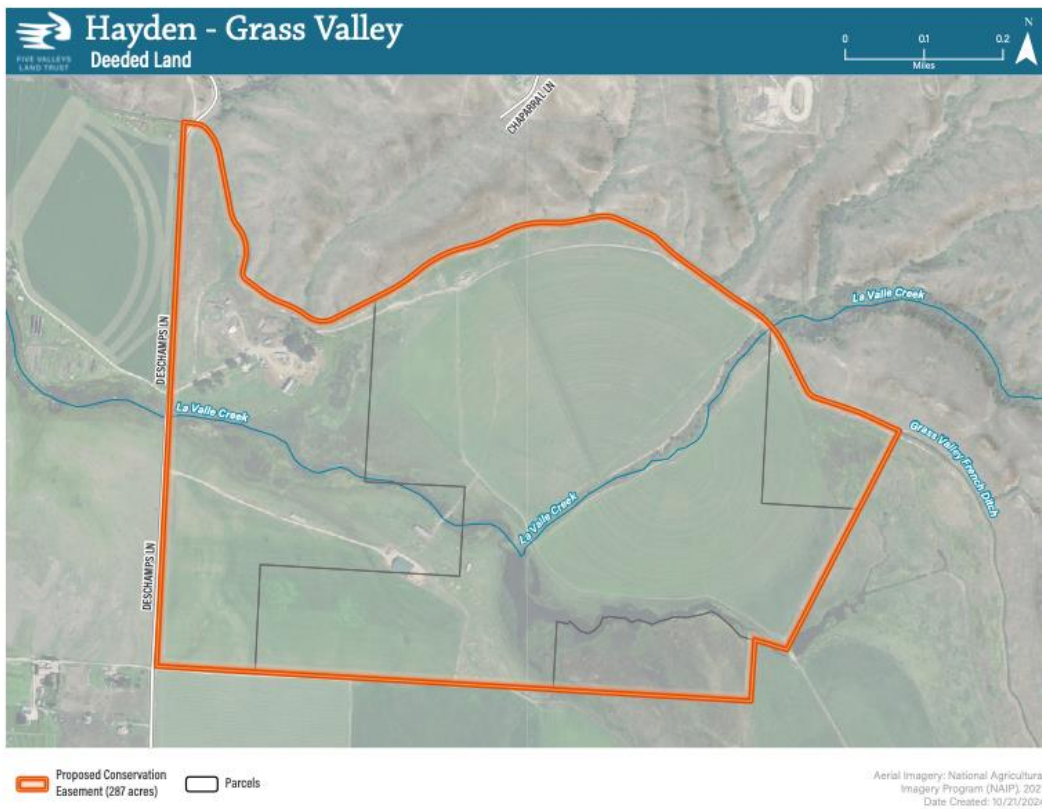
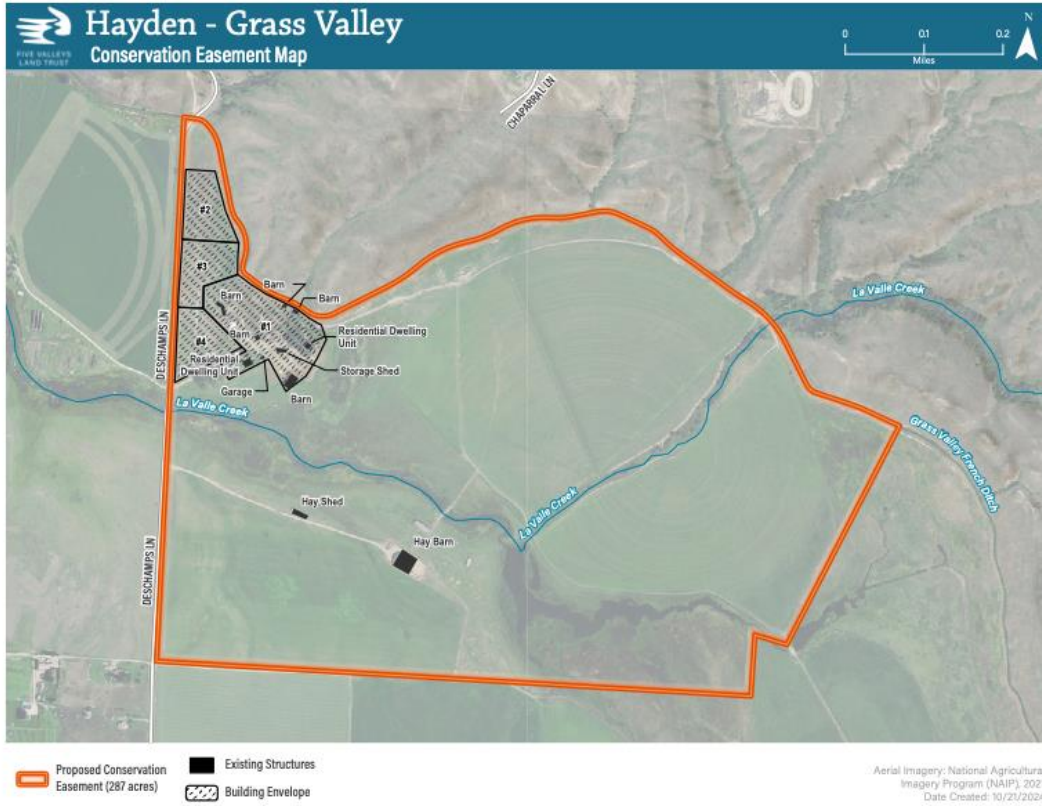
Estimated Project Budget	Amount	Percentage of Total Cost
<b>Estimated Conservation Easement Value</b>	<b>\$700,000</b>	<b>95%</b>
<b>Staff Time</b>	<b>\$11,500</b>	<b>1.5%</b>
<b>Legal Fees</b>	<b>\$6,000</b>	<b>&lt; 1%</b>
<b>Estimated Transaction Costs</b>	<b>\$5,050</b>	<b>&lt; 1%</b>
<i>Title Insurance</i>	\$1,200	
<i>Minerals Research</i>	\$350	
<i>Baseline and Contaminant Report</i>	\$3,000	
<i>Recording and Closing Fee</i>	\$500	
<b>Stewardship Contribution</b>	<b>\$15,000</b>	<b>2%</b>
<b>Total:</b>	<b>\$737,550</b>	<b>100%</b>

## Estimated Project Funding

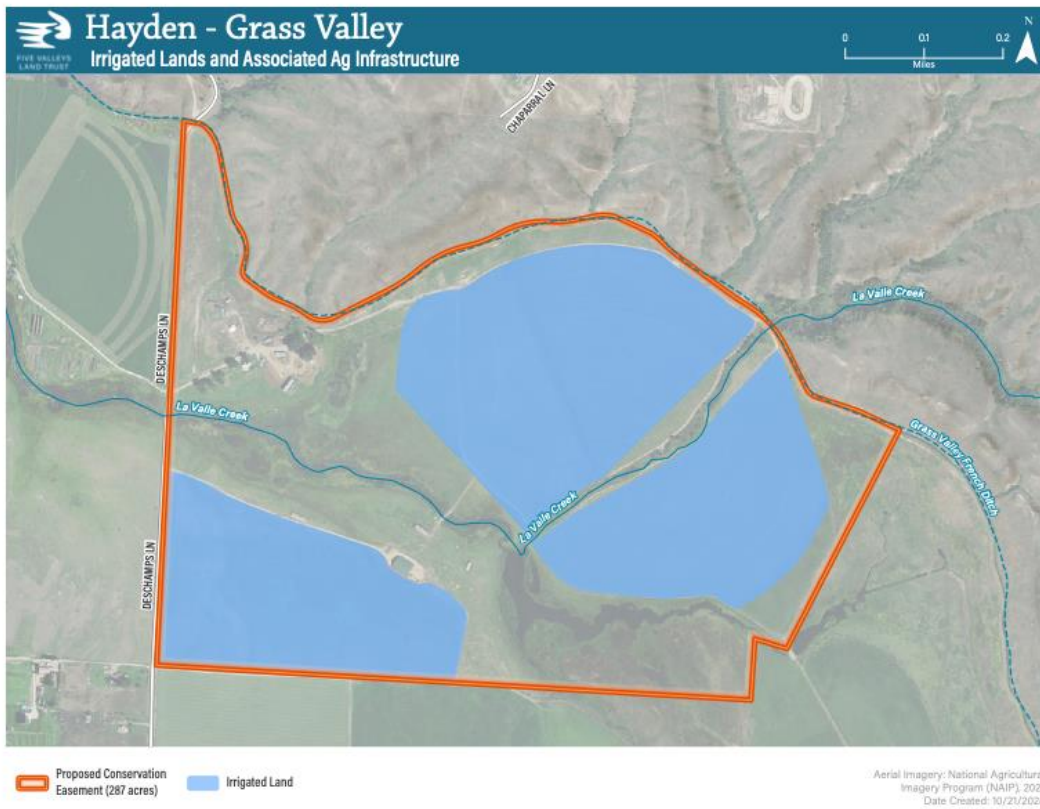
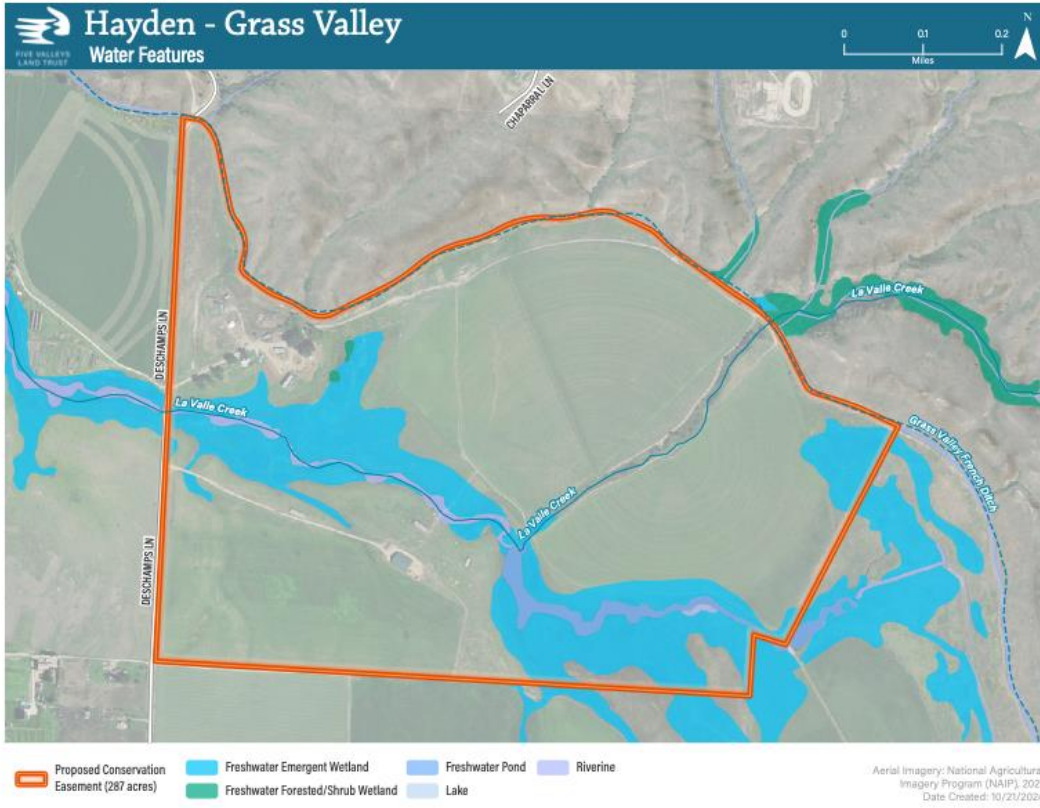
Anticipated Funding Sources	Amount	Percent of Funding	Cost Per Acre	Status
<b>Estimated Donated Conservation Easement Value</b>	<b>\$700,000</b>	<b>95%</b>	\$2,439	Fully Donated
<b>Five Valleys Staff Time</b>	<b>\$11,500</b>	<b>1.5%</b>		Committed
<b>Missoula Open Space Bond</b>	<b>\$26,050</b>	<b>3.5%</b>	\$91	Requesting
<b>Total:</b>	<b>\$737,550</b>	<b>100%</b>	\$2,570	



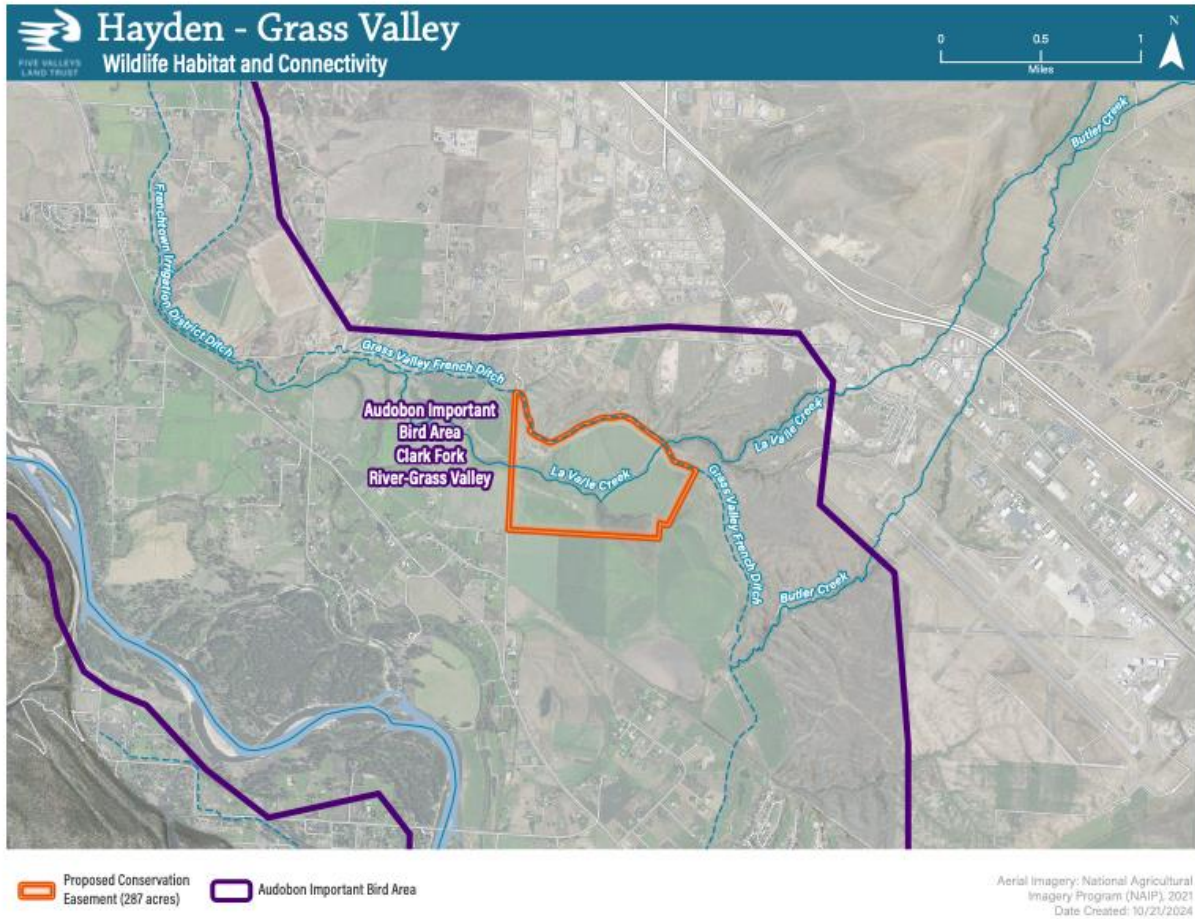
## Appendix 2 – Property Maps



# Appendix 3 – Land Use Maps

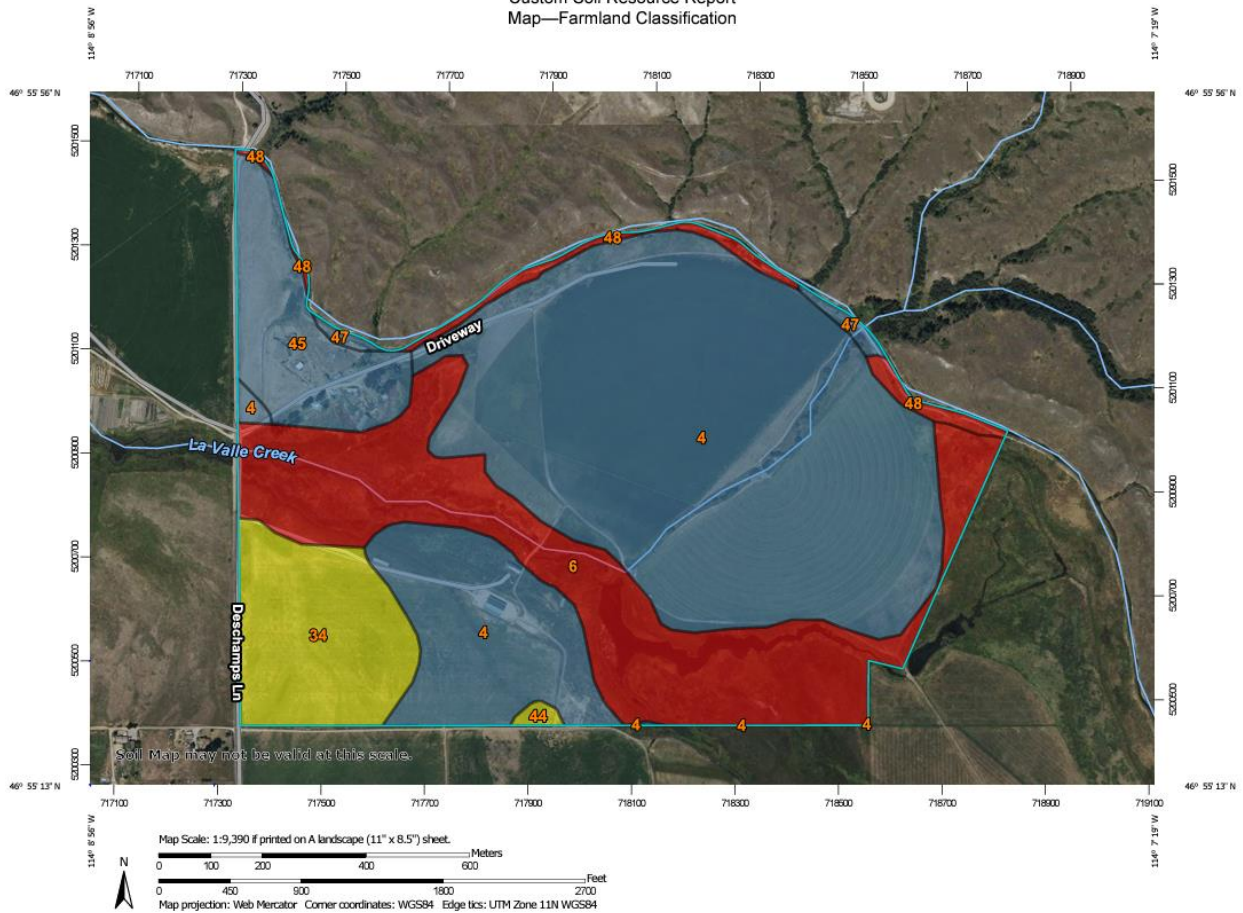


# Appendix 4 – Wildlife Habitat



# Appendix 5 – Soils Map

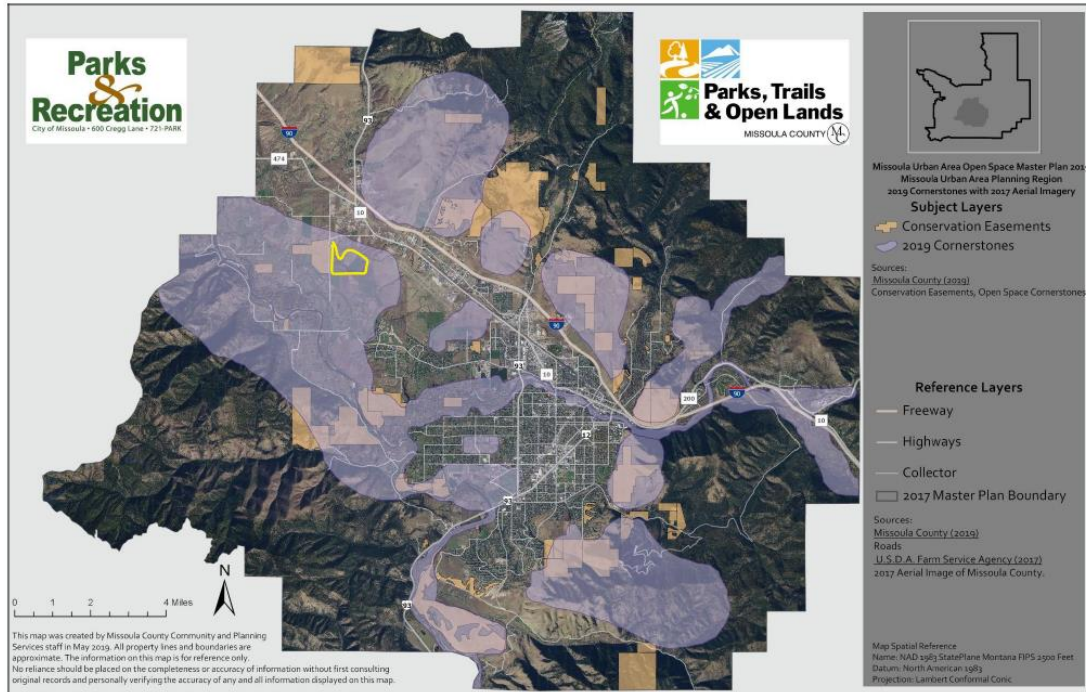
Custom Soil Resource Report  
Map—Farmland Classification



**Table—Farmland Classification**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4	Aquic Haploxerolls, 0 to 2 percent slopes	Farmland of local importance	163.6	56.9%
6	Poverty-lbex family, complex, 0 to 2 percent slopes	Not prime farmland	65.8	22.9%
34	Desmet loam, 0 to 2 percent slopes	Prime farmland if irrigated	27.4	9.5%
44	Grantsdale loam, 0 to 2 percent slopes	Prime farmland if irrigated	0.8	0.3%
45	Grassvalley silty clay loam, 0 to 4 percent slopes	Farmland of local importance	21.8	7.6%
47	Grassvalley silty clay loam, 8 to 15 percent slopes	Farmland of local importance	2.1	0.7%
48	Grassvalley silty clay loam, 15 to 30 percent slopes	Not prime farmland	5.9	2.0%
<b>Totals for Area of Interest</b>			<b>287.3</b>	<b>100.0%</b>

# Appendix 6 – Open Space Value



## Appendix 7 – Legal Description

The SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and the NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> South of Grass Valley French Canal.

The SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> South and West of Grass Valley French Canal.

The SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> South of Grass Valley French Canal.

The NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> South of Grass Valley French Canal.

The SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Less and excepting therefrom the Southeast corner East of slough.

The SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> area North of slough.

The NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> South of Grass Valley French Canal.

The SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> South of Grass Valley French Canal.

The SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> North of Slough and West of the established fence.

The NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> South of the Grass Valley French Canal and West of the existing fence.

The parcel in the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> East of and surrounded by the forks of the Slough.

## Appendix 8 – Proof of Ownership

202220757 B: 1084 P: 515 Pages: 3 Fees: \$24.00  
12/13/2022 09:46:38 AM Warranty Deed  
Tyler R. Gemant, Missoula County Clerk & Recorder  
eRecording

**Title Services, Inc.**  
Order No.: TSI-54640  
Parcel No.: 480408, 3490107, 514206 and 3705807  
**RETURN TO:**  
CARL F. HAYDEN  
1124 Whitaker Drive  
Missoula, MT 59803

### WARRANTY DEED

#### FOR VALUE RECEIVED

Grantor(s): **700 SW HIGGINS, LLC, a Montana Limited Liability Company**

do hereby grant, bargain, sell and convey unto

Grantee(s): **CARL F. HAYDEN**  
**1124 Whitaker Dr., Missoula, MT 59803**  
the following described premises in Missoula County, Montana, to-wit:

**The following parcels of land located in Section 33, Township 14 North, Range 20 West, P.M.M., Missoula County, Montana, more particularly described as follows:**

**The SW $\frac{1}{4}$ /SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ /SW $\frac{1}{4}$  South of Grass Valley French Canal.**

**The SW $\frac{1}{4}$ /NW $\frac{1}{4}$  South and West of Grass Valley French Canal.**

**The SE $\frac{1}{4}$ /NW $\frac{1}{4}$  South of Grass Valley French Canal.**

**The NE $\frac{1}{4}$ /SW $\frac{1}{4}$  South of Grass Valley French Canal.**

**The SE $\frac{1}{4}$ /SW $\frac{1}{4}$  LESS AND EXCEPTING THEREFROM the Southeast corner East of the slough.**

**The SW $\frac{1}{4}$ /SE $\frac{1}{4}$  North of the slough.**

**The NW $\frac{1}{4}$ /SE $\frac{1}{4}$  South of Grass Valley French Canal.**

**The SW $\frac{1}{4}$ /NE $\frac{1}{4}$  South of Grass Valley French Canal.**

**The SE $\frac{1}{4}$ /SE $\frac{1}{4}$  North of the slough and West of the established fence.**

**The NE $\frac{1}{4}$ /SE $\frac{1}{4}$  South of Grass Valley French Canal and West of the existing fence.**