



North Ada County Foothills Association

One voice. One goal. One plan.

North Ada County Foothills Association
3675 N. Saddleman Place
Eagle, ID 83616

June 7, 2010

Senator Mike Crapo
251 East Front Street
Boise, ID 83702

Senator James E. Risch
350 N. 9th St.
#302
Boise, ID 83702

Congressman Walt Minnick
33 E. Broadway Avenue
Meridian, ID 83642

Re: Proposed “West Foothills/North Idaho Land Exchange”

Dear Senators Crapo and Risch and Congressman Minnick:

We, the North Ada County Foothills Association (NACFA), understand that you have been or soon will be approached regarding the above-referenced public (BLM)/private land exchange being proposed by the M3 Companies. It is also our understanding that M3 may be asking you to carry this land exchange forward via specific legislative authorization, forgoing the important reviews and checkpoints (such as NEPA, ESA, Native American rites and traditional uses and, critically, independent land value appraisals) that are standard in the BLM administrative process normally used for such land exchanges.

We strongly oppose proceeding with this exchange in its current form through legislation.

While we recognize that public/private land exchanges can provide true “win-win” benefits for all stakeholders, this M3 proposal is not such a case. For the reasons discussed below, it must be subject to the full light of day, with input from all key stakeholders, via the BLM administrative process.

Our organization is a grassroots coalition of several hundred residents and recreationists from the City of Eagle, the Ada County foothills north of Eagle and the wider Treasure Valley. We have been actively engaged for nearly 8 years in planning processes dealing with the North Ada County Foothills. These processes include:

- Ada County North Foothills Subarea Plan (process terminated at the draft plan stage)

...citizens helping to create a sustainable vision for the future of Ada County's Northern Foothills...

- Ada County Open Space Task Force (sponsored by the Ada County Commission; final report accepted by the Commission)
- City of Eagle North Foothills Comprehensive Plan (adopted by Eagle and including the M3 Eagle planned community proposal)
- BLM 4 Rivers Resource Management Plan (RMP—ongoing, including comprehensive consideration of all BLM land in the North Ada County Foothills)
- Ada County Foothills Transportation Plan (adopted by Ada County Highway District)

One of our primary reasons for organizing and remaining actively involved for the past 8 years is to ensure the preservation and enhancement of public recreation opportunities and wildlife habitat within the foothills of Ada County between State Highways 16 and 55. Roughly 90% of the land in this area is privately owned and, until the recent economic downturn, it had been under intense development pressure (including the M3 Eagle project).

The 10% of land in public ownership (primarily BLM) has historically been and will increasingly be important wildlife habitat and a critical recreation resource that is easily accessible and close to where people live. We believe strongly and passionately that this resource should be preserved, optimized and carefully managed as development on surrounding lands occurs and the value of local open space increases.

The foothills north of Eagle are widely acknowledged to be one of the last remaining places in an increasingly urbanized Treasure Valley where traditional forms of recreation (e.g., equestrian, bird dog training) can still be enjoyed; the area is also heavily used by cyclists, hikers and walkers. Furthermore, the land supports a diverse and healthy population of wildlife such as raptors, mule deer, antelope, long-billed curlew, small mammals and even occasional larger predators such as bobcats and mountain lions.

This background provides a *full* context, from residents near to and users of the public land affected, in which the M3 land trade proposal must be considered.

Public land in the foothills north of Eagle occurs in several discontinuous parcels, ranging in size from 40 to nearly 2000 acres. We are on record as advocating a process to consolidate this ownership into larger tracts to optimize BLM management and maximize resource values. Most recently, we have expressed this objective in our comments to BLM regarding RMP alternatives.

The M3 proposal, however, focuses on only one 815-acre BLM parcel in the north foothills area, seeking to add this parcel to their adjacent development plan. This 815-acre BLM parcel is the most commercially valuable piece of public land in the north foothills between SHs 16 and 55; in addition to SH 16 frontage, it is designated as part of a community center, anticipating mixed-use development in the relevant Eagle Comprehensive Plan.

In “trade” for this land, M3 would turn over to BLM 800 acres of less commercially valuable land (designated as open space by Eagle) in the central part of these foothills, with the difference in monetary value between the two tracts being made up by converting additional M3 lands in Boise County to public ownership. This Boise County land, not adjacent to the city of Eagle, is therefore not as valuable to the citizens of north Ada County.

The M3 proposal would thus result in a net loss of public land values in the foothills north of Eagle, contrary to both [1] their own development agreement with the City of Eagle and [2] the “no net loss” (of public land values) objective articulated in the Ada County Open Space Task Force report and advocated by several local constituencies including NACFA.

Regarding the M3/City of Eagle development agreement, we were aware of M3’s desire to obtain the SH16 BLM acreage while hearings on their development were being conducted in Eagle. We

successfully advocated that any exchange for this land be predicated on “land value for land value” within the north foothills area. The Eagle/M3 development agreement, recorded 12/27/07, addresses this issue as follows on p. 29 (emphasis added):

2.6(d) BLM Exchange. In an attempt to consolidate lands and prevent fragmentation of Open Space, Developer has filed a request with BLM to exchange approximately 800 acres of Developer’s lands for 815 acres of BLM Lands. The exchange would be subject to BLM designating the M3 Eagle 800 acres as Open Space. The Parties acknowledge the appraised value of the Developer-owned 800 acres may be less than the appraised value of the BLM-owned 815 acres. In the event the BLM-owned 815 acres is appraised at a higher value than the Developer-owned 800 acres, Developer shall include additional, contiguous acres of Developer-owned land with such 800 acres to bring the appraised value of the Developer-owned lands to roughly the appraised value of the BLM-owned 815 acres...”

Clearly, the exchange as currently proposed does not fulfill this commitment, akin to a contractual obligation, that M3 made to Eagle, foothills residents and users of this public land. Instead of donating additional land contiguous to their 800 acres within the SH16/55 corridor on a value-for-value basis, M3 is now attempting to “make up” the value difference with far-flung, higher elevation parcels of their land well east of SH55 and within Boise County.

In terms of the broader “no net loss” (of public land values) objective noted above for these foothills, it is relevant to note that the land M3 would trade--to compensate for the value difference between the 815 acres they desire and the 800 acres they would pass to public ownership in the north foothills—has the following attributes:

- Remote and not easily accessed by Treasure Valley recreationists;
- At high elevation and thus seasonally restricted to a much greater degree than would be contiguous acreage in the north foothills; and
- Under virtually no development pressure.

While this additional M3 land may have high value as elk habitat, we strongly doubt that habitat would be threatened for decades, given the location of the land. It is, frankly, land that has limited development potential in the foreseeable future, particularly compared to the M3 holdings north of Eagle.

Given the above, we urge you, as your constituents, to carefully explore all elements of this proposal with all affected parties--through the open, public BLM administrative process--before committing to support or introducing any legislation proposed by M3. We further urge you to ensure that any land exchange honor previous developer commitments to those affected by the exchange.

To illustrate the need for full, open discussion and deliberation, we note that:

- Boise County has serious concerns regarding the impact of the trade on their tax base. (Letter attached.)
- The Chairman of Boise City’s Foothills Conservation Advisory Committee (FCAC) has expressed support for the proposal (Letter also attached.) However, we have been advised by City staff that, while FCAC may have supported the exchange, the City plans no further comment. If Boise City were to consider the matter in future, it would do so only after the City of Eagle has had the opportunity to thoroughly review the exchange proposal.

- Other stakeholder groups were unaware of M3's obligation per their development agreement with the City of Eagle to include "*additional, contiguous acres of Developer-owned land*" should the appraised value of the 815 acre parcel in question exceed the value of the 800 acres they propose to trade. Given the number of people affected by a trade of this magnitude, legislative intervention has the strong potential to blur or obscure other important effects of the exchange. An unrushed, open public process is far more likely to ensure that all consequences of the proposed exchange are fully understood and accommodated.

Through informal discussion with other stakeholders, we believe that constituencies in the northern part of the state may also have substantial concerns.

The bottom line is this: Public land belongs to all citizens and its value should be maximized for its owners, not for private interests. While M3's proposal may have some merit, it is certainly not a "win-win" for key constituencies in its present form.

We reiterate that the interests of all stakeholders are best served through the existing and ongoing BLM RMP public process, not through legislative intervention at the behest of a private developer.

We look forward to hearing from your staffs in the very near future on this issue and further request that we be advised of and included in all future actions on the M3 proposal, as appropriate.

Thank you for your consideration.

Yours truly,



Katherine Pennisi
Chair
North Ada County Foothills Association
208-939-7774

Copy:

City of Eagle

Boise City

Boise County Board of Commissioners

BLM Four Rivers Field Office

Senator James E. Risch
350 N. 9th Ste. 302
Boise, Idaho 83702

Walt Minnick
33E. Broadway Avenue
Meridian, ID 83642

Re: M3/BLM Land Exchange

Dear Senator Risch:

As Chairman of the Board, I am writing on behalf of the Boise County Board of Commissioners to discuss the potential land exchange between M3 Companies of Eagle, Idaho and the Bureau of Land Management. Recently, the Boise County Board of Commissioners was approached by M3 Companies to discuss a potential exchange of land located in Boise County owned by M3 with BLM public land located in Northern Idaho. M3 met with the Commission on December 14, 2009 and provided a power point presentation of the potential land exchange.

M3 is proposing to exchange 11,383 acres located in Boise County near Harris Creek with 815 acres of BLM land along Highway 16. Currently, Boise County consists of 84% government¹ owned land. Due to the fact that Boise County is already made up of an extremely large portion of federal land this raises several concerns for the County.

First, while this land is currently assessed as Agricultural land and is taxed at the lowest value, once this land transfers to federal land it loses all possibility of becoming residential, commercial, or other types of taxable land.

Second, M3 has already met with several Boise based interest groups and local public governments and agencies to promote that the land be used to expand the current foothill trail system. Based on the presentation² given by M3, some of the "benefits" of the exchange are:

- "A major new recreation trail corridor extending 3,000+ vertical feet from Stack Rock to the Idaho Velopark would be realized. This corridor would tie together Bogus Basin area trails in the Ridge to Rivers System to Avimor, Hidden Springs and Idaho Velopark trails, adding a new way down, helping to spread out recreation users."
- "The exchange would combine BLM and M3 lands in the Eagle Regional Park corridor, allowing Eagle to develop a foothills recreation area immediately adjacent to the valley floor, providing instant access to trails, open space and solitude for Eagle-area hikers, runners, bikers, and horseback riders by the general public."

Every "benefit" listed is based on benefits of Ada County and Treasure Valley residents to access this huge recreation area located in Boise County. Every trail access mentioned starts from Ada County and the Eagle-area. This would result in an unfair responsibility and liability by Boise County with NO

¹ 76% Federal; 7% State; .1% County. See Boise County Comprehensive Plan, 2006-02.

² See Exhibit 1, slide 7 of M3 Presentation, December 14, 2009, Boise County Board of Commissioners Meeting.

advantage to Boise County. Currently, Boise County's Ambulance and Fire Protection Districts are already overwhelmed by all of the emergency responses of Treasure Valley residents that visit Boise County to recreate and end up needing emergency services. All Boise County Ambulance and Fire Protection Districts are employed and staffed by volunteers. Expanding the foothill trail system to this magnitude will cause considerable stress to the County's emergency response programs. Nothing has been presented to Boise County on how to alleviate these issues.

Furthermore, Boise City is in the process of purchasing Stack Rock from private property owners, the Tertelings, and is making it part of the Ridge to Rivers Trail System. This too is located in Boise County and comprises of 1,320 more acres leaving private ownership. It is no hidden secret as to who will use this land and for what reason:

"Stack Rock rises to 5,895 feet and is surrounded by forests. It can be seen from Bogus Basin Road and Idaho 55. The nearby Shafer Butte trails are a popular escape from the Treasure Valley's hot summers."³

All of this is great concern to Boise County. If Boise County is going to be given this burden then a fair exchange and negotiation process should occur with input and participation from Boise County. For instance, under RS 2477, the County has historic public right of ways on several of these parcels of land at issue here. These need to be taken into account during any and all land transfers. Additionally, several of Boise County's cities are bursting at the seams for expansion but are confined by surrounding BLM land. Boise County would like to discuss the possibility of acquiring some of this land during this exchange process to help the cities expand in a responsible manner.

M3 has indicated that it will be seeking this exchange through the legislative process in lieu of the administrative process. Boise County respectfully urges that it participate in all levels of the legislative process and the County's needs be taken into account as a crucial factor during this process. On behalf of the Boise County Board of Commissioners, I am requesting that we meet with you as soon as possible to discuss all of these matters.

Thank you very much for your time. We look forward to hearing from you soon.

Very sincerely,

Terry Day
Boise County Board of Commissioners Chairman

cc: M3 Companies, Mark Tate

³ *Boise's purchase of Stack Rock will open new trails in Foothills*, Idaho Statesman, December 31, 2009.

Foothills Conservation Advisory Committee

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420 West Bannock Street
P.O. Box 2564-83701
Boise, Idaho 83702

April 21, 2010

Via U.S. Mail

Senator Mike Crapo
251 E. Front Street
Boise, ID 83702

Dear Senator Crapo:

I am Chairman of the Foothills Conservation Advisory Committee (FCAC).

The FCAC spearheaded a successful legislative land exchange, the Idaho Enhancement Act 2006, which involved Bureau of Land Management, United States Forest Service and Idaho Department of Lands property in eight Idaho counties. In the end, 6000 acres of public land were preserved in the Boise Foothills and North Idaho counties welcomed productive public timber land. In essence, what M3 Companies is proposing is similar to our 2006 efforts.

I write to you to ask for your support of the exchange as the FCAC believes that the proposed exchange is a "win-win" for the citizens of Idaho. We further believe that the most efficient way to accomplish this exchange is through federal legislation and seek your assistance to that end.

Please feel free to contact me at the address or telephone number listed if you have any questions, comments or concerns.

Very Truly Yours,



Chas F. McDevitt

CFM/hh

cc: Honorable James Risch
Honorable Mike Simpson
Honorable Water Minnick