



Roaring Lion Ranch

Rob & Terry Ryan
13 Orion Belt Way
Hamilton MT 59840



Gavin Ricklefs
Executive Director
Bitter Root Land Trust
P.O. Box 1806
Hamilton, MT

May 27, 2019

Dear Gavin,

Thank you for your May 2, 2019 response to one of the issues I presented to the Bitter Root Land Trust last December 11.

I am glad to hear you are planning to provide a restroom. I hope it is towards the South end as the Kiwanis Park facility is already available towards the North.

Speaking of South side, I walked out to the South Border along the Bell Property last Thursday, May 23. There is not a single solitary No Trespassing sign on that border. The only signs are on the East Side and only up to the Rocky Mountain National Laboratory. I took video of the entire South Border from end to end. No signs.

Therefore I cannot quite agree that you have addressed any of my concerns yet. Additionally, I gave you a list of 13 items of concern at our December meeting, the same list I provided to the County Commissioners (copy enclosed in case you mislaid it). This list was put together by several adjacent land owners and land users. We expect all 13 concerns to be addressed, not one and done.

For example, the copy of the sign you attached to your May 2 letter says nothing about no hunting and all dogs on a leash. I know this land is a favorite hunting area because the past owner complained to us on several occasions about poachers there. I encountered several dogs on my walk, none were on a leash.

Regarding our request for the Land Trust not to Alter the Bell Property Easement to allow public access, We will agree to a compromise that the Land Trust agree that no staff member and no current or future member of the Board of Directors will approach the owner (including future owners) of the Bell Property about allowing a public trail or public access on that property or initiate any publicity about the possibility of public access on that property. I heard there was finally a good offer on that property recently. Unfortunately, as soon as it was disclosed to the buyer the adjacent land was to be a Public Park the offer was withdrawn. Looks like we are not the only ones concerned about abuses by the public to adjacent land. I talked to the past owner at length and he totally confirmed he sold the property to you at a greatly reduced price because he could not control the constant trespassing from the adjacent park. Now that problem will belong to the Bell Property owners.

Again, we respectfully request you to address all 13 of our concerns. Thank you.

CC: Jean Steele, President
Peggy Ratcheson, Vice President
Tonia Bloom, Secretary
Andy Massie, Treasurer
Roger Gantz
Gail Goheen
Kathie Messer
Tori Nobles
John Ormiston
Heather Riley
Pete Seifert
Lynn Thurber
Bret Young
Greg Chilcott, County Commissioner
Jeff Burrows, County Commissioner
Chris Hoffman, County Commissioner
Terry Nelson, County Planning Department
Glenda Wiles,

Conditions Regarding Proposed Skalkaho Bend Park for adjacent and nearby landowners in the County

We nearby and/or adjacent property owners want to see the following conditions:

- 1). The City of Hamilton agrees to maintain an eight foot fence at the end of the Trail to the South.
- 2). The City of Hamilton agrees to put a sign up at the top to the fence that says: "This is the end of the trail. Thank you for not trespassing on private land that belongs to adjacent owners. "
- 3). The City of Hamilton shall check the fence and the sign referred to above every week and replace them within 24 hours if damaged or missing. If the city of Hamilton fails to repair the fence or is missing the No Trespassing sign for longer than 24 hours, the adjacent landowner shall have the right to make repairs and or replace the sign and bill the City of Hamilton. Said bill shall be paid within 45 days.
- 4). Anyone trespassing from Skalkaho Bend Park onto private land, including on contiguous or nearby private land, shall be issued a citation by the County with a fine of \$200. Repeat violators shall be issued a citation with a fine of \$400.
- 5). The County agrees to put these citations on the record the same as a traffic violation or jaywalking ticket. (Because the contiguous Land is not in the City)
- 6). The Bitterroot Land Trust agrees not to advocate for or publicize any proposal or suggestion regarding extending the riverfront public trail to the south over private land without the written consent of the relevant land owner.
- 7). The Bitterroot Land Trust agrees not to change the Bell Property Conservation Easement South of the Skalhaho Bend Park to allow for a public trail at any time in the future.
- 8). The City of Hamilton shall pay for any damage done by trespassers who come onto nearby private property from park premises. This applies to damage done by said trespassers within a mile radius of the park boundary. This is because once a person gets past the park boundary barriers there is nothing to stop them trespassing on the next properties over, as well as property contiguous to the park.
- 9). Dogs shall be kept on a leash at all times, no exceptions. The city of Hamilton shall give a citation with a fine of \$200 for a loose dog and \$400 for repeat offenders. The adjacent and nearby ranches run cattle, horses, yaks and sheep. If a Dog comes off Skalkaho Bend Park and trespasses onto adjacent or nearby private property, the County shall issue a \$200 citation to the dog owner, \$400 for repeat offenders.

10). The City of Hamilton shall pay the landowner for any damage done by a dog coming off Skalkaho Bend Park within 45 days of receiving the bill.

11). Whenever there is a meeting or a hearing regarding the Skalkaho Bend Park, all landowners from West of 93 to Westside Road, between West Main and Roaring Lion shall be notified directly (not a newspaper ad) at least 72 hours prior to the event.

12). The City of Hamilton shall be required to have an outhouse or bathroom within 1/8 mile of the South end of the trail in Skalkaho Bend Park that shall be regularly (more than once a week) serviced. (This could be a big selling point to nearby River Front owners because we are all tired of cleaning up piles of human feces.)

13). No guns or hunting bows shall be allowed in the Skalkaho Bend Property. The City of Hamilton shall issue a \$500 citation to anyone carrying a handgun, shotgun, rifle or hunting bow. (The property at issue has been a favorite location for poachers. Most of the poachers we have seen on our land have accessed our private property through public lands. This condition would go a long way towards reassuring nearby properties the new park won't be used to give poachers access.)

Terry:

I got a call from Lynn Thurber yesterday and she mentioned she had played tennis with you earlier this week and also had a chance to follow-up on your concerns about the Skalkaho Bend Park. It sounds like the letter I sent you a couple weeks ago didn't make it to you so, per your request to Lynn, I have attached it here for your review.

The letter highlights several proactive steps the Land Trust is working on to address potential conflicts between public users of the park and adjacent and nearby private landowners. We're pleased to be making progress on noxious weed abatement, fencing, signage, and a public bathroom. Please let me know if you have any questions about the contents of the letter.

Lynn also mentioned you reiterated your concerns about the Bell conservation easement and, because those concerns are not addressed in the attached letter, I wanted to address them in this email: Generally, the Land Trust will not publicize any proposal for extending the public recreation to private lands south of the park without consent from that private landowner. Our work is voluntary, market-based, and requires a landowner partner willing to exercise his or her private property rights in a sale or donation to the Land Trust. Our projects are completed at the direction of, and with full encouragement from, the private landowners with whom we work.

You also requested the Land Trust agree never to change the Bell conservation easement to allow for a public trail. While the Land Trust has no current plans to pursue a public trail on the Bell conservation easement or amend the easement's terms in any way, the landowner holds the right to invite members of the public onto the Bell conservation easement property, so long as such use does not harm the conservation values associated with the easement. As a matter of precedent, the Land Trust has never preemptively removed a possible public benefit (in this case a public trail on the Bell easement) at the request of a 3rd party. That would be an infringement on the Bell easement landowner's private property rights and something the Land Trust can't agree to. I'm happy to discuss this further but wanted to make sure I provided you an update on this topic, as well as those discussed in the May 2nd letter.

Thanks for staying engaged in this project and for providing your perspective and concerns as a private landowner and proximate neighbor.

-Gavin

BITTER ROOT



LAND TRUST

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May 2, 2019

Terry Ryan
13 Orion Belt Way
Hamilton, MT 59840

RE: Update on Skalkaho Bend Park

Dear Terry,

Thank you for meeting with me, Lynn Thurber, Grant Carlton, and Pete Seifert in December. We appreciated having an opportunity to hear your concerns as a neighboring landowner to the park and take those concerns seriously. As the project is back in the news cycle (though still a significant ways from completion), I thought now would be a good time to update you on the steps we've taken to address several of the concerns you raised during our meeting on the December 11th.

We want the Skalkaho Bend Park to be successful both for the community of Hamilton, the park's users, and adjacent landowners who are concerned about trespass on their private property. To that end, the land trust has begun raising funds specifically for infrastructure on the park, including fencing delineating where the park ends and where private property begins, and signs that further clarify and delineate the boundary between public and private property. We have already placed several signs on the property (*see enclosed photo*) and fencing and additional signage will be installed this summer.

Additionally, we have raised funds necessary for a public bathroom facility located on the park. Construction will not occur until this summer but we intend to complete the bathroom facility prior to transferring the land to the City of Hamilton.

Finally, we have begun noxious weed management on the property, completing a prescribed burn two weeks ago, in preparation for herbicide application in the month of May. We envision this as the beginning of active management measures that benefit both the park and neighboring landowners.

We are still several months away from transferring the land to the City of Hamilton and opening the park for the community. As such, I know of no public meetings or hearings currently scheduled with either the City of Hamilton or Ravalli County related to the Skalkaho Bend Park. Any public meetings will be noticed in the paper and we will do our best to provide you additional notice as we learn when such meetings are scheduled.

Please let me know if you have any questions and thanks for the many positive investments you and Rob make to improve our community.

Respectfully,



Gavin Ricklefs
Executive Director



BOARD MEMBERS

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President

Peggy Ratcheson
Vice President

Tonia Bloom
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Treasurer

Roger Gantz

Gail Goheen

Kathie Messer

Tori Nobles

John Ormiston

Heather Riley

Pete Seifert

Lynn Thurber

Bret Young

EXECUTIVE DIRECTOR

Gavin Ricklefs

FARM & RANCH ADVISOR

Rob Johnson, Ravalli County
Extension Agent – *Retired*

PO Box 1806
Hamilton, MT 59840

PROPERTY BOUNDARY

NO TRESPASSING

Courteous users make public
access projects possible.

Please respect private property.

