

Montana Fish & Wildlife Conservation Trust
Minutes from Joint State Federal Board
Meeting – June 24, 2015

Attendees:

John Hagengruber, Chair (USFS) (jhagengruber@fs.fed.us)
David Allen, Co-Chair US Fish & Wildlife service david_allen@fws.gov
Roxanne Peterson (Bureau of Reclamation) (repeterson@usbr.gov)
Rick Hotaling; (rhotalin@blm.gov) (conferenced in for voting items)
Bill Orsello, Chair, CAB (williamorsello@gmail.com)
George Bettas, Montana's Outdoor Legacy Foundation (gbettas@mt.gov)
Tom Kuglin, Independent Record
John Gibson, CAB member
Grant Parker, Ortenberg Fdn representative
Bill Schenk, FWP
Alan Kuser, FWP
Andrea Silverman, PPLT
Deb Lane, Recorder (fwctrust@mtwf.org)

John convened the meeting at 9:00 am. Introductions were made. A quorum was not present as Sam was ill and Rick was on assignment out of state. Rick would be available for a conference call in order to have a quorum available for voting items.

Review Agenda Items and Minutes from Last Meeting

This will be a shortened meeting due to a tour of the Triple 8 Ranch project this afternoon. Minutes will be postponed until a quorum can be obtained via conference call.

2015 Project recommendations:

Public Comment Period: We received 30 comments all in support of the Dillon High Trails project. No comments were received for any other project.

Inside: South Hills Habitat from Prickly Pear Land Trust; Cab is recommending \$50,000. A total of 110 acres which includes elk winter range habitat; mule deer; and will solidify the access to the South Hills trails system. This is the last of the Backdrop initiative projects.

Jenkins Gulch from RMEF: CAB is recommending \$315,000. This is for 320 acres which will be added to the Elkhorns WMA. Very open landscape and will improve access to Forest Service lands.

Outside: Mussellshell from FWP. CAB is recommending \$100,000. This property has 2.7 miles of Mussellshell river flowing thru it – a fishing access site will be developed on the river. Plentiful turkey and pheasants.

Zeke's Meadows from RMEF. CAB is recommending \$150,000. Headwaters of Rock Creek and adjacent to forest service land. Scored the highest of all projects this year.

Dillon High Trails by Beaverhead Trails Coalition. CAB is recommending \$100,000. Most commented on project for the Trust during the public comment period. Thirty (30) comments were received all favorable for the project funding. This opens up an area close to town to public access. The town is surrounded by private agricultural land and has no other public access points near to town.

Ash Coulee Conservation Easement from FWP. CAB is recommending \$107,000. This is on the Milk River and will provide a bargain Conservation Easement on 1400 acres of land. There will be access provided for fishing and hunting thru the Block Management program.

Alvord Lake from Vital Ground. CAB is recommending \$50,000. This is great grizzly bear habitat. Vital Ground will hold title to the 142 acres. There will be hunting opportunities on the property.

YT Timber Exchange from Wild Sheep Foundation. CAB is recommending \$100,000. This will be added to FWP's Garrity Mountain WMA. This project will help minimize the residential development potential of the area. There is a total of 224 acres which will be turned over to FWP when complete.

There were not as many projects received this year as in past years; a total of 10 with 8 meeting the initial Trust criteria. Rick Hotaling has been conferenced in for a decision on the projects. John Hagengruber will be abstaining from any of the Forest Service projects; Sam will abstain from voting on the FWP projects. The lack of a quorum and abstentions from voting will require a follow up email vote for those projects. Motion by David to approve all projects presented. Second by Roxanne. Vote: 4 – 0 to approve all projects; however, the FS projects (Zeke's; Alvord and Jenkins and the FWP projects (Mussellshell, Ash Coulee & YT Timber) will need an email vote due to the abstentions.

Old Business:

Section XIII Grant Language. Language for projects that involve the State of Montana has been added. David motioned to approve as presented; Second by Roxanne. Vote 4 – 0 to approve (Rick still on the phone)

Section XIII will now state:

- A. The Trust shall have access to the subject property to make field inspections and monitor progress and compliance with the terms and conditions of this Agreement. The recipient of this grant will be required to provide signage in a prominent public entry point, visible to the public at the project site or mutually agreed upon location at the project site, acknowledging the Montana Fish and Wildlife Conservation Trust's role in acquiring the property. It will be the responsibility of the recipient to maintain the signage and it will be one element of the yearly review performed by the Trust.
- B. For all entities not conveying the property to the federal government, Grantee further agrees that no property acquired or developed under this Agreement will be converted for a use other than public outdoor recreation without prior approval of the Trust. If approval is granted, Grantee shall substitute for the converted areas or facilities other outdoor recreation properties or improvements of at least equal fair market value and of reasonable equivalent usefulness and location. Replacement property shall be approved by the Montana Fish and Wildlife Conservation Trust.
- C. If a third party partner conveys the property to one of the natural resource management agencies of the federal government ('federal agency'), at the time of the transfer there is an automatic waiver of special provision XIII B and special provision XIII D shall apply, so as not to create a title encumbrance for the federal transfer.
- D. If the Grantee is a federal agency or if property acquired with Trust funds is conveyed to a federal agency there is an automatic waiver of special provision XIII.B. The agency will manage the lands, or interests in lands, acquired with these funds in accordance with the laws and regulations that direct the agency, including the applicable purposes of P.L. 105-277, and any land use management plan developed for the area.

The federal agency shall add the Trust to the scoping list(s) for all planning and NEPA actions undertaken for the lands affected by this funding.

- E. If the State of Montana acquires property in part with or was used as a match for grant funds provided by the Montana Fish and Wildlife Conservation Trust; that property will be managed for the purposes of public outdoor recreational use. The property may not be encumbered, disposed of in any manner, or used for purposes inconsistent with public outdoor recreational use without the prior written approval of the Montana Fish and Wildlife Conservation Trust, PO Box 1993, Helena, Montana.

New Business:

Conservation Easement Policies – how to enforce, what process does the Trust follow, etc. Examples were presented that are currently used by the Flathead Land Trust. It's fairly boilerplate and perhaps the LTA would have some additional examples. John, Roxanne and David will look into developing a policy and process for CE's. Perhaps we could have a presentation for the September board meeting from LTA which would allow the Trust board to meet other entities that monitor projects similar to the Trust.

Financials:

No presentation from DA Davidson as it has been only a month since that last financial presentation. The market value of the Trust as of 6/19/2015 is \$23,790,292.

The last distribution was made from the CMR account. The Dillon account will remain open until a decision is made on the administrative funds that have not been spent. Legislative action is required to change that distribution. The senators have put language into an appropriations bill but could not earmark it. The Trust Manager earned approximately \$15,000 to \$20,000 for the CMR account monitoring.

The special procedures review produced an audit document that is reflecting a different corpus amount than actually was received. This is due to a refund that was taken off of a corpus payment which should have been recorded as an expense for administrative work and should not have reduced the corpus figure. Notations have been made and the audit has been updated but not restated as the original audit has already been distributed. The corpus is officially \$14,945,403.

York Gulch Dedication:

On Friday June 26, there will be a dedication of the property. They have put up signage along with a map. It is illegal for ATV use and Blackbear road residents are having some issues with dust from the increased use. The FS owns 40% of the road and 60% is private. There will be some speed limit signs posted which may help.

Aspen Trails:

In 2012, the Trust fully funded the acquisition portion of the Aspen Trails project presented by Prickly Pear Land Trust. Prickly Pear did not notice that the septic drain field for the homes adjacent to project property was actually on the acquired acreage until they were transferring ownership to FWP. This impacts 1.13 acres of the total 36 acre acquisition. The land deed is encumbered by the Trust language that states "For all entities not conveying to the federal government, Grantee further agrees that no property acquired or developed under this Agreement will be converted to other than public outdoor recreational uses without prior approval of the Trust. If approval is granted, Grantee shall substitute for the converted areas or facilities other outdoor recreation

properties or improvements of at least equal fair market value and of reasonable equivalent usefulness and location. Replacement property shall be approved by the Montana Fish and Wildlife Conservation Trust.” The problem is now with FWP and the landowners who want to purchase the land at less than appraised value. FWP will begin with obtaining a new appraisal for the property.

FWP Commission is aware of the situation. There are conflicts between state law and federal law as to how this can be handled. Currently, the FAS has been set up with a buffer zone between the FAS and the residents. FWP will get back to the Trust by the September meeting to see what options can be pursued.

Bill will check with the other CAB members to get their opinion on this situation. He wants to be sure that landowners do not start dictating to the Trust how to manage property especially when it is so close to public use land. Should there be weapons restrictions, administrative closures, or what types of safety zones could be established.

No public comment.

Meeting adjourned. The Joint Board and CAB members will be conducting a site visit on the Triple 8 project just north of Helena in the afternoon.