

# MONTANA FISH AND WILDLIFE CONSERVATION TRUST PLAN

## 1. Purpose

It is the purpose of this Trust Plan to provide direction and guidance to the Citizens Advisory Board (CAB), Trust Manager, and Joint State Federal Board (JSFB) in the performance of their duties under the provisions of the Canyon Ferry Reservoir Act; October 23, 1998.

## 2. Objectives

The objective of the Trust is to acquire publicly accessible land and interests in land, including access easements and conservation easements in the state from willing sellers at no more than fair market value to:

1. restore and conserve fisheries habitat, including riparian habitat;
2. restore and conserve wildlife habitat
3. enhance public hunting, fishing, and recreational opportunities; and
4. improve public access to public lands

Not more than 50 percent of the income from the Trust in any year shall be used outside the watershed of the Missouri River in the State of Montana, from Holter Dam upstream to the confluence of the Jefferson River, Gallatin River, and Madison River.<sup>1</sup> See attachment for a map and description of the local purposes area inside of the watershed.

The Trust will not commit funding for infrastructure unless it serves an integral function in the acquisition of publicly accessible lands or interest in lands.

The Trust will not commit funding to reduce debt on an already purchased property.

Land or interests in land purchased with Trust funds and held by a non-governmental entity may only be transferred with the concurrence of the Trust and, unless otherwise allowed, may only be transferred in the form of a donation.

The principal of the Trust shall remain inviolate and not available for disbursement.

## 3. Duties

The CAB is an independent board that will consult with the JSFB, the Trust Manager, and the Montana Association of Counties in the development and periodic updating of the Trust Plan. The CAB will retain the necessary clerical and administrative support to facilitate the solicitation of grant proposals, identify opportunities for acquisitions, provide research into the rating criteria of proposed projects, and make recommendations on the merits of various projects in relationship to the purposes of the Trust.

The JSFB will review the CAB's recommendations, consider public comments, and ensure that the project meets the intent of the legislation. If the project is approved by a majority vote then the JSFB will submit a

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<sup>1</sup> S.B. 1913 (1998 Bill) line 14 (3) Local Purposes. (1)

request to the Trust Manager for disbursement of funds. Upon request of the CAB, the JSFB will assist with technical or administrative support to the greatest extent possible.

#### **4. Objectives of the Trust Plan**

The Trust Plan will be designed to maximize the effectiveness of the Montana Fish and Wildlife Conservation Trust expenditures by considering:

##### **A. Public needs and requests**

The CAB will accomplish this goal through interaction with state and locally based organizations, agencies, and individuals involved in conservation and public access issues.

##### **B. Availability of property**

The CAB will develop a five year strategic plan that addresses mechanisms to solicit proposals from interested parties for grants as well as the capability to independently seek out and identify opportunities that further the purposes of the Trust. It will develop a database of existing conservation easements, public lands, and areas of high priority for future opportunities involving conservation and access initiatives.

##### **C. Alternate funding**

The CAB will consider the possibilities of alternate funding when ranking grant proposals. Greater emphasis will be placed on projects that meet the goals of the Trust but may not be fundable by other sources.

##### **D. Matching funds**

The CAB will work collaboratively with other organizations, agencies, and individuals to leverage funding for grant proposals meeting the purposes of the Trust.

#### **5. Solicitation of Project Proposals**

- A.** All project proposals and requests for disbursements from the Trust will originate with and be recommended by the CAB, be reviewed and approved by the JSFB, and be **finalized** by the Trust Manager in accordance with the authority granted by the Montana Fish and Wildlife Conservation Act.
- B.** The CAB will accept project proposals once a year. A public comment period of 30 days will precede the transfer of recommendation to the JSFB.
- C.** If all members of the CAB are in agreement, the board may review project proposals throughout the year that have a critical time element. If the CAB unanimously agrees, they may request funding for such projects outside of the normal granting period. If the CAB recommends funding for disbursement on a project outside of the normal grant period and there are no remaining funds from the annual Trust disbursement or prior years returned funds, the CAB will request the JSFB and Trust Manager consider additional funding from the Trust specifically for the recommended project.

- D.** The total yearly disbursements of the Trust will be determined based on a fiscal assessment of the Trust's performance in the preceding year. The JSFB, in consultation with the Trust Manager and CAB, will make a determination on what percentage of the total value of the Trust may be made available for disbursement during that calendar year. This determination will take place during the January meeting of the JSFB. These determinations will follow the provisions of the legal opinion received by the Trust regarding disbursements.<sup>2</sup> If the CAB recommends a project outside the normal grant cycle and there are no remaining funds from the annual Trust disbursement or prior year's returned funds, the JSFB and Trust Manager will consider the current financial status of the Trust and whether it is appropriate to expend additional funds within that calendar year for the proposed project above the recommended percentage.
- E.** Initial yearly disbursements approved according to Sections 2 and 5(D) that are not awarded to a project or are awarded to a project but not utilized according to Section 5(I) will be considered carryover funds. Carryover funds related to projects inside the watershed will be available to fund projects inside the watershed. Carryover funds related to projects outside the watershed will be available to fund projects either inside or outside the watershed.
- F.** The CAB may identify, develop, and propose projects outside of the established granting cycles if the projects meet the intent of the Fish and Wildlife Conservation Trust but do not have project sponsors capable of initiating supporting materials to submit a grant proposal.
- G.** The CAB may designate specific project types or geographic areas for special emphasis during granting cycles if agreed upon by the majority of the members of the CAB.
- H.** All projects will have a public access component.
- I.** Unless granted an extension, all projects will be completed within two years from the time of the commitment of funding. Grant extensions will be limited to one year.

## **6. Administrative Disbursements**

- A.** Administrative services (Memo of Understanding) shall be negotiated annually prior to December 1<sup>st</sup> with an effective date of January 1<sup>st</sup>.
- B.** Requests for professional services, i.e. legal opinions, website updates, etc., will originate with a request from the CAB with the concurrence of the JSFB and Trust Manager.
- C.** The Trust Manager shall provide a quarterly **statement** for services provided based upon the duties performed under the Trust Manager Agreement (Addendum 1).

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<sup>2</sup> Browning, Kaleczyc, Berry & Hoven, P.C. legal opinion dated January 9, 2004

Rev: 09/2008  
Rev: 09/2011  
Rev: 10/2014  
Rev. 09/2015  
Rev. 04/2016