

**Montana Fish & Wildlife Conservation Trust**  
**Minutes from Joint State Federal Board**  
**Meeting – June 28, 2018**

**Attendees:**

David Allen, Chair (USFWS) [david\\_allen@fws.gov](mailto:david_allen@fws.gov)  
Roxanne Morrissy, Co-Chair (Bureau of Reclamation) ([repeterson@usbr.gov](mailto:repeterson@usbr.gov) )  
Rick Hotaling, (BLM) [rhotaling@blm.gov](mailto:rhotaling@blm.gov)  
John Hagengruber, (USFS) ([jhagengruber@fs.fed.us](mailto:jhagengruber@fs.fed.us))  
Rick Northrup (MFWP) [rnorthrup@mt.gov](mailto:rnorthrup@mt.gov)  
Jeff Hagen, Montana's Outdoor Legacy Foundation ([jdhagener@bresnan.net](mailto:jdhagener@bresnan.net))  
William Orsello, CAB  
Leroy Schram, PPLT board member  
Deb Lane, Recorder ([deb@mtoutdoorlegacy.org](mailto:deb@mtoutdoorlegacy.org))

Dave convened the meeting at 8:57 am.

**The 05/18/2018 minutes were presented. Motion by Rick N to approve; Second by Roxanne; Vote to approve 5 – 0.**

**Financials:**

Summary figures thru 6/28 were presented:

Ending balance of the Trust was \$25,060,997.

Value was up 1.7% YTD in a somewhat volatile market at this time

Corpus vs inflation: DAD replied that while inflation would impact the Corpus, the Trust would also lose buying power due to inflation's impact on land values. The Trust should determine where it is comfortable with the Trust's value in order to continue growth but keeping a buffer for the tougher times.

**TM Transition:**

Interviews are complete and they are negotiating with an individual who is located in Helena.

Conference call meeting for MOLF set for 8/14

The MOLF board approved acting as intermediary for the Toston project with a potential closing of November 2018.

**Old Business:**

**Toston Project:**

MOLF will act as intermediary for a simultaneous closing and transfer to BLM.

Three parcels totaling \$637,000 – from carryover funds within the target area

Public comment: 1 received: “why wasn't more area included?”

Current status – BLM has encountered issues with a clouded title on the smaller parcel and tracking of the mineral rights which they are working thru now.

**Motion to approve the Toston project by Rick N; Second by Roxanne; Vote to approve 4 – 0 (Rick H abstained).**

## **CAB Recruitment:**

Four potential candidate applications for the hunter position on the CAB have been received and one letter of Support. The CAB has solicited for the position, now BOR (Roxanne) will draft a transmittal letter to describe the statute and send to the Secretary.

## **FWP meeting:**

A meeting with FWP (Darlene Edge, Zach, FWP's attorney, Rick Northrup, David Allen, and Deb Lane) was held to discuss the use of a Conservation Servitude (CS) versus Deed Restrictions on FWP land acquisitions. FWP's preference is to use Deed Restrictions which also meet the requirements of larger funders such as a Federal agency. A CS would require Director's signature and would present a more complex process for FWP. They also questioned whether it devalues the acquisition in the same manner a Conservation easement would. Basically, deed restrictions come out of common law with remedies for issues more limited; CS comes thru state law and stays with the land.

Follow up will include: consult with Jay Erickson and get the land trust perspective and the Trust Manager's perspective from the monitoring aspect on the property. The USFS uses stronger language in their deed restrictions so we will request a copy of the language they use.

Discussed receipt of due diligence documents for the Trust files. FWP requested the Trust accept their checklist which reflects that each one of the steps have been fulfilled. The Trust expects to have copies available for their review also. The NEPA document has all public documents included and could possibly be used to provide most of the required information.

FWP requested a 5 (five) year cycle for monitoring of their projects beginning in 2018 (first one would include 2004 thru 2017, then the next five year cycle would be (2018 to 2023), etc. FWP would report to the Trust (when known) any conflicts or issues that may arise in the interim.

## **Update: Joint Board minutes on website:**

The page has been created and will list the years along with the meeting months. Just click on the month and the file will come up as a pdf.

## **New business:**

### **Extension requests:**

Ash Coulee for \$107,000. Second extension request for a project from 2015 on the Milk River. There have been significant changes to the original project with less acreage and title issues. A new appraisal has been requested which may take up to a year to complete. CAB is concerned about losing the fishing aspect and some access components from the original project submission.

Motion to approve extension by Rick H. Second by Rick N. Vote to approve motion: 0 for; 4 against – motion denied. (Rick N. abstained) Notification will be send to FWP.

Garrity Mountain WMA addition (formerly known as YT Timber project) This request is for a second extension of \$100,000. This is a fee title purchase with FWP targeting closing on this addition within the year. Motion to approve extension by Rick H. Second by John. Vote to approve motion: 4 – 0 to approve. Rick N. abstained.

## **Donations to the Trust:**

Received two checks, \$40 from “Anonymous” at Network for Good; \$100 from Valley bank employee donation. DA Davidson would not put the checks in the Trust account since they were made out to the Trust and the funds are under MOLF as Trustee for the Trust. Deb will check out if a checking account can be opened at a local bank under the Trust name with MOLF as Trustee in order to deposit and then transfer the funds to the main Trust account at DAD.

## **2018 CAB funding cycle recommendations:**

### **Inside the Target Area:**

Cartan Acquisition: this would add acreage and access to the Canyon Creek WMA. An appraisal will need to be completed to confirm the purchase price.

Palmquist: small acreage and while it did not score well, it will create good added value and access for the Canyon Creek WMA. An appraisal will need to be completed to confirm the purchase price.

The Cartan & Palmquist projects are being appraised at this time. Once those figures are received the CAB will review and make their recommendations to the Joint Board.

### **Outside the Target Area:**

Dover Island: Mt NRDP. An acquisition and FAS from the Yellowstone Oil Spill fund in the Billings area. Completion in 2019 is planned. CAB recommends: \$100,000 Vote to approve 4 – 0 Rick N abstains.

Tenderfoot Falls: Rocky Mountain Elk Foundation. Three parcels and Tenderfoot Falls are included in this phase of acquisition. This will be transferred to the FS when complete. The Trust has funded prior projects of this phased acquisition. CAB recommends: \$100,000 Vote to approve 4 – 0 John abstains

Falls Creek: Rocky Mountain Elk Foundation. On the Dearborn River this includes frontage on the river and will open up 25,000 acres of public land. RMEF has also applied for Open Space bond funds for this acquisition. If everything falls into place they hope to have the area open for hunting in the fall. CAB recommends: \$100,000 Vote to approve 4 – 0 John abstains

Sand Creek Trail: The Conservation Fund. Additional acreage for the CMR-NWR. Currently held by the Conservation Fund and would be transferred to USFWS. CAB recommends: \$50,000 Vote to approve 4 – 0 David abstains

Dillon High Trails: Beaverhead Trails Coalition. Trust has supported this phased acquisition since 2015. Final phase. Eventually the County will take ownership of the land and develop a management plan with Beaverhead Trails to maintain the area. CAB recommends: \$50,000 Vote to approve: 5 - 0

City of Hamilton: City of Hamilton. 70 acres adjacent to the City of Hamilton. It includes 2 miles of riverfront property. A trail system and river park would be developed. No bird hunting is allowed due to the proximity to Hamilton. CAB recommends: \$50,000 Vote to approve: 5 - 0

Bell Ninemile: Vital Ground. This includes 52 acres and would create a linkage of habitat areas for the wildlife to use. Eventually, it would be transferred to Montana Fish, Wildlife & Parks for management of the property. CAB recommends: \$26,000 Vote to approve 4 – 0 Rick N abstains

Flaxville WPA: Pheasants Forever. Just under 55 acres this first parcel would be added to the Flaxville WPA in Daniels County. Short-term management would be by Pheasants Forever until the second parcel is purchased. Once complete, PH will gift the parcels to the public thru USFWS. CAB recommends: \$15,000 Vote to approve 4 – 0 David abstains

Travelers Rest: Montana Fish, Wildlife & Parks. A historical site where Lewis & Clark camped during their journey. It does include water rights. It would be used as a campground and historical area. CAB recommends: \$9,000 Vote to approve 4 – 0 Rick N abstains

Miners Trail request from Madison Byways for funding of an easement along interstate 15 for bikers, walkers, etc. was not funded.

### **BLM JB member replacement:**

Rick H stated that there has not been a replacement assigned from BLM as the representative on the Joint Federal-State Board after he retires.

Roxanne informed the JB that her assignment to the board was based upon her involvement with the settlement. Now the settlement is done, she will no longer be on the board. She did state that for this transition (since BOR is the next Chair) she would continue for one more year and also bring in her replacement Tom Sawatzke, Deputy area manager.

**Public Comments:** none

### **Next meeting date:**

The next Joint Board meeting will be set via email for sometime in September in Helena. John will look into a site visit to the Falls Creek project just outside of Helena also.

**Adjourned: Noon**