

Montana Fish & Wildlife Conservation Trust
Minutes from Joint State Federal Board
Meeting – September 14, 2016

Attendees:

John Hagengruber, Chair (USFS) (jhagengruber@fs.fed.us)
Roxanne Peterson (Bureau of Reclamation) (repeterson@usbr.gov)
Rick Hotaling, BLM, rhotaling@blm.gov
Bill Orsello, Chair, CAB (williamorsello@gmail.com)
Jane Ratzlaff, Montana's Outdoor Legacy Foundation (jratzlaff@gmail.com)
Debra Reeves Montana's Outdoor Legacy Foundation
Mike Tahlia, Montana's Outdoor Legacy Foundation (conference call on CE's)
Deb Lane, Recorder (fwctrust@mtwf.org)
Brian Grady (general public)

Prior to the meeting several attendees went on a tour of the Speciman Creek project which the Trust helped to fund. This 700+ acre property will become part of the Canyon Creek Wildlife Management area upon closing.

John convened the meeting at 1:10 pm. A quorum was not present although David would be available by phone if needed.

Public Comment:

Brian Grady whose family owns a ranch across the road from the Triple 8 ranch attended the meeting. He wanted to express their concerns regarding the possible sale of the Triple 8 Ranch. He had heard that someone was buying the ranch and FWP would obtain the land and use the buildings for educational purposes. His family was concerned as to the sale price of the property as it could raise their taxes. They did not like FWP's management practices especially concerning weed control and they were concerned about vandals if no one was on the property. The Board thanked him for his comments.

Review Agenda Items and Minutes from Last Meeting

Minutes from the June 20, 2016 meeting were presented. Roxanne noted that the statement by Sam regarding his comment to provide Deb FWP's names and contact information for the regional managers in order to help facilitate the monitoring of FWP projects was not included. Deb will include this in the minutes and send them out for a vote on the motion. **Motion to approve the minutes with the above stated amendment by Rick; Seconded by Roxanne. VOTE: minutes will be emailed for review and vote on this motion.**

Financial:

Reviewed the quarterly DAD report. It was noted that the figures representing the distribution amounts for projects from the Trust were not consistent with the year that the activity occurred. Those figures will be reviewed and adjusted to align with the audit review figures. They will reflect the actual amount disbursed within the year they were actually disbursed. In addition, DA Davidson did get back into international stocks on a limited basis. This will be monitored closely and adjusted as necessary. The balance of the Trust as of 8/31/16 is \$23,080,914.

Conservation Easements:

The Trust has encountered a few issues with the Conservation Easements (CE) they have funded or are looking at funding. Concerns have arisen in regards to how can the Trust protect their investment in perpetuity on a CE project. Can the CE deed be encumbered; can the Trust be a co-signor on a CE; should the Grant Agreement be recorded reflecting the Trust's interest in the CE in perpetuity? Mike Tahlia offered insight as to a "one size does not fit all" resolution to specific concerns especially whether if the issues are habitat related versus access related. The Grant Agreement does contain language regarding the Trust's interest in the property when the original grant is finalized and escrow instructions could be provided to the title company upon closing. David, Sam, Rick and Mike Tahlia agreed to review what procedures and/or policies the Trust should put in place to protect and maintain the Trust's interest in a property in perpetuity. This will be discussed further at the January meeting with the goal of having new policies in place prior to the 2017 funding awards (June).

Section XIII:

Will be discussed at the January meeting.

Monitoring – Grant Agreement non-compliance:

The JB reviewed a possible procedure to follow when monitoring encounters a funding recipient that is non-compliant with the Grant Agreement. The following has been recommended:

The Trust and Foundation representatives will talk to the NGO that has requested the money for their help in assuring compliance. If that doesn't work or they need help, we move to help from the land agency. We request that both have a conversation with the land owner. While this is transpiring we have legal counsel review the documents to see what our options are. If needed the Trust Manager and Trust representative will have to set up a meeting with the NGO and the property owner to review the Grant agreement and come to a settlement. If that doesn't work, we would have to send a formal letter from the Trust Manager and Trust representative (Joint Board Chair) stating that we will begin a legal course. Obtain legal review of the letter and copy him or her.

This was discussed and modified but no motion or vote was made at this meeting for approval.

Settlement:

The lawsuit initiated by MtOLF has been settled and signed. Concurrence from the Montana Attorney General is needed for the final approval. One amendment is needed to reflect the Chair of the Joint Board on the papers. The Trust Plan will need to be reviewed to see if any modifications are needed as a result of the settlement.

Park County:

Park County has asked whether the Trust would fund a walking bridge project they are reviewing for their area. The project is to build a walking bridge across the river in order to access public land. The CAB and Joint Board agreed that the Trust does not fund infrastructure – they could purchase land on either side for the placement of the bridge but would not be able to fund the building of the bridge.

Future Meetings: The next JB meeting will be on January 25, 2017 at the Montana Wild (if it is available).

Adjourned.