

**Montana Fish & Wildlife Conservation Trust**  
**Minutes from Joint State Federal Board**  
**Meeting – September 19, 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))  
Tom Sawatzke ([tsawatzke@usbr.gov](mailto:tsawatzke@usbr.gov))  
Kim Prill ([kprill@blm.gov](mailto:kprill@blm.gov))  
Rick Northrup (MFWP) [rnorthrup@mt.gov](mailto:rnorthrup@mt.gov)  
Jay Erickson (CAB Chair) [jay@mtlandreliance.org](mailto:jay@mtlandreliance.org)  
Jeff Hagener, Montana's Outdoor Legacy Foundation ([jdhagener@bresnan.net](mailto:jdhagener@bresnan.net))  
Mitch King, Montana's Outdoor Legacy Foundation ([mitch@mtoutdoorlegacy.org](mailto:mitch@mtoutdoorlegacy.org))  
Leroy Schram, PPLT board member  
Joe Cohenour (CAB applicant)  
Deb Lane, Recorder ([deb@mtoutdoorlegacy.org](mailto:deb@mtoutdoorlegacy.org))

Dave convened the meeting at 9:00 am.

**The 06/18/2018 minutes were presented. Motion by Roxanne to approve; Second by Rick; Vote to approve 4 – 0.**

**Financials:**

Summary figures thru 9/17/18 were presented:

Ending balance of the Trust was \$26,101,667;  
Tenderfoot Falls (\$100,000) project closed;  
Recommended a review of the Trust Investment Policy/Strategy to be done at the January, 2019 JB meeting to include DA Davidson, Trust Manager, and the JB/Cab.

**TM Update:**

J. Mitch King was hired by MOLF as their Executive Director  
MOLF will be moving their office to Helena in order to build a stronger relationship with FWP and the Trust; also to be more centrally located within the state.

**Old Business:**

**Dillon High Trails:**

The Boards will be reviewing the Dillon High Trails request to close on 3 of 4 parcels on their 2018 project request. Final vote will be by email.

**Toston Project:**

MOLF will act as intermediary for a simultaneous closing and transfer to BLM and will be signing a buy/sell agreement with Great Northern Properties.  
New contact at BLM is Jim Ledger; BLM is working on the EA at this time.

### **CAB Recruitment:**

Five candidates were bundled together and transmitted to Washington, also included was a briefing package; (Andrew McKean; Bradley Jones; George Bettis; Joe Cohenour; and Steve Platt) No recommendations were made by the Trust; looking for a end of calendar year response. Once complete, the CAB replacement process will be included in Trust documentation for future reference.

### **Prickly Pear FAS:**

FWP requested the use of deed restriction language rather than a Conservation Servitude for any of their current and all future projects. An email vote will be completed due to lack of a quorum (Rick N. abstain and John H. not present).

Clarification will be obtained from the attorney as to what is the difference between a CS or deed restriction if the Trust were to fold – what protocol would be followed.

It was agreed to modify the Trust Plan in order to incorporate the FWP protocol and the response from the attorney.

### **Cartan/Palmquist FWP projects:**

The appraisals were received – Palmquist: 7 acres were \$55,000; and the two for Cartan were \$120,000 and \$350,000.

Both projects will add to the Canyon Creek Wildlife Management Area and will add additional access from the highway to the WMA.

An email vote will be completed due to a lack of a quorum (Rick N. abstain and John H not present)

### **Monitoring:**

FWP maintains a database in which the Trust will be identified as having an interest in each project that the Trust helps to fund. FWP will send a copy to the Trust every five years their monitoring reports, etc. on the subject properties – the first cycle to include everything up to 2018 and the five year cycle will start in 2019 thru 2023.

The current monitoring policy will need to be updated to reflect this change.

Check if Oyler Project is on the Hunter Map for the Bozeman area.

### **New business:**

#### **Returned funds:**

The \$107,000 in returned funds from the Ash Coulee project was approved by the CAB to be redirected to the 2018 Falls Creek project.

**JB motioned to approve the reallocation of funds to Falls Creek – M by Roxanne; second by Kim; VOTE 4 – 0 to approve.**

Ash Coulee project was resubmitted as a new project for 2019 funding cycle.

#### **Open House:**

Five Valleys Land Trust invited the Trust members to an open house on October 6 for their Grosswiler CE project which the Trust helped to fund.

### **Joint Board Chair Transition:**

BOR is the next agency to provide the chair for the Joint Board. Roxanne will no longer be on the JB. Tom Sawatzke (her replacement) thought he would not have enough Trust history to be the next chair.

Two options: Roxanne would continue for one year to help co-chair with Tom; or David would visit with John H. (immediate past chair) to see if he would be Chair again for the next two years.

Discussion will continue and a decision made at the January JB meeting.

### **Mt Ascension/monitoring:**

Several individuals contacted the Trust to ask for our intervention into a new trail system on Mt Ascension that would be strictly for bicyclists. After discussion, it was concluded that this is not a monitoring or conflict issue that the Trust would be involved with.

Discussion continued as to more specifically defining what the Trust is protecting in projects they fund; key aspects to each project, highlighting what the Trust would monitor in perpetuity. This will begin with the CAB recommendations, building on those recommendations thru the Joint Board.

All final deed restrictions or Conservation Servitudes will incorporate these recommendations.

### **Contaminant Survey:**

Currently the Trust will provide a basic contaminant survey to the project applicant for completion when needed. The JB in the past approved these surveys when returned.

Discussion centered on whether the Trust by signing off on the survey could be held liable in any way if the property is transferred, etc.

The attorney will be asked if it is okay to have the applicant “self-certify” the survey.

### **Tenderfoot Falls Encumbrance:**

The 2018 Tenderfoot Falls project used the new Grant Agreement format. RMEF and the Forest Service were concerned that the encumbrance for return of the funds was not removed from the Agreement prior to signature.

Clarification was made and the Trust Manager “waived” the encumbrance on the Grant Agreement. In the future, the GA will identify the direct transfer at closing to a federal agency and the encumbrance language will be removed. The attorney will work on appropriate language for the Grant Agreement.

**Public Comments:** none

**Next meeting date:**

The next Joint Board meeting will be on January 31, 2019 at 9:00 am in the conference room at USFWS.

**Adjourned: 11:30**