

**BUSINESS REPORT**  
**MONTANA SENATE**  
**63rd LEGISLATURE - REGULAR SESSION**  
**SENATE FISH AND GAME COMMITTEE**

**Date:** Thursday, January 10, 2013  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 422

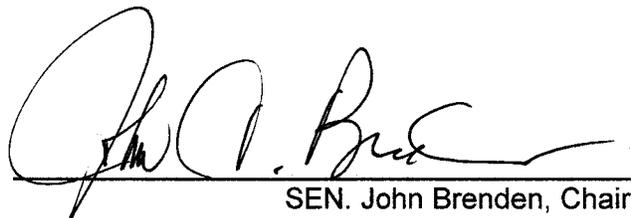
**BILLS and RESOLUTIONS HEARD:**

SB 75 - Allow donation of hunting licenses for disabled veterans  
SB 80 - Revise sunset date on good neighbor laws  
SB 83 - Provide mandatory criteria for bighorn sheep transplantation

**EXECUTIVE ACTION TAKEN:**

SB 75 - Allow donation of hunting licenses for disabled veterans (Partial Executive Action)

**Comments:**

  
SEN. John Brenden, Chair

**MONTANA STATE SENATE**  
**Roll Call**  
**FISH AND GAME COMMITTEE**

DATE: 1-10-13

| <u>NAME</u>                        | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|------------------------------------|----------------|----------------------------|
| SENATOR JOHN BRENDEN, CHAIRMAN     | ✓              |                            |
| SENATOR RICK RIPLEY, VICE CHAIRMAN | ✓              |                            |
| SENATOR DEBBY BARRETT              | ✓              |                            |
| SENATOR TOM FACEY                  | ✓              |                            |
| SENATOR JENNIFER FIELDER           | ✓              |                            |
| SENATOR BRAD HAMLETT               | ✓              | 1                          |
| SENATOR LARRY JENT                 | ✓              |                            |
| SENATOR JIM PETERSON               | ✓              |                            |
| SENATOR FRED THOMAS                | ✓              |                            |
| SENATOR KENDALL VAN DYK            | ✓              |                            |
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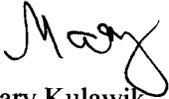
January 10, 2013

11:15 a.m.

Dan Antonietti, Veteran of Foreign Wars  
Phone call (406) 443-2592

Senate Fish and Game Chairman Brenden:

Mr. Antonietti called me this morning to go on record that he wants a DO PASS on SB 75, *Allow donation of hunting licenses for disabled veterans* (Sponsor Senator Jason Priest).



Mary Kulawik  
Senate Fish and Game Committee Secretary  
444-4889  
[mkulawik@mt.gov](mailto:mkulawik@mt.gov)



**Montana Legislative Services Division**  
**Legislative Environmental Policy Office**

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**Senate Fish and Game Committee**  
**3 p.m., Thursday, Jan. 10**  
**Room 422, State Capitol**

Agenda times are approximate

- 3 p.m. Call to Order -- Roll Call -- Welcome (Chairman Brenden)
- 3:05 p.m. Introductions of members and staff:  
Chairman John Brenden  
Vice Chairman Rick Ripley  
Senator Debby Barrett  
Senator Tom Facey  
Senator Jennifer Fielder  
Senator Bradley Hamlett  
Senator Larry Jent  
Senator Jim Peterson  
Senator Fred Thomas  
Senator Kendall Van Dyk  
Jason Mohr, committee staff  
Mary Kulawik, committee staff
- 3:10 p.m. Draft Rules of Procedure (Chairman Brenden)  
Review handout  
Discussion  
Adopt of rules of procedure
- 3:20 p.m. Hearing on SB75  
Allow donation of hunting license to disabled veterans (Senator Priest)
- 3:40 p.m. Hearing on SB80  
Revise sunset date on good neighbor laws (Senator Hamlett)
- 4 p.m. Hearing on SB83  
Provide mandatory criteria for bighorn sheep transplantation (Senator Murphy)

## **DRAFT Senate Fish and Game Committee Meeting Procedures**

### **I. Public Hearings on Proposed Legislation**

#### **A. Hearing Process**

1. At the time set for hearing, the presiding officer will recognize the sponsor of the bill who will make opening remarks (or introduce another individual who will make opening remarks).
2. Proponents of the bill will present testimony.
3. Opponents of the bill will present testimony.
4. Informational testimony may be accepted.
5. Questions will then be asked by committee members only.
6. Each question will be directed through the presiding officer.
7. All discussion will begin and end at the discretion of the presiding officer.
8. The sponsor of the bill will close the presentation.

#### **B. Witnesses**

1. All witnesses must enter their names on the witness list before presenting testimony and spell their name at the start of testifying.
2. Proponents and opponents should try to state new points of testimony only. If they wish to agree with points already made, they should simply say that they agree.
3. Witnesses presenting testimony should remain in the room until the hearing is closed to answer any questions from committee members. If this is not possible, ask permission to leave.
4. When possible, written copies of testimony are to be submitted for the permanent committee record and to help the secretary. Any written testimony will be posted on the internet so witnesses are responsible for redacting any personal information that they do not want made public.
5. The presiding officer may announce time limits on bills with proponents and opponents having an equal amount of time. It is up to proponents and opponents to be courteous and share that time. If time runs out, a proponent or opponent may be limited to announcing their name and who they represent and whether they support or oppose the bill.

#### **C. General**

1. Everyone will act and be treated in a courteous manner.
2. The presiding officer will maintain order within the committee room and the surrounding area during all committee meetings, including the positioning of media representatives.
3. Suggested amendments to bills should be presented to the committee in writing.

4. Cell phones must be turned off or muted in the hearing room except in cases of true emergency.
5. Testimony requiring the use of video, audio, or other equipment will be permitted at the discretion of the presiding officer, if arrangements are made with the secretary in advance.
6. Absentee video or audio testimony is not permitted.

## **II. Executive Session**

- A. Generally, executive sessions will not be held the same day as the public hearing on the bill, time permitting.
- B. Although executive sessions are open to the public, no comments may be made by anyone but committee members. On occasion, members of the public may be asked questions by committee members at the discretion of the presiding officer if without objection by committee members.
- C. Absentee voting by committee members is permitted through the use of the standard form proxy through the process described in IV.
- D. Motions by committee members do not require a second.

## **III. Amendments**

- A. Amendments to be presented to the committee for consideration during executive session must be requested by a committee member, including amendments proposed by a sponsor.
- B. All amendments must be submitted in writing to the committee staff at least one day prior to executive action on a bill. A simple amendment may be considered on shorter notice at the discretion of the presiding officer. For example, a change in a single date or number could be an amendment not presented in writing.
- C. Only members of the committee may move amendments to a bill while the bill is in the committee.
- D. If a presiding officer discusses potential executive action with the committee staff, the committee staff can prioritize amendment drafting.

## **IV. Proxies**

The committee vice presiding officer will obtain proxy forms for majority party members. A designated minority party member will obtain proxy forms for minority party members. Sample proxy forms, based on past usage, are provided on page 3. Forms may change depending on leadership directives or adoption of new rules.



**Montana Fish,  
Wildlife & Parks**

TO: Members of the Senate Fish and Game Committee  
FROM: Jeff Hagener, Director   
RE: Request for Information on Implementation of Good Neighbor Statutes— SB 80  
DATE: January 13, 2013

At the January 10<sup>th</sup> hearing on SB 80 you requested information from the department related to the operations and maintenance of land under the Good Neighbor statutes. Please find that information attached. Specifically, you requested the following:

- Information on the results of the operations and maintenance work conducted by FWP under the Good Neighbor program (see Table 1. Good Neighbor Funded Work FY 10-12))
- Summary information on revenue and expenditures from the Good Neighbor Account (see “Fish, Wildlife and Parks Good Neighbor Compliance”)
- Statutorily required Good Neighbor Reports to EQC (see 2011 and 2012 reports)
- A summary of the account balance for wildlife and fisheries operations and maintenance accounts that provide on-going funding (see Non-Good Neighbor Program Account Balances)
- A list of lands acquired in fee title since the passage of the Good Neighbor statute
- A list of conservation easements acquired since the passage of the Good Neighbor statute
- A copy of the Good Neighbor statutes

If you have technical questions about this information please feel free to contact Paul Sihler at 444-3196 or [psihler@mt.gov](mailto:psihler@mt.gov).

Table 1. Projects and ongoing work funded with Good Neighbor Funding (MCA 87-1-209) on Fishing Access Sites (FAS), Wildlife Management Areas (WMA), and State Parks. Projects completed by "staff" are staff positions partly or fully funded through Good Neighbor funds. This table does not include operations and maintenance funded from other sources.

| Property           | Fiscal Year            | Project  | Unit of Measure |       | Project Status   |  |
|--------------------|------------------------|--|-----------------|-------|--|--|
|                    |                        |  | Aces            | Miles |  | Other                                      |
| <b>REGION 1</b>    |                        |  |                 |       |  |  |
| Ninepipe WMA       | 11, 12                 | Annual mowing for weed control and fire hazard (staff)   | 60              |       | Annual   |  |
|                    | 11, 12                 | Annual Cover Establishment (staff)                       | 50              |       | Annual   |  |
|                    | 11, 12                 | Periodic litter pickup at 20 parking areas (staff)       | 3               |       | Annual   |  |
|                    | 11, 12                 | Latrine maintenance (staff)                              |                 |       | Annual   |  |
|                    | 12                     | Fence Removal and repairs, boundary signs (staff)        |                 | 20    | 4 latrines   | Completed                                  |
|                    | 12                     | Weed Control (contracted service)                        | 136             |       | Completed  |  |
|                    | 12                     | Weed control (staff)                                     | 51              |       | Completed, Park manager, Park ranger, maintenance staff                              |  |
|                    | 12                     | Road grading (contracted service)                        |                 | 2     | Completed, contracted, Middle Thompson Lake  |  |
|                    | 12                     | Dust abatement (contracted service)                      |                 | 3     | Completed, contracted, Middle Thompson Lake, McGregor, Lower & Middle Thompson Lakes |  |
|                    | 12                     | Latrine pumping (contracted service)                     |                 |       | 19 vault, 17 portables   | Completed, contracted                      |
| <b>REGION 2</b>    |                        |  |                 |       |  |  |
| Alberton Gorge FAS | 12                     | Maintenance, weed spraying, roads and operations (staff) | 3,000           | 20    | 83 campsite, 6 group campsite signs  | Completed, Park ranger & maintenance staff |
|                    | 12                     | Informational signage (staff)                            |                 |       |  | Completed, Park ranger & maintenance staff |
|                    | 12                     | Weed control (contracted service)                        | 30              |       | 3 speed regulation, 6 boundary & regulation signs                                    | Completed                                  |
|                    | 12                     | Replaced boundary & regulation signage (staff)           |                 |       |  | Completed, Park ranger, maintenance staff  |
|                    | 12                     | Road grading (contracted service)                        |                 | 0.25  |  | Completed, contracted                      |
|                    | 12                     | Dust abatement (contracted service)                      |                 | 0.25  |  | Completed, contracted                      |
|                    | 12                     | Latrine pumping (contracted service)                     |                 |       | 5 vault, 3 portables   | Completed, contracted                      |
|                    | 12                     | Maintenance, weed spraying and operations (staff)        | 450             | 20    | 9 sites  | Completed for FY12 and ongoing in FY13     |
|                    | 11                     | Drift fence construction (contracted service)            |                 | 1     |  | Completed                                  |
|                    | <b>Aunt Mollie WMA</b> |  |                 |       |  |  |

| Property                 | Fiscal Year | Project   | Unit of Measure |       |  | Project Status                              |
|--------------------------|-------------|---|-----------------|-------|--|---|
|                          |             |   | Acres           | Miles | Other                                      |   |
|                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 18              |       |  | Annual                                      |
| Blackfoot-Clearwater WMA | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 42              |       |  | Annual                                      |
|                          | 12          | Biocontrol releases (staff)   |                 |       | 6 releases                                 | Completed                                   |
|                          | 11, 12      | Annual mowing for weed control and fire hazard (staff)                    | 57              |       |  | Annual                                      |
| Blue-Eyed Nellie WMA     | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                    |                 | 5     |  | Annual                                      |
|                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 3               |       |  | Annual                                      |
|                          | 11          | Biocontrol releases (staff)   |                 |       | 3 releases                                 | Completed                                   |
|                          |             | Fence removal and repairs, boundary signs installed (contracted services) |                 | 1     |  | Completed                                   |
| Calf Creek WMA           | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                    |                 | 6     |  | Annual                                      |
|                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 10              |       |  | Annual                                      |
|                          | 11, 12      | Mowing for weed control and fire hazard (staff)                           | 1               |       |  | Annual                                      |
| Fish Creek State Park    | 12          | Biological weed control   |                 | 2     |  | Completed, release of bugs along roadways   |
|                          | 12          | Building gates for closed roads   |                 |       | 3 gates                                    | Material purchased, to be completed in 2013 |
|                          | 12          | Barriers for resource protection (contracted service)                     |                 |       | numerous barriers erected for road closure | Completed, contracted                       |
|                          | 12          | Informational & regulation signs  |                 |       | 2 kiosks                                   | Material purchased, to be completed in 2013 |
|                          | 12          | Road grading & maintenance  |                 | 0.25  |  | Completed                                   |
| Fish Creek WMA           | 11, 12      | Biocontrol Releases (contracted service)                                  |                 |       | 15 releases                                | Completed                                   |
|                          |             | Boundary fence and signs check and maintenance (staff)                    |                 | 5     |  | Annual                                      |
| Garry WMA                | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 4               |       |  | Annual                                      |
|                          | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                    |                 | 2     |  | Annual                                      |
| Lost Creek WMA           | 10, 11, 12  | Staff spot Weed Spraying (average annual acreage)                         | 2               |       |  | Annual                                      |
|                          | 11, 12      | Biocontrol Releases (staff)   |                 |       | 5 releases                                 | Completed                                   |

**GOOD NEIGHBORHOODS WORK (GNW) (FSA # 0112)**

| Property                 | Fiscal Year | Project   | Unit of Measure |       |  | Project Status                              |
|--------------------------|-------------|---|-----------------|-------|--|---|
|                          |             |   | Acres           | Miles | Other                                      |   |
|                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 18              |       |  | Annual                                      |
| Blackfoot-Clearwater WMA | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 42              |       |  | Annual                                      |
|                          | 12          | Biocontrol releases (staff)   |                 |       | 6 releases                                 | Completed                                   |
|                          | 11, 12      | Annual mowing for weed control and fire hazard (staff)                    | 57              |       |  | Annual                                      |
| Blue-Eyed Nellie WMA     | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                    |                 | 5     |  | Annual                                      |
|                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 3               |       |  | Annual                                      |
|                          | 11          | Biocontrol releases (staff)   |                 |       | 3 releases                                 | Completed                                   |
|                          |             | Fence removal and repairs, boundary signs installed (contracted services) |                 |       |  | Completed                                   |
| Calf Creek WMA           | 11          | Boundary fence and signs check and maintenance (staff)                    |                 | 1     |  | Completed                                   |
|                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 10              |       |  | Annual                                      |
|                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 1               |       |  | Annual                                      |
|                          | 11, 12      | Mowing for weed control and fire hazard (staff)                           |                 |       |  | Annual                                      |
| Fish Creek State Park    | 12          | Biological weed control   |                 | 2     |  | Completed, release of bugs along roadways   |
|                          | 12          | Building gates for closed roads   |                 |       | 3 gates                                    | Material purchased, to be completed in 2013 |
|                          | 12          | Barriers for resource protection (contracted service)                     |                 |       | numerous barriers erected for road closure | Completed, contracted                       |
|                          | 12          | Informational & regulation signs  |                 |       | 2 kiosks                                   | Material purchased, to be completed in 2013 |
|                          | 12          | Road grading & maintenance  |                 | 0.25  |  | Completed                                   |
| Fish Creek WMA           | 11, 12      | Biocontrol Releases (contracted service)                                  |                 |       | 15 releases                                | Completed                                   |
| Garry WMA                | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                    |                 | 5     |  | Annual                                      |
|                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                         | 4               |       |  | Annual                                      |
|                          | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                    |                 | 2     |  | Annual                                      |
| Lost Creek WMA           | 10, 11, 12  | Staff spot Weed Spraying (average annual acreage)                         | 2               |       |  | Annual                                      |
|                          | 11, 12      | Biocontrol Releases (staff)   |                 |       | 5 releases                                 | Completed                                   |

| Property                          | Fiscal Year | Project  | Unit of Measure |             | Project Status  |
|-----------------------------------|-------------|--|-----------------|-------------|---|
|                                   |             |  | Acres           | Miles       |   |
| Marshall Creek WMA                | 11          | Decommissioning roads (contracted service)                                 |                 | 4.3         | Completed   |
|                                   | 12          | Road blading and culvert work (contracted service)                         |                 | 7           | Completed   |
| Nevada Lake WMA                   | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                     |                 | 4           | Completed   |
|                                   | 10, 11, 12  | Staff spot weed wpraying (average annual acreage)                          | 28              |             | Annual  |
| Region 2 WMAs                     | 11, 12      | Biocontrol Releases  |                 |             | 8 releases<br>Completed   |
|                                   | 10, 11, 12  | Cleared/replaced Culverts  |                 |             | 22 culverts<br>Completed  |
| Three Mile WMA                    | 11          | Road reconditioning (contracted service)                                   |                 | 1.5         | Completed   |
|                                   | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                     |                 | 10          | Annual  |
| Warm Springs WMA                  | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                          | 12              |             | Annual  |
|                                   | 10, 11, 12  | Boundary fence and signs check and maintenance (staff)                     |                 | 5           | Annual  |
| REGION 3                          | 10, 11, 12  | Staff spot weed spraying (average annual acreage)                          | 12              |             | Annual  |
|                                   | 11, 12      | Biocontrol Releases (total)  |                 | 14 releases | Completed   |
|                                   | 11, 12      | Mowing for weed control and fire hazard (annual)                           | 8               |             | Annual  |
| Beaverhead and Big Hole river FAS | 12          | Ranger for maintenance of FAS  | 154             | 18 sites    | Completed and ongoing in FY13 (\$25,646 personal services and \$15,935 operations = travel, supplies, communications) |
|                                   | 12          | Boundary fence replacement (contracted service)                            | 9               |             | Completed in FY 13  |
| Canyon Creek WMA                  | 11          | Parking lot constructed and portion of boundary fence (contracted service) | 1.3             | 18 sites    | Completed   |
|                                   | 10, 11      | Weed spraying and FAS maintenance  | 154             | 14 releases | Annual  |
| Mount Haggin WMA                  | 12          | Biocontrol Releases (staff)  |                 |             | Completed   |
|                                   | 11          | Portion of boundary fence replacement (contracted service)                 | 1               |             | Funds committed, scheduled to complete in FY13  |
| <b>REGION 4</b>                   |             |  |                 |             |   |
| Beartooth WMA                     | 12          | Weed Control (contracted service)  | 300             |             | Completed   |
| Beckman WMA                       | 11          | Boundary fence removal/replacement   |                 | 10          | Completed   |
|                                   | 11          | Boundary fence replacement (contracted service)                            |                 | 4.5         | Funds committed, scheduled to complete in FY13  |
| Marías River WMA                  | 11          | Boundary fence replacement (contracted service)                            |                 | 10          | Funds committed, scheduled to complete in FY13  |

| Property                        | Fiscal Year | Project   | Unit of Measure |       |       | Project Status |
|---------------------------------|-------------|---|-----------------|-------|-------|----------------|
|                                 |             |   | Acres           | Miles | Other |                |
| <b>REGION 5</b>                 |             |   |                 |       |       |                |
| Yellowstone WMA                 | 11          | Boundary fence construction (contracted service)                                    | 400             |       |       | Completed      |
| <b>REGION 6</b>                 |             |   |                 |       |       |                |
| Area 7 WMA                      | 11, 12      | Spot weed spraying (staff)  | 1.5             |       |       | Completed      |
|                                 | 11, 12      | Litter removal and mowing roadsides and parking areas to reduce fire hazard (staff) | 2               | 1.5   |       | Annual         |
| Area 8 WMA                      | 11, 12      | Spot weed spraying (staff)  | 2               |       |       | Annual         |
|                                 | 11, 12      | Litter removal and mowing roadsides and parking areas to reduce fire hazard (staff) | 2               | 3     |       | Completed      |
| Cree Crossing WMA               | 11, 12      | Spot weed spraying (staff)  | 3               |       |       | Annual         |
|                                 | 11, 12      | Litter removal and mowing roadsides and parking areas to reduce fire hazard (staff) | 2               | 2     |       | Annual         |
|                                 | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 1.5   |       | Annual         |
| Dodson Creek WMA                | 11, 12      | Weed inventory (staff)  | 1               |       |       | Completed      |
|                                 | 11, 12      | Spot weed spraying (staff)  |                 | 0.25  |       | Annual         |
| Dodson Dam WMA                  | 11, 12      | Weed inventory (staff)  | 3.5             |       |       | Completed      |
|                                 | 11, 12      | Spot weed spraying (staff)  |                 | 2.5   |       | Annual         |
| Fox Lake WMA                    | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 6     |       | Annual         |
|                                 | 12          | Weed inventory (staff)  |                 |       |       | Completed      |
| Fresno WMA                      | 11, 12      | Litter removal (staff)  | 5               |       |       | Annual         |
|                                 | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 10    |       | Annual         |
| Hinsdale WMA                    | 11, 12      | Spot weed spraying (staff)  | 1               |       |       | Annual         |
|                                 | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 0.5   |       | Annual         |
|                                 | 12          | Weed inventory (staff)  |                 |       |       | Completed      |
| Milk River Sleeping Buffalo WMA | 11          | Weed inventory (staff)  |                 |       |       | Completed      |
|                                 | 11          | Boundary fence and signs check and maintenance (staff)                              |                 | 8     |       | Completed      |

**GOOD WILDERNESS FUNDED WORK (FISCAL YEAR 2012)**

| Property                        | Fiscal Year | Project   | Unit of Measure |       |       | Project Status                                 |
|---------------------------------|-------------|---|-----------------|-------|-------|--|
|                                 |             |   | Acres           | Miles | Other |  |
| <b>REGION 5</b>                 |             |   |                 |       |       |  |
| Yellowstone WMA                 | 11          | Boundary fence construction (contracted service)                                    |                 |       |       | Funds committed, scheduled to complete in FY13 |
| <b>REGION 6</b>                 |             |   |                 |       |       |  |
| Area 7 WMA                      | 11, 12      | Spot weed spraying (staff)  | 1.5             |       |       | Completed                                      |
|                                 | 11, 12      | Litter removal and mowing roadsides and parking areas to reduce fire hazard (staff) | 2               | 1.5   |       | Annual   |
| Area 8 WMA                      | 11, 12      | Spot weed spraying (staff)  | 2               |       |       | Annual   |
|                                 | 11, 12      | Litter removal and mowing roadsides and parking areas to reduce fire hazard (staff) | 2               | 3     |       | Completed                                      |
| Cree Crossing WMA               | 11          | Weed inventory (staff)  |                 |       |       | Completed                                      |
|                                 | 11, 12      | Spot weed spraying (staff)  | 3               |       |       | Annual   |
|                                 | 11, 12      | Litter removal and mowing roadsides and parking areas to reduce fire hazard (staff) | 2               | 2     |       | Annual   |
|                                 | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 1.5   |       | Annual   |
| Dodson Creek WMA                | 11          | Weed inventory (staff)  |                 |       |       | Completed                                      |
|                                 | 11, 12      | Spot weed spraying (staff)  | 1               |       |       | Annual   |
|                                 | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 0.25  |       | Annual   |
| Dodson Dam WMA                  | 11          | Weed inventory (staff)  |                 |       |       | Completed                                      |
|                                 | 11, 12      | Spot weed spraying (staff)  | 3.5             |       |       | Completed                                      |
|                                 | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 2.5   |       | Annual   |
| Fox Lake WMA                    | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 6     |       | Annual   |
|                                 | 12          | Weed inventory (staff)  |                 |       |       | Completed                                      |
| Fresno WMA                      | 11, 12      | Litter removal (staff)  | 5               |       |       | Annual   |
|                                 | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 10    |       | Annual   |
| Hinsdale WMA                    | 11, 12      | Spot weed spraying (staff)  | 1               |       |       | Annual   |
|                                 | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 0.5   |       | Annual   |
|                                 | 12          | Weed inventory (staff)  |                 |       |       | Completed                                      |
| Milk River Sleeping Buffalo WMA | 11          | Weed inventory (staff)  |                 |       |       | Completed                                      |
|                                 | 11          | Boundary fence and signs check and maintenance (staff)                              |                 | 8     |       | Completed                                      |

| Property             | Fiscal Year | Project   | Unit of Measure |       | Project Status |        |
|----------------------|-------------|---|-----------------|-------|----------------|--------|
|                      |             |   | Acres           | Miles |                | Other  |
| Rookery WMA          | 11, 12      | Litter removal and mowing roadsides and parking areas to reduce fire hazard (staff) | 2               | 1.5   | Annual         |        |
|                      | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 9     | Annual         |        |
|                      | 11, 12      | Litter removal and mowing roadsides and parking areas to reduce fire hazard (staff) | 2               | 1.5   | Annual         |        |
| Tampico WMA          | 11, 12      | Spot Weed Spraying (staff)  | 2               |       | Completed      |        |
|                      | 11, 12      | Boundary fence and signs check and maintenance (staff)                              |                 | 2     | Annual         |        |
|                      | 12          | Weed Inventory (staff)  |                 |       | Completed      |        |
| <b>STATEWIDE FAS</b> |             |   |                 |       |                |        |
| FAS in each region   | 11 (staff)  | Maintenance, weed spraying and operations   |                 |       | 336 sites      | Annual |

Fish, Wildlife and Parks Good Neighbor Compliance

Parks Maintenance Fund #02064

| REVENUE                     |              | \$300k or 20% |                  | Good Neighbor    |   |
|-----------------------------|--------------|---------------|------------------|------------------|---|
| Site Name                   | Cost         | Requirement   |                  | Deposit          | Notes   |
| Fish Creek State Park/WMA   | \$17,350,000 | \$300k        |                  | \$46,944         | Parks' share of the total cost was 15.65%; balance in WMA |
| Travellers' Rest State Park | \$700,000    | 20%           |                  | \$140,000        |   |
| Thompson Co./Alberton Gorge | N/A          | N/A           |                  | \$163,000        | Temporary mntc contract w/Fisheries for 2 FAS             |
| Interest Earnings           |              |               |                  | <u>\$262</u>     |   |
|                             |              |               |                  | <b>\$350,206</b> |   |
| <b>EXPENDITURE</b>          | <b>FY10</b>  | <b>FY11</b>   | <b>FY12</b>      | <b>TOTAL</b>     |   |
| Fish Creek State Park       | \$0          | \$0           | \$12,698         | \$12,698         | PS -- \$0; Opns -- \$12,698                               |
| Thompson Chain of Lakes     | \$0          | \$0           | \$98,042         | \$98,042         | PS -- \$61,743; Opns -- \$36,299                          |
| Alberton Gorge              | \$0          | \$0           | <u>\$64,736</u>  | <u>\$64,736</u>  | PS -- \$42,992; Opns -- \$21,744                          |
|                             |              |               | <b>\$175,476</b> | <b>\$175,476</b> |   |

**Wildlife Management Area Maintenance Fund #02469**

| REVENUE | Site Name                   | Cost         | \$300k or 20% Requirement | Good Neighbor Deposit | Notes  |
|---------|-----------------------------|--------------|---------------------------|-----------------------|--|
|         | Little Doney WMA            | \$1,350,000  | 20%                       | \$270,000             |  |
|         | Beckman WMA                 | \$40,000     | 20%                       | \$8,000               |  |
|         | Fish Creek WMA              | \$17,350,000 | \$300k                    | \$253,056             | WMA's share of the total cost was 84.35%; balance in Parks       |
|         | Marshall Creek WMA Phase I  | \$6,295,922  | \$300k                    | \$300,000             |  |
|         | Swan Section 31             | \$2,000,000  | \$300k                    | \$300,000             |  |
|         | Marshall Creek WMA Phase II | \$6,295,922  | \$300k                    | \$300,000             |  |
|         | Full Curl WMA               | \$427,068    | 20%                       | \$85,414              |  |
|         |                             |              |                           | <u>\$1,516,470</u>    | All funds are committed to projects but not completely expended. |

| EXPENDITURE                     | FY10           | FY11            | FY12             | TOTAL                                     |
|---------------------------------|----------------|-----------------|------------------|---|
| R1 WMA Operations and Maint     | \$0            | \$9,966         | \$12,949         | \$22,915 PS -- \$15,520; Opns -- \$7,395  |
| R2 WMA Operations and Maint     | \$6,516        | \$5,824         | \$17,620         | \$29,960 PS -- \$14,560; Opns -- \$15,400 |
| R2 Aunt Molly WMA Fence         | \$0            | \$0             | \$23,574         | \$23,574 PS -- \$0; Opns -- \$23,574      |
| R2 Marshall Creek WMA Road      | \$0            | \$3,278         | \$66,722         | \$70,000 PS -- \$0; Opns -- \$70,000      |
| R3 WMA Operations and Maint     | \$0            | \$0             | \$2,800          | \$2,800 PS -- \$0; Opns -- \$2,800        |
| R3 Canyon Creek WMA Parking Lot | \$0            | \$4,374         | \$60,489         | \$64,863 PS -- \$0; Opns -- \$64,863      |
| R3 Blacktail WMA Fence          | \$0            | \$0             | \$333            | \$333 PS -- \$0; Opns -- \$333            |
| R4 WMA Operations and Maint     | \$0            | \$0             | \$15,600         | \$15,600 PS -- \$0; Opns -- \$15,600      |
| R4 Beartooth WMA Weed Control   | \$0            | \$0             | \$23,400         | \$23,400 PS -- \$0; Opns -- \$23,400      |
| R6 WMA Operations and Maint     | \$0            | \$18,107        | \$20,309         | \$38,416 PS -- \$38,416; Opns -- \$0      |
|                                 | <u>\$6,516</u> | <u>\$41,549</u> | <u>\$243,796</u> | <u>\$291,861</u>                          |

**REVENUE**

**Fishing Access Site Maintenance Fund #02056**

| Site Name                         | Cost      | Requirement |
|-----------------------------------|-----------|-------------|
| Seed Money from Genl License Acct | N/A       | N/A         |
| Clark's Fork Yellowstone          | \$517,500 | 20%         |
| Stipek FAS                        | \$495,000 | 20%         |
| McWenegar Slough                  | \$30,000  | 20%         |
| Cottonwood Grove FAS              | \$30,000  | 20%         |
| Eight Mile FAS                    | \$40,950  | 20%         |
| Interest Earnings                 |           |             |

**\$300K or 20%**

**Good Neighbor Deposit**

|                  |  |
|------------------|--|
| \$200,000        |  |
| \$103,500        |  |
| \$99,000         |  |
| \$6,000          |  |
| \$6,000          |  |
| \$8,190          |  |
| <u>\$4,352</u>   |  |
| <b>\$427,042</b> |  |

**EXPENDITURE**

|                         | FY10            | FY11             | FY12             | TOTAL            |
|-------------------------|-----------------|------------------|------------------|------------------|
| Dillon River Ranger     | \$42,930        | \$61,686         | \$41,581         | \$146,197        |
| R1 Weed Control         | \$0             | \$17,951         | \$0              | \$17,951         |
| R2 Weed Control         | \$0             | \$9,911          | (\$4,617)        | \$5,294          |
| R3 Weed Control         | \$0             | \$13,743         | \$0              | \$13,743         |
| R4 Weed Control         | \$0             | \$14,477         | \$0              | \$14,477         |
| R5 Weed Control         | \$0             | \$13,747         | \$0              | \$13,747         |
| R7 Weed Control         | \$0             | \$2,124          | \$0              | \$2,124          |
| Thompson Chain of Lakes | \$0             | \$0              | \$95,000         | \$95,000         |
| Alberton Gorge          | <u>\$0</u>      | <u>\$0</u>       | <u>\$68,000</u>  | <u>\$68,000</u>  |
|                         | <b>\$42,930</b> | <b>\$133,639</b> | <b>\$199,964</b> | <b>\$376,533</b> |

**TOTAL**

|                  |                                  |
|------------------|----------------------------------|
| \$146,197        | PS -- \$85,383; Opns -- \$60,814 |
| \$17,951         | PS -- \$6,030; Opns -- \$11,921  |
| \$5,294          | PS -- \$0; Opns -- \$5,294       |
| \$13,743         | PS -- \$3,612; Opns -- \$10,131  |
| \$14,477         | PS -- \$0; Opns -- \$14,477      |
| \$13,747         | PS -- \$1,615; Opns -- \$12,132  |
| \$2,124          | PS -- \$94; Opns -- \$2,030      |
| \$95,000         | Temporary mntc contract w/Parks  |
| <u>\$68,000</u>  | Temporary mntc contract w/Parks  |
| <b>\$376,533</b> |                                  |

Fish, Wildlife and Parks Maintenance Accounts Report

For the year ended

Parks Maintenance Fund #02064

Balance \$34,730

Deposits into #02064 through June 30, 2012:

|        |   |                   |
|--------|---|-------------------|
| • FY10 | ○ Fish Creek acquisition                                    | \$ 46,944         |
| • FY11 | ○ Interest  | \$ 129            |
| • FY12 | ○ Thompson Chain of Lakes (TCL) and Alberton Gorge transfer | \$ 163,000        |
|        | ○ Interest  | \$ 133            |
|        | ○ TOTAL   | <u>\$ 210,206</u> |

Withdrawals from #02064 through June 30, 2012:

|         |   |                   |
|---------|---|-------------------|
| • FY12  | ○ Fish Creek                            | \$ 12,698         |
|         | ○ TCL and Alberton Gorge MOU Management | <u>\$162,778</u>  |
| • Total |   | <u>\$ 175,476</u> |

**Regional Reports of Maintenance Completed during FY12:**

Expenditures were \$175,476 and covered personal services and operations for Parks maintenance, weed control, latrine cleaning, public service and safety, and road work. Table 1 below provides: fund, description/duties performed, region, personal services, ops, and total expenditures. Work was completed at Fish Creek, TCL, and Alberton Gorge by staff in regions 1 and 2 for weed spraying, latrine cleaning, garbage removal, access and road work, septic pumping, and other maintenance of facilities for public service and safety. These expenditures met plans specified for Fish Creek in FY12 and for MOU's in the Parks Division, which are for the management of the TCL and Alberton Gorge sites.

**Table 1**

| <b>FY2012 Parks Expenditures</b> |  |               |                            |                 |                  |
|----------------------------------|--|---------------|----------------------------|-----------------|------------------|
| <u>Fund</u>                      | <u>Description/Duties Performed</u>  | <u>Region</u> | <u>Personal Service \$</u> | <u>Ops \$</u>   | <u>Totals</u>    |
| 02064                            | Fish Creek, weed spraying throughout park, resource protection & stabilization, road maintenance, public service signage | 2             |                            | \$12,698        | \$12,698         |
| 02064                            | TCL personal services & ops, weed spraying, latrine cleaning, public service signage, road maintenance                   | 1             | \$61,743                   | \$36,299        | \$98,042         |
| 02064                            | Alberton Gorge personal services & ops, weed spraying, latrine cleaning, public service signage, road maintenance        | 2             | \$42,992                   | \$21,744        | \$64,736         |
|                                  |  |               | <b>\$104,735</b>           | <b>\$70,741</b> | <b>\$175,476</b> |

**Maintenance Plans for FY13:**

- The division has requested approval of \$28,000 in operations which is earmarked for the Fish Creek site in the following areas:
  - Weed control- spraying in the park, on roads, near adjacent land overgrown with weeds
  - Fencing – repair and replace fences with neighboring property owners
  - Public service & safety- maintenance of the fire outlook structure, facility stabilization and fencing to maintain public safety around outlook

**Regional Reports of Maintenance Completed during FY12:**

Expenditures were \$175,476 and covered personal services and operations for Parks maintenance, weed control, latrine cleaning, public service and safety, and road work. Table 1 below provides: fund, description/duties performed, region, personal services, ops, and total expenditures. Work was completed at Fish Creek, TCL, and Alberton Gorge by staff in regions 1 and 2 for weed spraying, latrine cleaning, garbage removal, access and road work, septic pumping, and other maintenance of facilities for public service and safety. These expenditures met plans specified for Fish Creek in FY12 and for MOU's in the Parks Division, which are for the management of the TCL and Alberton Gorge sites.

**Table 1**

| <b>FY2012 Parks Expenditures</b> |  |               |                            |                 |                  |
|----------------------------------|--|---------------|----------------------------|-----------------|------------------|
| <u>Fund</u>                      | <u>Description/Duties Performed</u>  | <u>Region</u> | <u>Personal Service \$</u> | <u>Ops \$</u>   | <u>Totals</u>    |
| 02064                            | Fish Creek, weed spraying throughout park, resource protection & stabilization, road maintenance, public service signage | 2             |                            | \$12,698        | \$12,698         |
| 02064                            | TCL personal services & ops, weed spraying, latrine cleaning, public service signage, road maintenance                   | 1             | \$61,743                   | \$36,299        | \$98,042         |
| 02064                            | Alberton Gorge personal services & ops, weed spraying, latrine cleaning, public service signage, road maintenance        | 2             | \$42,992                   | \$21,744        | \$64,736         |
|                                  |  |               | <b>\$104,735</b>           | <b>\$70,741</b> | <b>\$175,476</b> |

**Maintenance Plans for FY13:**

- The division has requested approval of \$28,000 in operations which is earmarked for the Fish Creek site in the following areas:
  - Weed control- spraying in the park, on roads, near adjacent land overgrown with weeds
  - Fencing – repair and replace fences with neighboring property owners
  - Public service & safety- maintenance of the fire outlook structure, facility stabilization and fencing to maintain public safety around outlook

Road work – repair of existing roads, culverts and gates as necessary for public safety and access in the park  
Resource protection – mapping of resources to provide baseline data on weed control, vegetative & forest health management, maintenance and other improvements made at the park

- Balance of funds will be used to address maintenance issues as needed at the site over time.

**Additional Information:**

- Note- The division had a prior year adjustment for FY12 of \$6,325 for weed spraying which would bring total expenditures for Fish Creek SB164 funds to \$19,023.

Fishing Access Site Maintenance Fund #02056

Balance \$50,507

**Deposits into #02056 through June 30, 2012:**

|         |  |                   |
|---------|--|-------------------|
| • FY10  | ○ Seed money transferred from #02409   | \$ 200,000        |
|         | ○ Clark's Fork Yellowstone acquisition | 103,500           |
|         | ○ Stipek FAS                           | 99,000            |
|         | ○ McWenegar Slough                     | 6,000             |
|         | ○ Cottonwood Grove FAS                 | 6,000             |
|         | ○ Eight Mile FAS                       | 8,190             |
|         | ○ Interest                             | <u>837</u>        |
|         | ○ TOTAL                                | \$ 423,527        |
| • FY11  | ○ Interest                             | \$ 1,133          |
| • FY12  | ○ Interest                             | \$ 2,382          |
| • TOTAL |  | <u>\$ 427,042</u> |

**Withdrawals from #02056 through June 30, 2012:**

- FY10 \$ 42,930
- FY11
  - Multiple Orgs \$ 133,640
- FY12
  - Prior Year Adjustment (\$ 4,617)
  - Multiple Orgs \$ 204,581
- TOTAL \$ 376,534

**Regional Reports of Maintenance Completed during FY12:**

Expenditures were approximately \$204,581 for personal services and operations that were attributable to FAS maintenance and weed control efforts. Table 1 below provides: fund, description and duties performed, region, cost of personal services and operations, and totals for expenditures. Seasonal maintenance workers conducted work such as weed spraying, fencing, latrine cleaning, and repair of facilities for public safety to meet the policy of the good neighbor bill and reduce impacts to adjacent properties. Operations expenditures were for weed spraying contracts, chemicals, spraying equipment, road maintenance, safety equipment, fencing materials, toilet paper for latrines, and other field supplies. A prior year adjustment returned excess funds that had been allocated to weed spraying contracts.

**Table 1**

| <b>FY2012 FAS Expenditures</b> |  |               |                   | <u>Personal</u> |  | <u>Totals</u>    |
|--------------------------------|--|---------------|-------------------|-----------------|--|------------------|
| <u>Fund</u>                    | <u>Description/Duties Performed</u>  | <u>Region</u> | <u>Service \$</u> | <u>Ops \$</u>   |  |                  |
| 02056                          | Weed spraying contract refund  | 2             |                   | (\$4,617)       |  | (\$4,617)        |
| 02056                          | Partial year Maint Worker Beaverhead & Big Hole Rivers/Weed Spraying & Maint Ops | 3             | \$25,646          | \$15,935        |  | \$41,581         |
| 02056                          | TCL Maintenance, Weed Spraying, Roads & Ops                                      | 1             | \$62,000          | \$33,000        |  | \$95,000         |
| 02056                          | Alberton Gorge Maintenance, Weed Spraying & Ops                                  | 2             | \$49,050          | \$18,950        |  | \$68,000         |
|                                |  |               | <b>\$136,696</b>  | <b>\$63,268</b> |  | <b>\$199,964</b> |

**Withdrawals from #02056 through June 30, 2012:**

- FY10 \$ 42,930
- FY11
- Multiple Orgs \$ 133,640
- FY12
- Prior Year Adjustment (\$ 4,617)
- Multiple Orgs \$ 204,581
- TOTAL \$ 199,964
- TOTAL \$ 376,534

**Regional Reports of Maintenance Completed during FY12:**

Expenditures were approximately \$204,581 for personal services and operations that were attributable to FAS maintenance and weed control efforts. Table 1 below provides: fund, description and duties performed, region, cost of personal services and operations, and totals for expenditures. Seasonal maintenance workers conducted work such as weed spraying, fencing, latrine cleaning, and repair of facilities for public safety to meet the policy of the good neighbor bill and reduce impacts to adjacent properties. Operations expenditures were for weed spraying contracts, chemicals, spraying equipment, road maintenance, safety equipment, fencing materials, toilet paper for latrines, and other field supplies. A prior year adjustment returned excess funds that had been allocated to weed spraying contracts.

**Table 1**

| <b>FY2012 FAS Expenditures</b> |   |        |                  | <u>Personal</u> |  | <u>Totals</u>    |
|--------------------------------|---|--------|------------------|-----------------|--|------------------|
| Fund                           | Description/Duties Performed  | Region | Service \$       | Ops \$          |  |                  |
| 02056                          | Weed spraying contract refund   | 2      |                  | (\$4,617)       |  | (\$4,617)        |
| 02056                          | Partial year Maint Worker<br>Beaverhead & Big Hole<br>Rivers/Weed Spraying &<br>Maint Ops | 3      | \$25,646         | \$15,935        |  | \$41,581         |
| 02056                          | TCL Maintenance, Weed<br>Spraying, Roads & Ops  | 1      | \$62,000         | \$33,000        |  | \$95,000         |
| 02056                          | Alberton Gorge Maintenance,<br>Weed Spraying & Ops  | 2      | \$49,050         | \$18,950        |  | \$68,000         |
|                                |   |        | <b>\$136,696</b> | <b>\$63,268</b> |  | <b>\$199,964</b> |

*Includes expenditures from Habitat Maintenance Accounts*

Wildlife Management Areas (WMA) Maintenance Fund #02469

Balance \$1,224,610

Deposits into #02469 through June 30, 2012:

|         |                               |                    |
|---------|-------------------------------|--------------------|
| • FY09  | ○ Little Doney                | \$ 100,000         |
| • FY10  | ○ Little Doney                | \$ 170,000         |
|         | ○ Beckman WMA                 | 8,000              |
|         | ○ Fish Creek WMA              | <u>253,056</u>     |
|         | ○ Total                       | \$ 431,056         |
| • FY11  | ○ Marshall Block WMA          | \$ 300,000         |
|         | ○ Swan Section 31             | <u>300,000</u>     |
|         | ○ TOTAL                       | \$ 600,000         |
| • FY12  | ○ Marshall Creek Phase II WMA | \$ 300,000         |
|         | ○ Full Curl WMA               | <u>85,414</u>      |
|         | ○ TOTAL                       | \$ 385,414         |
| • TOTAL |                               | <u>\$1,516,470</u> |

The Clark Fork Natural Resources Damage Program provided funding for the acquisition of Spotted Dog Wildlife Management Area. The NRD program also committed to providing \$1,023,740 over a five-year period to meet the intent of SB 164, specifically for maintenance activities associated with acquisition of Spotted Dog WMA, such as boundary surveys, perimeter fencing, and weed control. However, because of NRD program requirements, this funding can only be used for specific actions on Spotted Dog, and is provided on a reimbursable basis. Therefore, while the intent of SB 164 is being more than met, there was not a separate deposit into the Good Neighbor account.

**Maintenance Plans for FY13:**

The Fishing Access Site (FAS) Program will use the minimal balance of funds available in the good neighbor account to continue supporting a river ranger for the Beaverhead and Big Hole rivers in FY13. This position is responsible for maintenance, weed control, and landowner relations on these two high profile rivers in southwest Montana.

There is insufficient good neighbor funding available to support additional land stewardship/weed control across the state, however, the Fisheries Bureau will continue the 'good neighbor policy' of public land use with a goal of reducing impacts to neighboring private and public land. The Bureau will continue to make maintenance of fishing access sites a priority and this will include weed control and prevention, fence repair, facility upkeep, litter removal, and other duties that are an important part of the management of sites. Weed control will be a major focus of these efforts.

Maintenance worker positions will be tasked with a number of weed control responsibilities including purchase and application of chemical and biological controls, administration of contracted weed control work, and coordination with county and private weed control efforts. The maintenance workers will have other duties assigned consistent with the good neighbor policy including maintaining boundary fences, cleaning latrines, picking up litter, and other types of site stewardship that lead to good relationships with neighboring property owners.

See table 2 for a breakdown of projected expenses in FY13.

**Table 2**

| <b>FY2013 FAS Expenditures</b> |               |            |   |                            |                 |                 |
|--------------------------------|---------------|------------|---|----------------------------|-----------------|-----------------|
| <u>Fund</u>                    | <u>Region</u> | <u>FTE</u> | <u>Position/Description</u>   | <u>Personal Service \$</u> | <u>Ops \$</u>   | <u>Totals</u>   |
| <b>Budgeted</b>                |               |            |   |                            |                 |                 |
| 02056                          | 3             | 1.00       | Full Year Maintenance Worker, Weed Support -- Big Hole/Beaverhead sites | \$51,727                   | \$20,000        | \$71,727        |
| <b>Total Budgeted:</b>         |               |            |   | <b>\$51,727</b>            | <b>\$20,000</b> | <b>\$71,727</b> |

**Maintenance Plans for FY13:**

The Fishing Access Site (FAS) Program will use the minimal balance of funds available in the good neighbor account to continue supporting a river ranger for the Beaverhead and Big Hole rivers in FY13. This position is responsible for maintenance, weed control, and landowner relations on these two high profile rivers in southwest Montana.

There is insufficient good neighbor funding available to support additional land stewardship/weed control across the state, however, the Fisheries Bureau will continue the 'good neighbor policy' of public land use with a goal of reducing impacts to neighboring private and public land. The Bureau will continue to make maintenance of fishing access sites a priority and this will include weed control and prevention, fence repair, facility upkeep, litter removal, and other duties that are an important part of the management of sites. Weed control will be a major focus of these efforts.

Maintenance worker positions will be tasked with a number of weed control responsibilities including purchase and application of chemical and biological controls, administration of contracted weed control work, and coordination with county and private weed control efforts. The maintenance workers will have other duties assigned consistent with the good neighbor policy including maintaining boundary fences, cleaning latrines, picking up litter, and other types of site stewardship that lead to good relationships with neighboring property owners.

See table 2 for a breakdown of projected expenses in FY13.

**Table 2**

| FY2013 FAS Expenditures |        |      |  |                     |                 |                 |
|-------------------------|--------|------|--|---------------------|-----------------|-----------------|
| Fund                    | Region | FTE  | Position/Description   | Personal Service \$ | Ops \$          | Totals          |
| Budgeted                |        |      |  |                     |                 |                 |
| 02056                   | 3      | 1.00 | Full year Maintenance Worker, Weed Support – Big Hole/Beaverhead sites | \$51,727            | \$20,000        | \$71,727        |
| <b>Total Budgeted:</b>  |        |      |  | <b>\$51,727</b>     | <b>\$20,000</b> | <b>\$71,727</b> |

In addition to the above funding, there is funding earmarked specifically for development and maintenance of Wildlife properties through 87-1-242 MCA (Habitat Montana). Per 87-1-242, funds were collected and earmarked for habitat development and maintenance in FY2012, 50% of which was available for operations and maintenance of FWP lands, while the other 50% was deposited into an interest-bearing account. \$632,398 from that account was used in FY2012 for maintenance of FWP lands or conservation easements acquired by FWP.

**Withdrawals from #02469 through June 30, 2012:**

|                    |  |                   |
|--------------------|--|-------------------|
| • FY10             |  |                   |
| ○ Multiple Org #s  |  | \$ 6,516          |
| • FY11             |  |                   |
| ○ Multiple Org #'s |  | \$ 41,549         |
| • FY12             |  |                   |
| ○ Multiple Org #'s |  | \$ 243,796        |
| • TOTAL            |  | <u>\$ 291,861</u> |

**Regional Reports of Maintenance Completed during FY12:**

This report summarizes maintenance activities completed during FY2012 with funding from all of the following sources. These state statutes are referenced in preparation of our report regarding maintenance of FWP Wildlife lands and implementation of the Good Neighbor Policy as described in 23-1-126 MCA.

**23-1-127(2)** - With regard to recreational land or water rights acquired pursuant to 87-1-209 for public hunting, fishing, trapping, or outdoor recreation, implementation of the good neighbor policy requires that priority is to be given to maintenance. As used in 23-1-126(2)(b) and this subsection, "maintenance" means:

- (a) Weed control;
- (b) Garbage and litter removal;
- (c) Repair of existing fences;
- (d) Implementation of safety and health measures required by law to protect the public;
- (e) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the land or water;

- (f) Erosion control;
- (g) Stream bank stabilization
- (h) Erection of barriers necessary to preserve riparian vegetation and habitat;
- (i) planting of native trees, grasses, and shrubs for habitat stabilization; and
- (j) Other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126 and this section.

**87-1-209** – Good Neighbor (per SB164) - Any acquisition of land or water rights for purposes of this subsection, except that portion of acquisitions made with funds provided under 87-1-242(1), must include an additional 20% above the purchase price to be used for maintenance of land or water acquired by the department. The additional amount above the purchase price or \$300,000, whichever is less, must be deposited in the account established in [section 5]. As used in this subsection, "maintenance" means that term as defined in and consistent with the good neighbor policy in 23-1-127(2).

**87-1-230** - There is a maintenance account in the state special revenue fund. In addition to the funds set aside for maintenance of land or water acquired by the department pursuant to 87-1-209 (1)(Good Neighbor), the department shall also deposit into the maintenance account:

- (a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a) [Habitat Montana];
- (b) interest earned on the account; and
- (c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

**87-1-242** – Habitat Montana (per HB 526) - Twenty percent of the money allocated by this section (Habitat Montana) must be used as follows:

- (a) up to 50% a year may be used for development and maintenance of real property used for wildlife habitat; and
- (b) the remainder and any money not allocated for development and maintenance under subsection (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for use in the manner prescribed for the development and maintenance of real property used for wildlife habitat.

**WMA Maintenance Completed during FY12:**

In FY12, Wildlife utilized resources from the Habitat Maintenance Account (Habitat Montana) for most general maintenance, and resources from the Good Neighbor account to specifically address maintenance issues identified as priority in 23-1-127(2) MCA.

- (f) Erosion control;
- (g) Stream bank stabilization
- (h) Erection of barriers necessary to preserve riparian vegetation and habitat;
- (i) planting of native trees, grasses, and shrubs for habitat stabilization; and
- (j) Other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126 and this section.

**87-1-209** – Good Neighbor (per SB164) - Any acquisition of land or water rights for purposes of this subsection, except that portion of acquisitions made with funds provided under 87-1-242(1), must include an additional 20% above the purchase price to be used for maintenance of land or water acquired by the department. The additional amount above the purchase price or \$300,000, whichever is less, must be deposited in the account established in [section 5]. As used in this subsection, "maintenance" means that term as defined in and consistent with the good neighbor policy in 23-1-127(2).

**87-1-230** - There is a maintenance account in the state special revenue fund. In addition to the funds set aside for maintenance of land or water acquired by the department pursuant to 87-1-209 (1)(Good Neighbor), the department shall also deposit into the maintenance account:

- (a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a) [Habitat Montana];
- (b) interest earned on the account; and
- (c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

**87-1-242** – Habitat Montana (per HB 526) - Twenty percent of the money allocated by this section (Habitat Montana) must be used as follows:

- (a) up to 50% a year may be used for development and maintenance of real property used for wildlife habitat; and
- (b) the remainder and any money not allocated for development and maintenance under subsection (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for use in the manner prescribed for the development and maintenance of real property used for wildlife habitat.

**WMA Maintenance Completed during FY12:**

In FY12, Wildlife utilized resources from the Habitat Maintenance Account (Habitat Montana) for most general maintenance, and resources from the Good Neighbor account to specifically address maintenance issues identified as priority in 23-1-127(2) MCA.

To meet the requirement and priorities of the good neighbor policy, FWP Wildlife used resources from the Good Neighbor account to create/pay for FTE in Regions 1, 2, and 6 as follows:

- R1 - 0.25 FTE - to assist with maintenance on the recently acquired North Shore property, as well as Ninepipe WMA parcels. \$5,554 of Good Neighbor funding was used towards this in FY12. Accomplishments include tillage, mowing, irrigation, and chemical weed control with priority focus on boundaries, roadsides, parking areas, and cropland Fence repairs and interior fence removal. Litter picked up at 25 parking areas and along roadsides. \$7,810 is budgeted for this in FY13.
- R2 – 2.0 FTE - to assist with general maintenance of R2 WMAs, especially with initial costs at newly acquired Fish Creek, Marshall Block, and Spotted Dog WMAs. Duties associated with these FTE were primarily focused on weed spraying, fence repair, moving trespass livestock, road repair, mapping, and posting signage. \$4,797 of Good Neighbor funding was used towards this in FY12. \$91,396 is budgeted for this in FY13.
- R6 - 0.50 FTE – was used mostly for an aggressive ongoing weed management effort entailing mapping, monitoring, and spraying noxious weeds on WMAs. Additional duties included improvements to parking areas and boundary fences, removing old interior fences, mowing roads and parking areas to minimize fire danger, cleaning up historic junk, boundary sign installation, and maintenance of water control structures associated with irrigation and wetland developments. \$20,309 of Good Neighbor funding was used towards this in FY12. \$23,953 is budgeted for this in FY13.

These FTE will continue into the future and will draw from the Good Neighbor account to assist with WMA maintenance priorities.

In addition to the Good Neighbor FTE noted above, FWP staff in each region perform general maintenance activities on all WMAs. The following is a brief summary of activities on Wildlife Management Areas (WMAs) by each FWP Region.

#### **Region 1 - Kalispell**

Woods Ranch - Herbicide control of weeds.

Kootenai Falls – Weed control through county weed contract.

North Shore – Contract farmer sprayed weeds on old fields in preparation for new farming lease.

Bull River – Timber management planning occurred in partnership with Avista Corporation to enhance habitat and forest health.

West Kootenai – Timber management plan was developed to address fire concerns and wildlife habitat.

Ninepipe – Weed control provided by Good Neighbor FTE as well as contracted work through Habitat Montana and Good Neighbor funding. Repaired fence and removed interior fence. Picked up litter at 25 parking areas and roadsides. Irrigated 200 acres to keep vegetation vigorous and to also control weeds. Performed ongoing cropping and upland cover maintenance.

## **Region 2 - Missoula**

All WMAs - An estimated 2,350 acres of weeds were sprayed by commercial applicators and another 52 acres were treated by WMA staff. All WMAs with weed infestation in the region are managed using an integrated pest management approach, using a combination of chemical, mechanical, and biological controls.

Nevada Lake – Performed ATV weed treatment in the fall and spring. Repaired perimeter fence and constructed new fences.

Aunt Molly - ATV weed treatment along Nevada Creek.

Blue-eyed Nellie – Survey of addition completed and new boundary fence constructed. Reconditioned road.

Blackfoot-Clearwater – Timber management on Ovando Mountain to mitigate fire risk and improve wildlife habitat on 350 acres, including improvements to haul road. Extensive ATV weed treatment. Aerial weed treatment of approximately 600 acres. Construction of stock corrals and pasture fence. Removal of 6 miles of deteriorated/hazardous interior fence. Repair of 3 miles of interior fence to facilitate livestock lease. Installed stock tank for grazing management. Weed bio-control bug releases/supplement to existing program. Start of new timber management project scheduled for FY 13. Reconditioning of road sections. Revegetation project underway, seeding scheduled for spring 2013.

Marshall Creek – Repaired 7 road closure structures. Removed and reclaimed more than 20 miles of unneeded and deteriorating logging roads and associated culverts. Constructed a trailhead/parking area for up to 6 horse trailers in the West Fork. Constructed 4 miles of horse/foot trail up West Fork, including 4 foot bridges. Removed West Fork gate. Started work on road clearing after extensive timber blowdown along Marshall Lake road.

Fish Creek – Road closures and reclamation. Boundary fence inventory and repairs. Weed spraying and bio-control bug releases.

Spotted Dog WMAs –WMA crew weed spraying and bio-control bug releases, road maintenance, and establishment of new parking areas; interior fence removal; boundary survey and fencing.

Three Mile – herbicide and biological weed control, boundary fence maintenance.

Warm Springs – Road reconditioning.

Ninepipe – Weed control provided by Good Neighbor FTE as well as contracted work through Habitat Montana and Good Neighbor funding. Repaired fence and removed interior fence. Picked up litter at 25 parking areas and roadsides. Irrigated 200 acres to keep vegetation vigorous and to also control weeds. Performed ongoing cropping and upland cover maintenance.

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Three Mile – herbicide and biological weed control, boundary fence maintenance.

Warm Springs – Road reconditioning.

### **Region 3 - Bozeman**

All WMAs – purchased an additional ATV sprayer to support an additional WMA weed crew.

Canyon Creek— Weed inventory, mapping, and spraying, particularly along old logging roads and skid trails. Established a contract for additional spraying in FY13.

Dome Mountain— Extensive boundary fence repairs completed. Additional fencing materials purchased for work planned in FY13. Weed spraying by WMA crew. Weed spraying contract was also established for late summer application. New signs and security pipe gate installed.

Fleecer— Fence maintenance is completed in part by the grazing lessee. WMA crew conducted extensive weed mapping and follow-up spraying by FWP, county, grazing lessee, and volunteers. Aerial weed spraying contract was established to be conducted in FY13. Construction of a wildlife gate to relieve fence problems associated with seasonal elk movements. Fence maintenance, particularly along the SW boundary where there has been substantial beetle kill.

Gallatin-Porcupine – Weed spraying focused on disturbed areas around corrals and building sites. Building maintenance, including windows and locks. Work with USFS on recreational and commercial trailing issues involving livestock, bicyclers, and hikers.

Gravelly-Blacktail - Investigated boundary fence condition and follow-up maintenance. WMA crew sprayed small weed patches. Aerial weed spraying contract was established and will be conducted in FY13. Road re-routing around eroded bank. Work with adjacent neighbors on converting woven fence to a more wildlife friendly fence, particularly for antelope in the area – fence updates are planned for FY13.

Lake Helena— Signs were upgraded and weeds sprayed.

Madison Bear Creek – Repairs completed on slumped access road. Weed mapping and follow-up treatment of new small weed patches.

Madison Wall Creek— Worked on boundary fence maintenance and repairs. Contract completed to replace jackleg fence with wildlife friendly barb wire fence on livestock grazing vegetation monitoring exclosures. Road, building, and equipment maintenance.

Mount Haggin - Fences were maintained by grazing lessees and WMA crew. Weed spraying by WMA crew focused on new patches and expanded control efforts where aerial spraying was conducted in 2011. FWP purchased and released biocontrol insects for expanding and supplementing biocontrol program. Larger infestations will be the focus of future Natural Resource Damage Program funding. Considerable work with Design and Construction as detailed in the tables that follow.

Robb-Ledford – Operated and maintained extensive livestock watering system. Maintenance of cabin. Cooperative weed spraying with grazing lessee and county weed association and follow-up spray treatment by WMA crew on new weed patches.

Canyon Ferry – Chemical fallow, seedbed prep, and planting of 50 acres new permanent cover. Moved wheel line irrigation equipment and irrigated to support cover establishment. Planted shrubs and nesting cover on 30 acres associated with new center pivot irrigation system on an agricultural lease. Weed spraying both by contractors and WMA staff on over 100 acres scattered over the WMA. Roadside mowing to reduce fire danger. Water conveyance maintenance and water level management on the pond system.

#### **Region 4 – Great Falls**

Freezeout – Road maintenance, including new gravel on some sections. Fence maintenance and repairs. Weed spraying and release of biological control insects. Grazing enclosure fence replaced. Installation of new signs related to food storage requirements. Mowing of roadsides and building area to reduce fire danger. Water control structure maintenance, management of water delivery, water level management.

Beartooth WMA – Fence maintenance and repairs. Updated weed mapping and subsequent control measures by WMA crew and contracted services. Building and campsites maintenance. Furnace and sewer work at bunkhouse. Road sections graveled and bladed/compacted. Roadway and camp areas mowed to reduce fire danger.

Judith River – Fence repairs. Weed control and updated mapping. Conifer thinning on encroached areas. Gravel stockpiled and then spread, graded, and compacted on access road. Blocked off road vehicle route and signed. Mowed road edges to reduce fire danger.

Blackleaf, Ear Mountain, and Smith River WMAs – General repairs to fences, including some fence removal and replacement. Updated weed infestation map and herbicide treatments and biocontrol releases. New signs installed.

Beckman – Fence maintenance. Updates to weed infestation map and biocontrol release. Repairs to flood damage on irrigation system, fences, and livestock watering system. Site cleanup. Mowed roadsides for fire control.

Marias River – Meetings with surrounding landowners as to maintenance activities and access to the WMA. Fence maintenance. Weed mapping and release of biological control insects. Access road developed.

Robb-Ledford – Operated and maintained extensive livestock watering system. Maintenance of cabin. Cooperative weed spraying with grazing lessee and county weed association and follow-up spray treatment by WMA crew on new weed patches.

Canyon Ferry – Chemical fallow, seedbed prep, and planting of 50 acres new permanent cover. Moved wheel line irrigation equipment and irrigated to support cover establishment. Planted shrubs and nesting cover on 30 acres associated with new center pivot irrigation system on an agricultural lease. Weed spraying both by contractors and WMA staff on over 100 acres scattered over the WMA. Roadside mowing to reduce fire danger. Water conveyance maintenance and water level management on the pond system.

#### **Region 4 – Great Falls**

Freezeout – Road maintenance, including new gravel on some sections. Fence maintenance and repairs. Weed spraying and release of biological control insects. Grazing enclosure fence replaced. Installation of new signs related to food storage requirements. Mowing of roadsides and building area to reduce fire danger. Water control structure maintenance, management of water delivery, water level management.

Beartooth WMA – Fence maintenance and repairs. Updated weed mapping and subsequent control measures by WMA crew and contracted services. Building and campsites maintenance. Furnace and sewer work at bunkhouse. Road sections graveled and bladed/compacted. Roadway and camp areas mowed to reduce fire danger.

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Beckman – Fence maintenance. Updates to weed infestation map and biocontrol release. Repairs to flood damage on irrigation system, fences, and livestock watering system. Site cleanup. Mowed roadsides for fire control.

Marias River – Meetings with surrounding landowners as to maintenance activities and access to the WMA. Fence maintenance. Weed mapping and release of biological control insects. Access road developed.

## **Region 5 - Billings**

Big Lake – General boundary fence maintenance and weed monitoring. Access road graveled and graded. Roads and parking area mowed. New parking area established. Mowed nesting cover for habitat maintenance/improvement. Installed new signs.

Grant Marsh, Haymaker, and Silver Run WMAs - Weeds mapped and follow-up spraying by commercial applicator. Site restriction signs near area of flood damage. Fence repairs and installation of two cattle guards on WMA access roads. Secured permanent easement on access road.

Yellowstone – Weed monitoring and control. Monitoring of oil spill impacts along Yellowstone River. Gate and road maintenance. Installation of new signs. Maintenance to irrigation system. Weed control around shelterbelts and enhancement of managed wetland using bentonite. Developed and implemented annual farming plan on 70 irrigated acres for food plots and cover establishment.

## **Region 6 - Glasgow**

Dodson Dam, Dodson Creek, Fresno, Vandalia, Milk River WMAs – Water control maintenance and water level management to reduce cattails. Repairs to perimeter fence. Weed monitoring and control. Parking area mowing to reduce fire danger. Updated signage.

Fox Lake – Mapped and sprayed thistle. Trash clean up after flooding. Maintenance of culverts following flooding.

Hinsdale and Cree Crossing WMAs – Weed spraying by through county weed district contract. Farming food plots and riparian habitat restoration through woody plantings. Habitat enhancement work with herbaceous planting and irrigation.

Rookery WMA – County and WMA staff weed spraying. Purchase of ATV sprayer to more effectively control weeds on this and other WMAs. Parking areas and roadways mowed. Improvements to irrigation system and conversion of rank crested wheatgrass stands to food plots and improved upland cover. Interior fences removed.

## **Region 7 – Miles City**

All WMAs – Weed control conducted by county weed supervisors.

Isaac Homestead – Repairs to flood damage related to roads, bridge, and irrigation system. Boundary signs and fence maintenance.

Amelia Island, Elk Island, and Seven Sister WMAs – Share-cropping leases on each of these assist with maintenance of fields and adjacent weed patches. Fence maintenance and repairs. Installation of additional boundary and regulation signs.

**Capital Maintenance Projects - Statewide**

In addition to general day-to-day maintenance, funds from both the Good Neighbor and the Habitat Maintenance accounts were used for a variety of capital maintenance projects. Many of these projects span fiscal years, so accomplishments are reported as projects completed in FY2012 (Table 1), as well as a summary of ongoing projects that were initiated in 2012 but may not yet be completed (Table 2).

**Table 1. Summary of Projects completed during Fiscal Year 2012. Bolded items were Good Neighbor funded projects. Underlined projects were funded using Natural Resource Damage funds. The remainder of projects was funded by Habitat Montana funds, unless otherwise noted.**

| <b>Wildlife WMA Projects Completed During FY12</b> |                     |
|--|---------------------|
| <b>Project</b>                                     | <b>Expended</b>     |
| 7035312 MT HAGGIN MULE RANCH FENCE                 | \$21,409.60         |
| 7075304 MT HAGGIN - FAIRMONT FENCE                 | \$26,207.75         |
| 7095309 FREEZEOUT OFC ENERGY UPGRADE               | \$5,349.00          |
| 7095315 JUDITH RIVER WMA ROAD IMPROVE              | \$82,467.00         |
| 7095317 R-1 NINEPIPE WMA SHOP UPGRADE              | \$6,842.00          |
| 7095319 R-2 B-C WMA ROAD RE-CONDITION              | \$3,215.00          |
| 7095322 R-3 WALL CK WMA ENCLOSURES                 | \$16,500.00         |
| 7115303 SPOTTED DOG RIPARIAN ASSESS                | \$23,967.00         |
| 7115302 SPOTTED DOG UPLAND VEGI ASSESS             | \$22,176.00         |
| 7115310 R-3 BEAR CREEK RD RPR WASHOUT              | \$3,415.00          |
| 7115312 R-4 SMITH RIVER WMA RD GRADE               | \$5,000.00          |
| <b>599205-AUNT MOLLY WMA DRIFT FENCE GNF</b>       | <b>\$23,574.00</b>  |
| <b>599201/599211 MARSHALL CREEK ROAD GNF</b>       | <b>\$77,874.74</b>  |
| <u>53832 R-3 MT HAGGIN MILL CREEK FENCE</u>        | <u>\$19,412.00</u>  |
| 538602 ROBB LEDFORD WMA TAKE DOWN FENCE            | \$8,000.00          |
| <b>7095323 - R-4 BECKMAN WM BOUNDARY FNC w/GNF</b> | <b>\$150,921.25</b> |
| 5886 Statewide Weed Control                        |                     |

**Capital Maintenance Projects - Statewide**

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| <b>Project</b>                                     | <b>Expended</b>     |
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| 7075304 MT HAGGIN - FAIRMONT FENCE                 | \$26,207.75         |
| 7095309 FREEZEOUT OFC ENERGY UPGRADE               | \$5,349.00          |
| 7095315 JUDITH RIVER WMA ROAD IMPROVE              | \$82,467.00         |
| 7095317 R-1 NINEPIPE WMA SHOP UPGRADE              | \$6,842.00          |
| 7095319 R-2 B-C WMA ROAD RE-CONDITION              | \$3,215.00          |
| 7095322 R-3 WALL CK WMA EXCLOSURES                 | \$16,500.00         |
| 7115303 SPOTTED DOG RIPARIAN ASSESS                | \$23,967.00         |
| 7115302 SPOTTED DOG UPLAND VEGI ASSESS             | \$22,176.00         |
| 7115310 R-3 BEAR CREEK RD RPR WASHOUT              | \$3,415.00          |
| 7115312 R-4 SMITH RIVER WMA RD GRADE               | \$5,000.00          |
| <b>599205-AUNT MOLLY WMA DRIFT FENCE GNF</b>       | <b>\$23,574.00</b>  |
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| <u>53832 R-3 MT HAGGIN MILL CREEK FENCE</u>        | <u>\$19,412.00</u>  |
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| <b>7095323 - R-4 BECKMAN WM BOUNDARY FNC w/GNF</b> | <b>\$150,921.25</b> |
| 5886 Statewide Weed Control                        |                     |

Table 2.  
 Summary of Projects Initiated in Fiscal Year 2012 that may span multiple fiscal years. Bolded items are Good Neighbor funded projects. Underlined projects were funded using Natural Resource Damage funds. The remainder of projects was funded by Habitat Montana funds, unless otherwise noted.

| Wildlife WMA Projects Initiated During FY12      |                       |            |
|--|-----------------------|------------|
| Project  | Budgeted              | Status     |
| R-1  |                       |            |
| 7095318 - R-1 NINEPIPE WMA RINGNECK FENCE        | \$10,000.00           |            |
| 7115305 R-1 NINEPIPE CULVERT REPLACEMENT         | \$11,300.00           | ongoing    |
| 7115319 R-1 WOODS RANCH WMA POND/PIPE            | \$25,000.00           |            |
| 7095317 R-1 NINEPIPE WMA SHOP UPGRADE            | 6,842.00              | complete   |
|  |                       |            |
| R-2  |                       |            |
| 7095304 - B-C HOUSE REMOVE PORCH                 | \$7,000.00            |            |
| 7095314 - B-C WMA BOYD PASTURE #2 RESTORE        | \$60,000.00           |            |
| 7095319 - R-2 B-C WMA ROAD RE-CONDITION          | \$3,215.00            | complete   |
| <b>599203-THREEMILE WMA RD RE-CONDITION GNF</b>  | <b>\$77,000.00</b>    |            |
| <b>599205-AUNT MOLLY WMA DRIFT FENCE GNF</b>     | <b>\$23,574.00</b>    | complete   |
| <u>7115701 - SPOTTED DOG WMA SURVEY/FENCING</u>  | <u>\$1,023,740.00</u> | ongoing    |
| 7115302 SPOTTED DOG VEGETATION ASSESSMENT        | \$22,176.00           | complete   |
| 7115303 SPOTTED DOG RIPARIAN ASSESSMENT          | \$23,967.00           | complete   |
| 7115306 R-2 MARSHALL CREEK RD DECOMMISSION       | \$25,000.00           | ongoing    |
| <b>599207 CALF CREEK FENCE REMOVE/REPLAC GNF</b> | <b>\$13,387.00</b>    | out to bid |
|  |                       |            |
| R-3  |                       |            |
| 7035332 - MT HAGGIN - BEAVER CK FENCE            | \$10,000.00           |            |
| 7075313 - R-3 WALL CREEK WMA SOLAR UPGRADE       | \$12,000.00           |            |
| 7095307 - MT HAGGIN WMA 10 MI/12 MI FENCE        | \$60,000.00           | bid        |
| 7095320 - R-3 MT HAGGIN FENCE/SURVEY/BY HWY      | \$25,000.00           |            |

### Wildlife WMA Projects Initiated During FY12

|  |                     |                 |
|--|---------------------|-----------------|
| 7095321 - R-3 CANYON FERRY INFRASTRUCTUR/IRR         | \$28,000.00         | region          |
| 7095326 - R-3 MT HAGGIN BEAVER CK/CA CREEK FNC       | \$133,000.00        |                 |
| <b>599302-BLACKTAIL WMA W BNDRY FNC RPLC GNF</b>     | <b>\$53,000.00</b>  | ongoing         |
| <b>599303-ROBB/LEDFORD WMA BNDRY FNC RBLD GNF</b>    | <b>\$35,000.00</b>  |                 |
| 7095328 -R-3 ROBB LEDFORD VEGETATION ASSESS          | \$24,925.00         | ongoing         |
| 7095329-ROBB LEDFORD WATER GAP/FENCE                 | \$20,000.00         | ongoing         |
| 7115307 R-3 WALL CREEK FENCE REPLACEMENT             | \$30,500.00         | ongoing         |
| 7115308 R-3 BLACKTAIL FENCE REPLACEMENT              | \$71,000.00         | ongoing         |
| 7115309 R-3 MT HAGGIN ROAD GRADE/REPAIR              | \$8,000.00          | ongoing         |
| 7115310 R-3 BEAR CREEK REPAIR WASHOUT                | \$3,415.00          | complete        |
| 7075304 MT HAGGIN - FAIRMONT FENCE                   | 26,207.75           | complete        |
| 7035312 MT HAGGIN MULE RANCH FENCE                   | 21,409.60           | complete        |
| <b>R-4</b>   |                     |                 |
| 7095315 - JUDITH RIVER WMA ROAD IMPROVE              | \$82,905.50         | complete        |
| <b>7095323 - R-4 BECKMAN WM BOUNDRY FNC W/GNF</b>    | <b>\$88,000.00</b>  | complete        |
| 7095324 - R-4 WMA SIGN REPLACEMENT                   | \$10,000.00         | ongoing         |
| 7095325 - R-4 JUDITH WMA GRAVEL SUPPLY               | \$10,000.00         | region          |
| 7095330 - R-4 BEARTOOTH WMA RD REPAIR/RPLC           | \$25,000.00         | ongoing         |
| 7115311 R-4 FREEZOUT RIP RAP                         | \$50,000.00         | ongoing         |
| 7115312 R-4 SMITH RIVER WMA ROAD GRADE               | \$5,000.00          | complete        |
| 7115313 R-4 BECKMAN IRRIGATION PUMP INFRASTR         | \$10,000.00         | ongoing         |
| <b>599402 JUDITH FENCE REPLACEMENT GNF</b>           | <b>\$60,000.00</b>  | need site visit |
| <b>599403 MARIAS RIVER FENCE RPLC PRIORITY 1 GNF</b> | <b>\$112,500.00</b> | need site visit |
| <b>599407 BECKMAN BOUNDARY FENCE PHASE II GNF</b>    | <b>\$100,000.00</b> | complete        |
| 7095309 FREEZEOUT OFC ENERGY UPGRADE                 | 5,349.00            | complete        |
| 7095322 R-3 WALL CK WMA EXCLOSURES                   | 16,500.00           | complete        |
| 9830 BECKMAN BOUNDARY FENCE PHASE II                 | 29,750.00           | complete        |

### Wildlife WMA Projects Initiated During FY12

|  |                     |                 |
|--|---------------------|-----------------|
| 7095321 - R-3 CANYON FERRY INFRASTRUCTUR/IRR         | \$28,000.00         | region          |
| 7095326 - R-3 MT HAGGIN BEAVER CK/CA CREEK FNC       | \$133,000.00        |                 |
| <b>599302-BLACKTAIL WMA W BNDRY FNC RPLC GNF</b>     | <b>\$53,000.00</b>  | ongoing         |
| <b>599303-ROBB/LEDFORD WMA BNDRY FNC RBLD GNF</b>    | <b>\$35,000.00</b>  |                 |
| 7095328 -R-3 ROBB LEDFORD VEGETATION ASSESS          | \$24,925.00         | ongoing         |
| 7095329-ROBB LEDFORD WATER GAP/FENCE                 | \$20,000.00         | ongoing         |
| 7115307 R-3 WALL CREEK FENCE REPLACEMENT             | \$30,500.00         | ongoing         |
| 7115308 R-3 BLACKTAIL FENCE REPLACEMENT              | \$71,000.00         | ongoing         |
| 7115309 R-3 MT HAGGIN ROAD GRADE/REPAIR              | \$8,000.00          | ongoing         |
| 7115310 R-3 BEAR CREEK REPAIR WASHOUT                | \$3,415.00          | complete        |
| 7075304 MT HAGGIN - FAIRMONT FENCE                   | 26,207.75           | complete        |
| 7035312 MT HAGGIN MULE RANCH FENCE                   | 21,409.60           | complete        |
| <b>R-4</b>   |                     |                 |
| 7095315 - JUDITH RIVER WMA ROAD IMPROVE              | \$82,905.50         | complete        |
| <b>7095323 - R-4 BECKMAN WMI BOUNDRY FNC W/GNF</b>   | <b>\$88,000.00</b>  | complete        |
| 7095324 - R-4 WMA SIGN REPLACEMENT                   | \$10,000.00         | ongoing         |
| 7095325 - R-4 JUDITH WMA GRAVEL SUPPLY               | \$10,000.00         | region          |
| 7095330 - R-4 BEARTOOTH WMA RD REPAIR/RPLC           | \$25,000.00         | ongoing         |
| 7115311 R-4 FREEZOUT RIP RAP                         | \$50,000.00         | ongoing         |
| 7115312 R-4 SMITH RIVER WMA ROAD GRADE               | \$5,000.00          | complete        |
| 7115313 R-4 BECKMAN IRRIGATION PUMP INFRASTR         | \$10,000.00         | ongoing         |
| <b>599402 JUDITH FENCE REPLACEMENT GNF</b>           | <b>\$60,000.00</b>  | need site visit |
| <b>599403 MARIAS RIVER FENCE RPLC PRIORITY 1 GNF</b> | <b>\$112,500.00</b> | need site visit |
| <b>599407 BECKMAN BOUNDARY FENCE PHASE II GNF</b>    | <b>\$100,000.00</b> | complete        |
| 7095309 FREEZEOUT OFC ENERGY UPGRADE                 | 5,349.00            | complete        |
| 7095322 R-3 WALL CK WMA EXCLOSURES                   | 16,500.00           | complete        |
| 9830 BECKMAN BOUNDARY FENCE PHASE II                 | 29,750.00           | complete        |

### Wildlife WMA Projects Initiated During FY12

|            |                                     |              |                 |
|------------|-------------------------------------|--------------|-----------------|
|            |                                     |              |                 |
| <b>R-5</b> |                                     |              |                 |
| 7115301    | YELLOWSTONE WMA ROAD REPAIR         | \$19,500.00  | need to bid     |
| 7115314    | R-5 YELLOWSTONE WMA BUILDING        | \$50,000.00  | need to bid     |
| 7115315    | R-5 YELLOWSTONE WMA FENCE RPLCE     | \$30,000.00  | need to bid     |
|            |                                     |              |                 |
| <b>R-6</b> |                                     |              |                 |
| 7035334    | - ROOKERY WMA RESTORATION           | \$100,000.00 | ongoing         |
| 7075312    | - R-6 WMA OLSON RESTORATION         | \$60,000.00  | region          |
| 7115316    | R-6 AREA 8 WMA REPLACE WATER CONTRL | \$21,000.00  | Need site visit |
| 7115317    | R-6 FOX LAKE WMA DIKE REPAIRS       | \$16,000.00  | Need site visit |
|            |                                     |              |                 |
| <b>R-7</b> |                                     |              |                 |
| 7115318    | ISAAC HOMESTEAD PUMP FLD W/FEMA     | \$11,000.00  | ongoing         |

**Maintenance Plans for FY13:**

Continue with general maintenance activities at all FWP Wildlife Management Areas, including weed control, fence maintenance, road maintenance, boundary marking, litter pick-up, signing, grazing management, and other necessary maintenance.

Complete the ongoing capital maintenance projects identified above

Identify and prep new capital maintenance projects for implementation beginning in the spring 2013 building season.

Develop geospatially-referenced WMA database to track maintenance and monitoring efforts over time, and to use for planning maintenance needs into the future.

Fish, Wildlife and Parks Maintenance Accounts Report

11/10/2011

Parks Maintenance Fund #02064

Balance \$46,944

Deposits into #02064 through June 30, 2011:

- FY10
  - Fish Creek acquisition \$ 46,944

Withdrawals from #02064 through June 30, 2011:

- None \$ 0

Regional Reports of Maintenance Completed during FY11:

Maintenance Plans for FY12:

- The division has requested approval of \$20,000 in operations which is earmarked for the following areas:
  - Weed control- spraying in the park and on roads overgrown with weeds
  - Fencing – repair and replace fences with neighboring property owners
  - Public safety- maintenance of the fire outlook roof and structure, fencing to maintain public safety around outlook
  - Road work – repair of existing roads, culvers and gates as necessary for public safety and access in the park

Resource protection – mapping of resources to provide baseline data on weed control, maintenance and other improvements made at the park

- Balance of fund will be used to address maintenance issues as needed at the site over time.

Additional Information:

- Note- The division expended approximately \$8,742 in weed control expenditures in base funding for FY11 at Fish Creek.

Fishing Access Site Maintenance Fund #02056

Balance \$291,020

Deposits into #02056 through June 30, 2011:

|         |                                      |                   |
|---------|--------------------------------------|-------------------|
| • FY10  |                                      |                   |
| ○       | Seed money transferred from #02409   | \$ 200,000        |
| ○       | Clark's Fork Yellowstone acquisition | 103,500           |
| ○       | Stipek FAS                           | 99,000            |
| ○       | McWennemegar Slough                  | 6,000             |
| ○       | Cottonwood Grove FAS                 | 6,000             |
| ○       | Eight Mile FAS                       | 8,190             |
| ○       | Interest                             | <u>837</u>        |
| ○       | TOTAL                                | \$ 423,527        |
| • FY11  |                                      |                   |
| ○       | Interest                             | \$ <u>1,133</u>   |
| • TOTAL |                                      | <u>\$ 424,660</u> |

Resource protection – mapping of resources to provide baseline data on weed control, maintenance and other improvements made at the park

- Balance of fund will be used to address maintenance issues as needed at the site over time.

Additional Information:

- Note- The division expended approximately \$8,742 in weed control expenditures in base funding for FY11 at Fish Creek.

Fishing Access Site Maintenance Fund #02056

Balance \$291,020

Deposits into #02056 through June 30, 2011:

|                |                                      |                          |
|----------------|--------------------------------------|--------------------------|
| • FY10         |                                      |                          |
| ○              | Seed money transferred from #02409   | \$ 200,000               |
| ○              | Clark's Fork Yellowstone acquisition | 103,500                  |
| ○              | Stipek FAS                           | 99,000                   |
| ○              | McWenegar Slough                     | 6,000                    |
| ○              | Cottonwood Grove FAS                 | 6,000                    |
| ○              | Eight Mile FAS                       | 8,190                    |
| ○              | Interest                             | 837                      |
| ○              | <u>TOTAL</u>                         | <u>\$ 423,527</u>        |
| • FY11         |                                      |                          |
| ○              | Interest                             | \$ 1,133                 |
| • <b>TOTAL</b> |                                      | <b><u>\$ 424,660</u></b> |

Withdrawals from #02056 through June 30, 2011:

- FY11
    - Multiple Orgs
- \$ 133,640

Regional Reports of Maintenance Completed during FY11:

Expenditures were approximately \$133,640 for personal services and operations that were attributable to FAS weed control and maintenance efforts statewide. Table 1 below provides: fund, description and duties performed, region, cost of personal services & operations, and totals for expenditures. Seasonal maintenance workers conducted work such as weed spraying, fencing, latrine cleaning, and repair of facilities for public safety to meet the policy of the good neighbor bill and reduce impacts to adjacent properties. Operations expenditures were for weed spraying contracts, chemicals, spraying equipment, safety equipment, fencing materials, toilet paper for latrines and other field supplies.

Table 1

| <b>FY2011 FAS Expenditures</b> |   |               |                   | Personal        |                  | Totals |
|--------------------------------|---|---------------|-------------------|-----------------|------------------|--------|
| <u>Fund</u>                    | <u>Description/Duties Performed</u>                                 | <u>Region</u> | <u>Service \$</u> | <u>Ops \$</u>   |                  |        |
| 02056                          | Maint Worker Beaverhead & Big Hole Rivers/Weed Spraying & Maint Ops | 3             | \$53,234          | \$22,194        | \$75,428         |        |
| 02056                          | Weed Spraying & Maint Ops   | 1             | \$6,030           | \$11,921        | \$17,951         |        |
| 02056                          | Weed Spraying & Maint Ops   | 2             |                   | \$9,911         | \$9,911          |        |
| 02056                          | Weed Spraying & Maint Ops   | 4 & 6         |                   | \$14,477        | \$14,477         |        |
| 02056                          | Weed Spraying & Maint Ops   | 5             | \$1,615           | \$12,132        | \$13,748         |        |
| 02056                          | Weed Spraying & Maint Ops   | 7             | \$94              | \$2,031         | \$2,125          |        |
|                                |   |               | <b>\$60,973</b>   | <b>\$72,665</b> | <b>\$133,640</b> |        |

**Maintenance Plans for FY12:**

The Fishing Access Site (FAS) Program was transferred from the Park Division to the Fisheries Bureau of the Fish and Wildlife Division beginning FY12. The Fisheries Bureau will continue the 'good neighbor policy' of public land use with a goal of reducing impacts to neighboring private and public land. The Bureau will continue to make maintenance of fishing access sites a priority and this will include weed control and prevention, fence repair, facility upkeep, litter removal, and other duties that are part of the proper management of sites. Weed control will be a major focus of these efforts.

The Fisheries Bureau budgeted a total of \$239,649 for weed control efforts at fishing access sites; \$153,918 for personal services (3.75 FTE) and \$81,230 for operations. The FTE and operations money will be divided among the seven (7) administrative regions of the Department. The maintenance worker positions will be tasked with a number of weed control responsibilities including purchase and application of chemical and biological controls, administration of contracted control work, and coordination with county and private weed control efforts. The maintenance workers will have other duties assigned consistent with the good neighbor policy including maintaining boundary fences, cleaning latrines, picking up litter, and other types of site stewardship that lead to good relationships with neighboring property owners. A river ranger position assigned to the Beaverhead and Big Hole River access sites will be responsible for maintenance, weed control, and landowner relations on these two high profile rivers in southwest Montana.

See table 2 below for a breakdown of expenses.

**Table 2**

| <b>FY2012 FAS Expenditures</b> |               |             |                                  |                            |                 |                  |
|--------------------------------|---------------|-------------|----------------------------------|----------------------------|-----------------|------------------|
| <u>Fund</u>                    | <u>Region</u> | <u>FTE</u>  | <u>Position/Description</u>      | <u>Personal Service \$</u> | <u>Ops \$</u>   | <u>Totals</u>    |
| <b>Budgeted</b>                |               |             |                                  |                            |                 |                  |
| 02056                          | 1             | 0.50        | Maintenance Worker, Weed Support | \$25,179                   | \$12,000        | \$37,179         |
| 02056                          | 2             | 0.40        | Maintenance Worker, Weed Support | \$13,106                   | \$10,000        | \$23,106         |
| 02056                          | 3             | 1.50        | Maintenance Worker, Weed Support | \$62,604                   | \$27,730        | \$90,334         |
| 02056                          | 4             | 0.40        | Maintenance Worker, Weed Support | \$13,106                   | \$10,000        | \$23,106         |
| 02056                          | 5             | 0.50        | Maintenance Worker, Weed Support | \$25,179                   | \$13,000        | \$38,179         |
| 02056                          | 6             | 0.20        | Maintenance Worker, Weed Support | \$6,553                    | \$4,500         | \$11,053         |
| 02056                          | 7             | 0.25        | Maintenance Worker, Weed Support | \$8,191                    | \$8,500         | \$16,692         |
| <b>Total Budgeted:</b>         |               | <b>3.75</b> |                                  | <b>\$153,918</b>           | <b>\$81,230</b> | <b>\$239,649</b> |

**Maintenance Plans for FY12:**

The Fishing Access Site (FAS) Program was transferred from the Park Division to the Fisheries Bureau of the Fish and Wildlife Division beginning FY12. The Fisheries Bureau will continue the 'good neighbor policy' of public land use with a goal of reducing impacts to neighboring private and public land. The Bureau will continue to make maintenance of fishing access sites a priority and this will include weed control and prevention, fence repair, facility upkeep, litter removal, and other duties that are part of the proper management of sites. Weed control will be a major focus of these efforts.

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See table 2 below for a breakdown of expenses.

**Table 2**

| <b>FY2012 FAS Expenditures</b> |               |            |                                  | <u>Personal</u>   | <u>Ops \$</u>   | <u>Totals</u>    |
|--------------------------------|---------------|------------|----------------------------------|-------------------|-----------------|------------------|
| <u>Fund</u>                    | <u>Region</u> | <u>FTE</u> | <u>Position/Description</u>      | <u>Service \$</u> |                 |                  |
| <b>Budgeted</b>                |               |            |                                  |                   |                 |                  |
| 02056                          | 1             | 0.50       | Maintenance Worker, Weed Support | \$25,179          | \$12,000        | \$37,179         |
| 02056                          | 2             | 0.40       | Maintenance Worker, Weed Support | \$13,106          | \$10,000        | \$23,106         |
| 02056                          | 3             | 1.50       | Maintenance Worker, Weed Support | \$62,604          | \$27,730        | \$90,334         |
| 02056                          | 4             | 0.40       | Maintenance Worker, Weed Support | \$13,106          | \$10,000        | \$23,106         |
| 02056                          | 5             | 0.50       | Maintenance Worker, Weed Support | \$25,179          | \$13,000        | \$38,179         |
| 02056                          | 6             | 0.20       | Maintenance Worker, Weed Support | \$6,553           | \$4,500         | \$11,053         |
| 02056                          | 7             | 0.25       | Maintenance Worker, Weed Support | \$8,191           | \$8,500         | \$16,692         |
| <b>Total Budgeted:</b>         |               |            |                                  | <b>\$153,918</b>  | <b>\$81,230</b> | <b>\$239,649</b> |

Includes expenditure from Habitat Montana accounts

Wildlife Management Areas (WMA) Maintenance Fund #02469

Balance \$1,082,991

Deposits into #02469 through June 30, 2011:

|         |                      |                    |
|---------|----------------------|--------------------|
| • FY09  | ○ Little Doney       | \$ 100,000         |
| • FY10  | ○ Little Doney       | \$ 170,000         |
|         | ○ Beckman WMA        | 8,000              |
|         | ○ Fish Creek WMA     | 253,056            |
|         | ○ Total              | \$ 431,056         |
| • FY11  | ○ Marshall Block WMA | 300,000            |
|         | ○ Swan Section 31    | 300,000            |
|         | ○ TOTAL              | \$ 600,000         |
| • TOTAL |                      | <u>\$1,131,056</u> |

The Clark Fork Natural Resources Damage Program provided funding for the acquisition of Spotted Dog Wildlife Management Area. The NRD program also committed to providing \$1,023,740 over a five year period to meet the intent of SB 164, specifically for maintenance activities associated with acquisition of Spotted Dog WMA, such as boundary surveys, perimeter fencing, and weed control. However, because of NRD program requirements, this funding can only be used for specific actions on Spotted Dog, and is provided on a reimbursable basis. Therefore, while the intent of SB 164 is being more than met, there was not a separate deposit into the Good Neighbor account.

In addition to the above funding, there is funding earmarked specifically for development and maintenance of Wildlife properties through 87-1-242 MCA (Habitat Montana). Per 87-1-242, funds were collected and earmarked for habitat development and maintenance in FY2011, 50% of

which was available for operations and maintenance of FWP lands, while the other 50% was deposited into an interest-bearing account. \$1,023,088 from that account was used in FY2011 for maintenance of FWP lands or conservation easements acquired by FWP.

**Withdrawals from #02469 through June 30, 2011:**

|                    |                  |
|--------------------|------------------|
| • FY10             |                  |
| ○ Multiple Org #s  | \$ 6,516         |
| • FY11             |                  |
| ○ Multiple Org #'s | \$ 41,549        |
| • TOTAL            | <u>\$ 48,065</u> |

**Regional Reports of Maintenance Completed during FY11:**

This report below summarizes Wildlife maintenance activities completed during FY2011 with funding from all of the above sources (Good Neighbor, Habitat Montana, NRD).

**Wildlife Good Neighbor Policy Implementation**

The following statutes are referenced in preparation of the report below regarding maintenance of FWP Wildlife lands and implementation of the Good Neighbor Policy as described in 23-1-126 MCA.

**87-1-230** - There is maintenance account in the state special revenue fund. In addition to the funds set aside for maintenance of land or water acquired by the department pursuant to 87-1-209(1)(Good Neighbor), the department shall also deposit into the maintenance account:

- (a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a) [Habitat Montana];
- (b) interest earned on the account; and
- (c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

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|                    |                  |
|--------------------|------------------|
| • FY10             |                  |
| ○ Multiple Org #s  | \$ 6,516         |
| • FY11             |                  |
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| • TOTAL            | <u>\$ 48,065</u> |

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- (a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a) [Habitat Montana];
- (b) interest earned on the account; and
- (c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

**87-1-209** – Good Neighbor (per SB164) - Any acquisition of land or water rights for purposes of this subsection, except that portion of acquisitions made with funds provided under 87-1-242(1), must include an additional 20% above the purchase price to be used for maintenance of land or water acquired by the department. The additional amount above the purchase price or \$300,000, whichever is less, must be deposited in the account established in [section 5]. As used in this subsection, "maintenance" means that term as defined in and consistent with the good neighbor policy in 23-1-127(2).

**87-1-242** – Habitat Montana (per HB 526) - Twenty percent of the money allocated by this section (Habitat Montana) must be used as follows:

- (a) up to 50% a year may be used for development and maintenance of real property used for wildlife habitat; and
- (b) the remainder and any money not allocated for development and maintenance under subsection (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for use in the manner prescribed for the development and maintenance of real property used for wildlife habitat.

This report summarizes maintenance activities completed during FY2011 with funding from all of the above sources.

**Maintenance Completed during FY11:**

In FY11, Wildlife utilized resources from the Habitat Maintenance Account (Habitat Montana) for most general maintenance, and resources from the Good Neighbor account to specifically address maintenance issues identified as priority in 23-1-127(2):

With regard to recreational land or water rights acquired pursuant to 87-1-209 for public hunting, fishing, trapping, or outdoor recreation, implementation of the good neighbor policy requires that priority is to be given to maintenance. As used in 23-1-126(2)(b) and this subsection, "maintenance" means:

- (a) Weed control;
- (b) Garbage and litter removal;
- (c) Repair of existing fences;
- (d) Implementation of safety and health measures required by law to protect the public;
- (e) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the land or water;
- (f) Erosion control;
- (g) Stream bank stabilization
- (h) Erection of barriers necessary to preserve riparian vegetation and habitat;
- (i) planting of native trees, grasses, and shrubs for habitat stabilization; and

(j) Other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126 and this section.

To meet the requirement and priorities of the good neighbor policy, FWP Wildlife used resources from the Good Neighbor account to create/pay for FTE in Regions 1, 2, and 6 as follows:

- R1 - 0.25 FTE - to assist with maintenance on the recently acquired North Shore property, as well as Nine Pipes WMA parcels. \$9,965.88 of Good Neighbor funding was used towards this in FY11.
- R2 - 2.0 FTE - to assist with general maintenance of R2 WMAs, especially with initial costs at newly acquired Fish Creek, Marshall Block, and Spotted Dog WMAs. Accomplishments include significant weed control, fence repairs, boundary marking, signing, and providing critical assistance at Warm Springs WMA during spring 2011 to help manage flood waters and prevent flooding to the neighboring Warm Springs Hospital. \$5,824.92 of Good Neighbor funding was used towards this in FY11. \$111,041 is budgeted for this in FY12.
- R6 - .50 FTE - to assist with weed control, signing, boundary marking, water management, and general maintenance on the recently acquired Cree Crossing WMA, as well as other R6 WMAs. Noxious Weeds control is the main priority for the Good Neighbor FTE, with a focus on incorporating an intensive noxious weed mapping and spraying program. With his GIS mapping and GPS capability, he is currently in the process of mapping weed locations at each of the WMA's. With a detailed noxious weed map of each WMA, we as a department can properly and effectively manage noxious weeds on our lands better than contracting to any outside source. \$18,106.76 of Good Neighbor funding was used towards this in FY11. \$23,496 is budgeted for FY12.

These FTE will continue into the future and will draw from the Good Neighbor account to assist with WMA maintenance priorities.

In addition to the Good Neighbor FTE noted above, FWP staff in each region perform general maintenance activities at all WMAs. Types of general maintenance include weed control, fence repairs, road maintenance, boundary marking, signing, cleaning of cattle guards, in some places grazing and water management, and repairs to buildings and infrastructure.

In addition to general day-to-day maintenance, funds from both the Good Neighbor and the Habitat Maintenance accounts were used for a variety of capital maintenance projects. Many of these projects span fiscal years, so accomplishments are reported as projects completed in FY2011, as well as a summary of ongoing projects that were initiated in 2011 but may not yet be completed.

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## WILDLIFE HABITAT PROJECTS COMPLETED DURING FY11

| Project                                      | Amount <sup>1</sup> | Description  |
|--|---------------------|--|
| 7075312 R-6 WMA OLSON RESTORATION            | 8,777.86            | Habitat restoration  |
| 7095308 MT HAGGIN WILLOW GLEN FENCE          | 23,649.65           | Boundary fencing & boundary survey   |
| 7095309 FREEZEOUT OFC ENERGY UPGRADE         | 39,642.03           | Asbestos abatement & energy retrofit projects                                  |
| 7095316 WARM SPRINGS WMA SEWERLINE RPL       | 14,300.00           | Replace sewerline @ WMA residence  |
| 7095321 R3 CANYON FERRY INFRASTRUCTURE       | 19,587.50           | Infrastructure Irrigation cost share agreement on Hahn Ranch                   |
| 7095327 CANYON FERRY MEYERS DU RESTOR        | 11,272.80           | Survey Meyer's Ranch tract on WMA  |
| 7035324 SUN RIVER 4 MI PERIMETER FENCE       | 228,530.43          | Boundary survey & perimeter fencing  |
| 7035334 ROOKERY WMA RESTORATION              | 37,911.10           | 2 projects - Irrigation Ditch Repair (\$11,100) & Pump & Irrigation (\$26,811) |
| 7055311 ISSAC HOMESTEAD BRIDGE               | 14,768.00           | Muggins Creek Culvert Installation   |
| 7075311 R-4 MARIAS RIVER WMA Boundary Survey | 292,678.57          | Survey began in FY09 Completed FY11; Construction all FY11                     |
| 7075320 R4 WMA LATRINE BTOOTH/JUDI/EAR       | 34,975.00           | Latrines for Beartooth, Judith & Ear Mountain WMA                              |
| 7075321 R-6 MILK RIVER AREA 7 & 8 FENC       | 15,020.14           | Fencing repairs  |
| 7075322 LAKE HELENA WMA PARKING LOT          | 9,023.00            | Parking lot & fence repairs  |

|         |                                       |           |   |
|---------|---------------------------------------|-----------|---|
| 7075323 | ROBB/LEDFORD WMA VEGETAT EVAL         | 22,903.00 | Vegetation Evaluation                             |
| 7095301 | WOODS RANCH WMA                       | 24,952.50 | Orchard Loop road repair                          |
| 7095305 | ROBB CREEK RIPARIAN FENCE             | 23,619.05 | Three miles of four wire fence                    |
| 7095306 | MANLEY EASEMENT WELL                  | 28,989.71 | Stock water system on easement                    |
| 7095308 | MT HAGGIN WILLOW GLEN FENCE           | 23,649.65 | Repair existing fence & install new               |
| 5885    | WALL CREEK WMA SHOP                   | 5,622.82  | Electrical upgrade (O&M)                          |
| 738602  | ROBB LEDFORD TAKE DOWN FENCE          | 8,000.00  | Take down 2 miles of fence (O&M)                  |
| 7115701 | SPOTTED DOG ACCESS GATES <sup>2</sup> | 8,341.80  | Install gates & remove & reset cattle guard (NRD) |
| 58301   | MOUNT HAGGIN WMA DUHAME               | 91,584.83 | Boundary survey & fencing (NRD)                   |
| 5886    | STATEWIDE WEED CONTROL                | 37,338.00 | Weed control at WMAs throughout the state         |

<sup>1</sup> Amount may span multiple fiscal years

<sup>2</sup> Items in Green funded with NRD funds

|         |                                       |           |   |
|---------|---------------------------------------|-----------|---|
| 7075323 | ROBB/LEDFORD WMA VEGETAT EVAL         | 22,903.00 | Vegetation Evaluation                             |
| 7095301 | WOODS RANCH WMA                       | 24,952.50 | Orchard Loop road repair                          |
| 7095305 | ROBB CREEK RIPARIAN FENCE             | 23,619.05 | Three miles of four wire fence                    |
| 7095306 | MANLEY EASEMENT WELL                  | 28,989.71 | Stock water system on easement                    |
| 7095308 | MT HAGGIN WILLOW GLEN FENCE           | 23,649.65 | Repair existing fence & install new               |
| 5885    | WALL CREEK WMA SHOP                   | 5,622.82  | Electrical upgrade (O&M)                          |
| 738602  | ROBB LEDFORD TAKE DOWN FENCE          | 8,000.00  | Take down 2 miles of fence (O&M)                  |
| 7115701 | SPOTTED DOG ACCESS GATES <sup>2</sup> | 8,341.80  | Install gates & remove & reset cattle guard (NRD) |
| 58301   | MOUNT HAGGIN WMA DUHAME               | 91,584.83 | Boundary survey & fencing (NRD)                   |
| 5886    | STATEWIDE WEED CONTROL                | 37,338.00 | Weed control at WMAs throughout the state         |

<sup>1</sup> Amount may span multiple fiscal years

<sup>2</sup> Items in Green funded with NRD funds

**ONGOING WILDLIFE HABITAT PROJECTS (CAPITAL/NRD/O&M) INITIATED DURING FY11**

|  | <u>Budgeted</u> | <u>Status (9/1/2011)</u> |
|--|-----------------|--------------------------|
| R-1  |                 |                          |
| 7095317 - NINEPIPE WMA SHOP UPGRADE                    | \$5,800.00      |                          |
| 7095318 - R-1 NINEPIPE WMA RINGNECK FENCE              | \$10,000.00     |                          |
| WOODS RANCH WMA POND VALVE AND PIPE REPAIR             | \$10,000.00     | Ongoing                  |
| R-2  |                 |                          |
| 7095304 - B-C HOUSE REMOVE PORCH                       | \$7,000.00      |                          |
| 7075317 - AUNT MOLLY CULTURAL                          | \$1,792.71      | Completed                |
| 7095314 - B-C WMA BOYD PASTURE #2 RESTORE              | \$60,000.00     | Region Project           |
| 7095319 - R-2 B-C WMA ROAD RE-CONDITION                | \$7,500.00      | Completed                |
| 599201/799211-MARSHALL CK RD DECOMISH GNF <sup>1</sup> | \$70,000.00     | Under Contract           |
| 599202-FISH CREEK WMA WEED CONTROL GNF <sup>1</sup>    | \$25,000.00     | Region Project           |
| 599203-THREEMILE WMA RD RE-CONDITION GNF <sup>1</sup>  | \$77,000.00     |                          |
| 599204-B-C WMA WEED CONTROL GNF <sup>1</sup>           | \$13,000.00     | Region Project           |
| 599205-AUNT MOLLY WMA DRIFT FENCE GNF <sup>1</sup>     | \$8,000.00      |                          |
| 5885 - AUNT MOLLY WMA PARKING LOT                      | \$1,200.00      |                          |
| 5885 - NEVADA LAKE WMA FENCE BARRIER                   | \$750.00        |                          |
| 592004 - NRD/MOORE/BLUE EYED NELLIE - Parking Lot      | \$2,500.00      | Under Contract           |

| Project ID | Description                                       | Amount                    | Status                            |
|------------|---|---------------------------|-----------------------------------|
| 7115701    | - NRD SPOTTED DOG WMA SURVEY/FENCING <sup>2</sup> | \$1,023,740.00            | Under Contract (Cadastral Survey) |
|            | PERIMETER BOUNDARY SURVEY                         | \$210,000 (Spent to date) |                                   |
|            | SOUTHEAST BOUNDARY FENCE                          | \$68,000 (Spent to date)  |                                   |
|            | SOUTHWEST BOUNDARY FENCE                          | \$57,000 (Spent to date)  |                                   |
|            | WEST NORTHWEST BOUNDARY FENCE                     | \$72,000 (Spent to date)  |                                   |
| <b>R-3</b> |   |                           |                                   |
| 7035311    | - MT HAGGIN DEEP CREEK EXCLOSURE                  | \$1,600.00                | Completed                         |
| 7035312    | - MT HAGGIN MULE RANCH FENCE                      | \$15,000.00               | Under Contract                    |
| 7035332    | - MT HAGGIN - BEAVER CK FENCE                     | \$10,000.00               |                                   |
| 7075304    | - MT HAGGIN - FAIRMONT FENCE                      | \$37,000.00               | Completed                         |
| 7075313    | - R-3 WALL CREEK WMA SOLAR UPGRADE                | \$12,000.00               |                                   |
| 7095307    | - MT HAGGIN WMA 10 MI/12 MI FENCE                 | \$60,000.00               |                                   |
| 7095308    | - MT HAGGIN WILLOW GLEN FENCE                     | \$23,649.65               | Completed                         |
| 7095312    | - DUHAME WELL & WATER SYSTEM                      | \$33,000.00               | Well Completed                    |
| 7075323    | - ROBB LEDFORD WMA VEGETATION EVAL                | \$6,908.12                | Completed                         |
| 7095320    | - R-3 MT HAGGIN FENCE/SURVEY/BY HWY               | \$25,000.00               |                                   |
| 7095321    | - R-3 CANYON FERRY INFRASTRUCTUR/IRR              | \$28,000.00               | Region Project                    |
| 7095322    | - R-3 WALL CREEK WMA EXCLOSURES                   | \$18,500.00               |                                   |
| 7095326    | - R-3 MT HAGGIN BEAVER CK/GA CREEK FNC            | \$133,000.00              |                                   |
| 599301     | -CANYON CREEK WMA ADD PARK LOT GNF <sup>1</sup>   | \$50,000.00               | Completed                         |
| 599302     | -BLACKTAIL WMA W BNDRY FNC RPLC GNF <sup>1</sup>  | \$43,000.00               | Under Contract (Survey)           |
| 599303     | -ROBB/LEDFORD WMA BNDRY FNC RBLD GNF <sup>1</sup> | \$35,000.00               |                                   |

7115701 - NRD SPOTTED DOG WMA SURVEY/FENCING<sup>2</sup> \$1,023,740.00

Under Contract (Cadastral Survey)

PERIMETER BOUNDARY SURVEY \$210,000 (Spent to date)  
SOUTHEAST BOUNDARY FENCE \$68,000 (Spent to date)  
SOUTHWEST BOUNDARY FENCE \$57,000 (Spent to date)  
WEST NORTHWEST BOUNDARY FENCE \$72,000 (Spent to date)

R-3

7035311 - MT HAGGIN DEEP CREEK ENCLOSURE \$1,600.00  
7035312 - MT HAGGIN MULE RANCH FENCE \$15,000.00  
7035332 - MT HAGGIN - BEAVER CK FENCE \$10,000.00  
7075304 - MT HAGGIN - FAIRMONT FENCE \$37,000.00  
7075313 - R-3 WALL CREEK WMA SOLAR UPGRADE \$12,000.00  
7095307 - MT HAGGIN WMA 10 MI/12 MI FENCE \$60,000.00  
7095308 - MT HAGGIN WILLOW GLEN FENCE \$23,649.65  
7095312 - DUHAME WELL & WATER SYSTEM \$33,000.00  
7075323 - ROBB LEDFORD WMA VEGETATION EVAL \$6,908.12  
7095320 - R-3 MT HAGGIN FENCE/SURVEY/BY HWY \$25,000.00  
7095321 - R-3 CANYON FERRY INFRASTRUCTUR/IRR \$28,000.00  
7095322 - R-3 WALL CREEK WMA EXCLOSURES \$18,500.00  
7095326 - R-3 MT HAGGIN BEAVER CK/CA CREEK FNC \$133,000.00  
599301-CANYON CREEK WMA ADD PARK LOT GN<sup>F1</sup> \$50,000.00  
599302-BLACKTAIL WMA W BNDRY FNC RPLC GN<sup>F1</sup> \$43,000.00  
599303-ROBB/LEDFORD WMA BNDRY FNC RBLD GN<sup>F1</sup> \$35,000.00

Completed

Under Contract

Completed

Completed

Well Completed

Completed

Region Project

Completed

Under Contract (Survey)

|             |   |              |                                     |
|-------------|---|--------------|-------------------------------------|
|             | ROBBLEDFORD WATER GAP HARDENING GNF <sup>1</sup>            | \$20,000.00  |                                     |
|             | 5885 - WALL CREEK WMA MACHINE SHED ELECT                    | \$3,000.00   | Completed                           |
|             | 7095327 -R-3 CANYON FERRY MEYERS (DU RESTOR)                | \$11,300.00  | Completed                           |
|             | 53832 - NRD/MT HAGGIN MILL CREEK FENCE REMOVAL <sup>2</sup> | \$22,000.00  | Completed                           |
| <b>R-4</b>  | 7075307 - BECKMAN WMA II WATER                              | \$189,304.92 | Completed                           |
|             | 7075311 - R-4 MARIAS RIVER WMA (boundary survey)            | \$294,452.51 | Completed                           |
|             | 7095309 - FREEZEOUT OFC ENERGY UPDATE                       | \$50,000.00  | Completed                           |
|             | 7095315 - JUDITH RIVER WMA ROAD IMPROVE                     | \$58,500.00  | Under Contract                      |
|             | 7095323 - R-4 BECKMAN WM BOUNDRY FENCE                      | \$88,000.00  |                                     |
|             | 7095324 - R-4 WMA SIGN REPLACEMENT                          | \$10,000.00  | Region Project                      |
|             | 7095325 - R-4 JUDITH WMA GRAVEL SUPPLY                      | \$10,000.00  | Region Project                      |
|             | 599401-BEARTOOTH WMA WEED CONTROL GNF                       | \$16,500.00  | Region Project                      |
| <b>R-5</b>  | YELLOWSTONE WMA PARK/WMA BOUNDARY SURVEY                    |              |                                     |
| <b>R-6</b>  | 7035334 - ROOKERY WMA RESTORATION                           | \$100,000.00 | 2 Projects Done/New Parking Remains |
|             | 7075312 - R-6 WMA OLSON RESTORATION                         | \$60,000.00  | Region Project                      |
|             | 5885 - FRESNO TAILWATER WMA FENCE                           | \$2,000.00   | Region Wants to Cancel              |
|             | 5885 - MILK RIVER WMA AREA 7 HABITAT RESTOR                 | \$4,000.00   | Region Project                      |
| <b>MISC</b> | 7055302 - GRAVEL FOR ROAD MAINTENANCE                       | \$6,440.00   | Completed                           |

<sup>1</sup> Items in RED will be funded with Good Neighbor Funds

<sup>2</sup> Items in Green funded with NRD funds

**Maintenance Plans for FY12:**

Continue with general maintenance activities at all FWP Wildlife Management Areas, including weed control, fence maintenance, road maintenance, boundary marking, litter pick-up, signing, grazing management, and other necessary maintenance.

Implement efforts to repair WMAs damaged by floods in 2011 with emphasis on FEMA funded repairs – Primarily roads, bridges, water diversion structures, and dike erosion.

Complete the ongoing capital maintenance projects identified above

Identify and prep new capital maintenance projects for implementation beginning in the spring 2012 building season.

Develop geospatially-referenced WMA database to track maintenance and monitoring efforts over time, and to use for planning maintenance needs into the future.

**Maintenance Plans for FY12:**

Continue with general maintenance activities at all FWP Wildlife Management Areas, including weed control, fence maintenance, road maintenance, boundary marking, litter pick-up, signing, grazing management, and other necessary maintenance.

Implement efforts to repair WMAs damaged by floods in 2011 with emphasis on FEMA funded repairs – Primarily roads, bridges, water diversion structures, and dike erosion.

Complete the ongoing capital maintenance projects identified above

Identify and prep new capital maintenance projects for implementation beginning in the spring 2012 building season.

Develop geospatially-referenced WMA database to track maintenance and monitoring efforts over time, and to use for planning maintenance needs into the future.

**Wildlife and Fisheries Operations and Maintenance Account Balances  
From Non- Good Neighbor Program Accounts**

Senator Barrett had asked what the current balances are in our maintenance accounts for FWP lands. Specifically, the conversation was addressing the Habitat Montana and Fishing Access Site programs. Following are brief descriptions of the programs for the earmarked O&M funds and the current balances remaining. These do not include the statutorily appropriated Good Neighbor program amounts.

**Wildlife Habitat Maintenance** -- These appropriations are for the maintenance or repair of projects on wildlife lands. Revenue for this fund is 20% of the Habitat Montana earmarked licenses (10% deposited directly here; 10% deposited in a trust with the interest earnings transferred here).

Wildlife Habitat Maintenance is used for major weed control, to complete major road and fence construction projects, for some water development, and for other important maintenance of FWP Wildlife Management Area (WMA) infrastructure and habitat. A major focus for these efforts is to ensure FWP is a good neighbor with adjoining landowners. As maintenance costs continue to increase, the amount of work that can get done will decrease.

**Status of Appropriation Authority:**

| <u>Session</u> | <u>Fund</u> | <u>Appropriation</u> | <u>Dec 2012 Balance</u> | <u>FY14/15 Request</u> |
|----------------|-------------|----------------------|-------------------------|------------------------|
| 2009           | 02469       | EI069                | \$452,313               |                        |
| 2011           | 02469       | EI091                | \$796,227               |                        |
| 2011           | 02469       | 390H1                | \$196,823               |                        |
| 2013           | 02469       | HB 5 Request         |                         | \$970,000              |
| 2013           | 02469       | HB 2 Request         |                         | \$780,355              |

**Fishing Access Site (FAS) Maintenance** – this appropriation is for the operation, development, and maintenance of fishing access sites. Revenue for this fund is 75% of the FAS earmarked licenses (the other 25% is dedicated to FAS acquisitions).

**Status of Appropriation Authority:**

| <u>Session</u> | <u>Fund</u> | <u>Appropriation</u> | <u>Dec 2012 Balance</u> | <u>FY14/15 Request</u> |
|----------------|-------------|----------------------|-------------------------|------------------------|
| 2011           | 02333       | 380H1                | \$194,614               |                        |
| 2013           | 02333       | HB 2 Request         |                         | \$784,800              |

**Montana Fish, Wildlife and Parks**  
**Fee Title Land Acquisitions**  
**July 1, 2009, through December 31, 2012**

| DATE OF ACQUISITION | FWP SITE NAME                  | TYPE | FWP REGION | FWP FILE   | COUNTY     | ACRES     | FWP         | FUNDING SOURCES  | NON FWP                     |
|---------------------|--------------------------------|------|------------|------------|------------|-----------|-------------|--|-----------------------------|
| August 25, 2009     | Blackfoot-Clearwater           | WMA  | 2          | 2063.1(27) | Powell     | 1,268.09  |             | Habitat Conservation Program<br>Landowner Donation         | \$600,000<br>\$280,000      |
| September 16, 2009  | Clarks Fork of the Yellowstone | FAS  | 5          | 5425.1(01) | Carbon     | 172.56    | \$517,500   | Access Montana/General Fund                                |                             |
| September 28, 2009  | Osprey View                    | FCA  | 1          | 1180.1(01) | Flathead   | 71.25     |             | Bonneville Power Administration<br>Landowner Donation      | \$1,000,000<br>\$584,000    |
| September 28, 2009  | Stipek                         | FAS  | 7          | 7285.1(01) | Dawson     | 36.97     | \$164,000   | Access Montana/General Fund                                |                             |
| September 29, 2009  | Blackfoot-Clearwater           | WMA  | 2          | 2063.1(28) | Powell     | 314.17    | \$250,000   | Waterfowl Stamp<br>Landowner Donation                      | \$200,000                   |
| October 27, 2009    | McWeneger Slough               | FAS  | 1          | 1360.1(01) | Flathead   | 11.79     | \$30,000    | License Revenue  |                             |
| December 9, 2009    | Beckman                        | WMA  | 4          | 4090.1(05) | Fergus     | 80.00     | \$40,000    | Habitat Montana<br>Other                                   | \$40,000                    |
| December 29, 2009   | Stipek                         | FAS  | 7          | 7285.1(02) | Dawson     | 76.43     | \$331,000   | Access Montana/General Fund                                |                             |
| December 30, 2009   | Ninepipe                       | WMA  | 1          | 1072.1(39) | Lake       | 240.00    |             | Land Exchange  |                             |
| January 26, 2010    | Blackfoot-Clearwater           | WMA  | 2          | 2063.1(29) | Missoula   | 52.73     |             | Land Exchange  |                             |
| February 1, 2010    | Cottonwood Grove               | FAS  | 4          | 4445.1(01) | Cascade    | 4.00      | \$30,000    | License Revenue  |                             |
| April 5, 2010       | Blue Eyed Nellie               | WMA  | 2          | 2140.1(05) | Deer Lodge | 29.74     |             | Clark Fork Superfund Settlement<br>Landowner Donation      | \$125,000<br>\$10,000       |
| May 5, 2010         | Eight Mile Ford                | FAS  | 3          | 3390.1(02) | Madison    | 3.85      | \$40,950    | License Revenue  |                             |
| June 16, 2010       | Fish Creek                     | WMA  | 2          | 2170.1(01) | Mineral    | 34,572.53 | \$2,631,320 | Pittman-Robertson<br>Habitat Montana<br>Landowner Donation | \$11,982,661<br>\$3,854,672 |
| June 16, 2010       | Fish Creek                     | SP   | 2          | 2570.1(01) | Mineral    | 6,234.58  | \$2,710,890 | Access Montana/General Fund<br>Landowner Donation          | \$718,129                   |

Site Type Key: AFLP = Affiliated Land/Parks, FAS = Fishing Access Site, FCA = Fishery Conservation Area, HTC = Hatchery, SP = State Park, WMA = Wildlife Management Area

**Montana Fish, Wildlife and Parks  
Fee Title Land Acquisitions  
July 1, 2009, through December 31, 2012**

| DATE OF ACQUISITION | FWP SITE NAME                 | TYPE | FWP REGION | FWP FILE   | COUNTY        | ACRES     | FWP         | FUNDING SOURCES   | NON FWP                  |
|---------------------|-------------------------------|------|------------|------------|---------------|-----------|-------------|---|--------------------------|
| July 14, 2010       | Glasgow Regional Headquarters | ADM  | 6          | 6001.1(03) | Valley        | 0.88      | \$38,000    | License Revenue   |                          |
| September 2, 2010   | Spotted Dog                   | WMA  | 2          | 2180.1(01) | Powell        | 27,616.35 |             | Landowner Donation  | \$4,300                  |
| October 22, 2010    | Canyon Creek                  | WMA  | 3          | 3063.1(02) | Lewis & Clark | 151.09    |             | Clark Fork Superfund Settlement                                       | \$15,271,841             |
| November 23, 2010   | Makoshika                     | SP   | 7          | 7500.1(11) | Dawson        | 160.00    |             | Montana Fish & Wildlife Conservation Trust                            | \$635,000                |
| December 1, 2010    | Marshall Creek                | WMA  | 2          | 2191.1(01) | Missoula      | 13,933.00 | \$4,293,781 | Landowner Donation<br>Habitat Conservation Program<br>Habitat Montana | \$100,000<br>\$5,659,028 |
| December 21, 2010   | Pine Grove Pond               | FAS  | 1          | 1250.1(01) | Flathead      | 12.79     |             | State Wildlife Grants   | \$636,894                |
| December 21, 2010   | Logan                         | FAS  | 3          | 3322.1(01) | Gallatin      | 1.50      |             | Montana Fish & Wildlife Conservation Trust                            | \$20,000                 |
| December 22, 2010   | North Swan Valley             | WMA  | 1          | 1169.1(06) | Lake          | 452.00    |             | Landowner Donation  | \$160,000                |
| December 30, 2010   | Milltown                      | SP   | 2          | 2600.1(01) | Missoula      | 77.79     |             | Forest Legacy Program   | \$2,000,000              |
| July 25, 2011       | Lone Pine - Upper Foy Lake    | SP   | 1          | 1519.1(03) | Flathead      | 0.49      |             | Landowner Donation  | \$800,500                |
| July 27, 2011       | Marshall Creek                | WMA  | 2          | 2191.1(02) | Missoula      | 10,237.00 | \$1,994,120 | Clark Fork Superfund Settlement<br>Land Exchange                      | \$774,500                |
| September 30, 2011  | Milltown                      | SP   | 2          | 2600.1(02) | Missoula      | 34.92     |             | Forest Legacy Program   | \$5,900,000              |
| October 3, 2011     | North Swan Valley             | FCA  | 1          | 1168.1(02) | Lake          | 167.00    |             | Habitat Montana   | \$161,500                |
| December 4, 2011    | Calf Creek                    | WMA  | 2          | 2086.1(06) | Ravalli       | 68.32     |             | Bonneville Power Administration                                       | \$1,034,500              |
| March 1, 2012       | Mountain Acres                | FAS  | 4          | 4485.1(01) | Fergus        | 6.27      |             | Landowner Donation  | \$528,000                |
| April 25, 2012      | Full Curl                     | WMA  | 1          | 1095.1(01) | Sanders       | 438.00    | \$10,000    | Montana Fish & Wildlife Conservation Trust<br>License Revenue         | \$54,000                 |
|                     |                               |      |            |            |               |           | \$425,000   | Bighorn Sheep Auction Funds   |                          |
|                     |                               |      |            |            |               |           |             | Landowner Donation  | \$100,000                |

Site Type Key: AFLP = Affiliated Land/Parks, FAS = Fishing Access Site, FCA = Fishery Conservation Area, HTC = Hatchery, SP = State Park, WMA = Wildlife Management Area

**Montana Fish, Wildlife and Parks  
Fee Title Land Acquisitions  
July 1, 2009, through December 31, 2012**

| DATE OF ACQUISITION | FWP SITE NAME                 | TYPE | FWP REGION | FWP FILE   | COUNTY        | ACRES     | FWP         | FUNDING SOURCES  | NON FWP                  |
|---------------------|-------------------------------|------|------------|------------|---------------|-----------|-------------|--|--------------------------|
| July 14, 2010       | Glasgow Regional Headquarters | ADM  | 6          | 6001.1(03) | Valley        | 0.88      | \$38,000    | License Revenue<br>Landowner Donation                                    | \$4,300                  |
| September 2, 2010   | Spotted Dog                   | WMA  | 2          | 2180.1(01) | Powell        | 27,616.35 |             | Clark Fork Superfund Settlement  | \$15,271,841             |
| October 22, 2010    | Canyon Creek                  | WMA  | 3          | 3063.1(02) | Lewis & Clark | 151.09    |             | Montana Fish & Wildlife Conservation Trust                               | \$635,000                |
| November 23, 2010   | Makoshika                     | SP   | 7          | 7500.1(11) | Dawson        | 160.00    |             | Landowner Donation   | \$100,000                |
| December 1, 2010    | Marshall Creek                | WMA  | 2          | 2191.1(01) | Missoula      | 13,933.00 | \$4,293,781 | Habitat Conservation Program<br>Habitat Montana<br>State Wildlife Grants | \$5,659,028<br>\$636,894 |
| December 21, 2010   | Pine Grove Pond               | FAS  | 1          | 1250.1(01) | Flathead      | 12.79     |             | Montana Fish & Wildlife Conservation Trust<br>Landowner Donation         | \$20,000<br>\$160,000    |
| December 21, 2010   | Logan                         | FAS  | 3          | 3322.1(01) | Gallatin      | 1.50      |             | Landowner Donation   | \$200,000                |
| December 22, 2010   | North Swan Valley             | WMA  | 1          | 1169.1(06) | Lake          | 452.00    |             | Forest Legacy Program<br>Landowner Donation                              | \$2,000,000<br>\$800,500 |
| December 30, 2010   | Milltown                      | SP   | 2          | 2600.1(01) | Missoula      | 77.79     |             | Clark Fork Superfund Settlement  | \$774,500                |
| July 25, 2011       | Lone Pine - Upper Foy Lake    | SP   | 1          | 1519.1(03) | Flathead      | 0.49      |             | Land Exchange  |                          |
| July 27, 2011       | Marshall Creek                | WMA  | 2          | 2191.1(02) | Missoula      | 10,237.00 | \$1,994,120 | Forest Legacy Program<br>Habitat Montana                                 | \$5,900,000              |
| September 30, 2011  | Milltown                      | SP   | 2          | 2600.1(02) | Missoula      | 34.92     |             | Landowner Donation   | \$161,500                |
| October 3, 2011     | North Swan Valley             | FCA  | 1          | 1168.1(02) | Lake          | 167.00    |             | Bonneville Power Administration  | \$1,034,500              |
| December 4, 2011    | Calf Creek                    | WMA  | 2          | 2086.1(06) | Ravalli       | 68.32     |             | Landowner Donation   | \$528,000                |
| March 1, 2012       | Mountain Acres                | FAS  | 4          | 4485.1(01) | Fergus        | 6.27      | \$10,000    | Montana Fish & Wildlife Conservation Trust<br>License Revenue            | \$54,000                 |
| April 25, 2012      | Full Curl                     | WMA  | 1          | 1095.1(01) | Sanders       | 438.00    | \$425,000   | Bighorn Sheep Auction Funds<br>Landowner Donation                        | \$100,000                |

Site Type Key: AFLP = Affiliated Land/Parks, FAS = Fishing Access Site, FCA = Fishery Conservation Area, HTC = Hatchery, SP = State Park, WMA = Wildlife Management Area

**Montana Fish, Wildlife and Parks**  
**Fee Title Land Acquisitions**  
**July 1, 2009, through December 31, 2012**

| DATE OF ACQUISITION | FWP SITE NAME    | TYPE | FWP REGION | FWP FILE   | COUNTY     | ACRES          | FWP                 | FUNDING SOURCES   | NON FWP                             |
|---------------------|------------------|------|------------|------------|------------|----------------|---------------------|---|-------------------------------------|
| August 29, 2012     | Bailey Reservoir | FAS  | 6          | 6325.1(01) | Hill       | 102.00         | \$208,000           | License Revenue   |                                     |
| October 11, 2012    | Travelers' Rest  | SP   | 2          | 2530.1(06) | Missoula   | 24.00          |                     | Land & Water Conservation Fund<br>Other   | \$402,500<br>\$297,500              |
| October 31, 2012    | Big Lake         | WMA  | 5          | 5047.1(03) | Skillwater | 1,110.00       | \$277,710           | Landowner Donation<br>Waterfowl Stamp   | \$485,000                           |
| October 31, 2012    | Marshall Creek   | WMA  | 2          | 2191.1(03) | Missoula   | 640.00         |                     | Habitat Conservation Program<br>Montana Fish & Wildlife Conservation Trust<br>Other | \$768,000<br>\$125,000<br>\$387,000 |
| December 6, 2012    | Bailey Reservoir | FAS  | 6          | 6325.1(02) | Hill       | 5.00           |                     | Landowner Donation  | \$17,000                            |
| December 20, 2012   | Milk River Ranch | WMA  | 6          | 6150.1(01) | Hill       | 2,992.00       | \$4,708,500         | Habitat Montana   |                                     |
| December 21, 2012   | Dome Mountain    | WMA  | 3          | 3058.1(03) | Park       | 23.76          | \$28,000            | Habitat Montana   |                                     |
| December 27, 2012   | Seven Sisters    | WMA  | 7          | 7052.1(04) | Richland   | 981.00         | \$1,185,000         | Habitat Montana<br>State Wildlife Grants  | \$100,000                           |
| December 31, 2012   | Spring Coulee    | WMA  | 6          | 6160.1(01) | Chouteau   | 908.97         |                     | Landowner Donation  |                                     |
| December 31, 2012   | Spring Coulee    | WMA  | 6          | 6160.1(02) | Chouteau   | 140.00         |                     | Landowner Donation  |                                     |
| <b>TOTALS</b>       |                  |      |            |            |            | <b>103,453</b> | <b>\$19,913,771</b> |   | <b>\$56,016,525</b>                 |

Site Type Key: AFLP = Affiliated Land/Parks, FAS = Fishing Access Site, FCA = Fishery Conservation Area, HTC = Hatchery, SP = State Park, WMA = Wildlife Management Area

**Montana Fish, Wildlife and Parks  
Conservation Easements Acquired  
July 1, 2009, through December 31, 2012**

| DATE OF ACQUISITION | FWP SITE NAME         | TYPE | FWP REGION | FWP FILE   | COUNTY   | ACRES         | FWP                    | FUNDING SOURCES  | NON FWP                                 |
|---------------------|-----------------------|------|------------|------------|----------|---------------|------------------------|--|---|
| July 27, 2010       | North Chamberlain CE  | FCE  | 2          | 2120.3(01) | Powell   | 10,719.79     |                        | Habitat Conservation Program<br>Landowner Donation                     | \$4,333,415<br>\$3,545,523              |
| October 14, 2010    | Cottonwood Bend CE    | WCE  | 6          | 6095.3(01) | Valley   | 159.00        | \$79,250               | Montana Fish & Wildlife Conservation Trust<br>Upland Game Bird Program | \$100,000                               |
| December 1, 2010    | Swan River CE         | FCE  | 1          | 1130.3(01) | Lake     | 4,871.83      |                        | Habitat Conservation Program<br>Landowner Donation                     | \$5,054,625<br>\$3,460,000              |
| December 3, 2010    | West Swan Valley CE   | FCE  | 1          | 1132.3(01) | Lake     | 4,477.00      |                        | Bonneville Power Administration  | \$9,742,006                             |
| December 6, 2010    | Coffee Creek CE       | WCE  | 4          | 4095.3(01) | Fergus   | 800.00        | \$200,000<br>\$104,000 | Upland Game Bird Program<br>Habitat Montana                            |   |
| December 28, 2010   | Riverdale CE          | WCE  | 4          | 4079.3(01) | Cascade  | 850.00        | \$630,000              | Habitat Montana<br>Farm & Ranchland Protection Program                 | \$525,000                               |
|                     |                       |      |            |            |          |               | \$100,000              | Upland Game Bird Program<br>Other                                      | \$145,000                               |
|                     |                       |      |            |            |          |               |                        | Landowner Donation   | \$357,000                               |
| December 31, 2010   | Moline CE             | WCE  | 4          | 4080.3(01) | Chouteau | 4,900.82      | \$775,000              | Habitat Montana<br>Landowner Donation                                  | \$213,000                               |
| January 18, 2011    | Lower Beaver Creek CE | WCE  | 6          | 6093.3(01) | Valley   | 462.00        | \$232,000<br>\$100,000 | Habitat Montana<br>Upland Game Bird Program                            |   |
|                     |                       |      |            |            |          |               |                        | Montana Fish & Wildlife Conservation Trust                             | \$50,000                                |
| January 20, 2012    | Chokecherry Bend CE   | WCE  | 4          | 4155.3(01) | Cascade  | 801.07        | \$450,956              | Farm & Ranchland Protection Program<br>Habitat Montana                 | \$480,250                               |
|                     |                       |      |            |            |          |               | \$100,000              | Montana Fish & Wildlife Conservation Trust<br>Upland Game Bird Program | \$100,000                               |
|                     |                       |      |            |            |          |               |                        | Other  | \$71,000                                |
|                     |                       |      |            |            |          |               |                        | Landowner Donation   | \$186,400                               |
| December 13, 2012   | Kootenai Valleys CE   | WCE  | 4          | 1068.3(01) | Lincoln  | 27,991.20     |                        | Forest Legacy Program<br>Habitat Conservation Program<br>Other         | \$6,500,000<br>\$6,160,000<br>\$100,000 |
|                     |                       |      |            |            |          |               |                        | Landowner Donation   | \$4,840,000                             |
| <b>TOTALS</b>       |                       |      |            |            |          | <b>58,723</b> | <b>\$2,771,206</b>     |  | <b>\$45,913,219</b>                     |

Site Type Key: FAS = Fishing Access Site, FCE = Fishery Conservation Easement, SP = State Park, WCE = Wildlife Conservation Easement

# GOOD NEIGHBOR STATUTES

authorized officers with the authority to enforce the laws and adopted rules relating to parks and outdoor recreation contained in chapters 1 and 2 of this title, except chapter 2, part 7.

(2) An authorized officer may:

(a) arrest, in accordance with Title 46, chapter 6, any person within an area managed by the department upon probable cause to believe that the person has committed an offense against chapters 1 and 2 of this title, except chapter 2, part 7, or rules of the department or the fish, wildlife, and parks commission;

(b) enforce the disorderly conduct and public nuisance laws under 45-8-101 and 45-8-111 as they apply to the operation of motorboats on waters within areas managed by the department under this part; and

(c) exercise other powers of peace officers in the enforcement of:

(i) laws relating to parks and outdoor recreation contained in chapters 1 and 2 of this title, except chapter 2, part 7;

(ii) rules of the department and the fish, wildlife, and parks commission; and

(iii) judgments obtained for violations of the laws and rules specified in this subsection (2)(c).

History: En. Sec. 3, Ch. 662, L. 1991.

23-1-123 through 23-1-125 reserved.

**23-1-126. (Temporary) Good neighbor policy — public recreational land.** (1) The good neighbor policy of public land use, as applied to public recreational land, seeks a goal of no impact upon adjoining private and public land by preventing impact on the adjoining land from noxious weeds, trespass, litter, noise and light pollution, streambank erosion, and loss of privacy. To facilitate the good neighbor policy regarding impact to adjoining land from noxious weeds, the department of fish, wildlife, and parks shall, prior to purchasing any land where noxious weeds are present, develop a noxious weed management agreement that complies with the county weed management district's noxious weed management program, as required in 7-22-2154.

(2) In order to implement the good neighbor policy expeditiously, the legislature finds it necessary to require the department of fish, wildlife, and parks to place maintenance as a priority:

(a) over additional development at all state parks and fishing access sites; and

(b) on recreational land or water acquired pursuant to 87-1-209 for public hunting, fishing, trapping, or outdoor recreation.

(3) The restriction in subsection (2) does not apply to:

(a) activities directly related to the historic preservation, restoration, or protection of assets in state parks;

(b) at the discretion of the department of fish, wildlife, and parks, projects on the Missouri reach of the Missouri-Madison hydropower project or the Clark Fork basin hydropower project, undertaken pursuant to the federal energy regulatory commission's hydropower relicensing requirements and in conjunction with private entities, political subdivisions of the state of Montana, and federal agencies;

(c) at the discretion of the department of fish, wildlife, and parks, projects on Fort Peck reservoir undertaken in conjunction with the U.S. army corps of engineers; or

(d) partnership projects as designated within the park master plan.

(4) Any development in state parks and fishing access sites beyond those defined as maintenance in 23-1-127(1) must be approved by the legislature. (*Terminates June 30, 2013—sec. 8, Ch. 427, L. 2009.*)

**23-1-126. (Effective July 1, 2013) Good neighbor policy — public recreational lands.**

(1) The good neighbor policy of public land use, as applied to public recreational lands, seeks a goal of no impact upon adjoining private and public lands by preventing impact on those adjoining lands from noxious weeds, trespass, litter, noise and light pollution, streambank erosion, and loss of privacy.

(2) In order to implement the good neighbor policy expeditiously, the legislature finds it necessary to require the department of fish, wildlife, and parks to place maintenance as a priority over additional development at all state parks and fishing access sites.

(3) The restriction in subsection (2) does not apply to:

(a) development and improvement projects for which the legislature has appropriated funds prior to October 1, 1999;

(b) activities directly related to the historic preservation, restoration, or protection of assets in state parks;

(c) at the discretion of the department of fish, wildlife, and parks, projects on the Missouri reach of the Missouri-Madison hydropower project or the Clark Fork basin hydropower project, undertaken pursuant to the federal energy regulatory commission's hydropower relicensing requirements and in conjunction with private entities, political subdivisions of the state of Montana, and federal agencies;

(d) at the discretion of the department of fish, wildlife, and parks, projects on Fort Peck reservoir undertaken in conjunction with the U.S. army corps of engineers; or

(e) partnership projects as designated within the park master plan.

(4) Any development in state parks and fishing access sites beyond those defined as maintenance in 23-1-127 must be approved by the legislature.

History: En. Sec. 1, Ch. 474, L. 1999; amd. Sec. 2, Ch. 427, L. 2009.

**23-1-127. (Temporary) Maintenance priority — maintenance defined.** (1) With regard to state parks and fishing access sites, implementation of the good neighbor policy requires that priority is to be given to maintenance of existing facilities, rather than to development or improvement. For purposes of 23-1-126(2)(a) and this subsection, "maintenance" means:

(a) weed control;

(b) fence installation and repair of existing fences;

(c) placing, cleaning, and stocking of latrines;

(d) garbage and litter removal;

(e) implementation of safety and health measures required by law to protect the public;

(f) upkeep of established trails, roads, parking areas, boat docks, and similar facilities existing in state parks and fishing access sites on October 1, 1999;

(g) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the state park or fishing access site;

(h) erosion control;

(i) streambank stabilization;

(j) erection of barriers necessary to preserve riparian vegetation and habitat;

(k) minimal signage necessary to inform users of appropriate state park or fishing access site use and applicable regulations and of historical, natural, cultural, geographical, and geological features in the area;

(l) measures necessary to ensure compliance with the federal Americans With Disabilities Act of 1990, when applicable;

(m) planting of native trees, grasses, and shrubs for habitat stabilization and privacy shielding;

(n) installation of fire rings, picnic tables, and trash collection facilities; and

(o) other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126, 23-1-128, and this section, including new trails, new boat ramps, and necessary new access roads into and within the state park or fishing access site.

(2) With regard to recreational land or water rights acquired pursuant to 87-1-209 for public hunting, fishing, trapping, or outdoor recreation, implementation of the good neighbor policy requires that priority is to be given to maintenance. For purposes of 23-1-126(2)(b) and this subsection, "maintenance" means:

(a) weed control;

(b) garbage and litter removal;

(c) repair of existing fences;

(d) implementation of safety and health measures required by law to protect the public;

(e) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the land or water;

(f) erosion control;

(a) development and improvement projects for which the legislature has appropriated funds prior to October 1, 1999;

(b) activities directly related to the historic preservation, restoration, or protection of assets in state parks;

(c) at the discretion of the department of fish, wildlife, and parks, projects on the Missouri reach of the Missouri-Madison hydropower project or the Clark Fork basin hydropower project, undertaken pursuant to the federal energy regulatory commission's hydropower relicensing requirements and in conjunction with private entities, political subdivisions of the state of Montana, and federal agencies;

(d) at the discretion of the department of fish, wildlife, and parks, projects on Fort Peck reservoir undertaken in conjunction with the U.S. army corps of engineers; or

(e) partnership projects as designated within the park master plan.

(4) Any development in state parks and fishing access sites beyond those defined as maintenance in 23-1-127 must be approved by the legislature.

History: En. Sec. 1, Ch. 474, L. 1999; amd. Sec. 2, Ch. 427, L. 2009.

**23-1-127. (Temporary) Maintenance priority — maintenance defined.** (1) With regard to state parks and fishing access sites, implementation of the good neighbor policy requires that priority is to be given to maintenance of existing facilities, rather than to development or improvement. For purposes of 23-1-126(2)(a) and this subsection, "maintenance" means:

(a) weed control;

(b) fence installation and repair of existing fences;

(c) placing, cleaning, and stocking of latrines;

(d) garbage and litter removal;

(e) implementation of safety and health measures required by law to protect the public;

(f) upkeep of established trails, roads, parking areas, boat docks, and similar facilities existing in state parks and fishing access sites on October 1, 1999;

(g) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the state park or fishing access site;

(h) erosion control;

(i) streambank stabilization;

(j) erection of barriers necessary to preserve riparian vegetation and habitat;

(k) minimal signage necessary to inform users of appropriate state park or fishing access site use and applicable regulations and of historical, natural, cultural, geographical, and geological features in the area;

(l) measures necessary to ensure compliance with the federal Americans With Disabilities Act of 1990, when applicable;

(m) planting of native trees, grasses, and shrubs for habitat stabilization and privacy shielding;

(n) installation of fire rings, picnic tables, and trash collection facilities; and

(o) other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126, 23-1-128, and this section, including new trails, new boat ramps, and necessary new access roads into and within the state park or fishing access site.

(2) With regard to recreational land or water rights acquired pursuant to 87-1-209 for public hunting, fishing, trapping, or outdoor recreation, implementation of the good neighbor policy requires that priority is to be given to maintenance. For purposes of 23-1-126(2)(b) and this subsection, "maintenance" means:

(a) weed control;

(b) garbage and litter removal;

(c) repair of existing fences;

(d) implementation of safety and health measures required by law to protect the public;

(e) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the land or water;

(f) erosion control;

- (g) streambank stabilization;
- (h) erection of barriers necessary to preserve riparian vegetation and habitat;
- (i) planting of native trees, grasses, and shrubs for habitat stabilization; and
- (j) other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126 and this section. (*Terminates June 30, 2013—sec. 8, Ch. 427, L. 2009.*)

**23-1-127. (Effective July 1, 2013) Maintenance priority — maintenance defined.** With regard to state parks and fishing access sites, implementation of the good neighbor policy requires that priority is to be given to maintenance of existing facilities, rather than to development or improvement. For purposes of 23-1-126 and this section, "maintenance" means:

- (1) placing, cleaning, and stocking of latrines;
- (2) garbage and litter removal;
- (3) fence installation and repair of existing fences;
- (4) weed control;
- (5) implementation of safety and health measures required by law to protect the public;
- (6) upkeep of established trails, roads, parking areas, boat docks, and similar facilities existing in state parks and fishing access sites on October 1, 1999;
- (7) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the state park or fishing access site;
- (8) erosion control;
- (9) streambank stabilization;
- (10) erection of barriers necessary to preserve riparian vegetation and habitat;
- (11) minimal signage necessary to inform users of appropriate state park or fishing access site use and applicable regulations and of historical, natural, cultural, geographical, and geological features in the area;
- (12) measures necessary to ensure compliance with the federal Americans With Disabilities Act of 1990, when applicable;
- (13) planting of native trees, grasses, and shrubs for habitat stabilization and privacy shielding;
- (14) installation of fire rings, picnic tables, and trash collection facilities; and
- (15) other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126, 23-1-128, and this section, including new trails, new boat ramps, and necessary new access roads into and within the state park or fishing access site.

**History:** En. Sec. 2, Ch. 474, L. 1999; amd. Sec. 3, Ch. 427, L. 2009.

**23-1-128. Limits on camping in riparian areas and operation of off-highway vehicles.** (1) In order to protect riparian vegetation, provide for stable streambanks, reduce erosion, and provide for nutrient barriers to protect the quality of rivers and streams, camping in a motor vehicle, as defined in 61-1-101, is discouraged within 25 feet of a river or stream in state parks and fishing access sites.

(2) The operation of an off-highway vehicle, as defined in 23-2-801, within state parks and fishing access sites is prohibited except:

- (a) for administrative purposes; or
- (b) as designated by the department on roads, trails, or specific areas.

**History:** En. Sec. 3, Ch. 474, L. 1999; amd. Sec. 20, Ch. 542, L. 2005; amd. Sec. 1, Ch. 191, L. 2011.

**Compiler's Comments**

**2011 Amendment:** Chapter 191 in (2) after "The" deleted "road"; inserted (2)(b) regarding exception for designated roads, trails, or specific areas; and made minor changes in style. Amendment effective October 1, 2011.

**23-1-129 reserved.**

**23-1-130. Repealed.** Sec. 1, Ch. 233, L. 2003.

**History:** En. Sec. 1, Ch. 266, L. 1999.

**23-1-131. Repealed.** Sec. 82, Ch. 509, L. 1995.

**History:** En. Secs. 2, 3, Ch. 574, L. 1993.

**87-1-229. Entry on private land — policy.** It is the policy of the department to meet with and work cooperatively with individual private landowners on policies regarding entry of the department to private landowners' land and to work with public and private land managers to resolve and reduce user conflicts.

History: En. Sec. 1, Ch. 268, L. 1995.

**Cross-References**

Protection of private property — duty of wardens, 87-1-504.

**87-1-230. (Temporary) Maintenance account — annual report.** (1) There is a maintenance account in the state special revenue fund. In addition to the funds set aside for maintenance of land or water acquired by the department pursuant to 87-1-209(1), the department shall also deposit into the maintenance account:

(a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a);

(b) interest earned on the account; and

(c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

(2) Funds deposited in the account are statutorily appropriated, as provided in 17-7-502, to the department and may be used only for maintenance of any land or water acquired by the department.

(3) (a) The department shall provide an annual report regarding deposits into and withdrawals from the account established in subsection (1) to the oversight subcommittee of the environmental quality council for the purpose of demonstrating the use of funds in the account toward the good neighbor policy.

(b) The report must describe the types of maintenance completed by fish, wildlife, and parks region and maintenance plans for the subsequent fiscal year.

(c) The report is due to the environmental quality council by September 1 following the end of each fiscal year. (*Terminates June 30, 2013—sec. 8, Ch. 427, L. 2009.*)

History: En. Sec. 5, Ch. 427, L. 2009.

**87-1-231. Repealed.** Sec. 120, Ch. 258, L. 2011.

History: En. Sec. 1, Ch. 566, L. 1985.

**87-1-232. Tattoo records.** (1) The department shall maintain a record of each animal reported to it pursuant to 87-6-701. The record shall indicate:

(a) the person by whom the animal was captured or is held in captivity;

(b) the location of the capture or captivity;

(c) the date the animal was tattooed;

(d) the purpose of the captivity or capture; and

(e) any death, escape, release, transfer of custody, or other disposition of the animal.

(2) The department shall establish by rule a fee to be charged, which may not exceed the administrative cost of maintaining the record required by this section.

History: En. Sec. 2, Ch. 566, L. 1985; amd. Sec. 86, Ch. 258, L. 2011.

**Compiler's Comments**

2011 Amendment: Chapter 258 in (1) in first sentence substituted "87-6-701" for "87-1-231"; and made minor change in style. Amendment effective October 1, 2011.

**Cross-References**

Adoption and publication of rules — Montana Administrative Procedure Act, Title 2, ch. 4, part 3.

**87-1-233. Compensation for damage caused by animal held in captivity.** If any bear, wolf, tiger, mountain lion, or coyote that is held in captivity or that escapes from such captivity causes any damage to the personal property of another person, compensation for such damage must be paid by the person holding or who held the animal in captivity.

History: En. Sec. 3, Ch. 566, L. 1985.

**Cross-References**

Regulation of wild animals damaging property, 87-1-225.

**87-1-234. Exceptions to tattoo and compensation requirements.** Sections 87-1-232, 87-1-233, and 87-6-701 do not apply to those animals:

(1) captured and released as part of an ongoing game management program or an ongoing predator control program unless the animals have been involved in livestock killing; or

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~~87-1-229. Entry on private land — policy. It is the policy of the department to meet with and work cooperatively with individual private landowners on policies regarding entry of the department to private landowners' land and to work with public and private land managers to resolve and reduce user conflicts.~~

~~History: En. Sec. 1, Ch. 268, L. 1995.~~

~~Cross-References~~

~~Protection of private property — duty of wardens, 87-1-504.~~

87-1-230. (Temporary) Maintenance account — annual report. (1) There is a maintenance account in the state special revenue fund. In addition to the funds set aside for maintenance of land or water acquired by the department pursuant to 87-1-209(1), the department shall also deposit into the maintenance account:

(a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a);

(b) interest earned on the account; and

(c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

(2) Funds deposited in the account are statutorily appropriated, as provided in 17-7-502, to the department and may be used only for maintenance of any land or water acquired by the department.

(3) (a) The department shall provide an annual report regarding deposits into and withdrawals from the account established in subsection (1) to the oversight subcommittee of the environmental quality council for the purpose of demonstrating the use of funds in the account toward the good neighbor policy.

(b) The report must describe the types of maintenance completed by fish, wildlife, and parks region and maintenance plans for the subsequent fiscal year.

(c) The report is due to the environmental quality council by September 1 following the end of each fiscal year. (Terminates June 30, 2013—sec. 8, Ch. 427, L. 2009.)

History: En. Sec. 5, Ch. 427, L. 2009.

87-1-231. Repealed. Sec. 120, Ch. 258, L. 2011.

History: En. Sec. 1, Ch. 566, L. 1985.

87-1-232. Tattoo records. (1) The department shall maintain a record of each animal reported to it pursuant to 87-6-701. The record shall indicate:

(a) the person by whom the animal was captured or is held in captivity;

(b) the location of the capture or captivity;

(c) the date the animal was tattooed;

(d) the purpose of the captivity or capture; and

(e) any death, escape, release, transfer of custody, or other disposition of the animal.

(2) The department shall establish by rule a fee to be charged, which may not exceed the administrative cost of maintaining the record required by this section.

History: En. Sec. 2, Ch. 566, L. 1985; amd. Sec. 86, Ch. 258, L. 2011.

Compiler's Comments

2011 Amendment: Chapter 258 in (1) in first sentence substituted "87-6-701" for "87-1-231"; and made minor changes in style. Amendment effective October 1, 2011.

Cross-References

Adoption and publication of rules — Montana Administrative Procedure Act, Title 2, ch. 4, part 3.

87-1-233. Compensation for damage caused by animal held in captivity. If any bear, wolf, tiger, mountain lion, or coyote that is held in captivity or that escapes from such captivity causes any damage to the personal property of another person, compensation for such damage must be paid by the person holding or who held the animal in captivity.

History: En. Sec. 3, Ch. 566, L. 1985.

Cross-References

Regulation of wild animals damaging property, 87-1-225.

87-1-234. Exceptions to tattoo and compensation requirements. Sections 87-1-232, 87-1-233, and 87-6-701 do not apply to those animals:

(1) captured and released as part of an ongoing game management program or an ongoing predator control program unless the animals have been involved in livestock killing; or

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87-1-208. **Repealed.** Sec. 120, Ch. 258, L. 2011.

History: En. Sec. 2, Ch. 270, L. 1973; R.C.M. 1947, 26-138; amd. Sec. 2833, Ch. 56, L. 2009.

87-1-209. (Temporary) **Acquisition and sale of land or water.** (1) Subject to 87-1-218, the department, with the consent of the commission and, in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval of the board of land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire easements upon land or water for the purposes listed in this subsection. Any acquisition of land or water rights for purposes of this subsection, except that portion of acquisitions made with funds provided under 87-1-242(1), must include an additional 20% above the purchase price to be used for maintenance of land or water acquired by the department. The additional amount above the purchase price or \$300,000, whichever is less, must be deposited in the account established in 87-1-230. As used in this subsection, "maintenance" means that term as defined in and consistent with the good neighbor policy in 23-1-127(2). The department may develop, operate, and maintain acquired land or water rights:

- (a) for fish hatcheries or nursery ponds;
- (b) as land or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection;
- (c) for public hunting, fishing, or trapping areas;
- (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;
- (e) for state parks and outdoor recreation;
- (f) to extend and consolidate by exchange, land or water rights suitable for these purposes.

(2) The department, with the consent of the commission, may acquire by condemnation, as provided in Title 70, chapter 30, land or structures for the preservation of historical or archaeological sites that are threatened with destruction or alteration.

(3) (a) Subject to section 2(3), Chapter 560, Laws of 2005, the department, with the consent of the commission, may dispose of land and water rights acquired by it on those terms after public notice as required by subsection (3)(b) of this section, without regard to other laws that provide for sale or disposal of state land and with or without reservation, as it considers necessary and advisable. The department, with the consent of the commission, may convey department land and water rights for full market value to other governmental entities or to adjacent landowners without regard to the requirements of subsection (3)(b) or (3)(c) if the land is less than 10 acres or if the full market value of the interest to be conveyed is less than \$20,000. When the department conveys land or water rights to another governmental entity or to an adjacent landowner pursuant to this subsection, the department, in addition to giving notice pursuant to subsection (3)(b), shall give notice by mail to the landowners whose property adjoins the department property being conveyed.

(b) Subject to section 2(3), Chapter 560, Laws of 2005, notice of sale describing the land or water rights to be disposed of must be published once a week for 3 successive weeks in a newspaper with general circulation printed and published in the county where the land or water right is situated or, if a newspaper is not published in that county, then in any newspaper with general circulation in that county.

(c) The notice must advertise for cash bids to be presented to the director within 60 days from the date of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an amount equal to 10% of the amount bid. The highest bid must be accepted upon payment of the balance due within 10 days after mailing notice by certified mail to the highest bidder. If that bidder defaults on payment of the balance due, then the next highest bidders must be similarly notified in succession until a sale is completed. Deposits must be returned to the unsuccessful bidders except bidders defaulting after notification.

(d) The department shall reserve the right to reject any bids that do not equal or exceed the full market value of the land or water right as determined by the department. If the department does not receive a bid that equals or exceeds fair market value, it may then sell the land or water rights at private sale. The price accepted on any private sale must exceed the highest bid rejected in the bid process.

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