

MONTANA STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

Meeting Date: August 28, 2013

Agenda Item: Proposal to secure license/easement for DNRC lands at Lewis & Clark Caverns State Park

Division: Parks

Action Needed: Approval to move forward with proposed action **Time Needed on Agenda for this Presentation**: 10 minutes

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Background: Lewis and Clark Caverns State Park was established as Montana's first state park in 1936 and at that time the core of the park included a 640 acre DNRC School Trust land section. These lands are an integral part of the park and facilities of the DNRC lands include a 38 acre developed area with picnic grounds, parking, informational displays and concessions, a 2 acre developed area for shop/maintenance facilities, a 11,667 foot access road and a 600 acre wild land area that allows hiking, picnicking and other non-motorized pursuits.

This issue has gone unresolved since the date of acquisition. A 2008 legislative audit disclosed that there was no agreement on file or record of payments for use of this section of land by Montana State Parks. The division needs to correct this audit exception.

Public Involvement Process & Results: Contingent on Board approval to engage in dialogue with DNRC to resolve this issue, the public will have the opportunity to comment should an easement be negotiated.

Alternatives and Analysis:: Alternative 1: Pursue evaluation and negotiation with DNRC to ensure long-term management of these lands in the state park system through either a annual land use license payment or easement. Discussions may include conversations relating the total acreage of the lands under state park control.

Alternative 2: No action. This action is not suitable for either agency as we are working outside of the law. This issue must be addressed.

Agency Recommendation & Rationale: State Parks recommends pursuing an easement to ensure that these lands are maintained as part of the Montana State Park system for future generations.

Proposed Motion: I move to direct the Parks Division to enter into dialogue and partnership with DNRC to resolve the Audit exception and secure the park lands for the benefit of park visitors.