



MONTANA STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

Meeting Date: August 28, 2013

Agenda Item: Proposed Amendment of Lewis & Clark Heritage Greenway Conservation Easement

Division: Parks

Action Needed: Proposed

Time Needed on Agenda for this Presentation: 10 minutes

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Background: Lewis & Clark Heritage Greenway Conservation Easement is administered by the Parks Division as an integral part of Giant Springs State Park. The Greenway is located on land owned by PPL Montana (PPLM). Dali, LLC is requesting an easement to construct a rail line over a corner of the Greenway to connect the main line of Burlington Northern Santa Fe. The proposed rail spur is intended to facilitate economic development of the adjacent 900 acre Great Bear Innovation Industrial Park. As proposed, the easement will remove 11.25 acres from conservation status. The Conservation Easement was amended previously in 2004 to facilitate another rail spur in the area of this proposal. That rail spur was intended for public use and for use by Great Bear Innovation Park, but ownership of the spur transferred to a private entity and prevented access by Dali, LLC.

Public Involvement Process & Results: No public involvement has occurred to date. With Board approval a with a 30-day public comment period will be initiated.

Alternatives and Analysis: Alternative 1: Montana State Parks and PPLM would amend the conservation easement, subject to the following mitigation package from Dali, LLC valued at \$150,000 to offset the loss of easement values:

- 1) Provide funding to survey and construct two miles of fencing along the common boundary to reduce illegal off road vehicle trespass and resolve ongoing agricultural encroachment and use on the easement.
- 2) Provide funding for improving public trail opportunities between Cochrane Dam and the Sanders parcel.
- 3) Provide funding to pursue purchase of a 9-acre parcel currently owned by the Sanders family along Rainbow Dam Road. The parcel would provide additional protection to the southern boundary of the conservation easement, and enhance public access and recreational opportunities.

Alternative 2: No action. The current Conservation Easement would not be amended, effectively eliminating the economic development options being pursued by Dali, LLC.

Agency Recommendation & Rationale: The agency supports this proposal as a means of benefiting economic development opportunities in the Great Falls area while mitigating loss of values through an acceptable agreement that will enhance the easement integrity overall.

Proposed Motion: I move to allow the Parks Division to prepare an Environmental Assessment on this proposed easement with a 30-day public comment period.