

**Minutes**  
**Montana State Parks & Recreation Board**  
Room 152, Capitol  
August 28, 2013

**Present:** Tom Towe, Chair; Diane Conradi; Jeff Welch; Mary Sexton; Doug Smith; Jeff Hagener, Director MFWP and Board Secretary; Tim Baker, Governor's Office; Rep. Duane Ankney; Sen. Jim Keane; Chas Van Genderen, MFWP;

Tom Towe, Chair, opened the meeting and the Board introduced themselves. Procedures utilized by the Board will be those of the Montana State Legislature which utilizes Mason's Rules of Order with some modifications.

Chairman Towe welcomed Tim Baker, Natural Resource Policy Advisor, Office of the Governor, who addressed the Board on behalf of Governor Steve Bullock.

Chairman Towe introduced Chas Van Genderen, MFWP.

**How We Got Here (HB 24)**

Senator Jim Keane, SD 38, explained the idea for the Board came from EQC (Environmental Quality Council). He said the Board has the responsibility to look at the park system and make it better for all Montanans. The Legislature looked at what other states do to manage parks. They decided to give the park system its own advocates and keep the Board within the agency. He favored a better audio system at Headwaters State Park.

Rep. Duane Ankney, HD 43 noted his family has always used the parks. Many parks are staffed by volunteers. He advised the Board to pick some areas, prioritize and look for ways to fund parks and to make sure facilities are taken care of for Montanans and secondly, for tourists. He insisted that the Board act in the best interest of Montanans. It took a bipartisan effort to create the Board. He urged listening to Montana people and making simple improvements.

In response to a question about historic resources, Sen. Keane believed historic properties like Virginia City and Reeder's Alley may be addressed down the road if the Parks Board functions as it should. Right now it is a hill too far to climb.

In response to a question about authority over fishing access sites, Rep. Ankney indicated the decision regarding regulating boating and fishing access sites had to do with not getting involved with the Coast Guard rules.

Regarding funding, Sen. Keane thought the fee on vehicles was critical to keep the funding where it is. Sponsorships are critical to the future of the parks system, but need oversight. Funding for parks is hard to sell at the legislative level. Citizen groups coming to the legislature are invaluable. Rep. Ankney said he was a proponent of sponsorships. Concessionaires are also

an option. He did not favor increasing fees as a solution. Regarding historic resources, the state lacks the commitment to maintain them.

### **Expectations, Roles, Responsibilities**

Jeff Hagener, Director, MTFWP said FWP is driven by primary user groups, hunters and fishermen. Recreation is a critical element for state parks. One group lobbied in the past to keep parks primitive. Demographics are such now that some parks should have more services. Funding is a significant issue. There are fewer parks in eastern Montana. We have to be able to manage existing parks before we can add more. He read the scope of work from the statute. The Board has the authority to review and set policies.

Chairman Towe asked about eventual overlapping issues with the Fish, Wildlife and Parks Commission. That was the reason for making Director Hagener the secretary of both boards. Places like the Smith River is a state park and also a fishing site. Bears in campsites are another overlapping issue. Chairman Towe asked if park wardens and game wardens can work together. Director Hagener said they go through the same certification and have the same authorities, so any conflicts can be worked out.

### **Legal Framework of the Board**

Zack Zipfel, Agency Legal Counsel, noted that HB 24 and 215-102 (15) and MEPA govern the Board. The Board will consider and be asked to approve proposals. He explained the powers and duties of the Board from Section 2 of HB 24 concerning management, protection and preservation. Section 1 (6) designates the Board as a quasi-judicial board. The role of the Board is to facilitate the connection between parks and places. Sen. Towe asked about coordinating language in the HB 24. Hope Stockwell, EQC staffer, stated the coordinating bills did not pass. Chairman Towe asked about appeals. Zack Zipfel said appellate review from Board decisions would be possible in the future. He will bring further clarification to the next meeting.

In response to a question about antiquities, Chas Van Genderen, MTFWP, said the responsibility for antiquities is with the Historic Preservation Office.

### **Public Comment:**

Rep. Cary White, HD 70 indicated he was a supporter of HB 24. He thought we could do a better job of maintenance and promotion of state parks. He thought the Board should study visitation statistics, conduct an inventory and assessment, study weeds, consider amenities, and promote state parks to out of state visitors. Another issue for him was motorized use. He favored coordination with other agencies, but encouraged the Board to work with local communities. He requested reporting to the EQC.

Diane Conradi spoke in favor of providing technical expertise to local agencies and governments.

Ramona Ehnes, Montana Trail Vehicle Rider Association, presented a letter from the organization. She indicated the organization is a good resource for volunteers. They supported the bill in the legislature and looked forward to working with the Board.

Mike Garcia, Voices of Montana Tourism, explained how lodging tax revenues help with tourism and contribute to state parks.

Jason Howell, Montana Snowmobile Association, provided a fact book and newsletter to the Board. He said they would work closely with the Board on grant programs. Nearly 12 percent of Montanans use snowmobiles, and he cited the contributions to the economy.

Amy Teegarden, representing Montana Recreation and Park Association, noted with state parks there is an opportunity to advance a shared vision. She spoke in favor of continued funding for trails, land and water conservation, and partnering with local organizations.

Mike Jeffords, Ravalli County Off-Road User Association, described educational efforts by the association.

Jim Court, representing Our Montana, expressed interest in Virginia City. He favored coordinating advertising by State Parks and Virginia City. He thought there could be better publicity for parks on state maps.

Bob Walker, representing Our Montana, said parks and recreation is part of the department mission statement. He thought there should be a parks bureau within the agency. He felt the responsibility of the Board goes beyond state parks to include historic sites and recreation areas. Paul Hickman, former Executive Director of Our Montana, who wanted to be here but was unable to make the trip to Helena, has offered to cooperate with the Board.

Jeff Welch commented that vision and advocacy were the work of the Board.

Joslyn Dodge, Montana Recreation and Parks Association, and Butte Silverbow Parks Board, cited opportunities to work with local organizations.

Mike Sedlock, Helena, advocated for more motorized access for seniors and the disabled.

Brad Richards, Bureau of Land Management, offered support and best wishes to the Board. The Bureau has been a strong partner and looked forward to working together in the future. BLM has over 70 camp sites. A lot of BLM lands are undeveloped.

Chere Jiusto, Montana Preservation Alliance, noted the Alliance had been in support of the creation of the Board and are willing to partner with the Board on projects. Chairman Towe asked about Reeder's Alley. Ms. Jiusto mentioned collaborating with the Heritage Commission.

-Recess

-Reconvene

### **Proposed Amendment of Lewis & Clark Heritage Greenway Conservation Easement**

Chas Van Genderen explained that MTFWP administers the Lewis & Clark Heritage Greenway Conservation Easement, an integral part of Giant Springs State Park. The proposed amendment would remove 11.25 acres from the easement and allow a railroad spur to be developed to connect to the BN Santa Fe. The Greenway landowner, Dali LLC, would provide \$150,000 to mitigate the loss of easement. The original easement was donated by PPL Montana with reserved rights for the company. PPL's interest was maintaining open space and public access. The River Edge Trail has been expanded into the easement.

**Public Comment:** None

**Motion:** By Mary Sexton: **To allow the Parks Division to prepare an Environmental Assessment on this proposed easement with a 30-day public comment period.**  
**Second:** Doug Smith.

**Discussion:**

Chas Van Genderen noted an oversight on the cover sheet. To amend an easement of this nature does not require an EA. Public comment is necessary, but a MEPA document is not required because the land is not under agency ownership.

Mary Sexton withdrew her motion.

**Motion:** By Mary Sexton: **To direct the Parks Division to go out for a 30-day public comment period on the proposed conservation easement amendment.**  
**Second:** Doug Smith.

**Discussion:**

Doug Smith asked if the funding for this was coming out of the grants program. Chas Van Genderen clarified the funding will come from Dali, LLC should the amendment be approved.

**Vote:** Motion carried unanimously.

### **Proposal to secure license/easement for DNRC lands at Lewis & Clark Caverns State Park**

Chas Van Genderen advised in 2008 a legislative audit found that State Parks had no agreement on file or record of payments for use of a section of DNRC School Trust land. State Parks recommended a license and purchase of an easement.

**Discussion:**

Chas Van Genderen indicated the land involved was 640 acres. Dialogue with DNRC was needed. The draft appraisal was \$640,000. Mary Sexton spoke in favor of this coming forward. This is not an uncommon occurrence. Fair market value is required for trust lands. There are \$5.3 million acres of state trust lands. Chairman Towe indicated there is value to the public for use of these lands for state parks. The legislature should pass a resolution that the value to the public is adequate compensation. Mary Sexton replied the courts have said the trust is for school children of Montana and public benefit is not sufficient compensation. Fair market value is mandated by the Constitution. Chas Van Genderen stressed this issue has been going on for almost 70 years.

**Motion:** Diane Conradi moved 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.

**Second:** Jeff Welch.

**Discussion:**

Diane Conradi thought a work session should be devoted to the discussion of state parks on trust lands. Chairman Towe asked legal counsel to provide research. Mary Sexton suggested Zack Zipfel talk to Tommy Butler, DNRC. Wildlife Management and fishing access sites also have trust land issues. Chairman Towe said coordination with the Commission will be needed. Mary Sexton thought each case deserved separate scrutiny. John Grimm, MTDNRC, testified that the opinion of value and the comps used in the appraisal were acceptable to the agency. He offered to get a second appraisal. The best option was authorization for the entire 640 acres.

**Vote:** Motion carried unanimously.

**Proposed Acquisition of Easement with DNRC at Thompson Falls State Park**

Chas Van Genderen explained Avista has expressed interest in partnering with Montana State Parks to explore the purchase of an easement. Currently the park is managed under an annual land use license with DNRC. The annual license fee is \$12,663 in 2013. The Board must also prioritize between Thompson Falls State Park and Lewis and Clark Caverns. DNRC owns the land, and Avista has utilities on the river. The appraised value in 2006 was \$499,000.

**Motion:** By: Diane Conradi: to direct the department to enter into dialogue with DNRC to secure the park lands for the benefit of park visitors, but not to

prioritize between Thompson Falls State Park and Lewis and Clark Caverns at this time.

**Second:** Jeff Welch.

**Discussion:**

John Grimm noted the market has dropped since 2006. Chas Van Genderen said the funding issue with AVISTA is an ongoing discussion.

**Vote:** Motion carried unanimously.

**Miltown State Park**

Mike Kustudia advised the park is at the confluence of the Clark Fork and Blackfoot River and the site of the Milltown Reservoir Superfund cleanup. The dam and contaminated sediments were removed, followed by restoration and site development. The Parks Division was allocated funds from the DOJ Natural Resource Damage Program to acquire lands and for the initial site development of the park and included five years of operations and maintenance. The division is cooperating with Missoula County to secure access to the park and get development underway in 2014. The park will include recreational opportunities, heritage tourism and environmental education. Chas Van Genderen stated this is high profile project in Ms. Conradi's district. This project has not required Montana State Parks funding. Arco funds of \$5 million were made available from the lawsuit. HUD funds were also part of the funding. Montana State Parks recommended Board approval to proceed with the acquisition of a trail easement along the Blackfoot River at Milltown State Park to connect two parcels of the new park.

**Motion:** By: Mary Sexton to direct the division to initiate negotiations, appraisal and public comment on this proposed easement.

**Second:** Diane Conradi.

**Vote:** Motion carried unanimously.

-lunch break

-reconvene

**Draft Statewide Comprehensive Outdoor Recreation Plan (SCORP) and LWCF**

Maren Murphy advised Land and Water Conservation Fund Act of 1965 requires Montana to develop a Statewide Comprehensive Outdoor Recreation Plan (SCORP) to guide the management of outdoor recreation resources. The 2014-18 SCORP proposed the following priorities: 1. Improve quality of life for Montanans; 2. Sustain the economic vitality of Montana communities; 3. Promote stewardship and sustainability; and 4. Enhance agency coordination, cooperation and service supervision. The 2014-2018 SCORP serves as a catalyst to coordinate with Montana's outdoor recreation and tourism community over the next five years. The Parks

Division will be coming forth with a draft for public review and comment on the plan in October 2013.

**Discussion:**

Chas Van Genderen recommended preparing the SCORP whether funds are available or not. Maren Murphy stated Heritage resources will be integrated into the discussion. Mary Sexton asked about NGO's as a source of funding for easements for parks. Chas Van Genderen said those organizations have been very successful in getting federal funds compared to the state. The SCORP will be utilized by the Board.

**Capital Program Update**

Tom Reilly, Montana State Parks, stated a total of approximately \$4.3 million was funded in HB 5 for 19 individual statewide projects. Three of the projects were complete. The Board will be presented with proposals for future projects for approval. Chairman Towe indicated it is the responsibility of the Board to approve expenditures over \$5,000, and suggested a clarifying motion.

**Motion:** Diane Conradi moved that the Board believes the 2012 current parks major maintenance projects already underway at the time of this meeting were outside the approval requirement of the Board.

**Second:** Mary Sexton.

**Vote:** Motion carried unanimously.

**OHV Grants Update**

The division received 18 grant proposals for the 2013 grant cycle for OHV trail maintenance and safety education. The majority were for federal trail steward positions statewide. Also included were ethics and safety projects and trail maintenance projects. The available allocation amount was approximately \$180,000. This will go to a citizen's advisory committee and then come back to the Board for approval.

**Snowmobile Grants and Equipment Update**

Each year approximately \$390,000 in grants is allocated to private clubs for trail grooming. The public comment period closes on September 11<sup>th</sup>. Board concurrence will be asked for in October. The source of the funding is from a portion of the distributor's fuel tax and also decal money. Doug Smith asked about administrative fees and FTE's. There is one full-time FTE, and admin fees come off before the grants. Doug Smith asked if it is a percentage or a set amount. The FTE is a direct appropriation from the legislature and it is paid for from the same source of funds. There is no overhead fee to administer the program. Each biennium two used groomers

are purchased for clubs and two are retired. These state-owned groomers are insured. The Board will approve the equipment purchases in the next round of grants.

**Parks and Recreation Board Calendar & Meeting Dates**

The next meetings will be held on October 16-17 in Kalispell, December 18-19 in Helena, February 25-26 in Great Falls, April 9-10 in Helena, June 17-18 in Glendive, and August 19-20 in Missoula. Parks in these areas will be visited. The agendas will include strategic planning, a work plan for the Board and budgeting. The Board will use tablets at each meeting.