



MONTANA STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

Meeting Date: December 19, 2013

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

Division: Parks

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 minutes

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Background: At the August 28, 2013 meeting, the Montana State Parks & Recreation Board approved a 30-day public comment period on the proposed amendment to the Lewis & Clark Heritage Greenway Conservation Easement. Dali LLC is requesting approval for an easement over the Greenway for construction of a railroad spur. When constructed, the rail spur would provide a rail connection to the proposed Great Bear Innovation Industrial Park on land owned by Dali, LLC.

A mitigation package involving acquisition of an adjoining 9-acre parcel, surveying and fencing of the conservation easement boundary, and public trail construction has been developed by and approved by PPL Montana (PPLM) and Fish, Wildlife and Parks to offset the loss in conservation values if the conservation easement is amended. Dali, LLC has agreed to the conditions in the mitigation package.

Public Involvement Process & Results: With Board approval, a public notice was posted on Montana State Parks website on October 11, 2013 announcing the proposal and the public comment period. A regional press release was issued the same day, and legal advertisements were placed in the *Great Falls Tribune* and *Helena Independent Record*. Email notifications were sent to local City and County planning departments. A public meeting was held on October 22, 2013, with 7 members of the general public attending as well as Dali, LLC owner Joe Stanek. Two articles regarding the proposed amendment ran in the *Great Falls Tribune*, one on 10/17 and one on 10/23. Five (5) emails of support were received during the comment period, and one letter of support was received from the City of Great Falls.

Alternatives and Analysis: Alternative 1: Fish, Wildlife & Parks and PPLM would amend the Conservation Easement, subject to the mitigation package with Dali, LLC, to offset the loss of conservation values. The mitigation package has specific requirements for transfer of funds to PPL Montana's River Fund for future use by Fish, Wildlife and Parks to accomplish the mitigations, and specific time constraints.

Alternative 2: No Action. The current Conservation Easement would not be amended, and Dali, LLC would not be permitted to construct a rail road line over the Easement property. The proposed mitigation package would not be implemented.

Agency Recommendation & Rationale: The agency supports Alternative 1 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 and public enjoyment overall. The public comment supports this rationale.

Proposed Motion: I move the Board authorize Montana's Fish, Wildlife & Parks to amend the Lewis & Clark Heritage Greenway Conservation Easement in order to allow PPL Montana to grant a rail easement to Dali, LLC, contingent upon successful implementation of the approved mitigation package.