490 North Meridian Road
Kalispell, MT
406-752-5501

# DECISION NOTICE:
# Lewis and Clark Caverns State Park and Thompson Falls State Park Permanent Easement Purchase.

May 19, 2014

## DESCRIPTION OF PROPOSED PROJECT

The State Parks Division of Montana Fish, Wildlife & Parks (FWP) and the Montana Department of Natural Resources and Conservation (DNRC) jointly propose the purchase of permanent easements by FWP for state trust lands owned and managed by DNRC and leased by FWP for the 29.1-acre Thompson Falls State Park in Sanders County and the 640-acre state trust land portion of Lewis & Clark Caverns State Park located in Jefferson County. Both sites are managed under annual leases as pieces of the Montana State Park system. Annual lease rates are based on a percentage of appraised value and increase annually by 2 percent. By securing permanent easements, DNRC and FWP mutually agree the proposal would fulfill the important mission of generating revenue to support education in Montana, while providing predictability for the long-term management of these popular state parks. The beneficiary of revenue generated by DNRC on these parcels is Common Schools K-12. This proposal is described in the Lewis and Clark Caverns State Park and Thompson Falls State Park Permanent Easement Purchase Public Draft Environmental Assessment that was released for public comment on April 7, 2014.

## ALTERNATIVES CONSIDERED

A. Preferred Alternative: Purchase of permanent easement on state trust lands within Thompson Falls and Lewis & Clark Caverns State Parks. This alternative would result in FWP purchasing permanent easements for the full market value of state trust lands managed by DNRC within Thompson Falls and Lewis & Clark Caverns State Parks. These easements would effectively allow FWP to oversee surface resources of those parcels, while DNRC would retain mineral rights and property ownership. These easements would be in lieu of annual lease payments and would fulfill the DNRC fiduciary responsibility to generate revenue for the state trust, while simultaneously providing FWP with long-term management stability at these state parks. The cost for the Thompson Falls State Park permanent easement would be $275,000. The cost for the Lewis & Clark Caverns State Park permanent easement would be $640,000.

B. No-action Alternative: The no-action alternative would result in the continuation of FWP paying annual leases for state trust lands within Thompson Falls and Lewis & Clark State Parks. These annual leases would be based on a percentage of appraised value and would include annual 2 percent increases. Status quo would provide a revenue stream to the school trust for as long as FWP can afford the annual leases. Due to the long-term

uncertainty of State Parks Division operating budgets, it is possible that at some point the program may not be able to afford annual lease payments. This uncertainty will continue to deter the infusion of capital and major maintenance funding into these sites.

C. Additional Alternatives: FWP purchases a perpetual easement for either Thompson Falls or Lewis & Clark Caverns State Park, but not both. This alternative could be utilized to partially address the need for increased long-term management security for one of the two subject state park units. All of these alternatives maintain revenue generation for the state trust.

## PUBLIC PROCESS AND COMMENT

A draft environmental assessment (EA) was released for public review and comment from April 7, 2014, through May 7, 2014. The document was posted on the Montana State Parks website and announced through a statewide press release. The EA was further announced with legal notices published in the Missoulian, Helena Independent Record, and the Bozeman Daily Chronicle newspapers. No public comments were received during this period.

## DECISION

Based on the analysis in the draft EA and the applicable laws, regulations, and policies, we have determined that the proposed action will not have significant effects on the human or physical environment. Therefore an environmental impact statement will not be prepared. It is our decision to implement Alternative A, whereby FWP will purchase permanent easements on DNRC state trust lands at Thompson Falls and Lewis & Clark Caverns State Parks. By notification of this decision notice, the draft EA is hereby made the final EA. The final EA and this decision notice are available from FWP and DNRC at the above addresses.

This action is subject to appeal, which must be submitted to the FWP State Parks Division Administrator in writing and postmarked within 30 days of this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the Department or participated in the decision-making process, and how FWP and DNRC might address the concerns of the appeal.

David Landstrom — 5-29-2014

David Landstrom — Date
Region One State Parks Manager, FWP

Stephen F. Frye — 6/3/14

Steve Frye — Date
Northwest Land Office Area Manager, DNRC

Hoyt Richards — 5-29-2014

Hoyt Richards — Date
Central Land Office Area Manager, DNRC