



MONTANA **FWP**

**MONTANA STATE PARKS AND RECREATION BOARD  
AGENDA ITEM COVER SHEET**

**Meeting Date:** October 16, 2018

**Agenda Item:** Land Transfer Policy Revisions

**Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 10 minutes

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**Background:** Mont. Code Ann. § 23-1-111(1)(d) requires the Parks and Recreation Board to “review and approve all acquisitions or transfers of interest in these properties, lands, and waters by the department...” Mont. Code Ann. § 23-1-111(1)(a)(i) directs the Parks Board to “set policies and provide direction” to the Department for “management, protection, conservation, and preservation” of state parks.

To that end, in 2015, the Parks and Recreation Board adopted its first Lands Policy (“Policy”) setting forth “criteria and conditions” before the Board would consider a state park lands project. The Policy applied to four categories of acquisitions: 1) Acquisition of Interests in New Park Lands; 2) Acquisition of In-holdings and Adjacent Park Lands; 3) Easements; and 4) Transfer of Lands or Interests in Lands. Consideration of new acquisitions was tied to the Strategic Plan criteria of Significance, Relevance, and Accessibility. The policy was updated in 2017 to add language indicating that “it shall be the policy and intent of the Board not to close any existing State Parks or recreational and historic areas.”

The Legislative Performance Audit concluded the new policy conflicted with itself. The Audit suggested strengthening the Board’s Lands Policy, specifically to eliminate “the conflict in the current policy between land transfer criteria and the assertion that the State Parks and Recreation Board will not close any parks.”

This update to the Policy addresses the audit recommendation by eliminating the conflicting language, while also providing general updates and revisions to the Policy for the sake of clarity and consistency.

**Public Involvement Process & Results:** Public comment was made on previous versions of the Policy prior to the Board’s adoption. Likewise, public comment will be solicited on the revision version of the Policy prior to taking final action at their December 14, 2018 Board meeting

**Alternatives and Analysis:** If the Board declines to propose the Draft Policy, the previous version of the Policy adopted in 2017 will remain in effect.

**Agency Recommendation & Rationale:** FWP recommends proposing the revised draft policy and soliciting public comment.

**Proposed Motion:** I move that the Parks and Recreation Board approve for public comment, the proposed draft Lands Policy.