



MONTANA **FWP**

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

**Meeting Date:** December 19, 2018

**Agenda Item:** Land Transfer Policy Revisions

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 5 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 2017 Policy conflicted with itself. The Audit suggested strengthening the 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 for the sake of clarity and consistency.

**Public Involvement Process & Results:** The Department accepted public comment for 30 days following the Board’s proposal at the October Board meeting. The Department received one comment expressing general support for the changes while also raising other issues beyond the scope of the Policy.

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

**Agency Recommendation & Rationale:** FWP recommends the Board adopt the Policy as final.

**Proposed Motion:** I move the Parks and Recreation Board approve the proposed Lands Transfer Policy.