

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: December 9, 2010

Agenda Item: Largent Bend FAS Lagoon Property Disposal

Division: Parks **Action Needed:** Endorsement

Time Needed on Agenda for this Presentation: 10 minutes

Background

In December 2008, after five years and several convoluted iterations of the project, FWP closed on the acquisition 164 acres along the Sun River approximately 4 miles west of Vaughn, MT. Initially the acquisition was to encompass 134 acres. In a last minute attempt to prevent future gravel mining on the adjacent property the acquisition was amended to include an additional 30 acres. During this process the Department failed to recognize that sewage lagoons constructed to serve an adjacent 21 home subdivision were located within the boundary of the added acreage. It was initially thought that the parcel where the lagoons are located was owned by the nearby subdivision when in reality the previous landowner had granted an easement to the homeowners for the lagoons. Once this information was known, FWP initiated discussions with DEQ representatives and were informed that although the lagoons are on FWP property, the homeowners are responsible for compliance with DEQ regulations, not FWP. The Department is not responsible for managing the lagoons and would like to dispose of the property to the homeowners association, who is responsible. To date there have been no formal discussions with the homeowners association but they are aware of our desire to dispose of this tract through casual contacts with FWP personnel.

Currently the lagoons occupy approximately 1 acre of land. Up to an additional 2 acres may be needed by the homeowners to improve the lagoon system in order to meet DEQ regulatory guidelines. To date the value of the property is unknown. Part of the disposal process will include determining the value of land and if the homeowners will want to acquire the additional property needed for future improvements of the sewage lagoon system.

Public Involvement Process & Results

There has been no public involvement to date. If the Department receives an endorsement to proceed from the Commission it will follow the legal guidelines for disposing of an interest in property, which are essentially the same as the requirements for acquiring an interest in property.

Alternatives and Analysis

- Disposal of the parcel of property with the lagoons and associated land to the homeowners association.
- Do not dispose of the parcel and maintain the property, encumbered by the existing easement to the homeowners association, in FWP ownership.

Agency Recommendation & Rationale

FWP recommends that the commission allow the Department to proceed with initiating the process for disposing of the sewage lagoons and associated property to the homeowners association.

Proposed Motion

I move that FWP initiate the process of disposing of the parcel of property at the Largent Bend FAS that contains the sewage lagoons and associated land.