



MONTANA FWP

Montana State Parks and Recreation Board Policy

Acquisition and/or Transfer of Interests in Lands

Effective Date <u>12/20/2022</u>	Review Date <u>12/20/2024</u>
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Board Policy

The acquisition or transfer of interest in land associated with Montana state parks, affiliated lands, and recreation areas must meet specific criteria and conditions prior to the Montana State Parks and Recreation Board considering a proposed project for action. This policy shall apply to all proposed fee title or permanent easement acquisitions or donations, as well as any proposed transfer or disposal of interests in lands.

Purpose

This policy identifies the criteria and provides direction to Fish, Wildlife and Parks (FWP) staff for the Montana State Parks and Recreation Board (~~Parks~~-Board) review and approval of acquisitions or transfers of interest in state parks, recreation areas, or affiliated lands.

Background

~~Montana State Parks~~ FWP and the ~~Parks~~-Board are responsible for reviewing proposals for potential new parks or recreation areas/sites, or additions to existing parks to assure appropriate land resources are added to the system. All acquisitions of interests in lands must meet the separate evaluation criteria for Significance, Relevance, and Accessibility.

Historically, land acquisitions of all types within the park and recreation system ~~have been~~were inconsistent and lacked policy guidance. Sites ~~have been~~were acquired without the foresight for future development needs, the long-term maintenance and staffing costs, and similar considerations. Additionally, numerous land holdings ~~within the parks division~~ may in fact be more appropriately managed by other public entities. Policy guidance for the transfer of interests in lands is also defined in this document. Decisions to acquire or transfer an interest in park or recreation lands have long-term

implications which require more formal considerations to better balance competing interests and the overall needs of the parks [and recreation](#) system.

Real property interests within the park [and recreation](#) system typically fall into two categories: fee title land holdings (including donations) and easements.

Additionally, there is a category of land holdings referred to as “Affiliated Lands.” These are interests in lands (both fee title and easements) which are ~~administratively attached administered by to the FWP’s~~ parks [and outdoor recreation](#) division but not actively managed as a state park ~~or recreation areasites~~. In some cases, the sites are managed by other public entities. In other cases, the sites are not actively managed.

The policy shall address the following most common areas of park [and recreation](#) lands:

1. Acquisition of Interests in New Park [and Recreation](#) Lands;
2. Acquisition of In-holdings and Adjacent Park [and Recreation](#) Lands;
3. Easements;
4. Transfer of Lands or Interests in Lands.

1. Acquisition of Interests in New Park [and Recreation](#) Lands

There are several criteria ~~the Parks Board and~~ FWP staff shall consider prior to ~~—~~advancing a proposed acquisition project ~~from for the Parks Board endorsement~~ ~~—~~through final Board action.

The three primary criteria considered for future acquisitions are:

- a. Significance – the proposed acquisition must meet the criteria/attributes established and shall represent the natural, scenic, historic, cultural, scientific, or recreational legacy of Montana’s heritage.
- b. Relevance – the proposed acquisition must meet the criteria/attributes established and shall provide (or have the potential to provide) relevant programs and experiences which create lasting memories for Montana families and visitors to the state, and support Montana’s tourism industry.
- c. Accessibility – the proposed acquisition must meet the criteria/attributes established and shall be accessible to all potential visitors, regardless of wealth, physical ability, or location in the state.

If a proposed site or parcel of land meets these criteria, then the following conditions also must be met for the project to advance:

- a. Site Development Funding – improvements at some level will typically be necessary for public use of a site. A plan will be developed by ~~FWP Montana~~ ~~State Parks~~ for the proposed acquisition defining the necessary improvements, anticipated costs, and how they would be funded.

- b. Operational and Staffing Costs – land management involves annual maintenance costs such as fencing, weed control, and staff time. An adequate plan outlining the anticipated costs of managing a given parcel shall be required and considered prior to advancing any acquisition project.

2. Acquisition of In-Holdings and Adjacent Park and Recreation Lands

Periodically there are opportunities to acquire in-holdings within or adjacent to existing parks ~~or recreation areas/sites~~ from willing sellers. It is recognized that these acquisitions can often resolve long-term management issues, secure or enhance public access, or protect resources for the greater benefit to the park ~~and recreation system~~ and an individual parks' management. These potential acquisitions shall be exempt from the criteria identified in #1 above but will be objectively evaluated on the potential benefits that would be afforded to the park ~~or recreation area~~ where the inholding is located.

3. Easements

It shall be the ~~Parks~~ Board policy to review and consider the holding of proposed ~~recreation area~~ easements by ~~the Parks Division~~ FWP. The Parks ~~and Recreation~~ Board may consider acquisition of easements if the acquisition enhances parks and recreation partnerships and does not overly burden ~~the Parks Division FWP~~ with administrative obligations. These easements may include, but are not limited to: easements for trails, road easements associated with a park, and similar situations. Where appropriate, the ~~Parks~~ Board may encourage other appropriate entities to hold such easements.

4. Transfer of Lands or Interests in Lands

There are instances where the transfer of certain lands or interests in lands is appropriate. Those situations may include:

- a. Lands, such as affiliated lands, which are not utilized for the primary ~~mission purpose~~ of state parks;
- b. Lands that have been determined to not meet the criteria for Significance, Relevance, and Accessibility;
- c. Affiliated Lands currently managed by another governmental entity and available for public recreation;
- d. Sites currently managed by ~~the Parks and Outdoor Recreation Division~~ state parks that may be better managed by another governmental entity or division within FWP;
- e. Lands purchased as park sites but currently undeveloped; and
- f. The Department lacks staffing or financial capacity to ensure public access to the site.

An individual park or parcels' Significance, Relevance, and Accessibility as described above will be considered as an integral component of any transfer consideration or review.

Considerations in the Management of State Parks, Recreation Areas, and Affiliated Lands

In the management of state parks, recreation areas, and Affiliated Lands, it shall be the policy and intent of the ~~Parks~~ Board to ensure public access to any existing state park or recreational or historic area. The ~~Parks~~ Board recognizes the importance of the recreational, historic, and cultural opportunities provided by each existing state park and will do everything they can ~~within their budgetary constraints to support keeping~~ these opportunities and experiences available to as many people as possible. Whenever the Significance, Relevance, and Accessibility is insufficient to justify the necessary state ~~park~~ funds for the maintenance and upkeep of these lands, other governmental entities, non-profit entities, or local interest groups or other appropriate partners will be sought to assist in the management of these lands.

Russ Kipp, Chair

Hank Warsech, Director

Authority/Reference

23-1-101, MCA, State Parks Purpose.
23-1-102, MCA, Powers and Duties of the Department
23-1-111, MCA, Powers and Duties of the Board