



# Montana Fish, Wildlife & Parks

TO: Joe Maurier, Art Noonan, Chas Van Genderen, Dave Risley and Sue Daly

FROM: Paul Sihler, Land and Outreach Section Supervisor PCS

RE: State Parks Purchased with Hunting and License Funding

DATE: March 21, 2011

Based upon a review of the land acquisition files and the department's asset management system, I have identified 16 state parks and one parks affiliated land that appear to have been purchased, at least in part, with some form of hunting and fish license funding. This includes federal P-R and D-J funding, general license funding and fishing access site funding. The specific parks are listed below, with a synopsis of the information for each site following later in the memo.

Spring Meadow SP	Smith River SP – Camp Baker and Eden Bridge	
Beavertail Hill SP	Brush Lake SP	Finley Point SP
Giant Springs SP	Lake Elmo SP	Lake May Ronan SP
Logan SP	Lone Pine SP	Lost Creek SP
Missouri Headwaters SP	Prairie Dog Town SP	Sluice Boxes SP
Wayfarers SP	West Shore SP	Little Bitterroot Affiliated Lands

With one exception, I believe that all of the remaining state parks were purchased with some form of parks funding. The one park I am uncertain about is Cooney State Park. At one point there was a combined Cooney State Park/Wildlife Management Area. I suspect that the wildlife management area component may have been a 1,000 acre DNRC lease that was subsequently dropped. There is a note in the file indicating that wildlife no longer has any interest in the site, but I have not been able to track down any other conclusive information.

There is a fairly consistent (but not exclusive) pattern to these acquisitions with two general scenarios for how state parks were acquired with hunting and fishing license funding. In one scenario, the property was acquired with license funding as a fishing access site, often as match for LWCF funding. Many of these properties were acquired in either the 1960's or early 1970's. At some later point the name of the site was then changed from a fishing access site to a state to park, sometimes through a motion by the Fish and Game Commission and other times through an administrative change that shows up in the department's old lands books. Under the second scenario, the department acquired state parks through a land exchange that involved trading department land acquired with fish and wildlife funding for a state park. This happened as recently as 2002 with the acquisition of the Stedman Foundry addition to Spring Meadow SP and the acquisition of Lost Creek SP in 2003.

In reaching these determinations, I've reviewed information from the land transaction files, the asset management system, and in several instances either LWCF or federal aid files. Nonetheless, there may be additional information that I have not discovered that either supports or contradicts what I have found. I recommend that others in the department review the information I have found and scour their records to determine if there is additional evidence that can help inform these conclusions.

#### **Brush Lake State Park**

Brush Lake SP was acquired on December 29, 2004 from the Jensen Revocable Trust. This transaction was a part of a 3-way land exchange facilitated by The Conservation Fund that involved FWP disposing of Chief Joseph Battlefield to the National Park Service and acquiring Brush Lake.

The acquisition of the 450 acre property was funded by \$89,000 of Wallop-Breaux funding (motorboat program), \$25,000 of land exchange value and \$41,910 of state park acquisition funding for a total of \$129,000. The WB funding constitutes a federal aid encumbrance on the property.

#### **Wayfarer's State Park**

The Montana Fish and Game Commission purchased the 48.42 acre "Wayfarer's Recreation Area" on September 2, 1969 from the Big Fork Masonic Lodge for \$158,800. Lands files show that half of the purchase price (\$79,400) was paid by LWCF and that the remainder seems to have been purchased from the "State Fish and Game Earmarked Revenue Account" (some bonding was involved). FWP's asset management system corroborates that the acquisition was funded half by funding categorized as "State Parks Federal and Private," which would be the LWCF, with the other half funded by general license dollars.

#### **West Shore State Park**

The initial 67.3 acre parcel of land that became West Shore SP was acquired in 1955 as a donation with the requirement that it only be used as a state park. The second parcel totaling 73.55 acres was subsequently acquired on April 11, 1966, apparently at least in part in order to resolve an encroachment issue resulting from the department building a toilet and some tables 40 feet across the property boundary on the neighboring property.

The 73 acre addition to the park was acquired through a land exchange where the department traded 285 acres of surplus property at the Blackfoot-Clearwater Game Range plus a \$14,000 cash payment for the West Shore land. The surplus Blackfoot-Clearwater property had been purchased with Pittman-Robertson funding so that encumbrance transferred with the exchange to the West Shore SP parcel.

#### **Smith River State Park (Eden Bridge)**

The 4.23 acres that FWP owns at Eden Bridge was purchased as an FAS on July 21, 1994. The funding for the acquisition was all license dollars through the FAS program. There is a memo in the file dated March 1, 2005 that transfer's administration of the site from the Fisheries Division to the Parks Division. This site is encumbered by FWP license funding.

#### **Smith River State Park (Camp Baker)**

The 50 acre "Fort Baker" public fishing access site was acquired on February 10, 1970. The funding for the purchase was split between LWCF and general license dollars. The 1988 Land Book lists the property as the Camp Baker FAS. The 2009 Land Book lists the property as "Smith River/Camp Baker SP."

### **Finley Point State Park**

The Fish and Game Commission purchased 23.83 acres that became Finley Point SP on July 12, 1965 for \$68,000. The property was purchased with \$54,000 of fishing access site funding plus \$14,000 in value from a land exchange where F&G disposed of the Polson Fish Hatchery. There is a memo in the file to F&G director Wes Woodgerd dated February 4, 1966 requesting that \$68,000 of funding from a parks account be transferred to the F&G budget so that the site would be owned by parks. A handwritten note on the memo says the request was denied on February 8, 1966. This asset management system shows this site as encumbered by FWP general license revenue. This parcel constitutes 23.83 acres of the 27.83 acre state park.

### **Lone Pine State Park**

The 269.44 acre Lone Pine State Park was purchased in multiple transactions over time. One 41.023 acre parcel is encumbered by FWP license funding. Purchased on September 17, 2002 for \$204,250, the funding was split between LWCF and general License funding according to the lands file for the project. This is corroborated by the FWP's asset management system.

### **Logan State Park**

Logan State Park consists of a 16 acre permanent park easement (originally acquired by MDT) plus 1.4 acres owned in fee. The fee title land was purchased by FWP in March 1986 in order to allow the department to site a septic drain field. FWP paid Champion International \$427 for the 1.4 acre parcel. The department intended to cost share the purchase of the parcel with LWCF funds, but a memo in the file indicates that the department failed to meet some LWCF eligibility requirements during the acquisition so that didn't happen. The source of the funding for the purchase is not clear from the lands file but the asset management system shows the \$427 was general license funding.

### **Lake Elmo State Park**

The initial 80.67 acres of Lake Elmo State Park was acquired on June 27, 1983. (The total current fee title acreage for the park is 183.37 acres.) The purchase price for the 80.67 acres was \$950,000, which included FWP trading the Juniper Beach FAS on Flathead Lake, valued at \$144,000, to the seller as part of the transaction. There is a note in the file that indicates that the Juniper Beach property was encumbered with DJ funding, and says that a replacement property could be acquired in the future, but I've found no evidence that this happened. Without a replacement project, the Juniper Beach DJ encumbrance would have transferred to Lake Elmo SP. The asset management system indicates that Juniper Beach (also known as Cedar Beach) was acquired using 75% federal funding and 25% general license funding and that the property was traded to Lloyd Kimble (who sold us the 80.67 acres at Lake Elmo).

### **Missouri Headwaters State Park**

The core 505 acre parcel of Missouri River Headwaters State Monument (which in total is 527 acres) was acquired on August 17, 1966 for \$37,425. Lands records indicate that this acquisition was cost-shared with LWCF funds but are not clear as to the source of the F&G Commission match funding. FWP's asset management system indicates that the source of matching funds for the LWCF funding was general license dollars. This is reinforced by a motion passed by the Fish and Game Commission on November 14, 1966 that says "*I move to declare the following fishing access site as state parks: Lake Mary Ronan and Woods Bay State Parks in Lake County and Ashley Lake State Park in Flathead County, and that the recently-acquired addition be included in the Missouri River Headwaters State Monument in Gallatin County*" (emphasis added). As a side note, I spoke with Don Hyyppa who was the assistant parks

administrator during this era, and Don said fishing access sites were acquired during this period using FAS dollars as match for LWCF.

#### **Beavertail Hill State Park**

The 65 acre Beavertail Hill SP was acquired on September 21, 1968 for \$13,000. Lands files indicate the property was purchased with LWCF funding but do not specify how the 50% match was funded. FWP's asset management system indicates that the match was general license funding. Walt Timmerman checked the LWCF files and found no information about how the LWCF funding was matched.

#### **Greycliff Prairie Dog State Park**

The 97.91 acre Greycliff Prairie Dog SP was acquired from The Nature Conservancy for \$11,670 on January 7, 1974. The property was appraised to federal standards but the lands file contains no information about how the acquisition was funded. LWCF files show that the property was acquired with an LWCF grant but there is no information regarding the match. FWP's asset management system indicates the funding was split between general license funding and federal funding.

#### **Sluice Boxes State Park**

The 1400 acre Sluice Boxes SP was all or mostly acquired with fishing and hunting license funding, was an FAS before being re-classified as a state park, and a portion of it at one time was federal aid encumbered.

The core 1100 acre parcel of the park was acquired from the Anaconda Co. on August 29, 1974 as a result of a land exchange for 461.07 acres of land at the Blackfoot-Clearwater Game Range plus a \$4,000 payment. Presumably this was license funded because all of the land we owned at the BC Game Range at that time was acquired between 1948 and 1965. One 176.39 acre parcel was federal aid encumbered. That encumbrance was transferred to Sluice Boxes and then subsequently transferred to Issac Homestead WMA.

An 8.172 acre parcel was purchased on September 3, 1982 with fishing access site funding. There is extensive documentation in the lands files regarding this funding source that is corroborated by the asset management system, which also shows other parcels encumbered with general license funding.

These conclusions are supported by 1970's era land books. The 1974 lands book lists 1,090 acres at "Belt Creek" as a public fishing access site. In 1976, the lands book refers to the site (with some additional acreage) as "Sluice Boxes State Monument" but still lists it under the "Public Fishing Access" category. Then the 1978 lands book lists "Sluice Boxes State Monument" in the "Parks, Monuments and Recreation Areas" category of the lands book instead of the "Public Fishing Access" category.

#### **Lake Mary Ronan State Park**

The initial 76.08 acres of Lake Mary Ronan were acquired by the Montana Fish and Game Commission on January 14, 1965 prior to the passage of the legislation transferring State Parks to the Fish and Game Commission. There is a decade of correspondence starting in the mid-1950's regarding interest and efforts by F&G to acquire access at Lake Mary Ronan. F&G acquired the 76.08 acre parcel from the Glacier Park Company in exchange for land the department owned at Ashley Lake. The Ashley Lake property was purchased by the department on July 4, 1937 for a fish hatchery and spawning operation. Apparently hatchery operations were discontinued making the Ashley Lake property available for disposal. FWP's asset management system shows Lake Mary Ronan as having been purchased with

general license funding. On November 14, 1966, the Fish and Game Commission passed a motion (see Missouri Headwaters SP section above) declaring that the Lake Mary Ronan FAS was now a state park.

Montana's license funding ascension act that says license fees may only be used for department purposes was enacted in 1941, four years after the Ashley Lake property was acquired by F&G. That may be relevant to determining whether this property is encumbered by license dollars, but there is little question that F&G funding acquired the site.

52.65 acres were subsequently added to Lake Mary Ronan in 1997 and this acreage does not appear to be encumbered by fish and wildlife funding.

#### **Little Bitterroot Affiliated Lands**

FWP owns 0.73 acres of land in fee title at Little Bitterroot Lake and the remaining 36.8 acres at the site are leased. The 0.73 acres of fee title land was acquired as a part of the same land exchange through which Lake Mary Ronan was acquired in return for department land at Ashley Lake. There is a memo to the file that says "We plan to grant an easement to the State Parks Division to operate the Little Bitterroot Lake property; however, we will retain ownership of it." FWP's asset management system shows the funding source for Little Bitterroot Lake as "Non-Budgeted Private funding," but in light of the clear documentation in the lands file that this property was acquired through exchange for Ashley Lake, I believe the asset management system is incorrect (see Lake Mary Ronan description and comments above).

#### **Lost Creek State Park**

The 502.09 acres Lost Creek SP was acquired through a land exchange with the USFS on January 28, 2003. The 107.26 acres Welcome Creek FAS on Rock Creek was one of the properties that FWP exchanged out of in order to acquire Lost Creek SP.

The Welcome Creek FAS was acquired by the Montana Fish & Game Commission for \$10,726 on May 19, 1959, which is prior to the date that state parks were moved to the F&G department. The appraisal for the acquisition was completed by the Bureau of Sport Fisheries and Wildlife, a bureau of the USFWS. Old lands books list Welcome Creek as a public fishing access site. A memo in the file from Don Malasani, FWP Land Agent, dated 1981 indicates that *"Through a process of elimination, I have determined that the funding source for Welcome Creek was totally state money. I was unable to find any documents indicating that federal funding was used to purchase the property."* The asset management system indicates this property was encumbered with \$10,726 of general license funding.

Two other FAS sites were also disposed of by FWP to the USFS as a part of this exchange. The remaining 31.56 acres parcel at Ashley Lake was transferred to the USFS. As described in the Lake Mary Ronan section above, Ashley Lake was acquired by the Montana F&G Commission in 1937 and then designated a state park in 1966. This property may not be encumbered with license dollars, however, because it was acquired before the 1941 enactment of the license ascension act. FWP also traded out of the Ray Kuhns FAS. This 82.59 acre site was acquired in 1971 through a donation for the purpose of public fishing access. However, because this site was donated it is not considered encumbered by the USFWS.

#### **Giant Springs State Park**

Two parcels of the 675 acre Giant Springs SP were acquired in part with general license funding. A 5.18 acre parcel was acquired from the Kunesh Family on November 29, 1972 for \$21,000. Lands records

indicate the funding for the acquisition was \$11,130 of LWCF funding and \$9,870 of license funding. The asset management system indicates \$10,500 of license funding in this parcel.

The second parcel encumbered with general license funding was acquired on January 31, 1977. This 48 acres parcel was also acquired from the Kunesh Family through a combination of a land exchange and purchase. FWP exchanged its 680 acres Muddy Creek property plus \$74,340 for the 48 acres addition to Giant Springs SP. The Muddy Creek property was PR encumbered. While the Parks Division got the Giant Springs/Heritage Park Committee to reimburse the USFWS for the \$21,375 PR encumbrance, the general license match of \$7,125 was transferred into Giant Springs State Park. In addition, \$6,267 of general license funding was used as part of the match for the LWCF funding. The asset management system indicates this parcel is encumbered with \$43,832 of license funding. There is a note in the file that 3 acres of the parcel was retained for a regional headquarters but the headquarters was built elsewhere.

#### **Spring Meadow State Park**

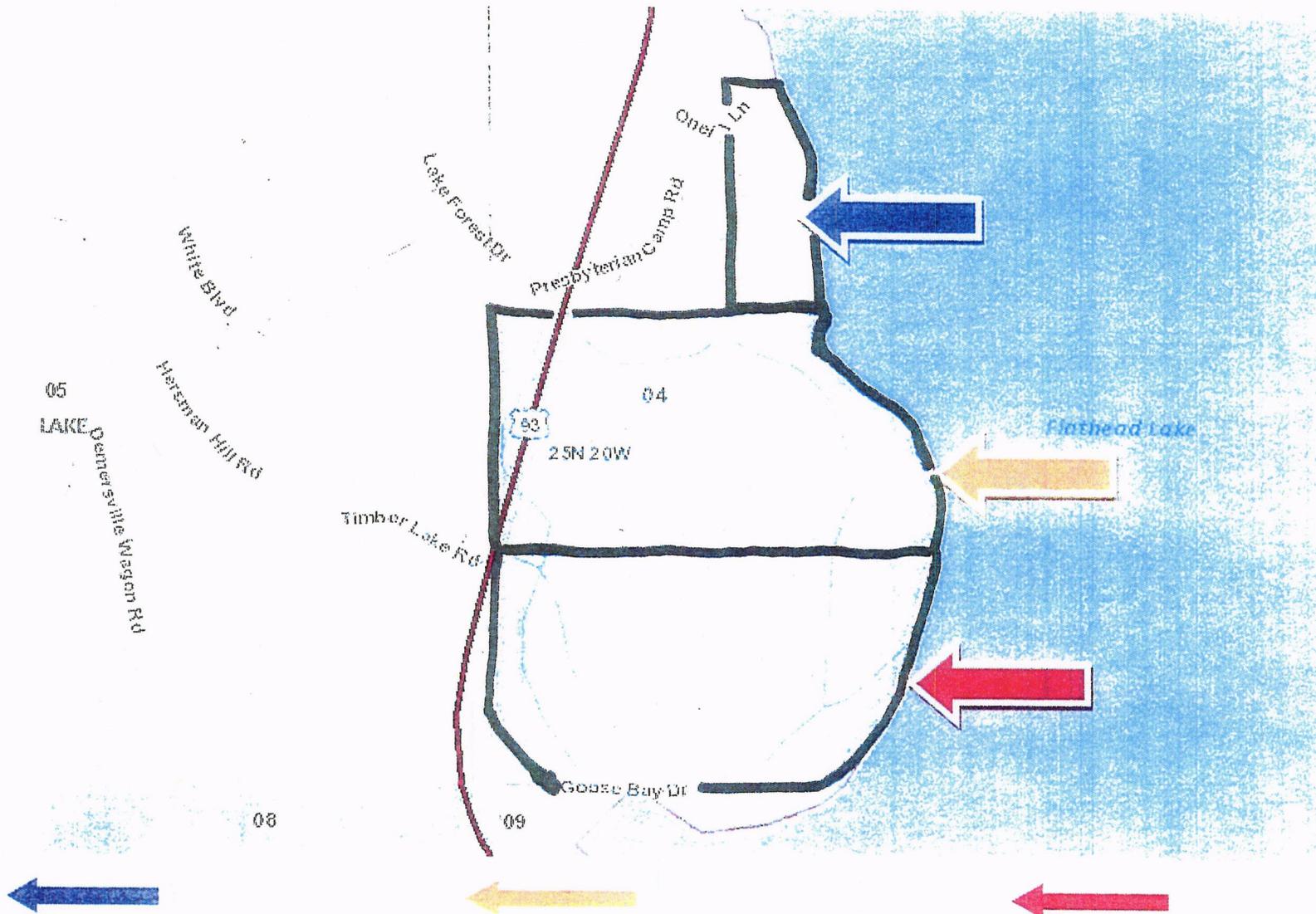
The Stedman Foundry portion of Spring Meadow Lake SP (5.3 acres) was acquired through a land exchange for two parcels of property at FWP's Custer Avenue warehouse with a combined acreage of 8.127 acres. There are memos in the land exchange file indicating that (1) the warehouse property was acquired using license funding, (2) any property acquired through an exchange of the warehouse property must be used for fish and wildlife purposes and remain under the control of the department and (3) the proposed use of the Stedman property seems to meet the criteria in #2. The asset management system indicates that the Stedman property is encumbered by \$292,647 of FAS funding.

The core 55.8 acre parcel of Spring Meadow Lake SP was acquired by FWP in 1981 using Coal Tax funding.

c: Adam Brooks  
Hugh Zackheim  
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Prepared 2013  
(Zackheim)

# FLATHEAD LAKE STATE PARK – WEST SHORE Parcel Acquisition Map



Traded to Presbyterian in 1993 for  
Finley Pt. parcel; File #1529.5(02)

*PR encumbered*

Acquired for cash & Blackfoot WMA land exch. 1966  
File #1529.1(02) (originally included the  parcel)  
This parcel is P-R encumbered because of land exchange.

Acquired by donation in 1955; file #1529.1(01)  
By deed, this parcel must be used for state park.