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ANALYSIS OF PUBLIC LAND ACQUISITION PROGRAMS:
THE CASE OF THE MONTANA DEPARTMENT OF FISH AND GAME

By

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Presented in partial fulfillment of the requirements for the degree of

Master of Forestry


UNIVERSITY OF MONTANA

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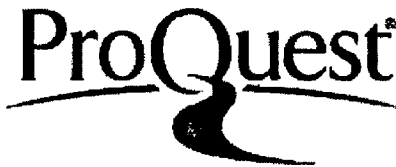


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CHAPTER I

DEFINITION OF THE PROBLEM

Research Objective

A 1977 Western Interstate Commission on Higher Education internship provided an opportunity for the author to carry out research on the Montana Department of Fish and Game's (herein designated as "Department") land acquisition program. Specifically, the research addressed the problem of how the Department implements a legislative empowerment for acquisition of recreational land. Implementation is understood to include a procedure and policies to guide the decision making. In the analysis of the Department's recreational land acquisition program, the author sought answers to the following questions:

1. what is the procedure by which the Department acquires lands designated within the parks system?
2. what are the Department's formal policies that serve to direct the decision making at key points in the identified procedure?

The problem is identified in chapter I: a brief review of the nation's concern with the provision of adequate outdoor recreational resources, including the enactment of federal legislation authorizing land acquisition and a delineation of responsibility, is offered. The value of a land acquisition program to the state of Montana, and the role of the Department in such a program, as determined by the Montana Legislature, are discussed. Chapter I concludes with a definition of policy and a methodology section. Chapter II addresses the procedure by which the Department acquires

lands. Variations and complexities within this procedure are discussed. The critical points of decision making identified in chapter II suggest the existence of policy guidelines. The extent to which formal policy has been developed is examined in chapter III. In chapter IV, the procedure and policies identified in chapters II and III provide the basis for recommendations. Suggestions are made for improving the Department's implementation of the legal authorization for recreational land acquisition.

Research Rationale

Nationally, outdoor recreation has increased significantly in the last few decades. Improvements in transportation, increased personal incomes, shorter work weeks and the prevalence of annual paid vacations are factors that have contributed to this increase in outdoor recreation (Clawson, 1963b). A growing concern with the adequacy of the nation's recreational resources stimulated a federal response by the late 1950's. In 1958 a National Outdoor Recreation Resources Review Commission (ORRRC) was established by authority of Public Law 85-470. The objectives of the fifteen member commission were to survey the country's outdoor recreation resources, to measure the present recreational demand, to project future demand for the next forty years, and to make recommendations that would ensure that "future as well as present Americans could be assured of outdoor recreation opportunities of adequate quality, quantity, type and distribution" (Brockman and Merriam, 1973, p. 98). The commission's report was sent to the President and Congress in January 1962. Some of the major conclusions of the study were: (1) land now available for outdoor recreation does not effectively meet the need, (2) most public agencies, particularly in the states, are

faced with a lack of funds, and (3) outdoor recreation is a major leisure time activity and it is growing in importance (ORRRC, 1962).

Outdoor recreation in the United States takes place predominantly on publicly owned and provided areas (Clawson, 1963a). Although the contribution made by private property to the nation's recreational resources may increase in the future, outdoor recreation will continue to be carried out largely on public land. Despite the fact that the percentage of federally owned lands is significant in the western states (thirty to eighty-seven percent), the majority of land nationwide is in private ownership. In this situation, land acquisition is a technique which society can use to meet the growing demand for outdoor recreation. Land acquisition can provide: (1) access to federal lands and waters acceptable for recreation, (2) alternatives to federal lands with inadequate recreational value, (3) recreational opportunities where there are no federal lands in existence, and (4) preservation of areas of outstanding natural, scenic, scientific or historic importance.

One of the recommendations of the ORRRC was that a federal grants-in-aid program be established to promote, among other things, land acquisition by the states. Congress incorporated this recommendation in the Land and Water Conservation Fund Act (LWCF) of 1964 (Public Law 88-578). This Act created a revolving fund, sixty percent of which goes to the states, and forty percent to the federal government, for recreational land planning, acquisition and development. The U.S. Bureau of Outdoor Recreation (BOR), delegated to administer the Act, has interpreted congressional intent as favoring acquisition over development with respect to the states' participation

During a 1968 House appropriations subcommittee hearing (U.S. Congress, p. 262), the BOR stated that it:

...is continuing to urge states to utilize a greater portion of their financial resources in acquiring recreation lands. Land price escalation is a problem for the States as well as for the Federal Government. Furthermore, desirable outdoor recreation areas throughout the nation are being preempted for other purposes and action is needed to obtain as much of these lands as possible before they are lost forever.

The BOR's national recreation plan (1973) recommended that the states should proceed to acquire, as quickly as possible, those resources judged to be recreationally and environmentally significant, and assure public access to existing but underused recreation resources.

Planning for and provision of outdoor recreation opportunities are activities that can be carried out at the local, state, or federal level. Although a precise delineation of responsibilities between the various levels of government could not be found in the review of applicable literature, it does appear that the state should play the key role in such activities. According to Clawson (1963a), state parks will play a major role in the outdoor recreation picture of the future. Such parks are free of some of the constraints placed upon city and national parks: the former are geographically restricted and the latter are limited to areas of national significance. Thus, the potential for establishing state parks is greater than for the other two types of parks. According to the ORRRC (1962, p. 94):

The States should play the pivotal role in providing outdoor recreation opportunities for their citizens. They are the most logical units to provide the flexible approach required to satisfy varying needs. States can assess their own needs and take action accordingly. They can be particularly effective in stimulating counties and municipalities . . . to take both separate and joint action to meet important problems. Through their regulatory power, the States can also play an effective

role in stimulating private enterprise. Finally, they are the most effective avenue through which Federal aid can be channeled to meet varying needs.

Statements made in the BOR's plan support the significance of the states' involvement: "The States exercise the key role in comprehensive land use planning and in identifying, acquiring, developing and managing major public outdoor recreation resources" while the federal government should acquire "those superlative areas needed to round out the Federal recreation estate" (1973a, p. 66). As the latter objective is met, "more of the Fund monies will be made available to the States" (1973a, p. 55). The LWCF Act authorizes a very limited acquisition program by the federal government.

The state of Montana is characterized by a significant amount of public land and an abundance and diversity of natural resources--factors which make it very conducive to outdoor recreation. It is the fourth largest state, having a land area of some 93,089,000 acres. Roughly thirty percent is federally owned, about sixty-five percent is in private ownership and the remainder is owned by the state (U.S. Soil Conservation Service, 1971). The Montana Department of Fish and Game controls about .0034 percent of the state, but owns only about .0021 percent (Wambach, 1976). Over a million acres of lakes and reservoirs provide multiple use opportunities for wildlife habitat, fishing and other forms of recreation. Some fifteen thousand miles of streams support much of the nation's best fishing and floating (U.S. Soil Conservation Service, 1971). Ten national forests incorporate about eighteen percent of Montana's land (U.S. Soil Conservation Service, 1971). The state's 1970 population density of 4.8 people per square mile is the fourth lowest in the country (BOR, 1973a), and is indicative of special opportunities for recreational growth. Tourism and recreation are

now the state's third largest industry, an industry that is projected to show continued growth (U.S. Soil Conservation Service, 1971).

The opportunities for outdoor recreation are of unmeasured value to many of the state's citizens:

Outdoor recreation is an important part of the heritage of Montanans and has been a source of enrichment to the quality of their lives. People today and in the future will also continue to need the opportunity to spend some of their leisure time in outdoor activities that are both physically beneficial and spiritually refreshing. The importance of outdoor recreation has been well demonstrated by relatively high rates of participation in hunting, fishing and an ever increasing variety of outdoor activities Montana is a state rich in a variety of natural and cultural resources that in the past have been shared by relatively few people. High quality outdoor recreation with diverse choices has been a way of life for Montanans (Montana Fish and Game Department, 1978, p. 5).

The Montana Legislature has established the Department as the state agency primarily responsible for the conservation and supervision of specified natural resources and for the provision of recreational opportunities. An objective set for the Department reads: "The department shall supervise all the wildlife, fish, game, game and nongame birds, and waterfowl, and the game and furbearing animals of the state," Sec. 26-104, R.C.M. 1947. Another objective, for which the Department assumed responsibility in 1965, is found in Sec. 62-301, R.C.M. 1947: the Department is to conserve the "scenic, historic, archaeological, scientific and recreational resources of the state," and to provide "for their use and enjoyment, thereby contributing to the cultural, recreational, and economic life of the people and their health."

One of the techniques for meeting these objectives is land acquisition. Authority for such an activity has been granted to the Department: "The department . . . may by purchase, lease, agreement, acceptance of

donations, or condemnation acquire for the state any areas . . . which in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments or state historical sites," Sec. 62-304, R.C.M. 1947. Land acquisition is further authorized in Sec. 26-104.6, R.C.M. 1947: "The department, with the consent of the commission, may acquire by purchase, condemnation, lease, agreement, gift or devise, and may acquire easements upon lands or waters" for, among other things, "public hunting, fishing or trapping areas." Sec. 62-402, R.C.M. 1947, contains the legislative policy that designates the Department "as the state agency to represent and act for the state for the purpose of implementing the 'Land and Water Conservation Fund Act of 1965.'" In compliance with the provisions of this Act, the Department may "acquire, other than by eminent domain, and develop outdoor recreational areas and facilities, and lands and waters" (Sec. 62-403, R.C.M. 1947).

Land acquisition is a particularly valuable tool for the provision of recreation in Montana. Despite its attributes that favor outdoor recreation, the state faces a set of recreational problems which land acquisition, specifically, can address. These include: (1) lack of access to federal lands (Frome, 1971; Holliday, 1977; Montana Legislature, 1976), (2) lack of access to streams and lakes (Montana Fish and Game Department, 1978), (3) lack of federal (or other public) lands with recreational value. Although a region may be characterized by significant federal ownership, the recreationally desirable tracts of land--those permitting access to streams and lakes--are in private ownership. This is especially true in eastern Montana (Hyppa, 1977); (4) lack of public recreation lands near urban centers

(Montana Office of the Legislative Auditor, 1976), and (5) the existence of cultural and/or historic sites that merit state preservation (Montana Fish and Game Department, 1975).

If a legal mandate is to be implemented by the Department, adequate financial support must be provided by the legislature. To this end, the legislature has established various types of revenue funds in which designated monies are credited to the Department. These monies can be spent, subject to appropriations by the legislature, by the Department to carry out its programs. Furthermore, the legislature has designated that earmarked portions of these funds shall be used for acquisition. Sec. 26-234, R.C.M. 1947, states that a certain part of the fee for each type of fishing license "shall be used for the purchase of fishing accesses, stream, river and lake frontages and the land deemed necessary to provide recreational use thereof." Sec. 84-1319, R.C.M. 1947, authorizes the establishment of an earmarked revenue fund and a trust and legacy fund. A designated portion of the state's coal tax revenues are allocated to these funds "for the purpose of acquisition of sites and areas described in Sec. 62-304, R.C.M. 1947," among other things. Authority to utilize LWCF funds (Sec. 62-402, R.C.M. 1947) has significantly increased the financial support for the Department's land acquisition program.

The state legislature has empowered the Department to acquire lands for several purposes including fishing access and the conservation of other areas suitable for inclusion in the state parks system. The significance of the Department's land acquisition program is demonstrated by the most recent appropriation: the 1977-1979 land acquisition appropriation for the Department is \$5.18 million (Montana Legislature, 1977a). Of central concern

to this research is an analysis of the Department's implementation of a land acquisition program. What procedure has been established, and what decisions have been made and upon what bases, are the questions to be answered in this endeavor.

Definition of Policy

The term "policy" is an amorphous concept. A definition of policy, more restrictive than those found in the literature (Dana, 1956; Dye, 1975; Worréll, 1970), but applicable to the objectives of this research, is offered: policy includes a statement of goals and objectives which people hope to accomplish by means of certain programs. It is a written, lawlike statement: it must be retrievable from formal sources of information. The author is aware of the fact that an "implicit" body of policy exists in the form of professional paradigms and personal biases influencing decisions. Although these paradigms and biases are influential in the determination of a policy (and implementation techniques), they are not considered formal in the sense of the term policy as used here.

If a policy is to be effective, it must be accompanied by guidelines that direct its implementation. Furthermore, some provision for evaluation must be present to ensure that the implementation programs achieve the objectives stated in the policy. The potential for evaluation is implicit in the design of a goal-oriented program. To the extent that implementation techniques and evaluative schemes are lacking, a policy is little more than a wishful but meaningless statement.

Policies, programs, and evaluative techniques are difficult to distinguish, given that each can incorporate elements of the others. Viewed

as a continuum, a policy is the most generalized statement: it has the potential for directing the design of many, variable implementation techniques. The latter designate responsibility more specifically and incorporate operational programs. An evaluation analyzes the results of performance in relation to the objectives stated in the policy.

Methodology

Analysis of the Department's land acquisition program was limited to a consideration of those lands making up the parks system as defined by Sec. 12-2.26(1)-S2670 of the Montana Administrative Code (MAC). Lands within this system include: state parks, monuments, recreation areas, recreation roads and trails, recreational waterways and fishing access sites. This focus on the parks system dismissed from consideration those lands acquired by the Department for administrative purposes, fish hatcheries and game ranges. Use of the words "land acquisition" implies a specific reference to the parks system although the statement made may be relevant to the Department's entire land acquisition program. Information sources for this research included: (1) the formal literature: MAC, the Revised Codes of Montana, commission meeting minutes, land acquisition committee minutes, budget documents, executive orders, Montana's Statewide Comprehensive Outdoor Recreation Plan (SCORP), (2) Departmental correspondence, (3) interviews with key administrators, (4) a land acquisition questionnaire directed to the Helena and regional staff, and (5) attendance at a land acquisition committee meeting on August 2, 1977, and at a Legislative Finance Committee meeting on July 25, 1977.

CHAPTER II

PROCEDURE FOR LAND ACQUISITION

Introduction

A study of implementation involves the identification and description of an operational procedure and policies that guide the decision making at key points in that procedure. An initial objective, therefore, was to delineate the procedure by which the Department acquires parks system lands.

No formal (written) description of this procedure exists. Nonetheless, the Department has conducted a sizable land acquisition program since 1965 and during this time an informal procedure has evolved. Thus the objective became one of identifying the implicit and informal procedure. This involved researching the minutes of the land acquisition committee meetings and the commission meetings, budget material, other intra-departmental correspondence, and interviewing staff members. An initial flow chart was developed from a synthesis of this information with the objective of portraying key decision making points and decision makers in the land acquisition procedure. The diagram was reviewed by some Helena staff members. Suggested revisions were incorporated into the diagram to the best possible extent, but it became very evident that key personnel frequently had different perceptions of the procedure. Therefore, an effort was made to keep the diagram as simple as possible in order to achieve a description acceptable to all of its participants. A revised and simplified diagram was a part of a questionnaire sent to both regional and Helena staff members. The respondents explicitly pointed out "problems" with the diagram based upon their

perceptions of the procedure. They also implicitly supplied information regarding the validity of the diagram through their responses to questions on the land acquisition program. The importance of maintaining a generalized, hence acceptable, flow chart necessitated incorporation of most of the suggested revisions into the written discussion of the procedure.

Description of the Procedure

The resultant diagram (Figure 1) is subject to several reservations. It is a static representation of a procedure that is dynamic and evolving. Furthermore, it is a highly generalized model--unable to represent much of the communication and decision making that characterize many of the acquisitions. Despite these reservations, there was general consensus that the model adequately portrayed the present parks system acquisition procedure.

The following is a description of the major points identified in the model (refer to Figure 1):

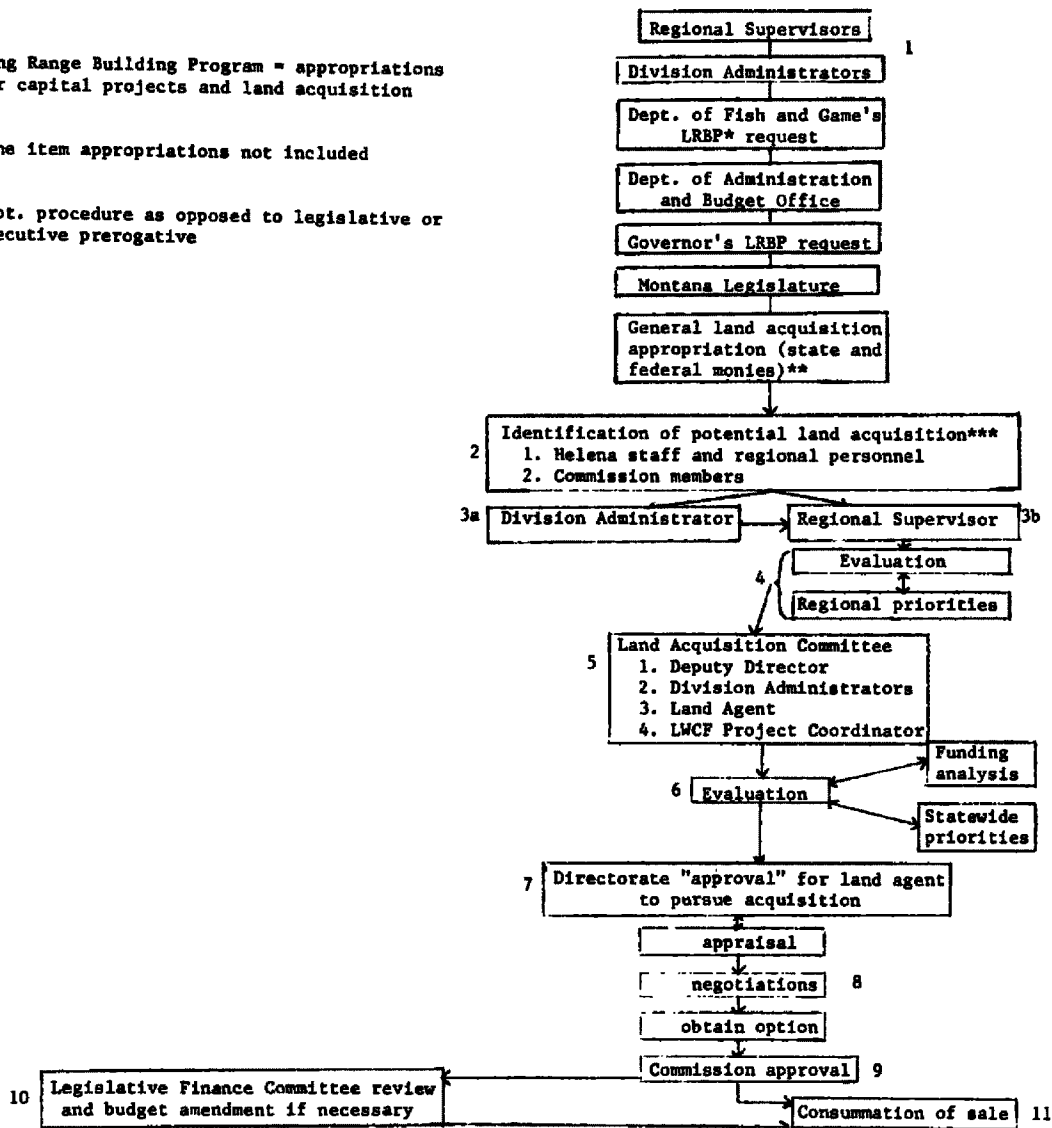
Budgetary Process

1. The state legislature has empowered the Department to acquire lands for several purposes including fishing access and the conservation and preservation of areas within the state parks system. In order to implement a land acquisition program, the Department must follow certain dictated procedures to gain spending authority. Among these is the requirement to prioritize capital projects (those involving land acquisition and/or development). This prioritization occurs during the Department's preparation of its Long Range Building Program (LRBP) budget that contains requests for legislative appropriations from state, federal, and earned revenues. The Department's LRBP request is integrated with those of other agencies during

*Long Range Building Program = appropriations for capital projects and land acquisition

**Line item appropriations not included

***Dept. procedure as opposed to legislative or executive prerogative



AUTHORITY TO EXPEND MONEY FOR LAND ACQUISITION

INTRADPARTMENTAL PROCEDURE

Fig. 1. Model of land acquisition for the parks system

the development of the Governor's LRBP Budget by the Department of Administration and the Budget Office. The Governor's LRBP Budget is then submitted to the Montana Legislature for consideration in the determination of agency capital appropriations. The Department gains land acquisition spending authority upon the passage of an appropriations bill by the legislature.

Land Acquisition Procedure

2. A member of a regional or Helena staff, as well as a commissioner, can initiate a land acquisition through the identification of a particular site. This may be the consequence of a landowner's desire to deal with the Department. Departmental staff may also take the initiative in contacting a landowner regarding the feasibility of a sale.

3. This information is then directed to one of two people for consideration:

- a. The appropriate division administrator may be informed.
- b. The regional supervisor may be informed. The majority of potential acquisitions follow this route.

4. Generally, a potential acquisition including any recommended by a division administrator, receives its first thorough evaluation at the regional level. To a variable degree, the regions have gathered data and identified acquisition needs and priorities for the different types of resources. With this information in mind, the regional supervisor has the final authority to recommend a potential acquisition for further Departmental consideration.

5. The land acquisition committee reviews the proposals from the seven regions. At present, the membership includes the division administrators

the land agent, and the deputy director, who serves as the chairman. The LWCF project coordinator serves as an observer and to offer technical information and expertise concerning BOR cost sharing.

6. Evaluation of a potential acquisition is not limited to the formal land acquisition committee meetings. Copies of regional proposals that are submitted to Helena are routed to committee members during the interval between meetings. Some degree of informal communication and contact between various committee members regarding particular proposals also occur. During the land acquisition committee meeting the land agent gives a region by region status of land that he has been given approval to pursue for possible acquisition. New regional proposals are then introduced and discussed; a committee member may present a potential acquisition hitherto unknown by other members. All of these proposals are individually evaluated in terms of general and informal statewide priorities. A potential acquisition is reviewed as well on its own merits including its ability to meet long identified regional needs. Political, legal, or financial factors may expedite or impede further consideration of a proposed acquisition. The committee is not a voting body but serves in an advisory capacity to the deputy director (Newby, 1977).

7. The term "director" as used here, includes the director and the deputy director. The deputy director has the final authority as delegated to him by the director, for the determination of those acquisitions warranting further consideration by the Department. Sometimes information on the deliberations of the committee is communicated to the region(s).

8. Upon the deputy director's approval, the land agent contracts for the necessary appraisals to be carried out. Onset of most of the

negotiations between the Department, as represented by the land agent, and a landowner are dependent upon the director's approval. In most cases (routine and uncontroversial) the director delegates these responsibilities to the deputy director, and he, in turn, delegates authority to the land agent (Cooper, 1977). During the negotiation proceedings, the land agent maintains informal contact with the deputy director and is likely to maintain contact with the LWCF project coordinator in anticipation of the necessity to prepare a LWCF project proposal. If the landowner and land agent can reach agreement, an option to buy is prepared and executed by the landowner, indicating his commitment to sell.

9. The option is presented at the next commission meeting for consideration. Upon approval, the commission authorizes the option to be exercised. If the acquisition involves the expenditure of funds authorized by HB 144 (appropriations for capital projects, 1977-1979), it must be reviewed by the Legislative Finance Committee (Montana Legislature, 1977a). The great majority of parks system acquisitions that will be carried out during this biennium fall in this category.

10. The Legislative Finance Committee considers the acquisition. At the present time this committee serves in an advisory and review capacity. According to the Legislative Fiscal Analyst, the committee does not have veto authority (Montana Legislature, 1977). The committee's role will end or continue (in the present or in an amended fashion) in 1979, depending upon the legislature's action.

11. The director exercises the option. This obligates the Department to purchase the property under the terms of the option.

Complicating Factors

The system in Figure 1 is a highly generalized model of the procedure. The presence of any one of a number of conditions can serve to stall decision making, necessitate the elimination of some of the steps, or in other ways, complicate the procedure. Some of these complicating factors include:

1. The initiation and support for Department acquisition by other than Department personnel;

The legislature can designate a given acquisition to be pursued by the Department. The mandate is strengthened with the addition of a legislative appropriation from state monies in the biennial capital appropriations bill. The Department attempts to implement all of these mandates, but from past experience, it would exercise discretion and engage in a condemnation sale only in exceptional conditions. As a consequence of this legislative prerogative, the Department has acquired lands that had not been identified and evaluated as high priority. It is possible that some of these acquisitions, had they been evaluated by the Department at the time, would have been judged as high priority.

2. Technicalities of funding a multiple use area;

Some acquisitions, particularly the larger ones, meet more than one of the Department's objectives for land acquisition. A decision must be made as to whether one or several sources of funding shall be applied to the acquisition. This involves efforts not only to identify those proportions of the acquisition meeting each objective, but also to assign funding sources that abide by state and federal mandates.

3. The opportunistic nature of property sales;

Although many of the land transactions involve landowners who willingly choose to deal only with the Department, some transactions are characterized by a seller who offers his land for public bid. Under these circumstances in which the Department is competing with other potential buyers, short cuts may be taken in the Department's acquisition procedure, if time is of the essence. This is especially true when a specific site, identified as high priority but hitherto unattainable, suddenly becomes available for purchase.

4. Technical problems;

The acquisition of a property, which is carried out free of legal or technical difficulties, is probably an unusual occurrence. The Department, in all likelihood, must deal with some combination of the following:

- a. Presence of more than one owner for a given property.
- b. Necessity to deal with more than one landowner to gain a desirable "property" or access to a specific property.
- c. Inholdings, or reservations of private or other public lands within the boundaries of a potential acquisition.
- d. Necessity, because of deed restrictions, to acquire more than the desired amount of property. The problem is compounded if the excess does not qualify for matching federal money.
- e. Separation of property rights, including the existence of easements, covenants, or other outstanding rights held by another party.

f. Appraisal.

1. May not give sufficient attention to values of importance to the Department: presence of exceptional scenery or wildlife, historic, cultural or scientific attributes; Department must evaluate costs and benefits of purchase at above the appraised price.
2. Discrepancy between two appraisals.

g. Marketability of title, or concerns with the legal validity of the title.

h. Other unforeseen factors, such as the necessity to schedule a sale so that its consummation is in the financial interest of the seller.

5. The uncertainty with respect to the present and prospective legislative intent;

The major concerns and intent of the legislature are subject to unpredictable change due to the fact that there is a sizable turnover in the legislative membership every two years. The consequence is that many legislators are unfamiliar with the Department. Furthermore, new public attitudes that influence legislative decisions (and membership) continue to emerge. The Department must also operate with the knowledge that new laws influencing its activities can be passed and existing laws can be amended.

6. The uncertainty with respect to the director's tenure and philosophy;

The director is appointed by and serves at the will of the governor. Periodic replacement of the director creates the potential for shifts in policies, programs and Department direction.

7. Obtaining federal aid approval;

Fulfilling the requirements for LWCF eligibility necessitates that the LWCF project coordinator be consulted with early in the consideration of the proposal. In some cases where this has not occurred, problems have arisen that have required a more complex project preparation (Aasheim, 1977).

8. Recent developments that have the potential for changing the procedure;

- a. Role of the Legislative Finance Committee during the review of the Department's acquisitions.
- b. Role of the director in the land acquisition program as a result of the passage of HB 791 in 1977 (Montana Legislature, 1977b). This Act established the director, rather than the commission, as head of the Department.

Summary

A model of the parks system acquisition procedure was delineated given the absence of a formal record. The model is of necessity highly generalized in recognition that the procedure is subject to many complicating factors. Such a description, though subject to reservations, has nonetheless proven to be of value in the analysis of the land acquisition program.

CHAPTER III

REVIEW OF THE FORMAL POLICY THAT GUIDES DEPARTMENT DECISION MAKING

Introduction

Key decision making steps in the parks system acquisition procedure were identified in the preceding chapter. The next objective was to identify all statements of policy and guidelines that serve to guide the implementation of the land acquisition program within the Department. Specifically, documentation of policy guiding the decision making at the key procedural points was sought. The merit of the decisions was not questioned--rather a consideration of how these decisions are reached became the focus.

The present organization of the Department, a line-staff relationship, approximates a hierarchy. At the onset, the assumption was made that the development of Department policy proceeds according to this hierarchy. It followed that the identification of policy set at higher levels of the hierarchy would provide the logical perspective for a clear understanding of the policylike guidelines set at the lower levels of the hierarchy. This approach necessitated an identification of the levels of the hierarchy and the contribution of each to land acquisition policy.

According to the most recent organizational chart for the Department, the policy making process is influenced by three groups of people, separated by role and basis of appointment. Both a five-member commission and the Department's director are political appointees who serve terms in general concurrence with the governor's term. The Department's career

bureaucrats, including division administrators, make up the third group. There is no question that the commission is the *policy** making body of the Department (Sec. 26-103.1, R.C.M. 1947). Furthermore, the commission must review and approve the Department's budget prior to its transmittal to the budget office, and must approve all land acquisitions or transfers of interests in land or water (Sec. 26-103.1, R.C.M. 1947). These latter two responsibilities draw the commission directly into the land acquisition program, and they enhance the likelihood of *policy* determination.

The designation of responsibility for Department *policy* would appear to establish the necessary framework for more specific interpretation and implementation of that *policy* by the director, and the most specific interpretation in the form of guidelines by the Department's bureaucrats. Careful analysis of the relevant legislation (Montana Legislature, 1977b) however, demonstrates that the *policy* making process is not so neatly delineated. First, because the term *policy* is not defined in the Act, only statements labeled as such by the commission need be considered *policy*. Under these circumstances, the director and, in turn, the bureaucrats operate with considerable discretion: in some areas they may establish policylike guidelines, according to the definition of policy provided in this research. In other areas, especially in the absence of higher level (formal) policy, they will be more reticent to document guidelines. Second, the passage of recent legislation is likely to draw the director further into the *policy* making process, regardless of whether a more precise definition is supplied.

*The italicized style of the term *policy* refers to a more general definition of the word, not necessarily synonymous with the more restricted meaning denoted by the author in Chapter I of this paper.

Policy responsibility was not explicitly mentioned in legislation until 1977. Prior to this date, the authority implicitly rested with the commission in its role as head of the department. Although recent legislation (Montana Legislature, 1977b) directed the commission to set Department *policy*, the law significantly broadened the responsibilities of the director in his new role as head of the Department. This provides the opportunity for him to take a more assertive role in the determination of *policy*.

The organization of this chapter corresponds to the hierarchical model. Despite problems with this model in the case of the Department, there was no other reasonable, orderly alternative for the enumeration of Department policies on land acquisition.

Commission Policy

A policy that is presented for commission approval may be developed by a commission member. However, in a great majority of cases, a policy is developed by a Departmental staff member for approval by the commission. At present, Sec. 82A-2001, R.C.M. 1947, implies that such departmental policy suggestions receive the director's approval before they are presented at a commission meeting for consideration. A review of the commission meeting minutes from 1965 to present and of MAC was carried out to identify land acquisition policies applicable to the parks system.

Some of the policy accepted by the commission and recorded in the minutes is then entered in the MAC. This policy makes up administrative law. A policy-like statement, which sought to present definitions, was passed by the commission on May 15, 1969, and entered in MAC. Included are classification criteria that describe the purposes and physical characteristics of the

various categories of lands in the parks system: state parks, recreation areas, monuments, fishing access sites, state recreational waterways and state recreation roads and trails. Appropriate development and management procedures are also discussed. The entry states that the criteria "will also be used as standards for acquisition . . ." (MAC 12.2.26(1)-S2670).

Policy-like statements have been entered into the minutes of the commission meetings. There is no evidence that most of these statements were adopted formally as commission policy. The effect that they have had on Departmental decision making is unknown.

The first few statements concern the expenditure of LWCF monies and earned revenues. At the September 25, 1971, commission meeting, the commission chairman stated that LWCF "money should be spent for obtaining as much access as possible rather than for improvements at this time." Shortly thereafter, at the meeting of December 14, 1971, an entry in the minutes referring to the same monies reads: "It is the commission's thinking that where possible, savings should be made on development for use in acquisition of additional access." Concern that revenues were being spent for further acquisition of fishing access sites while insufficient funds were available for development of presently owned sites was expressed by the director in the meeting of August 18, 1972. In response, the "commission wished to continue the policy of acquiring fishing access when it becomes available and directed that requests for development of areas should be considered on an individual basis."

At the meeting of August 8, 1975, there was a general discussion of land acquisition matters. The chairman "felt the public isn't being sufficiently informed concerning use of the money from fishing license sales

that the legislature earmarked for acquisition and there should be a good geographic distribution of these funds." No motion was made to formalize this statement into commission policy.

Interest in providing more formal structure to the land acquisition program was mentioned in at least two commission meetings, by noncommission members. On April 2, 1973, the director said that he would like to see a statewide list of priorities on proposed acquisition before much money is spent on appraisals. This statement received no commission action. The deputy director explained in the meeting of January 8, 1976, that the Department's land acquisition committee was "developing an evaluation form and a basis or benefit/cost ratio of proposed purchases" as a response to concerns expressed by the internal auditor on the setting of Departmental priorities. The director added that the SCORP being prepared by the Planning Division and program budgeting "will show where land is needed."

The Legislative Finance Committee, apparently in anticipation of the 1977 legislative mandate to review individually the Department's land acquisitions (Montana Legislature, 1977a), requested a land acquisition policy from the Department by July 10, 1977. At the June 24th commission meeting, the commission discussed and formally accepted such a policy that had been prepared by Departmental personnel and approved by the director. The policy addresses the Department's acquisition of lands for fishing access, wildlife habitat and hunter access and for state parks and recreation areas.

In his presentation of the policy at this commission meeting, the deputy director stated that "the policies must be broad in nature whereas the implementation will be considerably more detailed." The parks section of the policy is general, including for the most part, only those objectives

that already had been established legally by the legislature or the Department (in MAC). The objective to provide an equitable distribution of state recreation areas in proportion to population is included in this policy although not formally stated elsewhere. Objectives and implementation techniques are addressed in greater detail for fishing access acquisitions: some criteria for evaluating potential acquisitions are included, as is an objective which distinguishes between navigable and non-navigable streams with reference to the size of future acquisitions. The land acquisition policy has the potential for influencing the acquisition of fishing access sites whereas it provides no new direction for the other categories of land in the parks system.

In summary, it appears that, historically, the commission has not authored the policy that it has approved but rather it has considered policies that have been developed within the Department. With a clear mandate to establish *policy* from the most recent legislative session, the potential for the commission to more actively participate in the design of policy exists. To date, the only significant land acquisition policy appears to be that which was accepted by the commission in June 1977. Its impact on Departmental policies and programs is yet to be determined.

Department Policy

There is no source of formal policy on land acquisition that can be attributed exclusively to the Department. One activity that has been delegated to the Department by the legislature that remains free of formal commission influence is the development of SCORP (Burnett, 1977). Preparation of the plan is a prerequisite for receipt of LWCF monies to be used

for recreational land acquisition or development projects. As the official recreational plan for the state of Montana, it is prepared by the Department and signed by the governor.

The BOR has promulgated objectives which must be met by the state plan. Found in the BOR's Outdoor Recreation Grants-in-Aid Manual, they include six plan components (BOR, 1973b, 630.2.5A-F). One of the six is a "Summary of Findings, Policies and Recommendations" (BOR, 1973b, 630.2.5B). Specifically, this section requires a statement of "major policies, and standards and general priorities that will guide the state's programs and activities" (BOR, 1973b, 630.2.5B(2)). The term *policy* is not defined. Also to be included in this component are "recommendations for state programs, legislation, financing, coordinating mechanisms, and other actions required to implement the plan" (BOR, 1973b, 630.2.5B(3)). According to these instructions, Montana's SCORP should include Department policies and some degree of implementation guidelines.

The most recent published edition of Montana's SCORP (Montana Fish and Game Department, 1973) addressed the federal guidelines to only a marginal degree. The major volume (vol. 2) included a lengthy data base, description of methodology and identification of general recreational problems. An additional volume (vol. 1) was submitted in response to the BOR's criticism of the first volume. This supplemental volume included quantitative standards for guiding the acquisition program. Standards were devised for a majority of those areas specified in the parks system.

The utility of this plan for the land acquisition program has been minimal. Infrequent references have been made to it by regional personnel in their parks system acquisition proposals. The arbitrary statewide

standards are effectively meaningless in that they fail to consider the variations in regional supply and demand of the resources in question: for example, the standard of twenty acres of fishing access per one thousand regional population cannot do justice to either the nature of the resource or the demand for fishing in areas as different as northwest and southeast Montana. The plan did not document the need for statewide policy, or for implementation techniques at the regional level or Helena headquarters.

A new Montana SCORP is presently being written for publication in 1978. Based upon a review of portions of the rough draft and conversations with the authors, it is apparent that the plan represents a significantly different approach from the 1973 edition (Burnett, 1977). There is the intent that, for the first time, the problem of insufficient formal policy and procedure for land acquisition receive official documentation. It is the thinking of the present authors that the plan should not set policy on any subject, but should make recommendations where possible. The recommendations vary from the suggestion that the Department should (1) adopt no policy, (2) develop and adopt a policy, to (3) adopt a particular policy recommended in the plan. With reference to the parks acquisition program, an example of the second type of recommendation is:

Policies, priorities and procedures with respect to land acquisition under Title 62 need to be clearly articulated and a quantitative technique found which assures that each acquisition is at least minimally acceptable under the stated policies and priorities (Montana Fish and Game Department, 1978, p. 90).

A further move away from the 1973 SCORP is represented by the avoidance of standards or criteria until such time as their effectiveness can be clearly demonstrated. In an attempt to identify the existing acquisition procedure and policies, funds to support an internship were made available at the

request of the Parks Division planner. The objective of this internship was to provide, as a portion of SCORP preparation, an analysis of the parks acquisition program.

The Department of Fish and Game assisted the State Lands Department in the development of a recreation evaluation system in 1971, for the purpose of identifying pieces of state land with recreational potential (Montana Fish and Game Department, 1977). Criteria in the areas of water, vegetation, topography, complimentary off-site factors, scenery, historical value, and present recreational use have been delineated in this system. Initially, the lands are evaluated on a numerical basis. Then, through the use of statistical analyses, the resultant scores are grouped into categories--each of which represents a relative degree of recreational potential. Several million acres of state land have been surveyed by this system. It appears to be a successful technique for the identification of lands with recreational potential. The criteria and numerical values could provide the basis for the development of a more objective strategy for parks system acquisitions by the Department of Fish and Game.

Given the pattern of dual participation by the commission and the director in the development of formal Department policy, any existing policies enumerated exclusively within the Department are likely to be informal. The SCORP represents an official document which at present does not receive commission review. According to federal guidelines the plan should address recreational policies and programs. This objective has not been met effectively in the past. The SCORP presently under preparation indicates areas where present policy is vague or nonexistent and includes policy recommendations. A recreation evaluation system, utilized at present by

the State Lands Department, has the potential for being adopted by the Department, thus providing a more objective implementation strategy for land acquisition. By granting more responsibility to the director, HB 791 (Montana Legislature, 1977b) has created the potential for him to take a more assertive role in presenting policy to the commission for consideration and in developing more specific Department policies and programs not subject to commission review.

Bureaucratic Policy

Policies set by the legislature, the commission and the Department are generally broad in nature. The term *policy* when found in applicable statutes, is not defined. To determine how the Department, granted considerable discretion, implements its land acquisition program, it is necessary to return to Figure 1. According to Figure 1, at each of the evaluative steps, decisions are made which serve to promote or effectively dismiss from further consideration a potential acquisition. Within the procedure, three of the steps incorporate significant decision making by Department bureaucrats: regional evaluation (located at step 4), evaluation by members of the land acquisition committee (located at step 6), and evaluation by the directorate and the land agent (located at step 8). An attempt to document the policy or implementation techniques guiding the decisions at these points was made. In this discussion the order of the steps was revised to illustrate the hierarchical nature of decision making from the directorate to the regional personnel.

Step 8 on Figure 1 involves the decision making authority of the director (as delegated to the deputy director). The deputy director's

decisions are influenced to a great degree by the land agent and to a lesser degree by the department's attorney and other staff. If a potential acquisition has reached this point, the decision has been made to try and acquire the property; the objective at this step is to negotiate an option acceptable to both the Department and the landowner. This is the most technical aspect of the entire land acquisition procedure in that it involves appraisals, liens on property and other legal matters. It is also the most sensitive component of the process since it involves face-to-face negotiation with landowners who may question the Department's land acquisition program. Due to the technical nature of this step, a certain degree of operational flexibility is not only desirable--it is necessary. Although no policy or guidelines were found, realistic restraints do exist which serve a similar function. These include the requirements to maintain LWCF funding eligibility, to abide by state laws, to anticipate audit review, and to design contracts that will be approved by the director, the commission and the Legislative Finance Committee.

Step 6 of Figure 1 involves decision making by the land acquisition committee. A memo, dated April 26, 1973, from the assistant parks administrator to the director provided the impetus for the formation of this committee. In this memo, the assistant administrator expressed his dissatisfaction with the existing land acquisition program. He stressed the Department's need to develop a long-range statewide priority system that would facilitate the evaluation of one proposal against another. His suggestions, stated below, were accepted by the director. They represent the only record of the committee's objectives and procedure.

1. The land acquisition committee was to be made up of representatives from the Parks, Wildlife and Fisheries Divisions.

2. Regional staff were to submit priority lists by areas, along with detailed justification.

3. The committee's objectives included the setting of criteria for area evaluation in consultation with the regional supervisors to establish a general statewide priority system; also criteria for specific site evaluations were to be developed.

4. After review by staff and the director, and approval by the commission, the statewide priority system would serve to direct the committee's efforts: it could begin to look for specific sites in those areas identified as high priority.

5. The land agent's role would be limited to attaining the best possible price on those designated sites, with the final evaluation of potential sites to be carried out by the commission. The site criteria would be used in their evaluation.

In the memo which officially established the committee (May 18, 1973), the director appointed the parks administrator to serve as chairman. With respect to the procedure, the director added that the "committee should work closely with . . . the land agent." Also, "proposals and recommendations will be presented to the deputy and director prior to being brought to the attention of the commission." With respect to priorities, he felt that "available funds should be used on the smaller, more reasonably priced acquisition areas and attention should be given to geographic location."

The minutes of the land acquisition committee provide a record of its considerations and actions. Two conclusions can be drawn from a review of this information: the first is that the procedure, objectives and membership of the committee have undergone and are still undergoing significant change. Of these changes the only one that was formally achieved was the director's appointment of the deputy director as committee chairman upon the retirement of the parks' administrator in October, 1975. Membership has expanded to include the LWCF project coordinator, and the administrators of all of the divisions (adding the divisions of Ecological Services, Enforcement and Centralized Services). Representatives from those divisions most directly concerned with land acquisition have shown the most consistent attendance. The land agent has played an increasingly significant role in these meetings: at present, the meetings, irregularly scheduled, include a region-by-region presentation of land matters by the land agent.

The second conclusion is that the original objectives established by the director for the committee were not undertaken as specific projects. No formal reference has ever been made to the assistant administrator's memo, the source of these objectives. A review of the land acquisition committee minutes revealed an attempt to standardize the information base ("new" outline for the evaluation of regional land acquisition proposals was presented at the meeting of January 5, 1976) from the regions but only one expression of concern regarding the lack of an identifiable statewide priority system or the need to initiate one was found. In a letter dated May 16, 1974, from the land agent to the parks administrator, who was at the time serving as chairman of the land acquisition committee, concern with the present procedure was indicated. Although the term "statewide priority

system" was not used, it was implicit in the suggestion that "perhaps we should also begin setting down some sort of a system for recognizing our areas of greatest interest."

To the extent that efforts are undertaken to organize or rank the region's proposed acquisitions in some fashion that best reflects a state-wide perspective, it could be said that statewide priorities are established. The concept of a statewide priority is difficult to describe in that criteria for its development were never established and the term itself has received very little formal usage. It appears to be a mental construct of the deputy director, developed in consultation with members of the land acquisition committee, particularly the land agent. For fishing access sites, the concept has approached formalization at those times when regional requests exceeded available funds, hence competition between the regions was most evident. In late 1975, the deputy director requested that each region submit to Helena its top ten fishing access priorities along with the rationale for the development of its prioritization. According to the deputy director (Newby, 1977), proposed acquisitions from those regions ranking highest in stream access needs, as determined by data developed by the planning staff, were pursued. Use of this criteria does not provide a basis from which potential acquisitions within a region can be prioritized. To the degree that a region was represented more than once in a statewide prioritization, the criteria for this ranking is unavailable. Planning within the fish program component of the 1978 SCORP is currently developing measures to overcome this inadequacy. Apparently, a decrease in inter-regional competition characterizes the present situation: regions have not been requested since 1975 to supply fishing access priority lists, nor is

the deputy director developing an updated statewide priority list (Newby, 1977).

A current statewide priority list for other sites identified in the parks system exists, as indicated by the relative ranking of the coal tax park acquisitions in the Department's original LRBP request. Given the existence of methodological, legal and political constraints, the Department nonetheless made a good effort to rank its LRBP projects. This effort included consideration of the "Governor's Policy Initiatives," utilization of quantitative techniques, and the participation and review at some point by a substantial number of the Department's personnel. However, subjective decisions, based upon the administrators' familiarity with the needs of the regions, the feasibility of projects, political considerations and certainty of funding, dominated the process (Holliday, 1977; Hyppa, 1977).

Several potential coal tax 62-304 parks projects were individually identified and ranked in the Department's initial LRBP budget. These projects ranged in scope and specificity from an identified single site ("acquire Rosebud Battlefield") to unidentified multiple sites ("acquire statewide historic sites"). Concern that delineation of potential acquisitions could (1) lock the Department into pursuing potentially unattainable sites, (2) result in the inflation of property values, or (3) impede cooperation and communication with landowners, along with the fact that many of the acquisitions had not been identified, led to the Department's request for a lump sum coal tax appropriation. This request was approved by the Department of Administration, the Office of Budget and Program Planning and ultimately by the governor and the legislature.

The value of the coal tax prioritization is questionable on several grounds. The projects are diverse enough that meaningful comparisons would be difficult to make. Furthermore, the acquisition of historic sites statewide is a single project prioritized among the other coal tax projects, but a listing of individual sites, in priority fashion, already exists in the form of a supplement to the Montana Historic Preservation Plan (Montana Fish and Game Department, 1975). Finally, the lumping of the acquisitions into one project has resulted in conceptions by different staff members that assign various degrees of validity and interpretability to the list.

Evaluation at the regional level, step 4 of Figure 1, is carried out with little formal direction from the Helena staff. Each region has developed its own procedure. These procedures are, for the most part, informal and evolving. Some comprehension of the supply and demand dynamics for the resources within the region, coupled with professional expertise, is the basis for regional decision making. The regional supervisor has the final authority to recommend a potential acquisition.

Information on areas of statewide historical significance was sent to each region by the parks administrator in late 1975. The areas listed in the "Priorities for Acquisition of Historic Properties" (Montana Fish and Game Department, 1975) had been prioritized according to criteria that measured their historical significance and their potential for disturbance or loss. It was hoped that the list would serve to provide information on this category of land that could be utilized in the formulation of regional priority lists. Some of the regions have attempted to use this information (Holliday, 1977).

Priority lists have been developed at the regional level at the request of the director and the deputy director. Apparently fishing access sites are the only type of acquisition within the parks system that have been formally prioritized by the regions. The criteria, used to establish fishing access priorities for submission to Helena, range from a few general principles to a lengthy list of principles. The value of such endeavors is questioned by a great majority of the regional personnel, hence formal priority lists are developed only at the request of Helena staff. The individualistic approach characterizing regional evaluation has contributed to feelings of competition between regions and of inadequate attention in Helena to regional proposals.

Summary

A hierarchical approach was utilized in the identification of policies and policy-like guidelines developed by the Department. The responsibility for the Department's *policy* has been delegated to the commission; however, the director has assumed the role of the head of the Department as a consequence of the same legislation, HB 791 (Montana Legislature, 1977b). The potential for his involvement in Department *policy* setting has increased. The commission has met its *policy* objective with limited success, due primarily to the very recent passage of a land acquisition policy. With reference to the key decision making points of Figure 1, formal policy is lacking, vague or of little effectiveness. Although there is some need for policy at step 8, political, technical, and legal factors serve to restrain decision making carried out by the land agent and the deputy director. The land acquisition committee, step 6, established to meet commendable

goals, has evolved into an irregularly scheduled information meeting allowing for discussion. Formal statewide goals are noticeably absent. Regional participation in the land acquisition program, step 4, has taken on a minimum and variable amount of formality dependent upon the strength of the available data base and the region's commitment to the establishment of some sort of an objective procedure. Regional priority lists, when they are developed, follow no specific format and are limited to fishing access considerations. Given the hierarchical nature of agency decision making, absence of policies at higher levels makes development of programs difficult at lower levels. It was not surprising that the frustration and dissatisfaction with the land acquisition program are probably greatest at the regional level.

CHAPTER IV

RECOMMENDATIONS

Introduction

Following an analysis of the Department's parks system acquisition program, some recommendations are in order. Given the history of the Department's concern with the program, many of them have been suggested by Departmental personnel at some time. Specifically, the memo of April 26, 1973, that suggested the formation of a land acquisition committee, and the responses to the land acquisition questionnaire, were of value in the formulation of the recommendations. The spirit that underlies these recommendations is basically one of promoting the development of a more goal oriented parks system acquisition program that better utilizes the skills of Departmental personnel. A prerequisite for this achievement is a clear delineation of responsibility among involved personnel, and the development of certain procedural guidelines.

To the extent that the Department personnel at all levels can explain, "this is what we do, how we do it and why we do it," the Department's parks system acquisition program is likely to be better understood by the legislature and the citizens of Montana. This may lead to better legislative direction and funding, enhancing the Department's ability to carry out effective programs. An inherent risk in a clearer public understanding is that the consequential legislative direction may be in direct conflict with current Department objectives. However, legislative action which will serve to alter, to some degree, the Department's present direction is a

reality. It is the author's belief that this action should be based on fact rather than misconception.

Recommendations

1. The Department should delineate the responsibility of all staff who participate in the parks system acquisition program. This would provide for a program that can smoothly incorporate personnel changes. It would serve to increase the motivation, morale, and efficiency of all personnel. One reservation is that the delineation should not become so vigorous as to stifle expertise, flexibility and initiative necessary to confront unique and unexpected situations.

2. The Department should standardize and quantify the input that is provided by the regions. Data, including population trends, supply and demand information for given resources, should be gathered by the Department's regional personnel with the help of planners and other resource agencies. With this information as a basis, priority lists, specific only to general location, should be developed and submitted to Helena. Criteria for the evaluation of a specific site should also be formulated. Data on all costs and benefits must be included. If these objectives were met, the results would include: more directed, meaningful and willing participation in land acquisition matters by the regional personnel; a reduction of inter-regional competition; an increase in the efficiency of data collection; and the development of statewide priority lists based upon objective evaluations. One reservation is that such an evaluation system would require constant re-evaluation and revision as a measure of its adequacy in meeting needs and problems.

3. The Department should strengthen and formalize the objectives of the land acquisition committee. Prerequisites for this to be achieved are: a clear mandate from the director and financial support for technical input. The objectives of the committee should include the establishment of statewide priorities specific to location and category of land based upon the regional priority lists and in close cooperation with regional personnel. Site specific recommendations should be the consequence of regional personnel in cooperation with the land agent, initiating contact with landowners in those areas designated as high priority. The committee should establish a time limit for the pursuit of a priority. It should carry out some sort of quantitative analysis on proposed site specific acquisitions. Two possible approaches to this problem include: (1) further experimentation with the linear programming model already utilized in the development of the Department's LRBP budget, and (2) modification of the State Lands Department's recreational evaluation system for use by the Department (Montana Fish and Game Department, 1977). When feasible, regional presentations should be incorporated into committee meetings.

A site-specific potential acquisition, subjected to quantitative evaluation that appears acceptable for meeting a particular priority need, should be pursued by the land agent. He should consult with the design and construction bureau, the LWCF project coordinator and the deputy director during these proceedings. The deputy director and the committee members should discuss the cost and technical information of each potential acquisition as provided by the land agent. The deputy director, in consultation with committee members, should make the final decision regarding purchase of the site. Committee meetings should be held on a scheduled basis,

but on call only as absolutely necessary, so that members are assured participation. The regions should be kept aware of the current status of each of their proposals, through receipt of the committee meeting minutes and they should be participants in the development of any quantitative standards or techniques.

The benefits of implementing such a program are numerous and significant. There was a near unanimous consensus in the regional responses to the land acquisition questionnaire that some sort of an identifiable statewide priority system needs to be developed by the committee. This recommendation would address that concern. The development of a formal statewide priority system would establish acquisition goals for the Department. The utilization of objective, goal-oriented procedures rather than subjective procedures guided for the most part by the opportunistic nature of the market would characterize the Department's parks system acquisition program. Such an approach is necessary to justify the portion of LWCF monies utilized by the Department. At present, there is considerable competition for the urban portion of this fund (Aasheim, 1977). As an increasing number of urban projects are turned down each year, the Department's acquisition projects, involving the expenditure of LWCF monies, will most likely come under closer scrutiny. The existence of goals and identifiable evaluation schemes would make the Department's program accountable for review by auditors, legislators, the Legislative Finance Committee, Department personnel, and the public.

Along with the benefits, there are some costs that warrant attention. Implementation of the recommendation would be costly in terms of the man hours devoted to meeting the objectives, and in terms of providing the

necessary technical support. The "paperwork" could slow down the procedure to the point that the Department could not respond to unanticipated, opportunistic sales. However, this would not necessarily be the case when there has been a long-term commitment to a property that suddenly became available. Implicit in that commitment is the fact that the evaluation in terms of statewide priorities has already occurred, and thus the Department could move quickly to purchase the property. The fact that the acquisition of a heretofore unevaluated property, necessitating a rapid response by the Department, would likely be thwarted is a significant cost in the opinion of some staff. To the contrary, it is the belief of the author that all acquisitions should be justified by the procedure as outlined above.

4. The Department should ensure that regional personnel consider for potential acquisition all of the categories of land in the parks system so that the Department can carry out the objectives of 62-304, R.C.M. 1947. Responses to the land acquisition questionnaire indicated that several regions do not consider parks, recreation areas or monuments in their identification of desired acquisitions due to the uncertainty of funding characterizing these types of acquisitions. Due to the recent appropriation of coal tax monies for park acquisitions (Montana Legislature, 1977a), the Department should: (1) make the regions aware of the available money and (2) set and clarify policy on how this money will be spent. The coal tax park acquisition project as developed by the Department for its 1977-1979 LRBP budget includes the statement that priority consideration is to be given to eastern Montana.

5. The Department should promote a greater understanding of its land acquisition program among members of the Legislative Finance Committee.

Only one review session of the Department's land acquisition program by this committee has been held since the requirement for this procedure became law in May 1977. The value of future meetings could be significantly enhanced if the committee members were provided some information on the technical and legal details that constrain the program's administration. The Department should take the initiative to provide such information.

6. The Department should develop policies that address certain problems. Implicit in the implementation of many of these recommendations is the establishment of policies. Of these, the author has identified certain situations, unaddressed at present by formal policy, which could be more efficiently handled if the Department's objectives were delineated. These include:

- (a) Under what conditions and by how much should the Department purchase property at a price above the appraised value?
- (b) What are the criteria by which potential donations of land should be judged--or, are all donations "acceptable"?
- (c) What is the delineation between local and state's recreational responsibility?
- (d) The Department might consider the possibility of prioritizing the categories of lands designated in 62-304.

7. The Department should explore alternative sources to the coal tax appropriation to more adequately provide for all of the recreational resources designated in the parks system. Although the coal tax has provided a much needed revenue for parks system acquisitions, nonetheless, the impact of (1) the Department's concern for spending this money in eastern Montana,

and (2) the legislature's propensity to amend the purposes for which the money can be spent (Montana Legislature, 1977c), may serve to restrict the Department's discretion. Efforts to secure a more certain source of funding could have at least two consequences--both of which would serve to strengthen financial support for parks system acquisitions. The first is that additional sources of revenue could be gained, leading to an increase in the appropriation for parks system acquisitions. The second is that once attention has been drawn to the uncertain status of the coal tax appropriation for land acquisition, and alternative revenue sources, politically less acceptable than the coal tax, have been suggested, the legislature will be less likely to amend the coal tax legislation in a manner unfavorable to the Department. Financial certainty (to the greatest extent possible) is a condition that would enhance the Department's efforts to achieve a more equitable distribution of recreational resources in the state.

8. Finally, the Department should clarify its directive regarding regional participation in the land acquisition program issued at the meeting of the regional supervisors and division administrators (Beartooth Game Range) on July 7-8, 1977. This clarification should include the setting of objectives, dates for their accomplishment, and assurance of adequate funding and technical support to carry out these objectives.

Conclusion

The Montana Department of Fish and Game carries on a multi-million dollar land acquisition program to satisfy several objectives established by the legislature. Seventy-seven percent of the 1977-1979 appropriations for the Department's land acquisition program is designated for the purchase

of those sites making up the parks system as defined by the MAC (Montana Legislature, 1977a). The implementation of the parks system acquisition program is characterized by an informal procedure, complex and difficult to describe, and by a minimum of Department guidelines and policies. Consequently, to this date the Department has carried out the program with considerable operational flexibility. Departmental discretion is most likely to be questioned in a situation where procedural guidelines are minimal or not well understood. A "successful" acquisition program, but one that fails to address statewide goals lends dubious support to the notion that acquisition dollars are being spent as effectively as possible to best meet the recreational needs of Montanans. In short, accountability and the most effective use of parks system acquisition monies by the Department as a state agency are rightfully due every Montana citizen. To this end, the author recommends that the Department delineate staff responsibilities and establish statewide objectives and guidelines for their implementation.

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