



# Montana State Parks and Recreation Board Agenda Item Cover Sheet

THE **OUTSIDE** IS IN US ALL.

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**Meeting Date:** December 9, 2021

**Agenda Item:** Assignment of Hell Creek State Park to the Little Shell Tribe

**Division:** Parks and Outdoor Recreation      **Time Needed on Agenda for this Presentation:** 15 Min

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**Background:** FWP has had a long relationship with the U.S. Army Corps of Engineers (ACOE) at the Hell Creek recreation site, with a formal relationship dating back to at least the 1960's. During that time, significant capital investments were made on the 337-acre site including addition of two staff housing units, a maintenance building, comfort station, electrification of the public campground, and significant investments in site infrastructure related to public safety (public water supply and wastewater disposal).

In 2020, FWP, the ACOE, and the Little Shell Tribe began discussions about transitioning management of Hell Creek to the Tribe. In April 2021, with FWP's 30-year lease of the site set to expire, the Parks and Recreation Board approved a 2-year, no-cost lease between FWP and the ACOE for FWP's continued operation and maintenance of Hell Creek to allow FWP time to work with the Tribe to transition operation and maintenance to the Little Shell. The lease allows two 1-year extensions, if necessary.

Since then, FWP and the Little Shell signed a Memorandum of Understanding regarding the transition of responsibilities at Hell Creek to the Tribe. In October, Little Shell staff shadowed winterization efforts at Hell Creek and will work with FWP staff in the spring to ready the site for the 2023 season. The Little Shell are also prepared to administer camping and day-use facility reservations for the 2023 season. Additionally, the Tribe is assisting the marina concessionaire to meet ACOE technical standards for improvements of the concessionaire's facilities.

At this time, FWP and the Little Shell are ready for the remainder of FWP's current 2-year lease with the ACOE to be formally assigned to the Little Shell. If approved by the Board and the ACOE, FWP will relinquish management and maintenance of the site to the Little Shell. At the request of the ACOE, FWP will remain obligated to ensure all lease terms are met until the ACOE and the Little Shell finalize a new lease. Given significant investments made at the site, FWP will also enter into a control agreement with the ACOE to ensure the site remains a public recreational access point for the useful life of the improvements and that they are adequately maintained by future lessees.

**Public Involvement Process:** There will be an opportunity for public comment at this meeting.

**Alternatives & Analysis:**

**Alternative A:** No Action: FWP does not assign its lease with the ACOE to operate Hell Creek to the Little Shell Tribe. Under this alternative, FWP continues to operate Hell Creek through the remainder of its 2-year lease and determines whether to extend or renew its lease for a longer term at that time.

**Alternative B: Proposed Action:** FWP assigns the remainder of its 2-year lease agreement with the ACOE for operation of Hell Creek to the Little Shell Tribe. FWP will work with the Little Shell Tribe to continue to familiarize the Tribe with site management through approximately March 2022.

**Agency Recommendation and Rationale:** The Department recommends Alternative B: the Board approve the Department assign the remainder of its 2-year lease with the ACOE for operation of Hell Creek to the Little Shell.

**Proposed Motion:** I move the Parks and Recreation Board approve assignment of the remainder of FWP's lease with the U.S. Army Corps of Engineers for operation of Hell Creek State Park to the Little Shell Tribe.

**ASSIGNMENT OF LEASE  
NO. DACW45-1-21-8065  
FORT PECK PROJECT, MONTANA**

Montana Fish, Wildlife and Parks ("FWP"), an executive branch agency of the State of Montana, hereinafter referred to as the Assignor, for the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby transfers, assigns, and sets over unto the Little Shell Tribe ("Tribe"), a federally recognized Indian tribe, hereinafter referred to as the Assignee, all rights, title and interest in and to a certain Lease, **No. DACW45-1-21-8065**, heretofore executed and entered into by and between the Assignor and the United States of America, covering certain land located in Garfield County, Montana, Fort Peck Project, Montana, more particularly described therein. And FWP, the said Assignor, hereby agrees to remain liable for all the covenants in the said Lease contained and by the Grantee to be performed. And the Tribe, the said Assignee, in consideration of the foregoing Assignment, hereby covenants with the said Assignor, that it will perform all the covenants and stipulations in said Lease contained which are to be performed by the Grantee.

**IN WITNESS WHEREOF**, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_  
2021.

\_\_\_\_\_  
**Henry "Hank" Worsech, Director  
Montana Fish, Wildlife & Parks**

**THIS ASSIGNMENT**, including all the provisions and conditions thereof, is hereby accepted  
this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
**Gerald Grey, Chairman  
Little Shell Tribe**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**RICK L. NOEL  
Chief, Civil Branch, Real Estate Division  
Real Estate Contracting Officer**