

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Monday, September 23, 2013, at 8:30 a.m.
State Capitol
Helena, MT

ACTION ITEMS

913-1 Timber Sales

A. Palisades

Benefits: MSU Morrill, Pine Hills School

Location: Carbon County

APPROVED 5-0

B. Good Long Boyle 2

Benefits: Eastern College – MSU/Western College – UM, Public Buildings

Location: Flathead County

APPROVED 5-0

913-2 Oil and Gas Lease Sale (September 4, 2013)

Benefits: Common Schools, MSU Morrill, Public Land Trust (Navigable Rivers)

Location: Big Horn, Blaine, Richland, Roosevelt, and Yellowstone Counties

APPROVED 5-0

913-3 Administrative Rule Proposal – Sale of Cabin and Home Site Leases

Benefits: Common Schools, School for Deaf and Blind, Montana State University, Montana Tech, Pine Hills School, Public Buildings, University of Montana, Veterans Home, Eastern College – MSU/Western College - UM

Location: Beaverhead, Big Horn, Blaine, Broadwater, Cascade, Choteau, Custer, Daniels, Dawson, Fallon, Fergus, Flathead, Gallatin, Golden Valley, Hill, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Phillips, Pondera, Powder River, Powell, Prairie, Richland, Rosebud, Sanders, Sheridan, Stillwater, Sweet Grass, Toole, Valley, Wheatland, Wibaux, and Yellowstone Counties

APPROVED 5-0

913-4 Easements

Benefits: Common Schools, Pine Hills School, Public Buildings

Location: Beaverhead, Judith Basin, Musselshell, Roosevelt, Teton, and Wibaux Counties

APPROVED 5-0

PUBLIC COMMENT

913-1

TIMBER SALES

A. Palisades

B. Good Long Boyle

**Land Board Agenda Item
September 23, 2013**

913-1A Timber Sale: Palisades

**Location: Carbon County
Sections 3, 5, 7, 8, 9, 10 and 11, T7S – R19E**

Trust Benefits: MSU Morrill (53%) and Pine Hills School (47%)

Trust Revenue: \$483,043 (estimated, minimum bid)

Item Summary

The Palisades timber sale is approximately seven miles west of Red Lodge, MT. The sale includes 32 harvest units totaling 789 acres with an estimated sale volume of 41,110 tons (6,013 MBF or 45,415 cubic meters) of sawlogs and contains no old growth. The minimum bid is \$11.75 per ton.

Lodgepole pine would be harvested to promote regeneration and growth of residual stands. Twenty nine units encompassing 700 acres would be treated with a clearcut with reserves prescription, and three units encompassing 89 acres would be treated with a variable retention thinning prescription. These prescriptions would both remove all merchantable lodgepole pine within the units and retain Douglas-fir, Englemann spruce, and submerchantable lodgepole pine.

Access to the sale is across private property, and a 10-year temporary road use permit has been obtained from the neighboring landowner. Approximately 4.1 miles of new permanent road and 5.2 miles of temporary road will be built. Two miles of existing road will be reclaimed. All roads will continue to be closed to unauthorized vehicles.

In conjunction with the timber sale, DNRC would reclaim seven existing stream crossings, upgrade 5 stream crossings to meet Best Management Practices for Forestry and install 5 new crossings. These activities would minimize impacts and improve fish connectivity in the project area.

Public involvement was provided for throughout the entire development of this project. Scoping letters were mailed to adjacent landowners, organizations, and interested parties in November 2011. Public notice was published in the Carbon County News. DNRC received 11 letters and 49 emails during the initial scoping period, and continued to invite comments throughout project development. DNRC hosted a public meeting in April 2012 and two open houses in May 2013. The project team attended meetings requested by other groups and individuals, and project leaders have met with adjacent landowners and community members. DNRC has also maintained an updated project website throughout the process. Issues received during these scoping activities included concerns with: the size of the project; the location of the haul route; the potential for adverse affects on wildlife species; increasing illegal motorized use on roads; increasing the spread of noxious weeds; the change in forested stand age class and cover type; and the profitability of the sale.

DNRC modified the originally proposed action in response to public input. Changes include reducing cutting unit acreage by 351 acres, reducing road construction by one mile, and selecting a haul route that minimizes disturbance to recreational activity and local residents. In

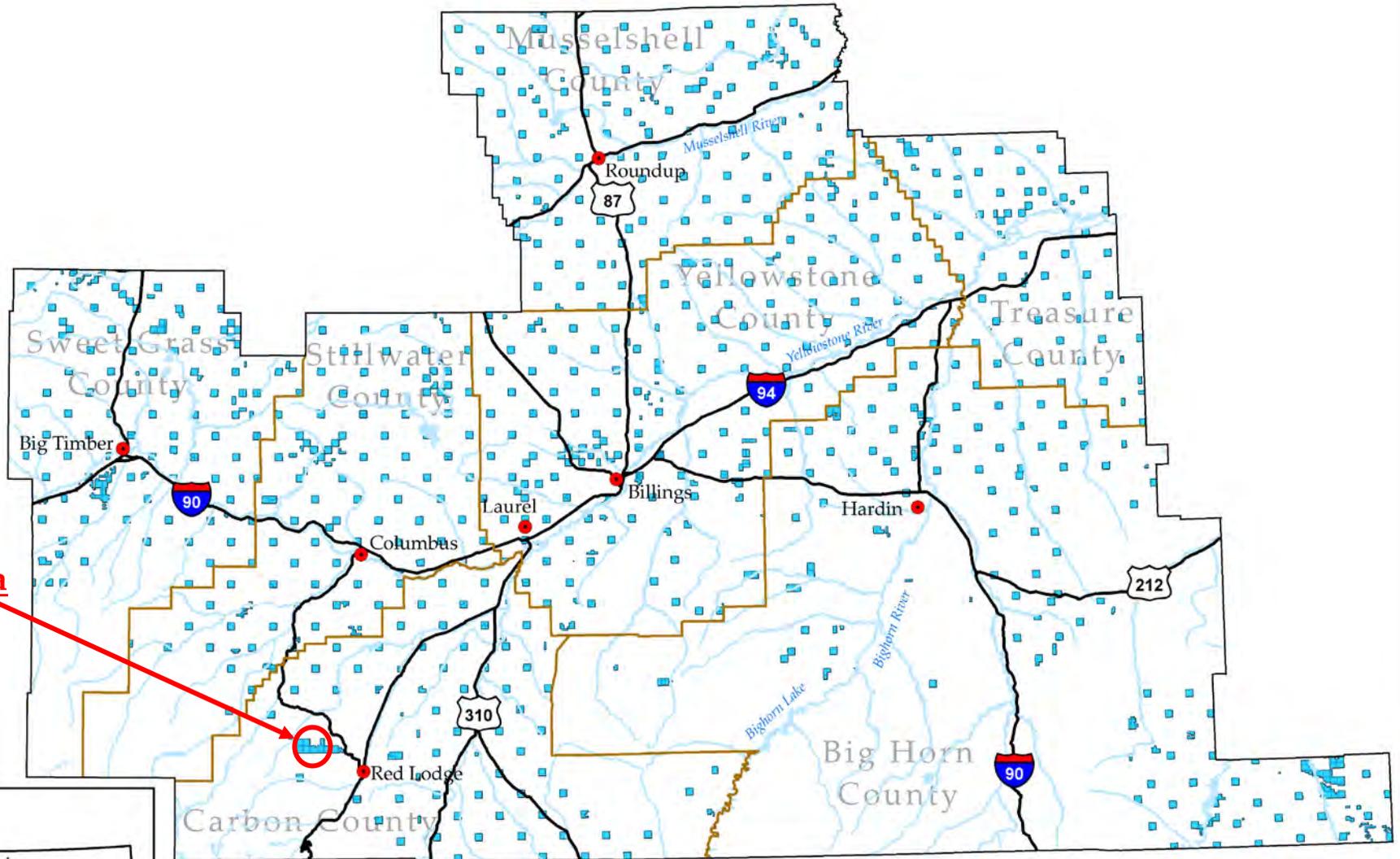
addition to those changes, the project team developed a number of mitigations to address concerns including but not limited to: controlling weed spread during and after the timber sale; retaining riparian habitat corridors for wildlife movement; continuing to restrict motorized public recreational use; and restricting operations during the grizzly bear spring period.

The Draft Environmental Assessment was distributed for public review July 5, through August 7, 2013. Seventeen letters were received, nine of which voiced support for the project. The eight remaining letters voiced concerns, most of which were reiterated from the scoping period. The project team determined that no changes to the Draft EA were warranted. DNRC provided responses to all comments and concerns in the Final Environmental Assessment, which was distributed on August 29, 2013.

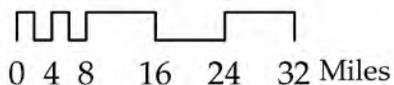
DNRC Recommendation

The Director recommends the Land Board direct DNRC to sell the Palisades timber sale.

PALISADES TIMBER SALE VICINITY MAP – SOUTHERN LAND OFFICE



Project Area

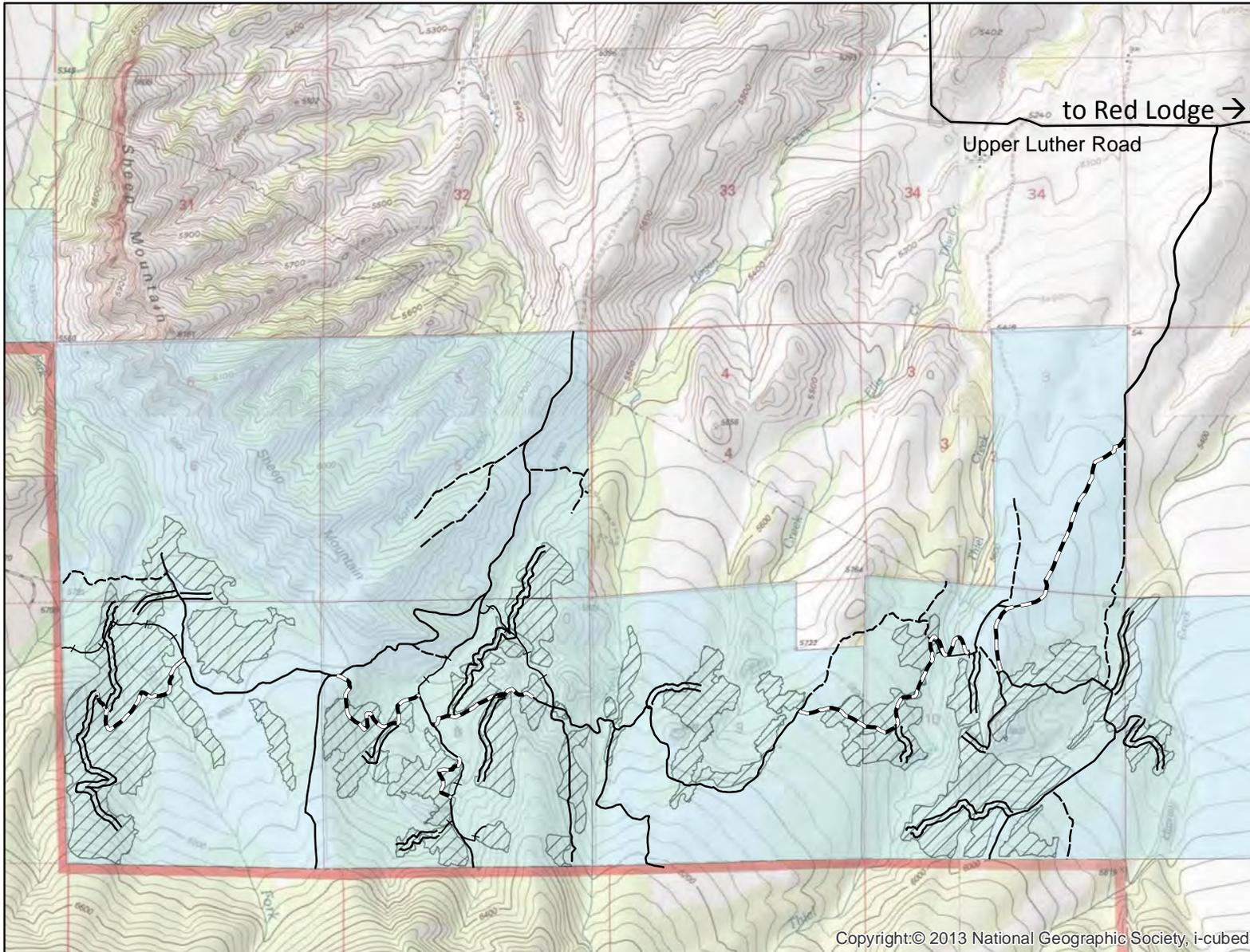


Produced by Montana Department of Natural Resources and Conservation 2013
 Datum: NAD 1983 Montana State Plane

- Towns
- County Border
- Major Roads
- Rivers
- Water Bodies
- State Trust Land

Palisades Timber Sale

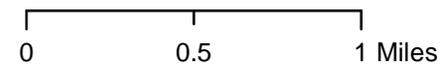
Sections 3, 5, 7, 8, 9, 10, and 11
Township 7 South, Range 19 East



Legend

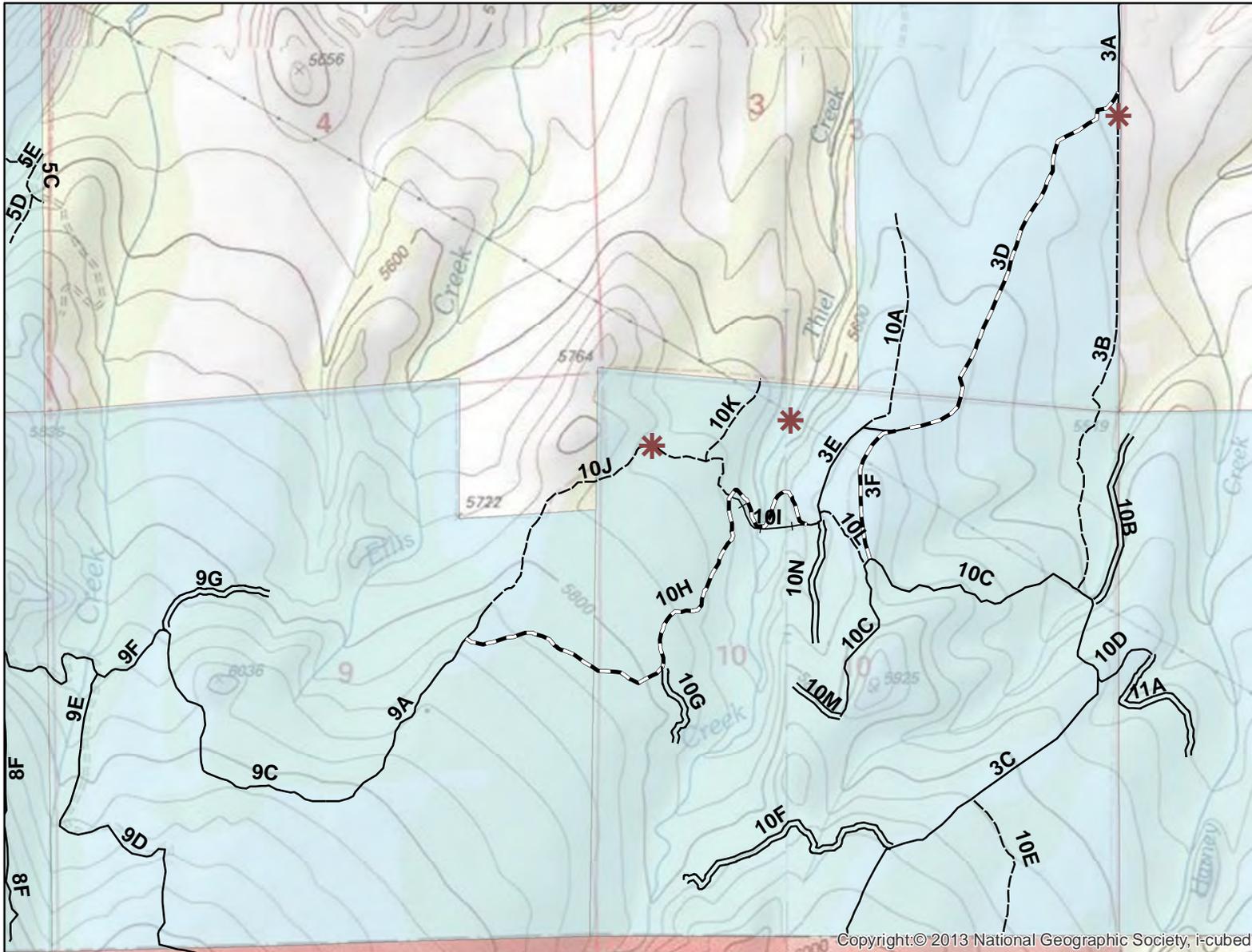
Project Area Roads

- Existing Motorized Trail
- Existing, Permanent
- +—+ Existing, Reclaimed
- - - - New, Permanent
- ==== New, Temporary
- Non-State, Permanent
- ▨ Harvest Units
- Trust Land Parcels



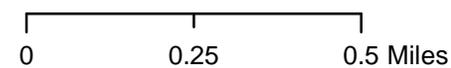
Palisades Timber Sale - East Half Roads

Sections 3, 5, 7, 8, 9, 10, and 11
Township 7 South, Range 19 East



Legend

- Additional Culvert Removals
- Project Area Roads**
- Existing Motorized Trail
- Existing, Permanent
- Existing, Reclaimed
- New, Permanent
- New, Temporary
- Non-State, Permanent
- Trust Land Parcels

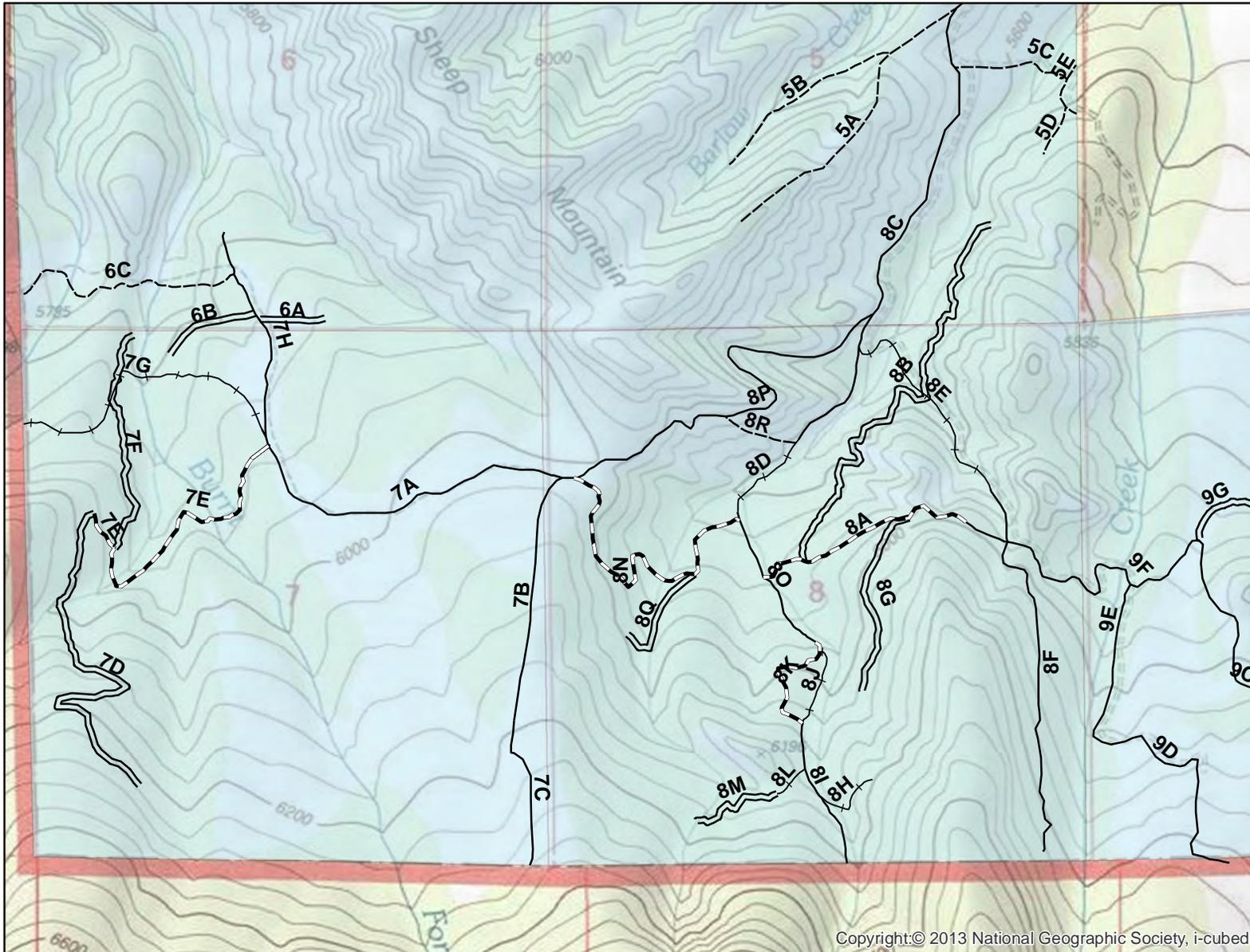


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Palisades Timber Sale - West Half Roads



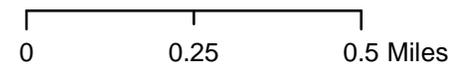
Sections 3, 5, 7, 8, 9, 10, and 11
Township 7 South, Range 19 East



Legend

Project Area Roads

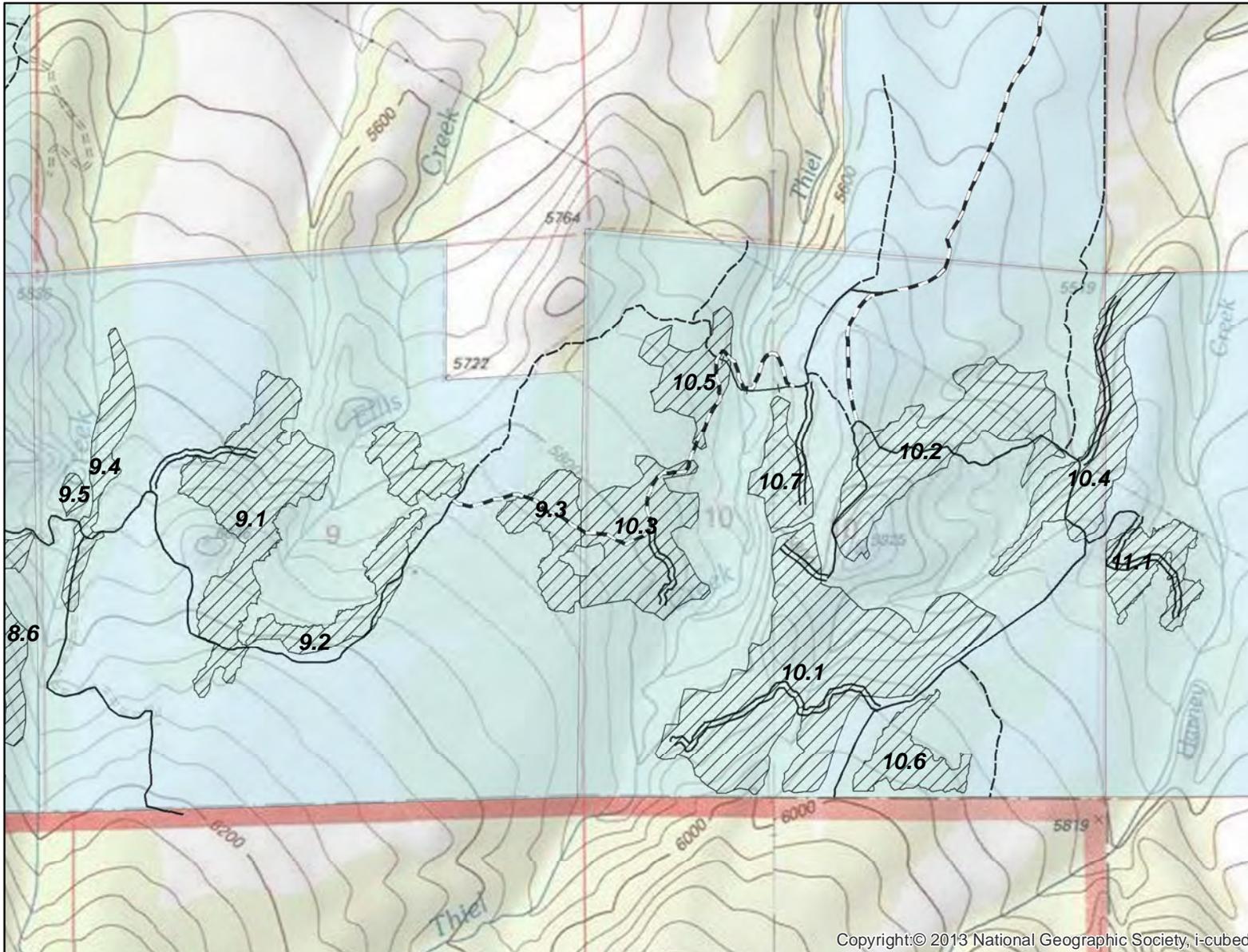
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- ==== New, Temporary
- Non-State, Permanent
- Trust Land Parcels



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Palisades Timber Sale - East Half Units

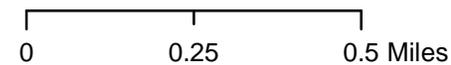
Sections 3, 5, 7, 8, 9, 10, and 11
Township 7 South, Range 19 East



Legend

Project Area Roads

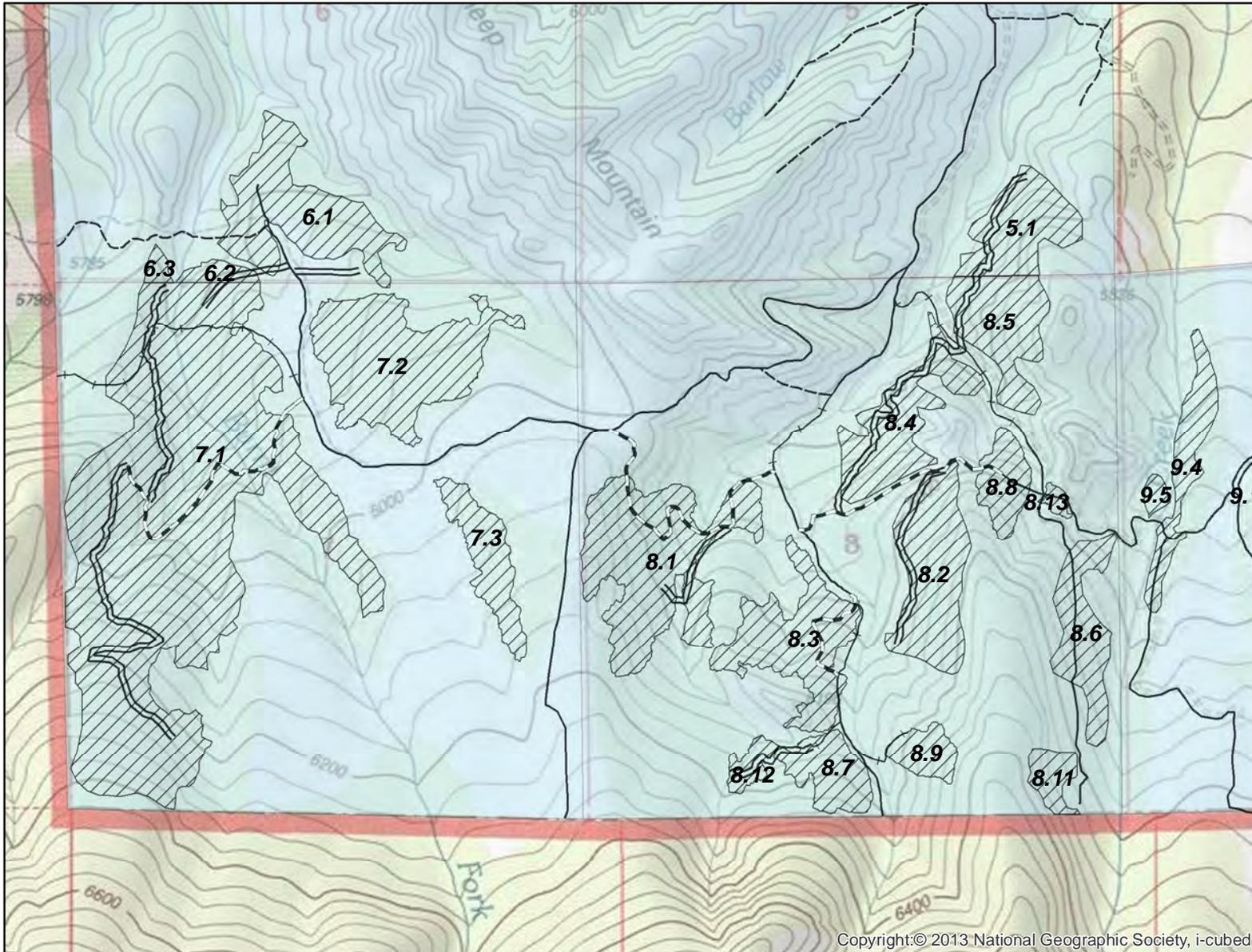
- Existing Motorized Trail
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- - - - New, Permanent
- ==== New, Temporary
- Non-State, Permanent
- ▨ Harvest Units
- Trust Land Parcels



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Palisades Timber Sale - West Half Units

Sections 3, 5, 7, 8, 9, 10, and 11
Township 7 South, Range 19 East

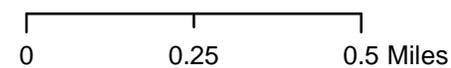


Legend

Project Area Roads

- Existing Motorized Trail
- Existing, Permanent
- +—+ Existing, Reclaimed
- +—+ New, Permanent
- ==== New, Temporary
- Non-State, Permanent

-  Harvest Units
-  Trust Land Parcels



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**Land Board Agenda Item
September 23, 2013**

913-1B Timber Sale: Good Long Boyle 2

**Location: Flathead County
Sections 17, 21, 27, T32N – R23W**

Trust Benefits: *Eastern College – MSU/Western College - UM (65%), Public Buildings (35%)*

Trust Revenue: \$426,340 (estimated, minimum bid)

Item Summary

The Good Long Boyle 2 timber sale is approximately two miles southeast of Olney, MT. The sale includes 7 harvest units totaling 396 acres with an estimated sale volume of 14,418 tons (2,337 MBF or 13,632 cubic meters) of sawlogs and contains no old growth. The minimum bid is \$29.57 per ton.

Prescriptions consist of seedtree with reserves (177 acres) and seedtree (overstory) removal (219 acres) treatments. Portions of Unit 2 and all of Unit 3 will be planted post harvest. The 219 acres of overstory removal were logged in 2004 under the Good Long Boyle-East Timber Sale. The primary goal at that time was to promote structural diversity by promoting understory serals and to regenerate stands and move them toward historic cover types through species selection and regeneration. Regeneration surveys reflect that the intent of that prescription has been met. The other 177 acres will be seedtree harvested in order to improve forest health and move those stands toward the historic cover types.

Approximately one half mile of low-standard temporary roads will be built as two separate spurs. These two roads will be reclaimed post harvest. All other access and haul roads already exist and require minimum maintenance.

In March 2013, DNRC solicited public participation on the proposed Good Long Boyle 2 Timber Sale Project. Scoping notices were advertised in the Daily Inter Lake (Kalispell), Whitefish Pilot (Whitefish) newspapers, and posted at the Olney post office. The Initial Proposal with maps was sent to neighboring landowners, individuals, agencies, industry representatives, and other organizations that have expressed interest in DNRC's management activities.

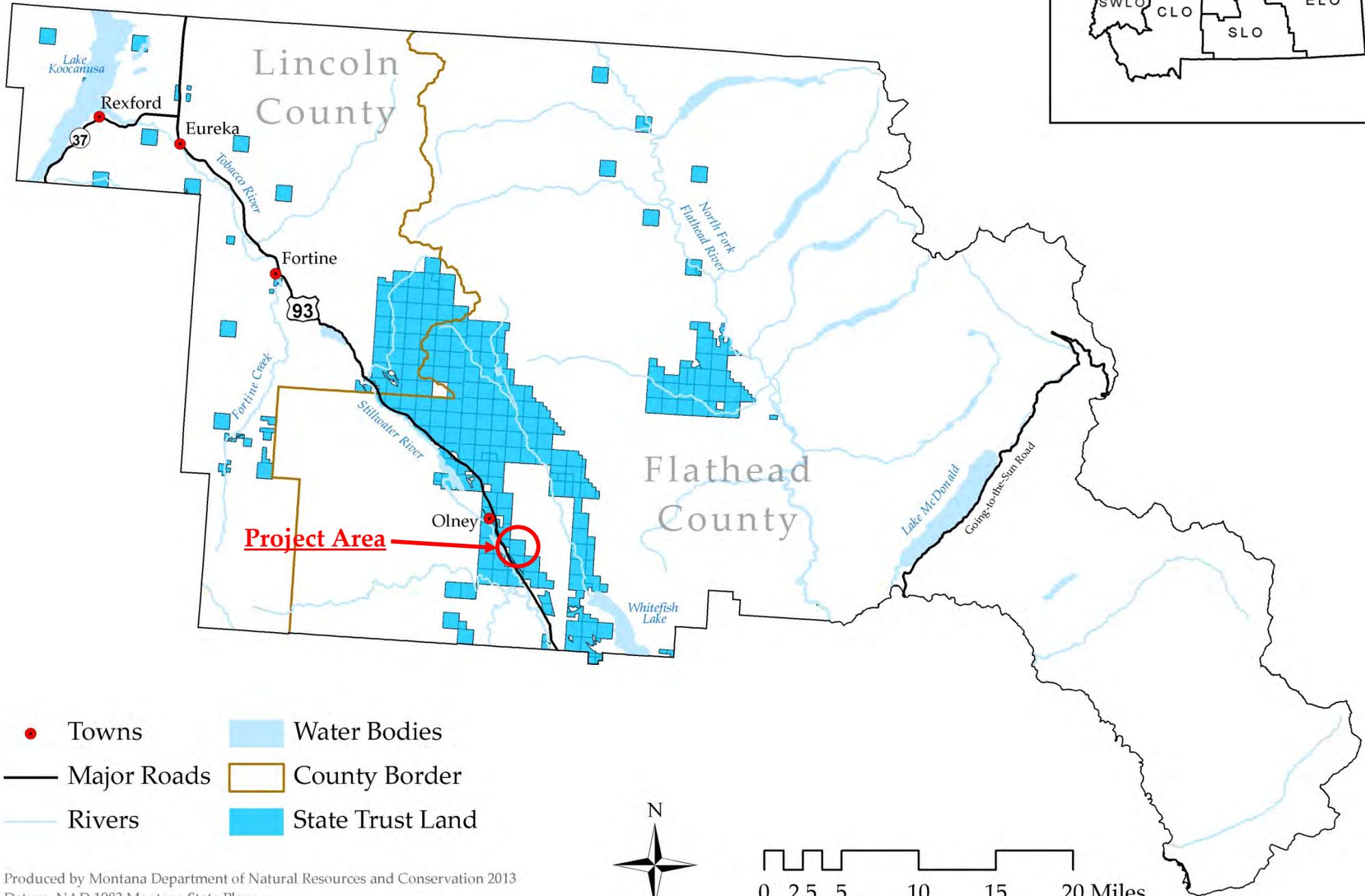
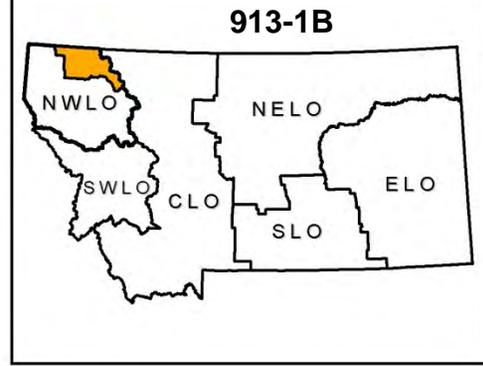
DNRC received 4 responses, 3 from adjacent landowners. The adjacent landowners primarily wanted to know when the sale was going to happen and where the logging traffic was going to be. One individual made note of the increase in noise as a result of logging activities. The fourth response was an email with a list of questions regarding DNRC methodology and specifics of the timber sale design. All respondents have been contacted and their questions have been answered.

DNRC Recommendation

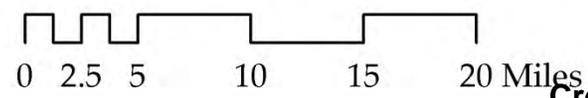
The Director recommends the Land Board direct DNRC to sell the Good Long Boyle 2 Timber Sale.

GOOD LONG BOYLE 2 TIMBER SALE VICINITY MAP

STILLWATER UNIT



- Towns
- Major Roads
- Rivers
- Water Bodies
- County Border
- State Trust Land





Good Long Boyle 2 Timber Sale

T32N R23W S17, 21, 27

913-1B

N

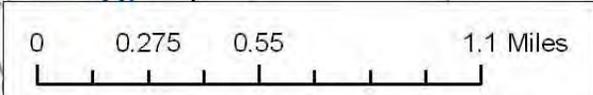
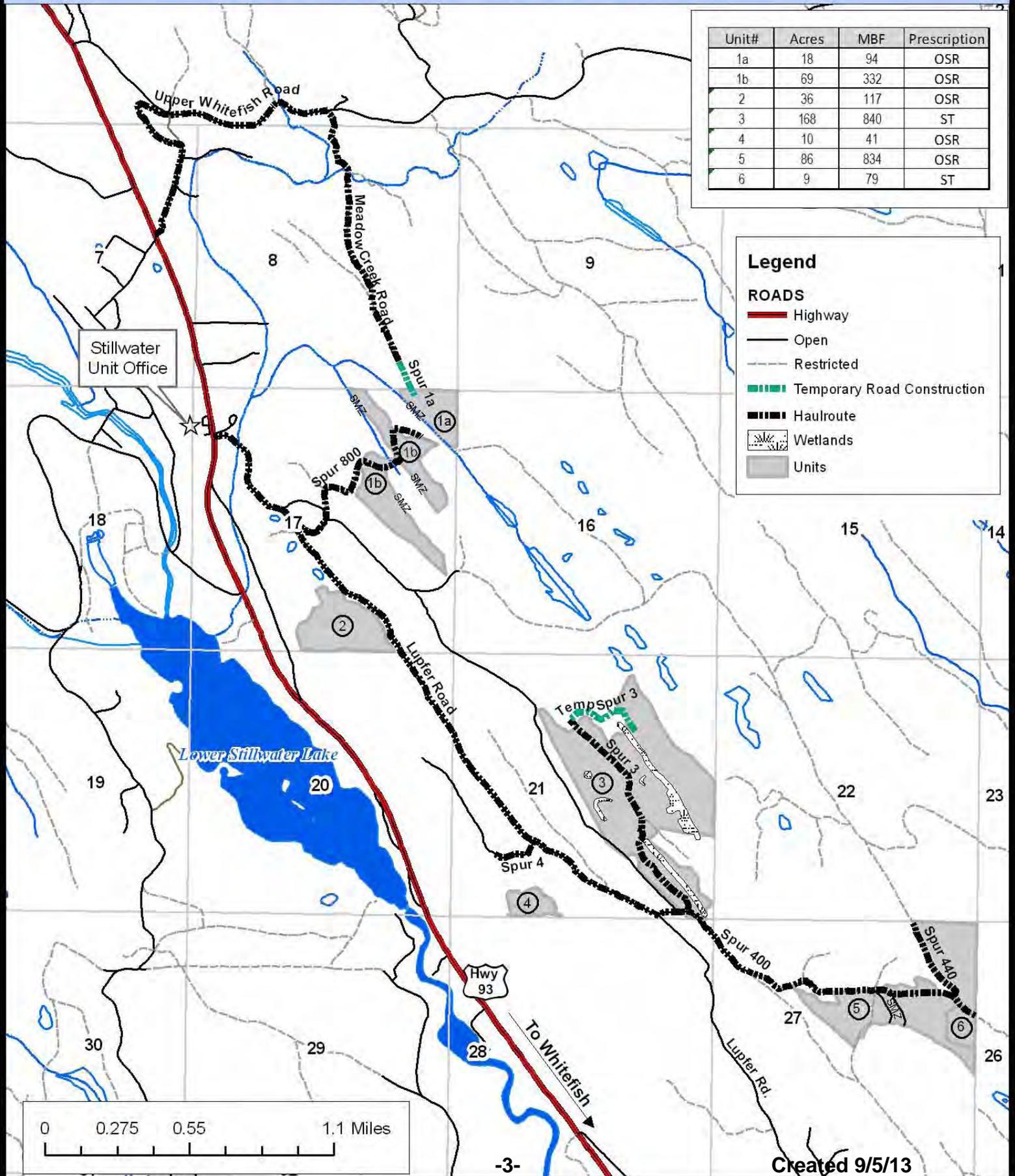


Unit#	Acres	MBF	Prescription
1a	18	94	OSR
1b	69	332	OSR
2	36	117	OSR
3	168	840	ST
4	10	41	OSR
5	86	834	OSR
6	9	79	ST

Legend

ROADS

- Highway
- Open
- Restricted
- Temporary Road Construction
- Haulroute
- Wetlands
- Units



913-2

OIL AND GAS LEASE SALE
(SEPTEMBER 4, 2013)

**Land Board Agenda Item
September 23, 2013**

913-2 Oil and Gas Lease Sale (September 4, 2013)

Location: Big Horn, Blaine, Richland, Roosevelt, Yellowstone Counties

Trust Benefits: Common Schools, MSU Morrill, Public Land Trust (Navigable Rivers)

Trust Revenue: \$562,120.00

Item Summary

The Department of Natural Resources and Conservation held an oil and gas lease sale on September 4, 2013, in the Auditorium at the Department of Transportation building. A total of 12 tracts were offered for lease. Twelve tracts were leased for a total of \$562,120.00. The 12 tracts that were sold covered a total of 5,254.00 acres. The average bid per acre was \$106.99.

The high competitive bid for the September 4th sale was \$1,110.00 per acre and the largest total bid was \$532,800.00, both for Tract 10 in Roosevelt County.

DNRC Recommendation

The Director requests Land Board approval to issue the leases from the September 4, 2013 sale.

State of Montana
Oil & Gas Lease Sale - September 4, 2013
Lease Sale Results

The following described lands were offered for oil and gas leasing through oral competitive bidding in the Department of Transportation auditorium, 2701 Prospect Avenue, Helena, Montana, beginning at 9:00 am, September 4, 2013.

Tract	Stipulations	Twp	Rng	Sec	Description	Acres	Bid/Acre	Total Bid	Lessee
Big Horn									
1	1, 2, 3, 4, 5, 6, 7	1.N	33.E	36	All	640.00	\$11.00	\$7,040.00	BRISCOE PETROLEUM, LLC
2	1, 2, 3, 4, 5, 6, 7	1.N	34.E	16	All	640.00	\$1.50	\$960.00	BRISCOE PETROLEUM, LLC
3	1, 2, 3, 4, 5, 6	1.N	35.E	16	All	640.00	\$1.50	\$960.00	BRISCOE PETROLEUM, LLC
4	1, 2, 3, 4, 5, 6, 8, 12	2.N	33.E	36	Lot 1, NE4NW4, S2NW4, NE4, S2	640.00	\$17.00	\$10,880.00	TRINITY WESTERN LAND & EXPLORATION, LLC
5	1, 2, 3, 4, 5, 6, 7	2.N	34.E	16	All	640.00	\$1.50	\$960.00	BRISCOE PETROLEUM, LLC
6	1, 2, 3, 4, 5, 6, 7	2.N	34.E	36	All	640.00	\$1.50	\$960.00	BRISCOE PETROLEUM, LLC
Blaine									
7	1, 2, 3, 4, 5, 6, 7, 13	33.N	22.E	36	All, below the base of the Eagle formation	640.00	\$1.75	\$1,120.00	TRINITY WESTERN LAND & EXPLORATION, LLC
8	1, 2, 3, 4, 5, 6, 9	34.N	19.E	27	E2E2	160.00	\$15.00	\$2,400.00	COMET RIDGE MONTANA, LLC
Richland									
9	1, 2, 3, 4, 5, 6, 11, 12	21.N	59.E	7	Yellowstone Riverbed and related acreage	24.00	\$160.00	\$3,840.00	TRINITY WESTERN LAND & EXPLORATION, LLC
Roosevelt									
10	1, 2, 3, 4, 5, 6, 14	27.N	57.E	5	N2, SE4	* 480.00	\$1,110.00	\$532,800.00	NORTHERN OIL AND GAS, INC
Yellowstone									
11	1, 2, 3, 4, 5, 6, 10, 11, 12	2.S	24.E	13	Yellowstone Riverbed and related acreage	65.00	\$1.54	\$100.00	TRINITY WESTERN LAND & EXPLORATION, LLC
12	1, 2, 3, 4, 5, 6, 10, 11, 12	2.S	24.E	24	Yellowstone Riverbed and related acreage	45.00	\$2.22	\$100.00	TRINITY WESTERN LAND & EXPLORATION, LLC

* Part or all of tract is not state-owned surface

Summary by Lessor

	Total Acres	Total Tracts
Dept. of Natural Resources and Conservation	5,254.00	12

Oil and Gas Lease Sale Summary

Total Tracts	12
Total Acres	5,254.00
Total Bid Revenue	\$562,120.00
Average Bid Per Acre	\$106.99

State of Montana
Oil & Gas Lease Sale - September 4, 2013
Stipulations

- 1 Lessee shall notify and obtain approval from the Department's Trust Land Management Division (TLMD) prior to constructing well pads, roads, power lines, and related facilities that may require surface disturbance on the tract. Lessee shall comply with any mitigation measures stipulated in TLMD's approval.
- 2 Prior to the drilling of any well, lessee shall send one copy of the well prognosis, including Form 22 "Application for Permit" to the Department's Trust Land Management Division (TLMD). After a well is drilled and completed, lessee shall send one copy of all logs run, Form 4A "Completion Report", and geologic report to TLMD. A copy of Form 2 "Sundry Notice and Report of Wells" or other appropriate Board of Oil and Gas Conservation form shall be sent to TLMD whenever any subsequent change in well status or operator is intended or has occurred. Lessee shall also notify and obtain approval from the TLMD prior to plugging a well on the lease premises.

Issuance of this lease in no way commits the Land Board to approval of coal bed methane production on this lease. Any coal bed methane extraction wells would require subsequent review and approval by the board.
- 3 The TLMD will complete an initial review for cultural resources and, where applicable, paleontological resources of the area intended for disturbance and may require a resources inventory. Based on the results of the inventory, the TLMD may restrict surface activity for the purpose of protecting significant resources located on the lease premises.
- 4 The lessee shall be responsible for controlling any noxious weeds introduced by lessee's activity on State-owned land and shall prevent or eradicate the spread of those noxious weeds onto land adjoining the lease premises.
- 5 The definitions of "oil" and "gas" provided in 82-1-111, MCA, do not apply to this lease for royalty calculation purposes.
- 6 If the State does not own the surface, the lessee must contact the owner of the surface in writing at least 30 days prior to any surface activity. A copy of the correspondence shall be sent to TLMD.
- 7 Due to unstable soil conditions on this tract and/or topography that is rough and/or steep, surface use may be restricted or denied. Seismic activity may be restricted to poltershots.
- 8 Unless otherwise approved by the Department in writing, wells and related surface infrastructure, including new road construction, are prohibited within 1/2 mile of the centerline of a navigable river, lake or reservoir, and within 1/4 mile of direct perennial tributary streams of navigable waterways, on or adjacent to the tract. No surface occupancy is allowed within the bed of a river, stream, lake or reservoir, islands and accretions or abandoned channels.
- 9 Any activity within 1/8 mile of the river, stream, floodplain, or lake/reservoir on or adjacent to this tract must be approved in writing by the TLMD prior to commencement. No surface occupancy is allowed within the bed of the river and/or stream, abandoned channels, the bed of the lake/reservoir, or on islands and accretions associated with the river, stream, or lake/reservoir.
- 10 The Montana Supreme Court has declared the Yellowstone River a navigable river at the location of this tract. The State of Montana owns the beds, islands and related landforms on navigable rivers, and asserts ownership of the area covered by this lease.
- 11 This tract contains navigable riverbeds. No surface occupancy is allowed within the bed of the navigable river, abandoned channels, or on islands and accretions. In addition, upon completion of a successful well, where river title is disputed, the lessee will file an interpleader action under Rule 22, M.R.Civ.P. in the Montana District Court, or other court having jurisdiction, in which the leased lands are located for all acreage within the lease in which the title is disputed. The lessee shall name all potential royalty claimants as defendants.
- 12 If the lessee completes a successful oil and/or gas well, and if land title is disputed, the lessee shall fund professional land surveys as needed to determine the location and acreage encompassed by the spacing and/or pooling unit and the state lease acreage within that unit. Surveys shall be conducted by a licensed land surveyor acceptable to the Department, and shall be prepared pursuant to survey requirements provided by the Department.
- 13 No surface occupancy of the airport and/or related facilities is permitted without written approval of TLMD.

14 Lessee shall, within one year from the effective date of this lease, commence drilling a horizontal Bakken/Three Forks well to effectively offset the Hawkins 29-32 1-H well, which is located adjacent to the north boundary of the lease premises. Failure to do so will subject the lease to cancellation or the imposition of compensatory royalties.

913-3

ADMINISTRATIVE RULE PROPOSAL –
SALE OF CABIN AND HOME SITE LEASES

**Land Board Agenda Item
September 23, 2013**

913-3 Administrative Rule Proposal – Sale of Cabin and Home Site Leases

Location: Beaverhead, Big Horn, Blaine, Broadwater, Cascade, Choteau, Custer, Daniels, Dawson, Fallon, Fergus, Flathead, Gallatin, Golden Valley, Hill, Judith Basin, Lake, Lewis & Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Phillips, Pondera, Powder River, Powell, Prairie, Richland, Rosebud, Sanders, Sheridan, Stillwater, Sweet Grass, Toole, Valley, Wheatland, Wibaux, and Yellowstone Counties

Trust Benefits: Common Schools, *School for Deaf and Blind, Montana State University, Montana Tech, Pine Hills School, Public Buildings, University of Montana, Veterans Home, Eastern College – MSU/Western College - UM*

Trust Revenue: N/A

Item Summary

DNRC proposes the adoption of New Rules I through VIII, the amendment of ARM 36.25.128, and the repeal of ARM 36.25.131 pertaining to land banking sales for cabin and home sites. The adoption, amendment and repeal are to:

Adopt New Rules I - VIII

- The adoption of new rules is necessary to establish procedures for the sale of cabin sites and home sites upon state land. The adoption of new rules allows DNRC to describe and define the sale process for such lands and implement the provisions of Chapter 422 of the 2013 Montana Session Laws.

Amend ARM 36.25.128

- The amendment to this rule is necessary in order to recognize and implement the procedures necessary for the provisions of Chapter 422 of the 2013 Montana Session Laws (codified as [77-2-317, MCA](#)), which provide for special procedures for the sale of cabin sites and home sites upon state land.

Repeal ARM 36.25.131

- The repeal of this rule is necessary because it conflicts with New Rules I through VIII.

The proposal notice will be filed with Secretary of State on October 7, 2013, and published in the Montana Administrative Register (MAR) on October 17, 2013. The comment period will run through November 14, 2013, and two public hearings will be held during that comment period.

DNRC Recommendation

The director recommends approval of the draft proposal notice so DNRC may proceed with rulemaking.

BEFORE THE BOARD OF LAND COMMISSIONERS AND
THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rules I through VIII, the amendment) PROPOSED ADOPTION ,
of ARM 36.25.128, and the repeal of) AMENDMENT, AND
36.25.131 regarding cabinsite lease) REPEAL
site sales)

To: All Concerned Persons

1. The Department of Natural Resources and Conservation will hold two public hearings on the following dates and times to consider the proposed adoption, amendment, and repeal of the above-stated rules:

November 6, 2013, at 7:00 p.m. at the Sullivan Memorial Community Hall, 3248 Highway 83, Seeley Lake, Montana; and

November 8, 2013, at 1:00 p.m. in the Bannock Room (first floor) at the Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, Montana.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than October 31, 2013, to advise us of the nature of the accommodation that you need. Please contact John Grimm, Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, MT; telephone (406) 444-3844; fax (406) 444-2684; e-mail jgrimm@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I DEFINITIONS As used in this subchapter, the following definitions apply, except where the context clearly indicates otherwise:

(1) "Agenda item report" means an agenda item containing information specific to sales presented to the state Board of Land Commissioners.

(2) "Bid" means a written or oral monetary commitment to purchase land or interest in land offered at the specified time and place by a person eligible to participate in an auction, as specified by the department in accordance with 77-2-363, MCA.

(3) "Bid deposit" for a cabin site or home site sale only means electronic funds transfer or a certified check or cashier's check drawn on any Montana bank equal to five percent of the minimum sales price submitted in connection with a bid for the real property as an assurance of the performance of a contractual or promissory requirement.

(4) "Board" means the state Board of Land Commissioners.

(5) "Department" means the Department of Natural Resources and Conservation.

(6) "Estimated costs" means the estimated costs to prepare the cabin site or home site for sale.

(7) "Lessee" means the current lease holder of any cabin site or home site lease of state trust land.

(8) "Improvements" means a home or residence, outbuildings and structures, sleeping cabins, utilities, water systems, septic systems, docks and landscaping.

(9) "Parcel" means one section or less that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office or in the department's records.

(10) "Processing costs" means estimated costs of preparing the parcel for sale, including but not limited to nomination fees, legal advertising, appraisals attributable to improvements, cultural resource inventories, required environmental review if not exempt under 77-2-363(6)(b), MCA, public notice and document filing fees.

(11) "Tract " means a distinct portion of land, irrespective of ownership, that can be identified by legal description, independent of any other portion of land, using documents on file in the records of the county clerk and recorder's office.

AUTH: 77-1-204, 77-2-308, 77-2-328, 77-2-362, MCA

IMP: 77-2-328, 77-2-362, 77-2-363, MCA

NEW RULE II TRANSACTION COSTS FOR CABIN SITE OR HOME SITE

SALES (1) With the exception of processing costs described in this rule, the purchaser, or an applicant for purchase, of lands formerly comprising a state cabin site need not compensate the department for any administrative costs or services performed by department staff necessary for the sale of that state cabin site.

(2) The department shall:

(a) maintain a record of each transaction; and

(b) summarize all costs at the completion of each sale.

(3) Except as provided hereinabove, processing costs as described in [New RULE I](9) shall be paid by the nominator or the purchaser, respectively.

AUTH: 77-2-362, MCA

IMP: 77-2-362, MCA

NEW RULE III CONSIDERATIONS IN THE SALE OF CABIN SITE OR HOME SITE PURSUANT TO LAND BANKING

(1) If the sale of a parcel would extinguish existing, reasonable public access to other public or state trust land or to public water, as defined in 77-2-303(2)(a), MCA, the board shall reserve an easement or right of way for access to the other public or state trust land or to public water.

(2) If the sale of a parcel would extinguish access to adjacent private land, the department shall provide an opportunity for the landowner to make application to purchase an easement under 77-1-107, 77-1-130, or 77-2-101, MCA.

AUTH: 77-2-303, 77-2-362, MCA
 IMP, 77-2-308, 77-2-311, 77-2-363, MCA

NEW RULE IV PRELIMINARY REVIEW OF CABIN SITES AND HOME SITE SALE PARCELS BEFORE NOMINATION

(1) The department shall conduct a preliminary review of each parcel prior to department's nomination of any cabin site or home site parcel for sale. The department shall also conduct a preliminary review of any lessee- or improvement owner-nominated parcel to determine the suitability and priority for selling a cabin site or home site. The department may consider the following factors in the preliminary review:

- (a) whether sale is consistent with the board's constitutional fiduciary duty;
- (b) whether the parcel possesses clear title and whether any mortgage holder consents to sale;
- (c) whether there are any outstanding lease violations on the parcel;
- (d) whether, and to what degree the sale of the parcel would affect access to other public lands; and
- (e) the extent of infrastructure, such as roads, utilities, power, telephone, water, or sewer availability.

(2) Based on the preliminary review, the department will inform the nominating lessee how the department ranks the cabin site or home site for processing for nomination for sale.

(3) The department may determine, based on current market conditions, the annual amount of cabin site or home site sale applications that it will accept and process in a given area.

AUTH: 77-1-204, 77-2-308, 77-2-362, MCA
 IMP: 77-2-328, 77-2-363, MCA

NEW RULE V PROCEDURES FOR NOMINATING AND EVALUATING CABIN SITE AND HOME SITES FOR SALE PURSUANT TO LAND BANKING

(1) The board shall, in its sole discretion, sell individual cabin sites and home sites in configurations providing the best financial and management advantage to the affected trust beneficiary.

(2) The board reserves the right to approve or deny any nominations for the sale of state cabin sites and home sites. The department reserves the right to prioritize activities and determine the number of transactions processed related to the sale of cabin sites and home sites.

(3) The board, the department, the current lessee of, or the owner of the improvements resting upon a cabin site or home site, may nominate that cabin site or home site for sale:

- (a) nominations must be on a form issued by the department and must be sent to the appropriate department office, as noted on the form;
- (b) a lessee or improvement owner may nominate and shall pay a nonrefundable \$100 processing fee for each cabin site or home site nominated;
- (c) the department may not accept incomplete nominations;
- (d) the department shall review the classification of the parcel, as provided in 77-1-401, MCA, and classify the parcel if it is not classified; and

(e) when a parcel is nominated, the department shall notify:

- (i) all persons holding a license on the parcel;
- (ii) the representative of any affected trust beneficiary; and
- (iii) the lessee of the parcel if the board or department nominated the parcel for sale.

(4) Sale of cabin sites and home sites are exempt from Montana Environment Policy Act (MEPA) review under 77-2-363(6)(b), MCA.

(5) If the department determines pursuant to [New Rule IV] that a cabin site or home site meets the preliminary suitability requirements for sale, the department will prepare an agenda item report for the board to seek the board's preliminary approval for a potential sale of the cabin site or home site.

(6) If the department determines the cabin site or home site is not suitable for sale, the department may, without board approval, remove the cabin site or home site from nomination and eliminate the parcel from further review.

(7) The department shall notify the lessee or improvement owner of the department's recommendation of the suitability of a cabin site or home site parcel's suitability for sale by mail, as provided in 77-2-363(3), MCA.

(a) The notification must be mailed on or before the day the department posts the notice on its website or other equivalent electronic medium.

(b) As a courtesy, the department shall try to contact the lessee by telephone about the department's notice of suitability for sale.

(8) The department shall notify all persons holding a license on the cabin site or home site and the trust beneficiary about the determination.

(9) Any person may appeal the department's removal of a cabin site or home site from nomination to the board within 15 days of the department posting the report on the website or other equivalent electronic medium. The board shall place the appeal on the next available agenda of a regularly scheduled board meeting no later than 15 days before the meeting.

(10) On a board or department-nominated cabin site or home site, the lessee may, within 60 days of the determination, notify the department that the lessee intends to propose a land exchange.

(11) For each cabin site or home site under review for possible sale, the department shall review the title to the tract and improvements, but the department does not warrant the accuracy of its findings to any party.

(12) Upon the department's agenda item report to the board under (5), the board may preliminarily approve, reject, or modify the terms of the proposed sale.

(a) If the board rejects the proposed sale of the cabin site or home site, the department shall remove the parcel from nomination.

(b) If the board preliminarily approves the proposed sale of the cabin site or home site, the department shall post the sale information for the parcel on the department's web site or other equivalent electronic medium within 30 days of the board's approval.

(13) If the board has preliminarily approved a proposed sale nominated by the lessee or improvement owner, the department will estimate the costs of the appraisal and will notify the lessee or improvement owner of the approval and request submission of the estimated costs of the appraisal attributable to the

improvements on the cabin site or home site and associated costs of processing the cabin site or home site for sale.

(a) Where the board gives preliminary approval for the sale of the parcel, the lessee or improvement owner must submit payment for all processing costs within ten days of notification to do so by the department.

(14) If the board has preliminarily approved a proposed sale, the department shall contract with a Montana-licensed certified general appraiser to appraise the cabin site or home site, including improvements under consideration for sale in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), as adopted by reference by the state Board of Real Estate Appraisers in ARM 24.207.402. The department will review or contract the review of the appraisal conducted by the contract appraiser.

(15) The department shall pay that proportion of the cost of the appraisal necessary to determine the appraised value of the land. The lessee or improvement owner shall pay that proportion of the cost of the appraisal necessary to determine the appraised value of the improvements.

(a) The department will provide the lessee or improvement owner with a list of no less than two acceptable appraisers to conduct the appraisal, the lessee or improvement owner will select 50 percent of the appraisers on the list, from which the department will select an appraiser to conduct the appraisal.

(b) The appraisal for cabin sites and home sites must:

(i) include included a separate land value for the state-owned cabin site or home site in the valuation;

(ii) include a separate value for the non-state-owned improvements in the valuation.

(A) Valuation of the improvements must account for all forms of obsolescence;

(iii) include a total value of the property.

(A) The value of state owned land added to the non-state-owned improvements value will not be greater than the total value of the property;

(iv) use comparable sales for like properties;

(v) be valued with the hypothetical condition that the cabin site or home site has legal access;

(vi) be reviewed and or updated one year from the date of valuation stated in the appraisal report; and

(vii) the department shall notify the lessee of the appraised value and post that same information in a dated notice on the department's website or other equivalent electronic medium.

(16) The department shall give the lessee or improvement owner notice and opportunity for an informal administrative hearing before the department to contest those valuations. The department shall review the arguments and evidence received at the hearing to make a recommendation of the values of the land and the cabin site or home site improvements to the board.

(a) The lessee or improvements owner must file notice of appeal of value with the department within ten days of the department's notification to the lessee or improvements owner of the department's initial valuation of the land and the improvements. Within ten days after receipt of any notice of appeal the department

shall notify the lessee or improvements owner of the time and place of the hearing before the director of the department, or the director's designee. Any such hearing shall be informal without adherence to strict rules of evidence as provided in 2-4-604, MCA. A hearing examiner may be appointed to conduct the hearing. The lessee or owner of improvements shall present evidence and arguments it wishes the department to consider in recommending values of land and improvements to the board.

(17) The department shall present its findings, conclusions, and recommended values of land and improvements to the board and the lessee or improvement owner.

(18) Upon receiving the appraisal values or department's recommendation of values, the board shall set a minimum acceptable bid on the real property comprising the cabin site or home site, and determine the improvement value for compensation to the lessee or improvement owner.

(a) Upon receipt of lessee consent to the terms and conditions of the proposed sale and the valuation of cabin site or home site improvements, the sale must proceed utilizing the board's final determination of the values, and the lessee or improvement owner is obligated to transfer its interest in the cabin site or home site improvements existing on the cabin site or home site lease according to the board's final determination of their value.

(b) Nothing in this rule prohibits the lessee or improvement owner from choosing to accept a price for the cabin site or home site improvements existing on the cabin site or home site that is less than the board's final determination of value.

(19) The department shall give notice of the minimum acceptable bid for the real property comprising the cabin or home site, and the determined value of the improvements for sale by listing the proposed sale of the cabin site or home site and the improvements upon the department's internet website or other equivalent electronic medium.

(20) If the board has preliminarily approved a proposed sale, the department shall make the following available to the public, all bidders, and the lessee:

(a) minimum acceptable bid for the land and the determined value of the improvements;

(b) contents and findings of any title review without any warranty of title; and

(c) any required environmental review.

(21) The department shall provide notice of the proposed sale to the following:

(a) Department of Fish, Wildlife and Parks;

(b) Department of Transportation;

(c) Department of Environmental Quality;

(d) all adjacent landowners of record;

(e) the appropriate trust beneficiaries;

(f) the board of county commissioners in the county where the cabin site or home site is located;

(g) any surface lessees of the sale of the cabin site or home site by mail. The notice to lessees must include an estimate of costs necessary to complete the sale if the lessees nominated the cabin site or home site;

(h) all persons holding a license on the cabin site or home site;

(i) all persons who have requested to be placed on a notification list for the sale of the real property.

(22) If necessary, the department may conduct a survey of the cabin site or home site proposed for sale. The department shall pay for any such survey of the cabin site or home site.

AUTH: 77-1-204, 77-2-308, 77-2-362, MCA

IMP: 77-2-328, 77-2-362, 77-2-363, 77-2-364, 77-2-366, MCA

NEW RULE VI TERMINATION OF LESSEE-INITIATED CABIN SITE OR HOME SITE SALE AFTER DEPOSIT AND PROCESSING COSTS PAID BY LESSEE

(1) If the current lessee of the cabin site or home site has initiated the sale, as authorized by 77-2-361 through 77-2-367, MCA, and submitted processing costs with the department, the lessee may cancel the sale. The lessee shall send written notice by certified mail to the department, postmarked no later than ten days before the date of the auction.

(2) If the lessee cancels the sale the lessee shall pay all costs incurred by the department in preparing the sale, including but not limited to:

(a) any costs for required environmental review if not exempt under 77-1-121, 75-1-201, or 77-2-363(6)(b), MCA;

(b) appraisal attributable to the improvements;

(c) cultural resource inventory;

(d) public notices; and

(e) other costs that may be incurred by the department and/or board.

(3) The processing costs and bid deposit, as required in [New Rule V](13) and [New Rule VIII](4) that are paid by the lessee must be applied toward costs incurred by the department for the canceled sale.

(4) Any amount of processing costs and bid deposit remaining after payment of department costs must be returned to the lessee.

AUTH: 77-1-204, 77-2-308, 77-2-328, MCA

IMP: 77-2-328, 77-2-363, MCA

NEW RULE VII PROCEDURE FOR CONDUCTING CABIN SITE AND HOME SITE SALES

(1) All land cabin site and home site sales are subject to the provisions of 77-2-318 through 77-2-326, MCA.

(2) The department shall set the date of the auction. Bidders may appear personally or be represented by a legally authorized representative.

(3) As required by 77-2-322, MCA, the department shall, at a minimum:

(a) publish notice of the auction in a newspaper of general circulation in the county where the auction is to take place, once each week for four consecutive weeks preceding the due date for bid deposits; and

(b) post the notice on the department's web site or other equivalent electronic medium and provide links to associated realty web sites, when feasible.

(4) A person wishing to bid upon a nominated cabin site or home site offered for sale at auction shall submit a bid deposit and execute a purchase agreement with

the department. The bid deposit and purchase agreement must be postmarked no later than 20 days before the date of the auction.

(5) Subject to (6), land must be sold to the highest bidder who consummates the terms of the sale.

(6) In accordance with 77-2-324, MCA, the current lessee has the preference right to match the high bid.

(7) The purchaser shall pay closing costs, including but not limited to:

- (a) the cost of the appraisal attributable to the improvements;
- (b) title insurance;
- (c) filing fees;
- (d) closing fees; and
- (e) water rights transfer.

(8) The department shall retain the bid deposit and processing costs of the successful bidder. The department shall return the bid deposits of all unsuccessful bidders within 15 business days following the auction.

(9) If the highest bidder fails to consummate the sale for any reason the bidder forfeits the bid deposit and processing costs. The department may then offer the cabin site or home site to the next highest bidder at the final sale price.

(a) If the next highest bidder, or a subsequent bidder, in sequence of bid amount, agrees to the terms of the sale, that bidder shall complete a purchase agreement and re-submit a bid deposit and processing costs to the department.

(b) The bid deposit and processing costs will be returned to the highest bidder if a subsequent bidder completes a purchase agreement and re-submits a bid deposit and processing costs and the purchase price.

(10) If the final bidder who agrees to consummate the sale fails to comply with the terms of the sale, and submit the purchase price, for any reason, that bidder's bid deposit and processing costs are forfeited.

(a) The bid deposit must be credited to the land banking trust fund.

(b) The processing costs will be credited to the land banking administration account.

AUTH: 77-1-204, 77-2-308, 77-2-362, MCA

IMP: 77-2-328, 77-2-363, MCA

NEW RULE VIII VALUATION OF CABIN SITE AND HOME SITE IMPROVEMENTS FOR ACQUISITION UPON SALE OF CABIN AND HOME SITES.

(1) If the lessee or improvement owner consents to the terms and conditions of the proposed sale and the valuation of cabin site or home site improvements, the sale must proceed utilizing the board's final determination of the values, and the lessee or improvement owner is obligated to transfer its interest in the cabin site or home site improvements existing upon the cabin site or home site lease according to the board's final determination of their value. The lessee or improvement owner shall receive the entire proceeds of sale attributable to the value of the improvements as previously determined by the board.

(2) Nothing in this rule prohibits the lessee or improvement owner from choosing to accept a price for the cabin site or home site improvements existing the cabin site or home site that is less than the board's final determination of value.

AUTH: 77-1-204, 77-2-308, 77-2-317, 77-6-302, 77-6-303, 77-6-306, MCA
 IMP: 77-2-317, 77-2-328, MCA

REASONABLE NECESSITY: Chapter 422 of the 2013 Montana Session Laws, which will be codified as 77-2-317, MCA, established procedures for the sale of cabin and home site upon state land. New Rules I through VIII are reasonably necessary to describe and define the sale process for such lands and implement the provisions of Chapter 422 of the 2013 Montana Session Laws. The rules are configured to: attain the full market value for the sale of such lands; to make selected lands available for sale at the request of a cabin or home site lessee or improvement owner; provide a valuation process for the land and improvements; and exempt such sales from the provisions of Title 75, Chapter 1, Parts 1 through 3.

During the initial two years the proposed nomination fees are expected to affect approximately five cabin site or home site nominees per year and generate approximately \$500 annually for the general fund. Thereafter, the proposed nomination fees are expected to affect approximately 40 cabin site or home site nominees per year and generate approximately \$4,000 annually for the general fund.

4. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

36.25.128 SALES (1) Except as provided in [New Rule I] through [New Rule VIII] ¶the board may sell any land under lease or license under the same terms and conditions as land not under lease or license. The board shall notify the lessee prior to such sale and at least six months prior to possession being given to the purchaser or as consistent with the applicable lease agreement. The lessee or licensee shall be entitled to compensation for improvements as provided in ARM 36.25.125. The purchaser will be given possession of land sold on March 1 next succeeding the date of the sale unless the lease or license expires prior to that date or the lessee or licensee and purchaser agree in writing on another date.

5. The department proposes to repeal the following rules:

36.25.131 SALE OF CABIN SITES AND CITY OR TOWN LOTS:
 IMPROVEMENTS

AUTH: 77-2-328, MCA
 IMP: 77-2-318, 77-2-325, MCA

REASONABLE NECESSITY: ARM 36.25.131 is proposed to be repealed because it conflicts with New Rules I through VIII.

6. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted

in writing to John Grimm, Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, MT; telephone (406) 444-3844; fax (406) 444-2684; e-mail jgrimm@mt.gov, and must be received no later than 5:00 p.m. on November 14, 2013.

7. John Grimm, Department of Natural Resources and Conservation, has been designated to preside over and conduct the public hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Lucy Richards, P.O. Box 201601, 1625 Eleventh Avenue, Helena, MT 59620; fax (406) 444-2684; e-mail lrichards@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the department's web site at <http://www.dnrc.mt.gov>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail on September 6, 2013.

11. With regard to the requirements of Chapter 318, Section 1, Laws of 2013, the department has determined that the adoption and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/
JOHN E. TUBBS
Director
Natural Resources and Conservation

/s/
TOMMY BUTLER
Rule Reviewer

Certified to the Secretary of State on October 7, 2013.

913-4

EASEMENTS

Land Board Agenda Item
September 23, 2013

913-4 Easements

Location: Beaverhead, Judith Basin, Musselshell, Roosevelt, Teton, and Wibaux Counties

Trust Benefits: Common Schools, Pine Hills School, Public Buildings

Trust Revenue: Common Schools = \$25,998
Pine Hills School = \$2,580
Public Buildings = \$390

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HISTORIC PRIVATE ACCESS - *Maxine Turley* (Pages 26-29)
- *Freeman Ranch LLC* (Pages 33-35)

NEW ELECTRIC UTILITY – *Goldenwest Electric Coop.* (Pages 36-37)

NEW TELEPHONE UTILITY – *Central Montana Communications* (Pages 24-25)

PRIVATE ACCESS ROAD - *Charles & Diana Miller* (Pages 30-32)

Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16366
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	1.82
Compensation:	\$410.00
Legal Description:	30-foot strip through Gov. Lot 1, Sec. 1, Twp. 27N, Rge. 55E, Roosevelt County
Trust Beneficiary:	Common Schools

Item Summary

Roosevelt County has made application for multiple county roads that were constructed on state lands decades ago without proper authorization from the Land Board. Pursuant to §77-1-130, MCA the County is requesting recognition of these roads as historic rights of way.

Department Recommendation

The Department recommends approval of the historic rights of way for Roosevelt County.

Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Roosevelt County
400 2nd Avenue South
Wolf Point MT 59201

Application No.: 16367
R/W Purpose: a public county road
Lessee Agreement: N/A (Historic)
Acreage: 4.52
Compensation: \$1,300.00
Legal Description: 30-foot strip through S2S2, SE4SE4, Sec. 36, Twp. 28N, Rge. 55E,
Roosevelt County
Trust Beneficiary: Common Schools

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Department Recommendation

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16368
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	1.83
Compensation:	\$412.00
Legal Description:	60-foot strip through W2NW4, Sec. 20, Twp. 28N, Rge. 56E, Roosevelt County
Trust Beneficiary:	Common Schools

Item Summary

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Department Recommendation

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Roosevelt County
400 2nd Avenue South
Wolf Point MT 59201

Application No.: 16369
R/W Purpose: a public county road
Lessee Agreement: N/A (Historic)
Acreage: 2.71
Compensation: \$2,304.00
Legal Description: 30-foot strip through S2SW4, Sec. 31, Twp. 28N, Rge. 56E,
Roosevelt County
Trust Beneficiary: Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16370
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	5.03
Compensation:	\$1,761.00
Legal Description:	60-foot strip through N2NE4, 30-foot strip through E2NE4, Sec. 36, Twp. 28N, Rge. 56E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Roosevelt County
400 2nd Avenue South
Wolf Point MT 59201

Application No.: 16371
R/W Purpose: a public county road
Lessee Agreement: N/A (Historic)
Acreage: 1.82
Compensation: \$410.00
Legal Description: 30-foot strip through W2SW4, Sec. 16, Twp. 28N, Rge. 58E,
Roosevelt County
Trust Beneficiary: Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16372
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	1.82
Compensation:	\$410.00
Legal Description:	30-foot strip though S2SE4, Sec. 16, Twp. 29N, Rge. 55E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16373
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	0.91
Compensation:	\$205.00
Legal Description:	30-foot strip through SE4SE4, Sec. 21, Twp. 29N, Rge. 55E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16374
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$819.00
Legal Description:	30-foot strip through S2S2, Sec. 36, Twp. 30N, Rge. 54E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16375
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$1,274.00
Legal Description:	30-foot strip through E2E2, Sec. 16, Twp. 30N, Rge. 56E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16376
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	1.82
Compensation:	\$637.00
Legal Description:	30-foot strip through S2SW4, Sec. 36, Twp. 30N, Rge. 56E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16377
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	1.82
Compensation:	\$637.00
Legal Description:	30-foot strip through S2SE4, E2SE4, Sec. 16, Twp. 30N, Rge. 57E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16378
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$819.00
Legal Description:	30-foot strip through S2S2, Sec. 16, Twp. 30N, Rge. 58E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16379
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$819.00
Legal Description:	30-foot strip through W2W2, Sec. 36, Twp. 30N, Rge. 58E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Roosevelt County
400 2nd Avenue South
Wolf Point MT 59201

Application No.: 16380
R/W Purpose: a public county road
Lessee Agreement: N/A (Historic)
Acreage: 4.47
Compensation: \$1,285.00
Legal Description: 30-foot strip through W2W2, SE4SE4, Sec. 16, Twp. 29N,
Rge. 58E, Roosevelt County
Trust Beneficiary: Common Schools

Item Summary

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16381
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	0.91
Compensation:	\$205.00
Legal Description:	30-foot strip through Gov. Lot 2, Sec. 9, Twp. 29N, Rge. 59E, Roosevelt County
Trust Beneficiary:	Public Buildings

Item Summary

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Department Recommendation

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Roosevelt County
400 2nd Avenue South
Wolf Point MT 59201

Application No.: 16382
R/W Purpose: a public county road
Lessee Agreement: N/A (Historic)
Acreage: 9.16
Compensation: \$2,956.00
Legal Description: 30-foot strip through Gov. Lots 1-4, SW4SE4, S2SW4, Sec. 16,
Twp. 29N, Rge. 59E, Roosevelt County
Trust Beneficiary: Common Schools

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Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16383
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	0.82
Compensation:	\$185.00
Legal Description:	60-foot strip through Gov. Lot 1, Sec. 21, Twp. 29N, Rge. 59E, Roosevelt County
Trust Beneficiary:	Public Buildings

Item Summary

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Roosevelt County
400 2nd Avenue South
Wolf Point MT 59201

Application No.: 16384
R/W Purpose: a public county road
Lessee Agreement: N/A (Historic)
Acreage: 0.91
Compensation: \$205.00
Legal Description: 30-foot strip through NW4NE4, Sec. 28, Twp. 29N, Rge. 55E,
Roosevelt County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16385
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	1.82
Compensation:	\$637.00
Legal Description:	30-foot strip through N2NE4, Sec. 27, Twp. 29N, Rge. 56E, Roosevelt County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16386
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	1.65
Compensation:	\$371.00
Legal Description:	30-foot strip through Gov. Lot 4, Sec. 24, Twp. 28N, Rge. 59E, Roosevelt County
Trust Beneficiary:	Public Buildings

Item Summary

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Department Recommendation

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Roosevelt County 400 2nd Avenue South Wolf Point MT 59201
Application No.:	16387
R/W Purpose:	a public county road
Lessee Agreement:	N/A (Historic)
Acreage:	0.29
Compensation:	\$100.00
Legal Description:	30-foot strip through SW4SE4, Sec. 7, Twp. 27N, Rge. 57E, Roosevelt County
Trust Beneficiary:	Common Schools

Item Summary

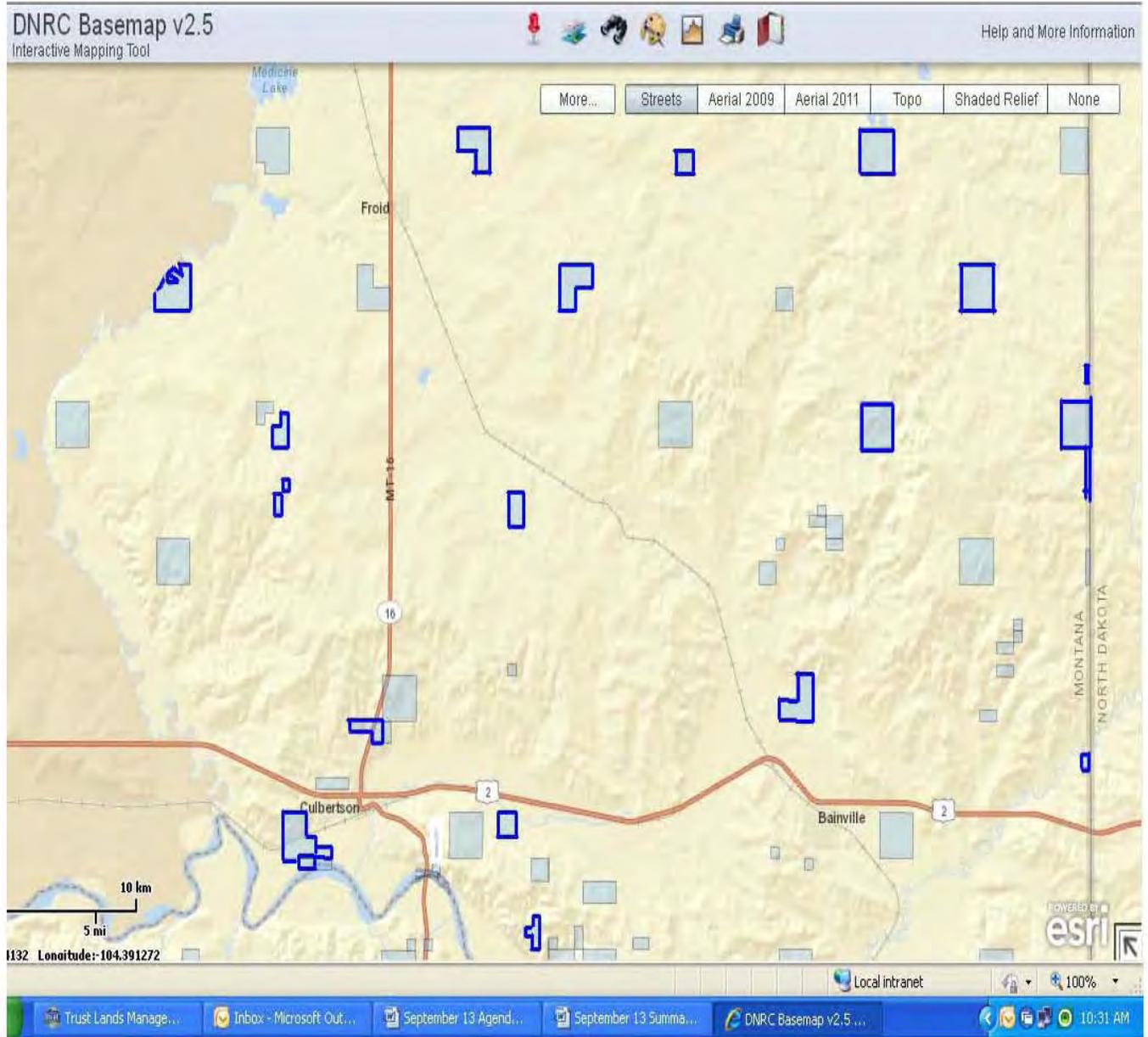
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Department Recommendation

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Rights of Way Applications

September 23, 2013



Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Central Montana Communications P O Box 1140 Havre MT 59501
Application No.:	16388
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	0.1
Compensation:	\$2,486.00
Legal Description:	20-foot strip through NE4SE4, Sec. 17, Twp. 16N, Rge. 12E, Judith Basin County
Trust Beneficiary:	Common Schools

Item Summary

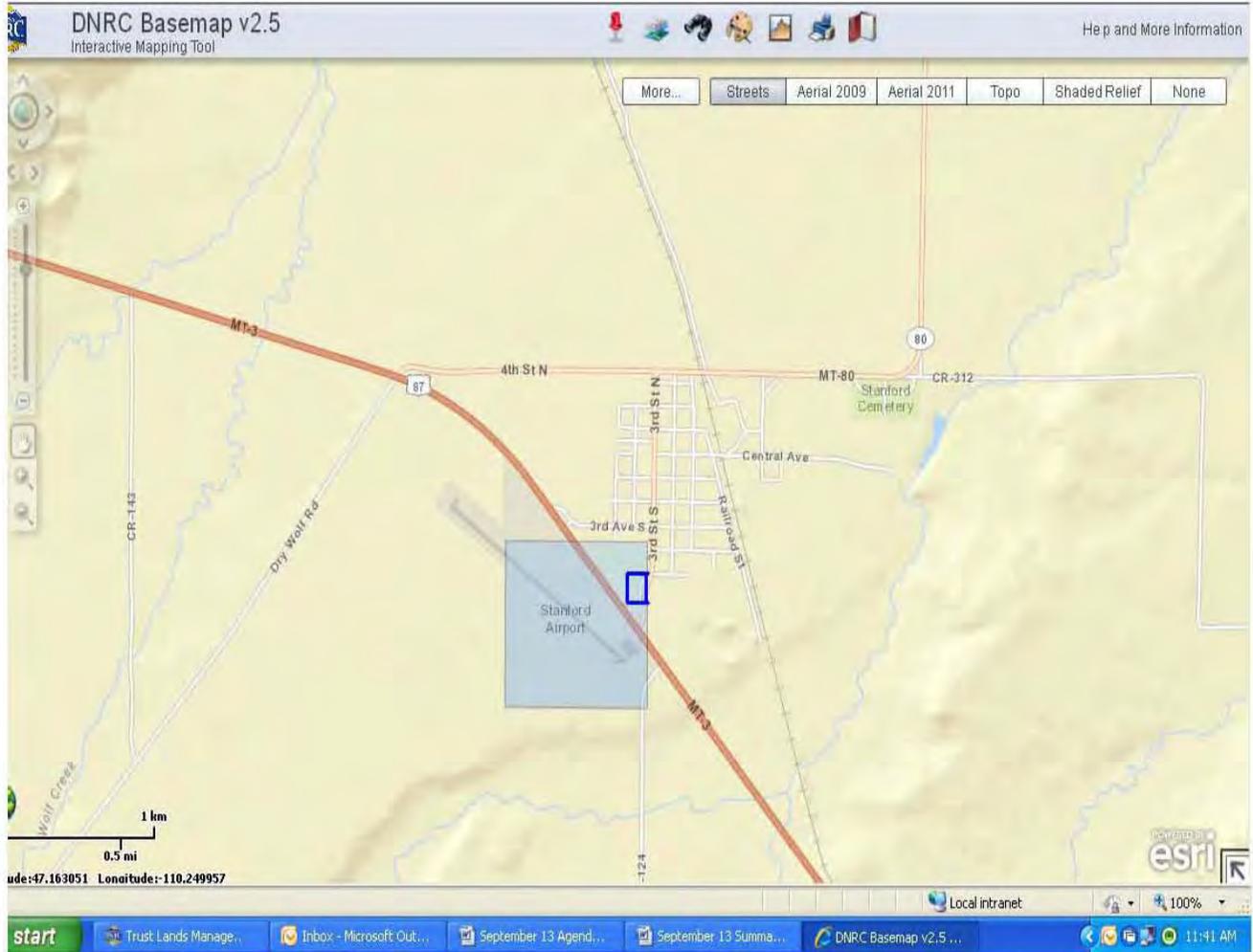
Central Montana Communications has received a request for service to the town of Stanford's water pump house. The proposed line will come off an existing communications line and traverse a distance of approximately 200 feet to the pump house. The route chosen is the most direct and will cause minimal disturbance and impact to the surrounding land.

Department Recommendation

The Department recommends approval of this telecommunications request.

Rights of Way Applications

September 23, 2013



Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Maxine Turley P O Box 166 Musselshell MT 59059
Application No.:	16389
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranch operations
Lessee Agreement:	N/A (Historic)
Acreage:	1.94
Compensation:	\$970.00
Legal Description:	12-foot strip through N2NW4, SE4NW4, SW4NE4, N2SE4, SE4SE4, Sec. 36, Twp. 7N, Rge. 28E, Musselshell County
Trust Beneficiary:	Common Schools

Item Summary

Applicant is requesting approval for the use of existing roads to access her private lands for farming and ranching purposes. The roads have been in place for decades and authorization for continued use is being requested pursuant to §77-1-130, MCA, which allows for recognition of such historic access.

Department Recommendation

The Department recommends approval of these historic applications.

Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Maxine Turley P O Box 166 Musselshell MT 59059
Application No.:	16390
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	1.44
Compensation:	\$720.00
Legal Description:	12-foot strip through S2S2, Sec. 36, Twp. 7N, Rge. 28E, Musselshell County
Trust Beneficiary:	Common Schools

Item Summary

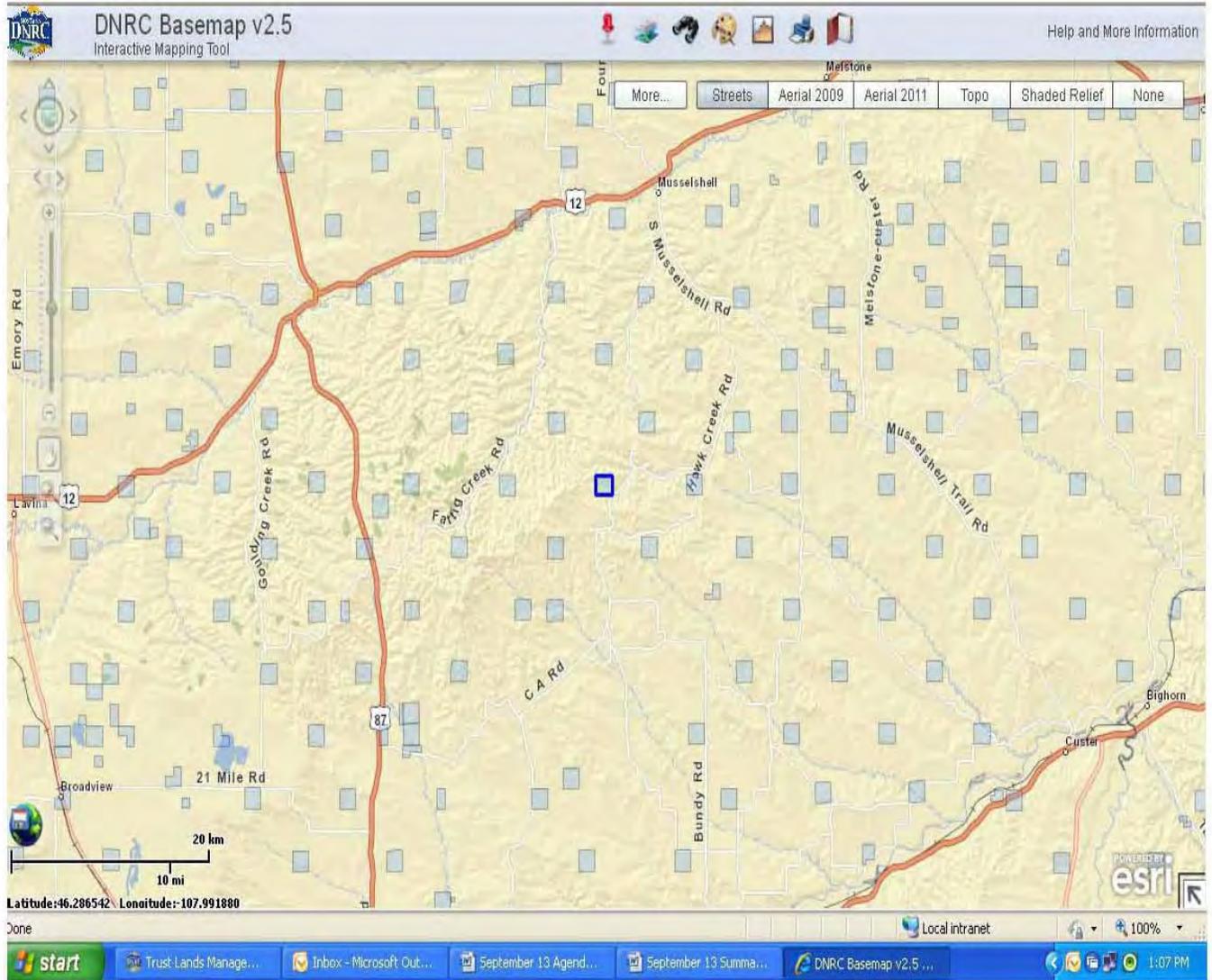
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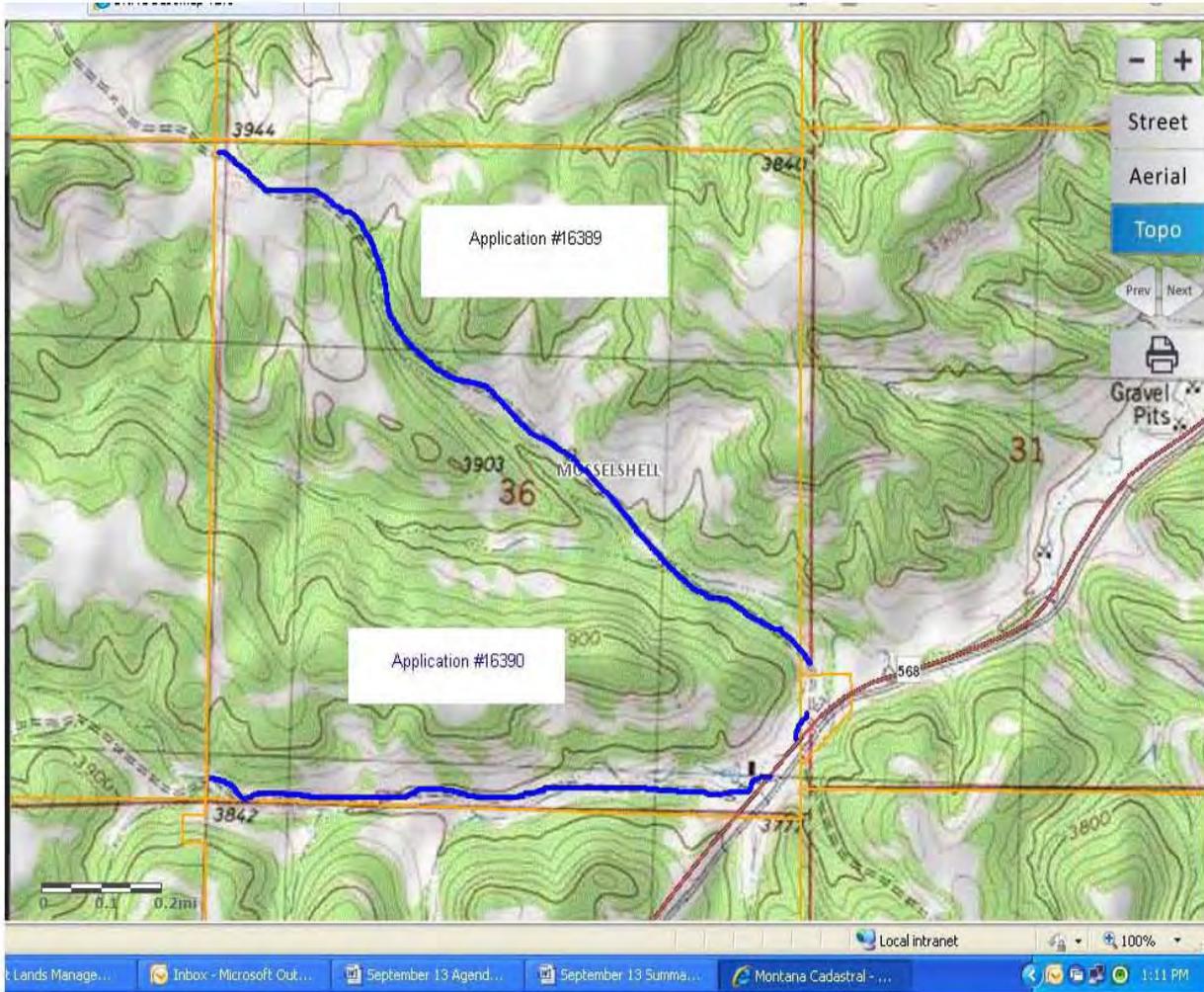
Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Charles and Diana F. Miller
926 Orchard Dr
Hamilton MT 59840

Application No.: 16391
R/W Purpose: a private access road to two single-family residences and associated outbuildings and for conducting normal farming and ranching operations

Lessee Agreement: ok
Acreage: 2.58
Compensation: \$2,580.00
Legal Description: 30-foot strip through W2W2, Sec. 20, Twp. 5S, Rge. 8W, Beaverhead County
Trust Beneficiary: Pine Hills School

Item Summary

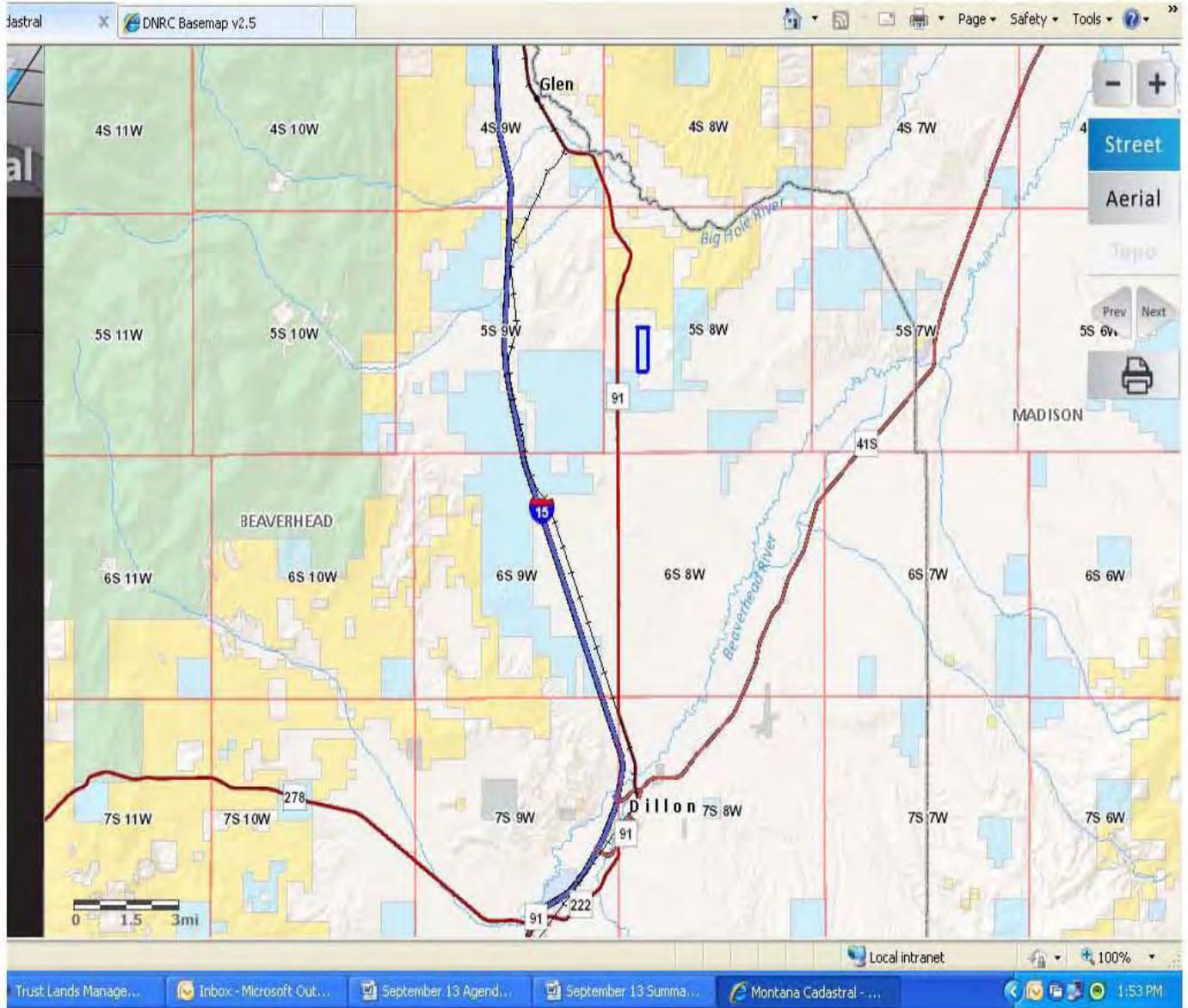
Applicant purchased a 160-acre parcel that is accessed from an easement on State land granted in 1996 for a 30-year term. However, the original easement holder did not assign the easement when the property was first sold. Subsequently, the property has been sold without assignment to where applicant is now the owner with a lack of legal access title problem. After consultation with legal staff the Department determined that it would be in both the State and applicants best interests to issue a new easement for the purposes originally granted in the limited term easement, with the exception of providing for a permanent perpetual easement. The road has been existing for decades and would qualify under the historic right of way statute. However, the original residences located on the property have been abandoned for a period of time and applicant wishes to rebuild new homes in the near future.

Department Recommendation

The Department recommends approval of this easement request for a permanent, perpetual access road easement.

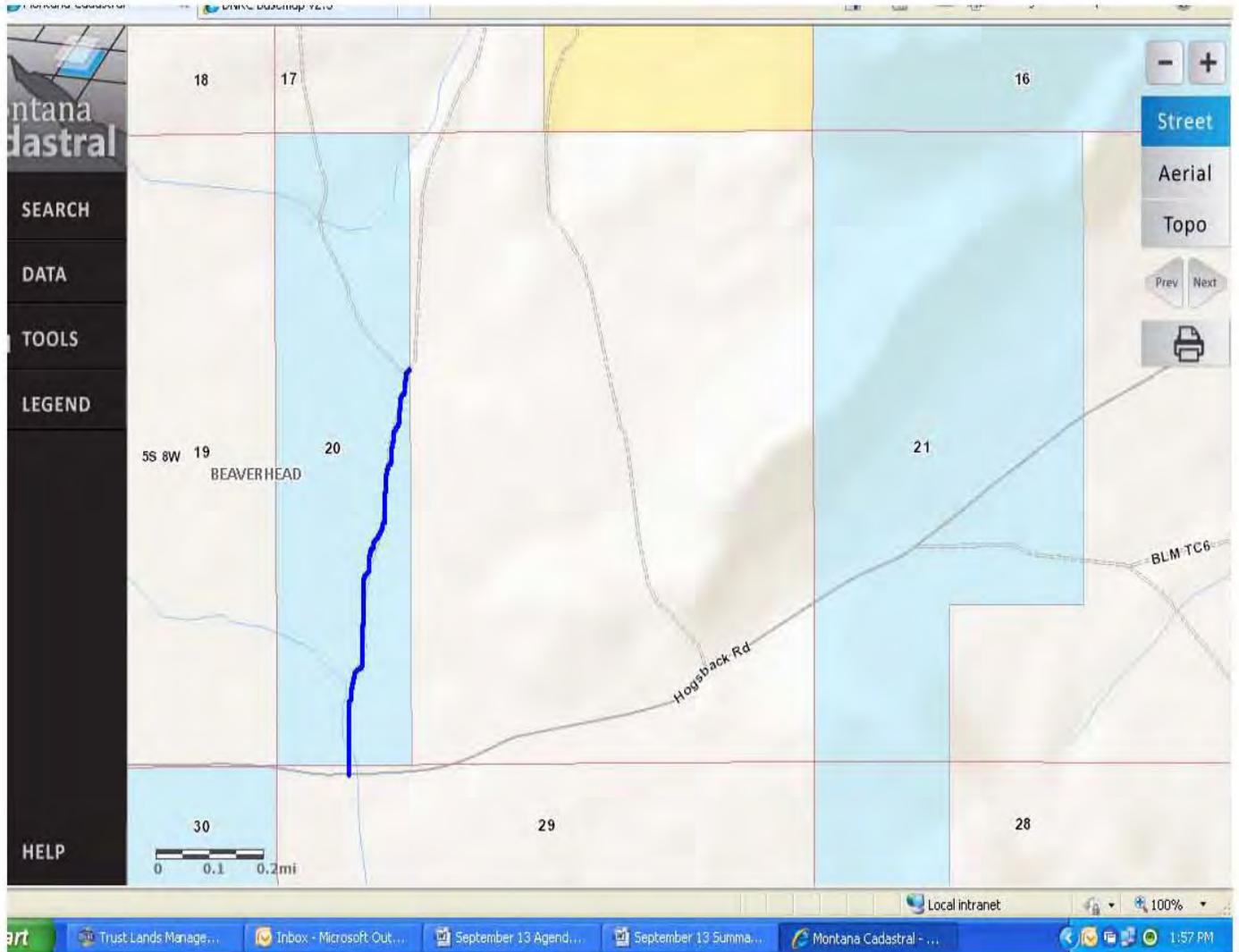
Rights of Way Applications

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Rights of Way Applications

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Rights of Way Applications

September 23, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Freeman Ranch LLC P O Box 364 Augusta MT 59410
Application No.:	16392
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations including access to associated outbuildings
Lessee Agreement:	N/A (Historic)
Acreage:	2.95
Compensation:	\$2,950.00
Legal Description:	30-foot strip through SE4NW4, NE4NE4, SW4NE4, NW4SW4, Sec. 19, Twp. 27N, Rge. 7W, Teton County
Trust Beneficiary:	Common Schools

Item Summary

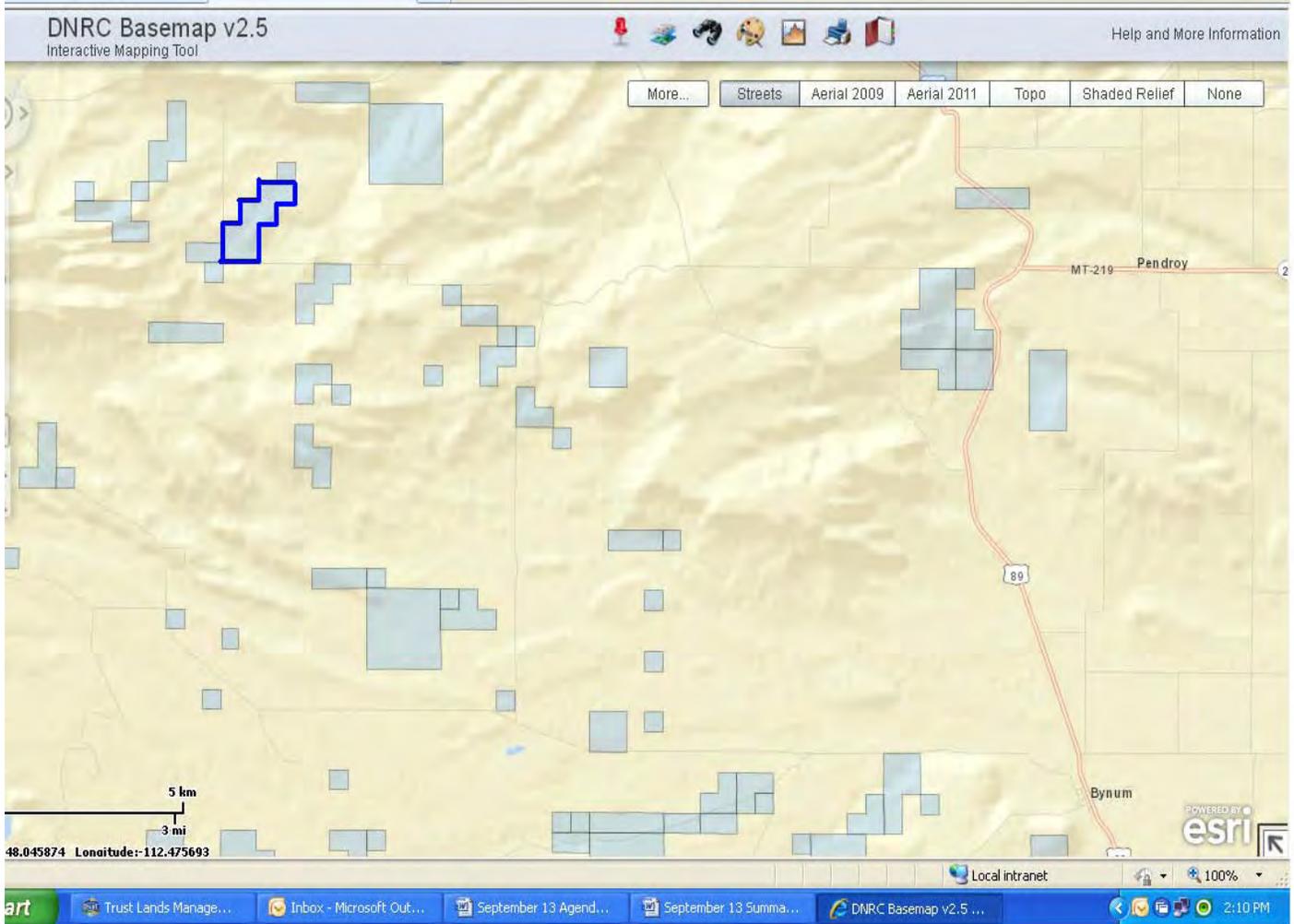
Applicant is requesting approval for the use of an existing road to access their private lands for farming and ranching purposes. The road has been in place for decades and authorization for continued use is being requested pursuant to §77-1-130, MCA, which allows for recognition of such historic access.

Department Recommendation

The Department recommends approval of this historic access application.

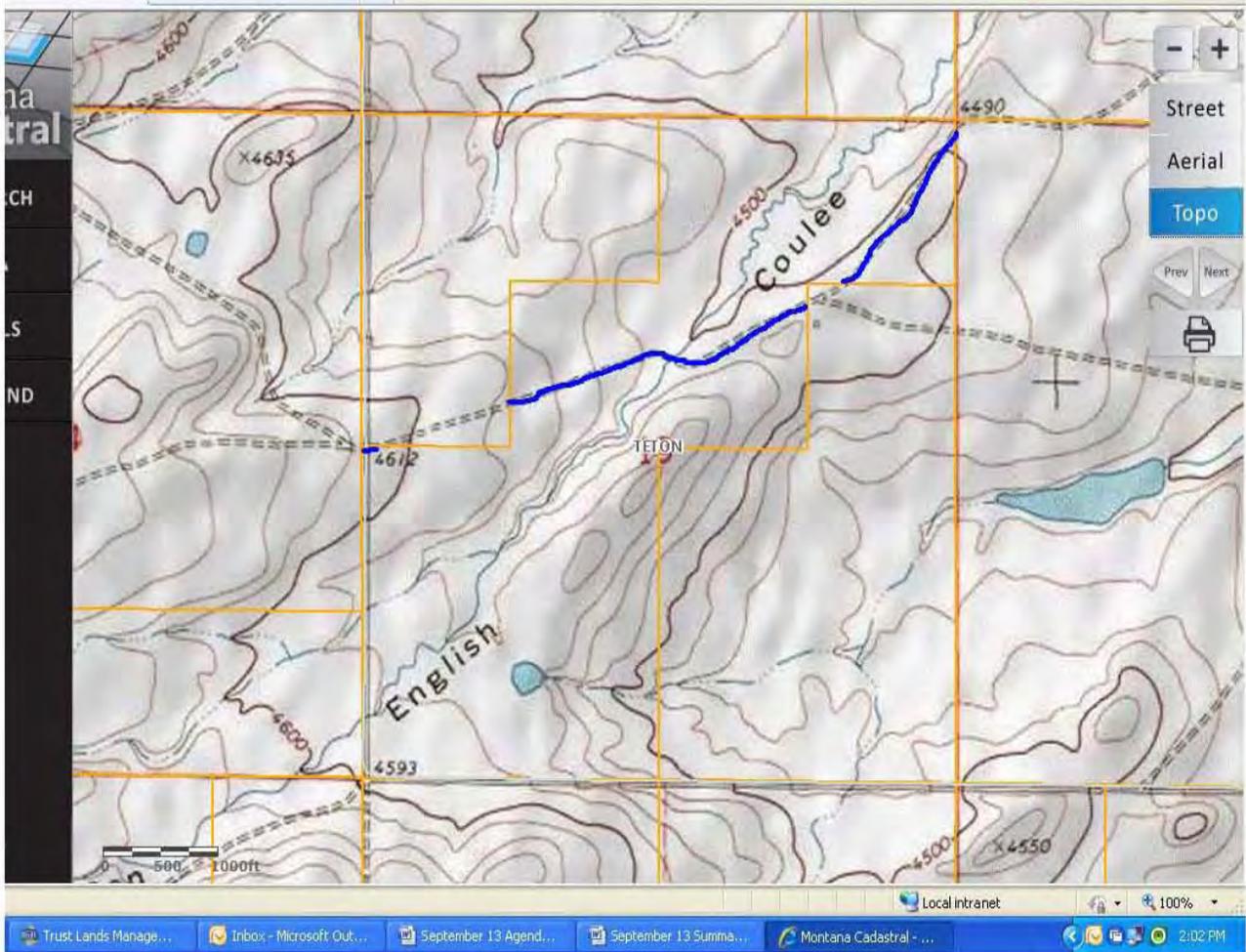
Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Goldenwest Electric Cooperative, Inc. P O Box 177 Wibaux MT 59353
Application No.:	16393
R/W Purpose:	an overhead electric distribution line
Lessee Agreement:	ok
Acreage:	3.67
Compensation:	\$1,101.00
Legal Description:	20-foot strip through W2W2, NE4SW4, Sec. 36, Twp. 16N, Rge. 59E, Wibaux County
Trust Beneficiary:	Common Schools

Item Summary

Applicant has received a request for service to a new pipeline booster station under construction. This proposed new overhead distribution facility will help serve a growing load demand in Wibaux County for service to wells and associated facilities as well as provide stable, reliable service to residents in the area. The route chosen is the most direct and parallels existing roads. Minimal disturbance and impact will occur from this installation.

Department Recommendation

The Department recommends approval of this easement request.

Rights of Way Applications

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