

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Tuesday, January 29, 2013, at 9:00 a.m.
Fish, Wildlife and Parks
1420 East 6th Avenue
Helena, MT

ACTION ITEM

- 113-1 **Easements**
Benefits: Common Schools, Public Land Trust
Location: Fallon, Phillips, Prairie, Richland, Valley, and Yellowstone Counties

PUBLIC COMMENT

113-1

EASEMENTS

SUMMARY SHEET – RIGHTS OF WAY APPLICATIONS

HISTORIC COUNTY ROAD – *Prairie County* (Page 17)

ELECTRICAL FACILITIES – *Big Flat Electric Coop.* (Pages 1-5)
 - *NorVal Electric Coop.* (Pages 6-15)
 - *Montana Dakota Utilities* (Page 16)

PIPELINE (Crude Oil & Natural Gas) – *Hiland Operating* (Page 18)

PUBLIC ROAD (New) – *City of Billings* (Page 19)

AFFECTED GRANTS AND PROPOSED INCOME:

Common Schools	\$ 46,517
Public Land Trust	\$ 300

AFFECTED COUNTIES: Fallon, Phillips, Prairie, Richland, Valley, Yellowstone

Rights of Way Applications

January 29, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Big Flat Electric Cooperative, Inc. P O Box 229 Malta MT 59538
Application No.:	16179
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	4.85
Compensation:	\$1,091.00
Legal Description:	80-foot strip through Gov. Lots 1, 2 and S2NE4, SE4, Sec. 6, Twp. 37N, Rge. 32E, Phillips County
Trust Beneficiary:	Common Schools
Classification:	I



This proposed transmission line is associated with the proposed Keystone XL Pipeline. The transmission line will provide necessary power for the pipeline and associated pump station facilities within applicants area of service. The impacts of the transmission lines needed for the pipeline project were included as a connected action in the Major Facility Siting Act (MFSA) EIS completed for the Keystone XL Pipeline. A Certificate was issued for the pipeline project in March, 2012.

While the pipeline project is pending issuance of a Presidential Permit due to its crossing the international border between Canada and the United States, the Land Board approved the grant of easements for the pipeline, conditioned upon Keystone receiving an approved Presidential Permit.

Thus, the Department recommends a conditional approval of the associated transmission facilities pending issuance of the Presidential Permit for the Keystone XL Pipeline project.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Big Flat Electric Cooperative, Inc. P O Box 229 Malta MT 59538
Application No.:	16180
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	9.69
Compensation:	\$6,783.00
Legal Description:	80-foot strip through W2W2, Sec. 16, Twp. 32N, Rge. 33E, Phillips County
Trust Beneficiary:	Common Schools
Classification:	I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Big Flat Electric Cooperative, Inc. P O Box 229 Malta MT 59538
Application No.:	16181
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	9.69
Compensation:	\$2,182.00
Legal Description:	80-foot strip through W2, Sec. 16, Twp. 36N, Rge. 32E, Phillips County
Trust Beneficiary:	Common Schools
Classification:	I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Big Flat Electric Cooperative, Inc. P O Box 229 Malta MT 59538
Application No.:	16182
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	7.27
Compensation:	\$2,545.00
Legal Description:	80-foot strip through Gov. Lots 1, 2, 3 and S2NE4, E2NW4, NE4SW4, Sec. 18, Twp. 37N, Rge. 32E, Phillips County
Trust Beneficiary:	Common Schools
Classification:	I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Big Flat Electric Cooperative, Inc.
P O Box 229
Malta MT 59538

Application No.: 16183
R/W Purpose: an overhead 115 kV electric transmission line
Lessee Agreement: ok
Acreage: 1.1
Compensation: \$385.00
Legal Description: 80-foot strip through SW4SW4, Sec. 4, Twp. 32N, Rge. 32E,
Phillips County
Trust Beneficiary: Common Schools
Classification: I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16184
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	3.62
Compensation:	\$2,533.00
Legal Description:	40-foot strip through N2NW4, NW4NE4, Sec. 13, Twp. 29N, Rge. 39E, Valley County
Trust Beneficiary:	Common Schools
Classification:	III



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16185
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	3.19
Compensation:	\$2,232.00
Legal Description:	40-foot strip through N2NE4, SE4NE4, Sec. 16, Twp. 30N, Rge. 38E, Valley County
Trust Beneficiary:	Common Schools
Classification:	I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16186
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	2.78
Compensation:	\$1,943.00
Legal Description:	40-foot strip through N2SW4, SE4SW4, Sec. 23, Twp. 30N, Rge. 38E, Valley County
Trust Beneficiary:	Common Schools
Classification:	I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: NorVal Electric Cooperative, Inc.
P O Box 951
Glasgow MT 59230

Application No.: 16187
R/W Purpose: an overhead 115 kV electric transmission line
Lessee Agreement: ok
Acreage: 6.14
Compensation: \$4,299.00
Legal Description: 40-foot strip through W2NW4, SE4NW4, NE4SW4, W2SE4,
SE4SE4, Sec. 36, Twp. 30N, Rge. 38E, Valley County
Trust Beneficiary: Common Schools
Classification: I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16188
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	2.43
Compensation:	\$1,702.00
Legal Description:	40-foot strip through S2SE4, Sec. 9, Twp. 29N, Rge. 39E, Valley County
Trust Beneficiary:	Common Schools
Classification:	I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16189
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	0.38
Compensation:	\$100.00
Legal Description:	40-foot strip through NE4NW4, Sec. 26, Twp. 30N, Rge. 38E, Valley County
Trust Beneficiary:	Common Schools
Classification:	III



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16190
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	ok
Acreage:	4.85
Compensation:	\$1,091.00
Legal Description:	40-foot strip through E2E2, Sec. 36, Twp. 31N, Rge. 37E, Valley County
Trust Beneficiary:	Common Schools
Classification:	III



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16191
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	N/A (Navigable River)
Acreage:	0.10
Compensation:	\$100.00
Legal Description:	40-foot strips across the Milk River in E2E2, Sec. 26, Twp. 28N, Rge. 40E, Valley County
Trust Beneficiary:	Public Land Trust
Classification:	I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16192
R/W Purpose:	an overhead 115 kV electric transmission line
Lessee Agreement:	N/A (Navigable River)
Acreage:	0.06
Compensation:	\$100.00
Legal Description:	40-foot strip across the Milk River in Gov. Lot 4, Sec. 36, Twp. 28N, Rge. 40E, Valley County
Trust Beneficiary:	Public Land Trust
Classification:	I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc. P O Box 951 Glasgow MT 59230
Application No.:	16193
R/W Purpose:	a buried electric distribution line
Lessee Agreement:	N/A (Navigable River)
Acreage:	0.05
Compensation:	\$100.00
Legal Description:	20-foot strip across the Milk River in Gov. Lot 4, Sec. 36, Twp. 28N, Rge. 40E, Valley County
Trust Beneficiary:	Public Land Trust
Classification:	III



Applicant is replacing an existing overhead line by horizontally directional drilling of a new three-phase powerline under the Milk River. The line provides service to customers of the applicant that live south of the Milk River. The proposed route is the most direct and least invasive in regards to impact on the environment, river banks and vegetation. The Department recommends approval of this request.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Montana Dakota Utilities Co.
 400 North Fourth Street
 Bismarck ND 58501

Application No.: 16194
 R/W Purpose: an overhead 115 kV electric transmission line
 Lessee Agreement: ok
 Acreage: 0.15
 Compensation: \$100.00
 Legal Description: 50-foot strip through NW4NW4, Sec. 36, Twp. 9N, Rge. 58E,
 Fallon County
 Trust Beneficiary: Common Schools
 Classification: I



Please see explanation on page 1.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Prairie County P O Box 125 Terry MT 59349
Application No.:	16196
R/W Purpose:	a public county road known as Yellowstone Trail Road
Lessee Agreement:	N/A (Historic)
Acreage:	0.18
Compensation:	\$100.00
Legal Description:	30-foot strip through NE4NE4, Sec. 36, Twp. 12N, Rge. 53E, Prairie County
Trust Beneficiary:	Common Schools
Classification:	III



Application is made pursuant to §77-1-130, Historic Rights of Way.

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Hiland Operating, LLC P O Box 5103 Enid OK 73702-5103
Application No.:	16197
R/W Purpose:	a buried 8" natural gas pipeline and a buried 4" crude oil pipeline
Lessee Agreement:	ok
Acreage:	3.45
Compensation:	\$11,031.00 (275.77 rods x \$40/rod)
Legal Description:	33-foot strip through W2W2, Sec. 36, Twp. 24N, Rge. 55E, Richland County
Trust Beneficiary:	Common Schools
Classification:	III



Applicant is requesting an easement for two pipelines associated with the Marla-Hill #4HSU well located on state land. The pipelines will collect natural gas and oil produced from this well and both will tie into applicant's existing pipeline collection system for other wells. Installation of these pipelines will prevent the unnecessary flaring of natural gas and reduce the impacts to roadways that result from having to truck the oil from this well.

The Department recommends approval of this request under the previous conditions applied to other pipelines as follows:

- Recommended compensation is \$40/rod
- Additional payments due at years 10 and 20 pursuant to a compounded annual interest rate of 2.5%
- Term easement of 30 years with opportunity to apply for renewal

Rights of Way Applications

December 17, 2012

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	City of Billings 2224 Montana Avenue Billings MT 59101
Application No.:	16199
R/W Purpose:	a public city roadway, including water, sewer and storm drainage facilities and a multi-purpose pedestrian path
Lessee Agreement:	ok
Acreage:	2.80
Compensation:	\$8,400.00
Legal Description:	Tract of land in E2SE4, Sec. 18, Twp. 1N, Rge. 26E, Yellowstone County
Trust Beneficiary:	Common Schools
Classification:	II



The City of Billings initiated a planning study in 2006 to analyze various routes to connect the Billings Heights area to the west end of Billings to alleviate traffic through downtown Billings. Termed the Inner Belt Loop, this application is the first phase of the larger project that will eventually connect with Zimmerman Trail at its intersection with Highway 3. The Department has been a participating agency with the City in this planning effort.

The state land to be encumbered is located adjacent to the current city limits of Billings. This proposed roadway provides the potential of development of this parcel due to a nearby recent residential development. Water and sanitary sewer services will also be available, aiding in any development proposal. Additionally, the City has agreed to install gates both the north and south sides of the easement at drive approach locations so as to facilitate walk-in recreational use access of the trust land.

Analysis of environmental impacts found no significant issues or concerns. The Department recommends approval of this easement request.
