

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Tuesday, February 19, 2013, at 9:00 a.m.
Fish, Wildlife and Parks
1420 East 6th Avenue
Helena, MT

ACTION ITEMS

213-1 Communitization Agreement: Whiting Oil and Gas Corporation
Benefits: Common Schools
Location: Sheridan County
APPROVED 4-0 (Secretary McCulloch absent for the first item)

213-2 Timber Sales
A. Deep Blue
Benefits: Common Schools
Location: Sanders County
APPROVED 5-0

B. Ewing Central
Benefits: Common Schools
Location: Flathead County
APPROVED 5-0

C. Lazy Swift 2
Benefits: MSU 2nd
Location: Flathead County
APPROVED 5-0

213-3 Land Exchange: Preliminary Approval – DNRC/Montgomery
Benefits: MSU Morrill
Location: Flathead County
APPROVED 5-0

213-4 Easements
Benefits: Common Schools, School for the Deaf and Blind
Location: Chouteau, Flathead, Glacier, Meagher, and Musselshell Counties
APPROVED 5-0

PUBLIC COMMENT

213-1

COMMUNITIZATION AGREEMENT:
WHITING OIL AND GAS CORPORATION

**REQUEST FOR APPROVAL OF COMMUNITIZATION AGREEMENT
FEBRUARY 19, 2013
LAND BOARD**

Whiting Oil and Gas Corporation
1700 Broadway, Suite 2300
Denver, CO 80290-2300

Township 31 North, Range 55 East
Section 25: ALL
Section 36: ALL
1280 Acres
Sheridan County

State Tract
Section 36: E2
320 Acres
Common Schools Trust = 100%

Whiting Oil and Gas Corporation has filed a request with the Department for the approval of a communitization agreement to communitize State owned acreage to permit development in conformity with regulations of the Montana Board of Oil and Gas Conservation Commission (BOGC).

A communitization agreement brings together small tracts sufficient for the granting of a well permit under applicable spacing rules. Communitization agreements are not formed until after a well has been drilled and proven to be productive. The communitization agreement provides for distribution of royalties and must be approved and signed by the Department to be effective. Communitization is important in the prevention of drilling of unnecessary and uneconomic wells which would result in physical and economic waste.

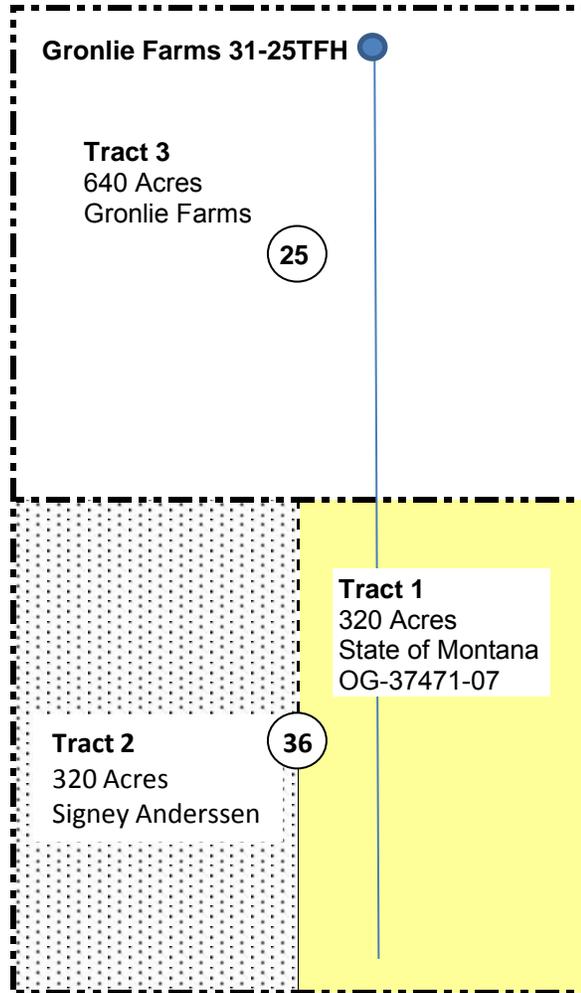
The Gronlie Farms 31-25TFH well, which is a Bakken formation oil well, was drilled in the NW4NE4 of Section 25. This spacing unit has a total of 1280 acres. The Department owns 320 acres of the 1280 mineral acres in the permanent spacing unit that will be communitized. All the mineral owners in the spacing unit will share in the royalty from this well. The Communitization Agreement shall include said lands from the Bakken Formation only in Sections 25 & 36.

The Department's tract comprises 25% of the communitized area. The communitized production will be allocated to each tract based upon the relationship of its acreage to the total acreage within the communitized area. The Department will consequently receive 4.1667% of all oil production (16.67% royalty rate x 25% tract participation).

The Communitization Agreement will allow the State to receive its proper share of production from the spacing unit. Therefore, the Director recommends approval of this Communitization Agreement.

Township 31 North Range 55 East

Sections 25 & 36



Recapitulation

Tract No.	Type	Acres	Tract Participation	Royalty %	Owners Interest Decimal
1	State of Montana	320.00	25.00%	16.67%	0.041667
2	Signey Anderssen	320.00	25.00%	15.00%	0.037500
3	Gronlie Farms	640.00	50.00%	15.00%	0.075000
Total		1280.00	100.00%		

* The Operator of the Communitized Area is Whiting Oil and Gas Company

213-2

TIMBER SALES

- A. Deep Blue
- B. Ewing Central
- C. Lazy Swift 2

DEEP BLUE TIMBER SALE

February 19, 2013
Land Board

Location of Sale:

- Plains Unit (NWLO) – Approximately 12 air miles NW of Thompson Falls, MT.
- Sanders County – Section 16, T23N-R30W
- 100% CS

Sale Volume & Estimated Value:

- The estimated volume is 14,558 tons (2,407 MBF) of sawlogs with a conversion factor of 6.05 tons/MBF.

Minimum Bid Rate (per ton)	Forest Improvement Fee (per ton)	Total Minimum Value (per ton)	Estimated Volume (tons)	Total Minimum Sale Value
\$23.19	\$4.15	\$27.34	14,558	\$398,015.72

Sale & Harvest Treatments:

- The sale consists of 4 harvest units totaling 332 acres.
- Silvicultural prescriptions consist of a shelterwood harvest (214 acres) and selective thinning (118 acres).
- Poorly formed, overcrowded, & diseased trees as well as those with poor vigor will be harvested from the overstory to promote long term forest health.
- Healthy, dominant and co-dominant trees in the overstory will be retained, favoring Douglas-fir ponderosa pine, and western larch for seed trees (leave trees) to promote natural regeneration of these species.
- Natural regeneration in the project area will be assessed and planted as needed.
- No old growth will be harvested.

Harvest Systems:

- 90% Ground based (tractor).
- 10% Cable Harvest.

Road Construction:

- 0.54 miles of new road construction is required.
- Approximately 2.6 miles of existing road would receive maintenance blading. Upon completion of road work, all haul roads would meet BMP standards.

Public Involvement & Issues:

- Public involvement was solicited through legal notices published in the *Sanders County Ledger* and the *Valley Press* as well as letters sent to neighboring land owners and interested parties. The public and DNRC specialists helped identify issues. Identified areas of concern were wildlife, soils, hydrology and noxious weeds.

Public Comments, Issues and Mitigations:

Roads: A transportation system minimizing road miles and meeting all Best Management Practices (BMP) has been designed by DNRC. Upon completion of road work, all haul roads would meet BMP standards.

Wildlife:

- A DNRC biologist will be consulted if a threatened or endangered species is encountered to determine if additional mitigations that are consistent with the administrative rules for managing threatened and endangered species (ARM 36.11.428 through 36.11.435) *are needed.*
- Public access would be restricted at all times on restricted roads that are opened for harvesting activities; signs will be used during active periods and a physical closure (gate, barriers, equipment, etc.) will be used during inactive periods (nights, weekends, etc.).
- Roads and skid trails that are opened with the proposed activities will be reclosed to reduce the potential for unauthorized motor vehicle use.
- A combination of topography, group retention, and roadside vegetation to reduce views into harvest units will be used along open roads where feasible.
- Manage for snags, snag recruits, and coarse woody debris, particularly favoring ponderosa pine and western larch (ARM 36.11.439(1)(b)). Clumps of existing snags could be maintained where they exist to offset areas without sufficient snags.
- Retain and protect sub-merchantable trees for thermal cover and visual screening.
- Prohibit contractors and purchasers conducting contract operations from carrying firearms while operating on restricted roads (ARM 36.11.432(1)(m)).

Soils:

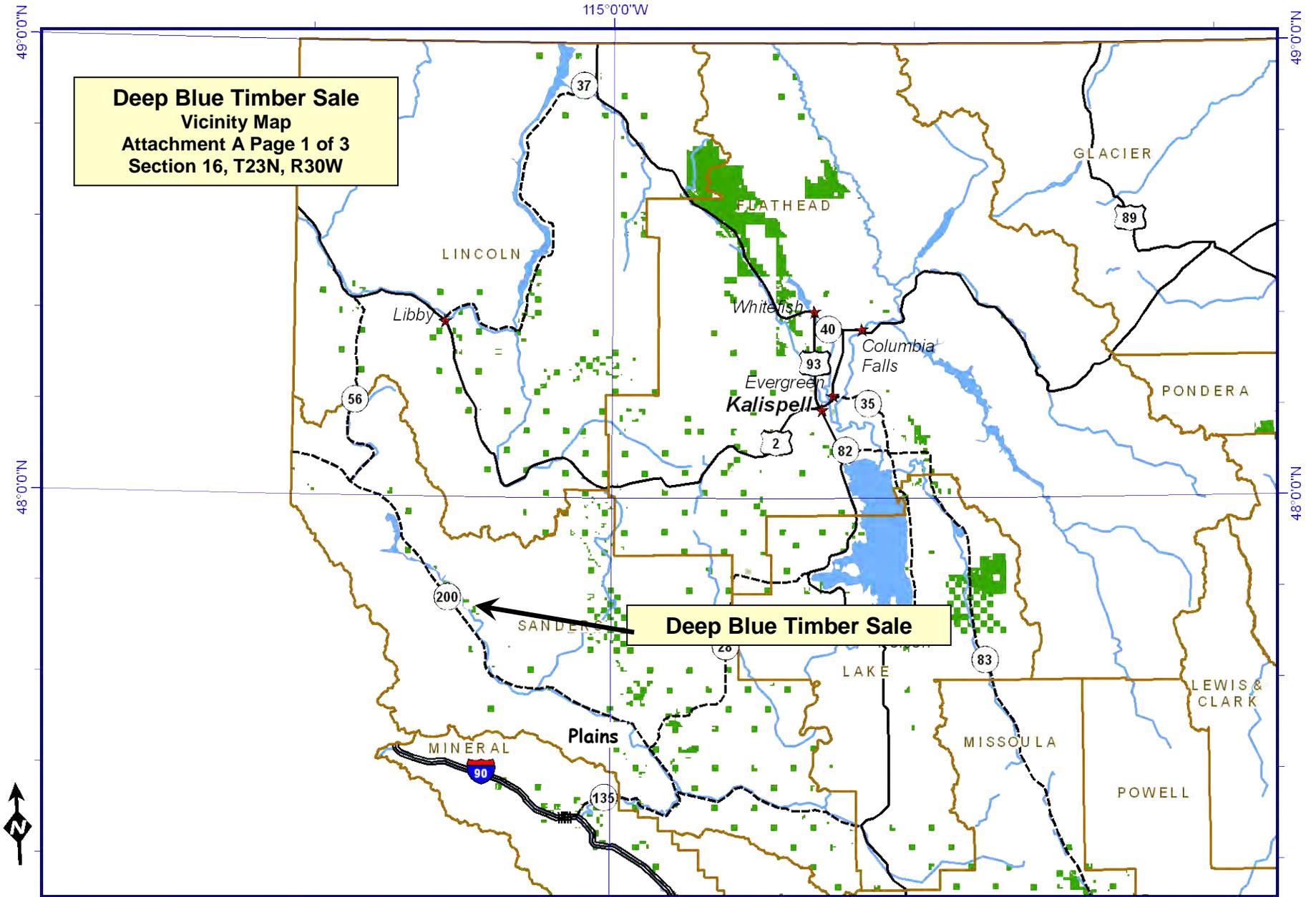
The logger and sale administrator would agree to a general skidding plan prior to equipment operations. Skid trail planning would identify which main trails to use, and what additional trails are needed. Trails that do not comply with BMPs (i.e. draw bottom trails) would not be used.

Tractor skidding should be limited to slopes less than 35% unless the operation can be completed without causing excessive erosion. Short steep slopes above incised draws may require a combination of mitigation measures based on site review, such as adverse skidding to ridge or winch line skidding from more moderate slopes less than 35%.

High Hazard Cleanup Area- Minimize slash retention within 1,000 feet of residences and structures.

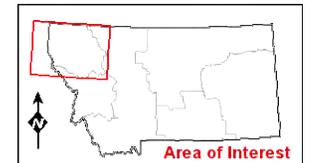
Weed Management: Roads and skid trail approaches would be seeded and spot treated with chemicals following construction and project completion. Prior to entering the site, off-road logging equipment would be cleaned and inspected through the timber sale contract to avoid seed migration. Post-harvest, the area would be included in the Plains Unit's integrated weed management program.

The Director recommends the Land Board direct the Department to sell the Deep Blue Timber Sale.



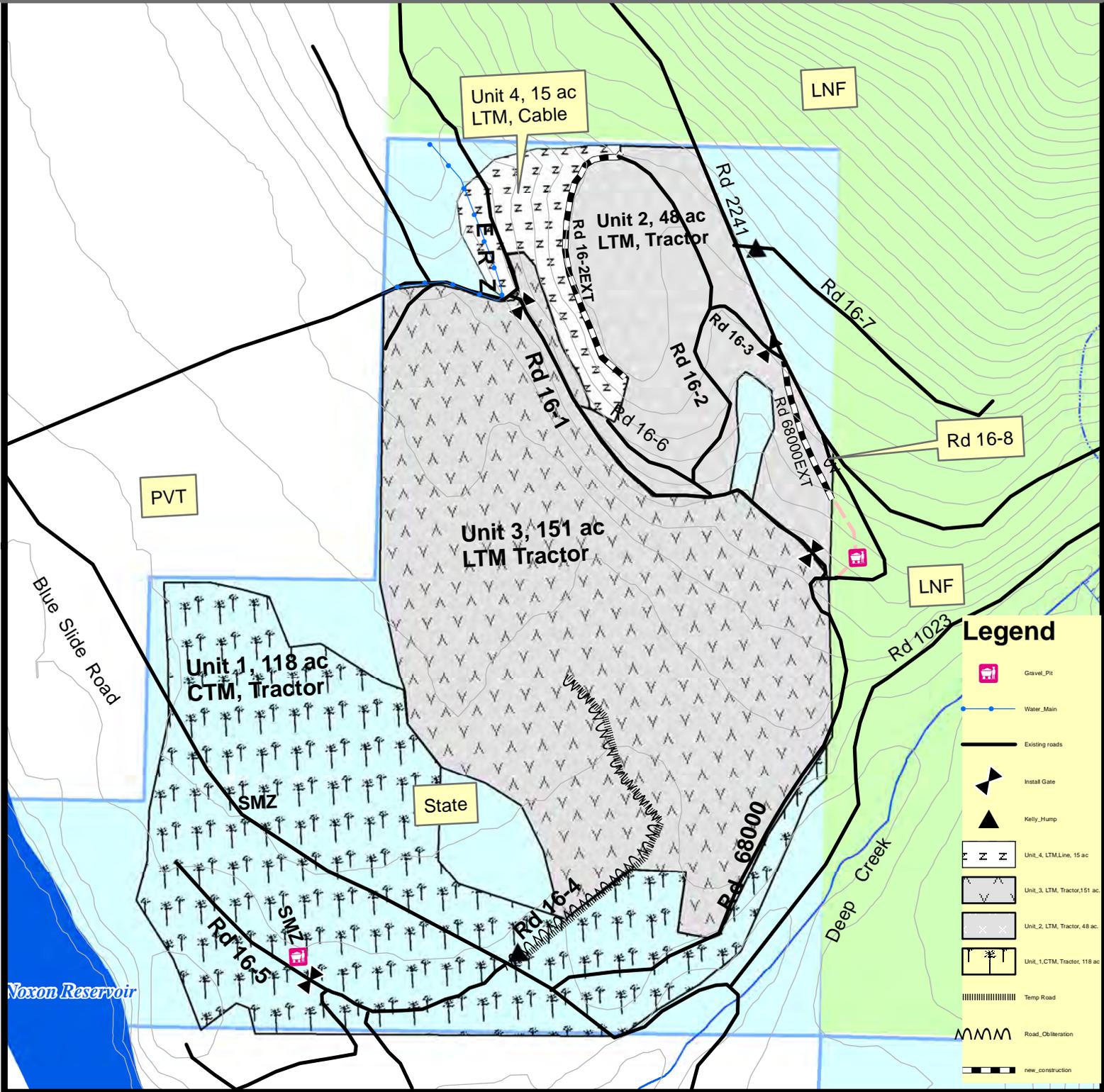
	Interstate Highway		Rivers		Lakes
	U.S. Route		City		DNRC managed for timber
	State Highway		County		DNRC other

21 February 2007
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 Technical Services Section/dr





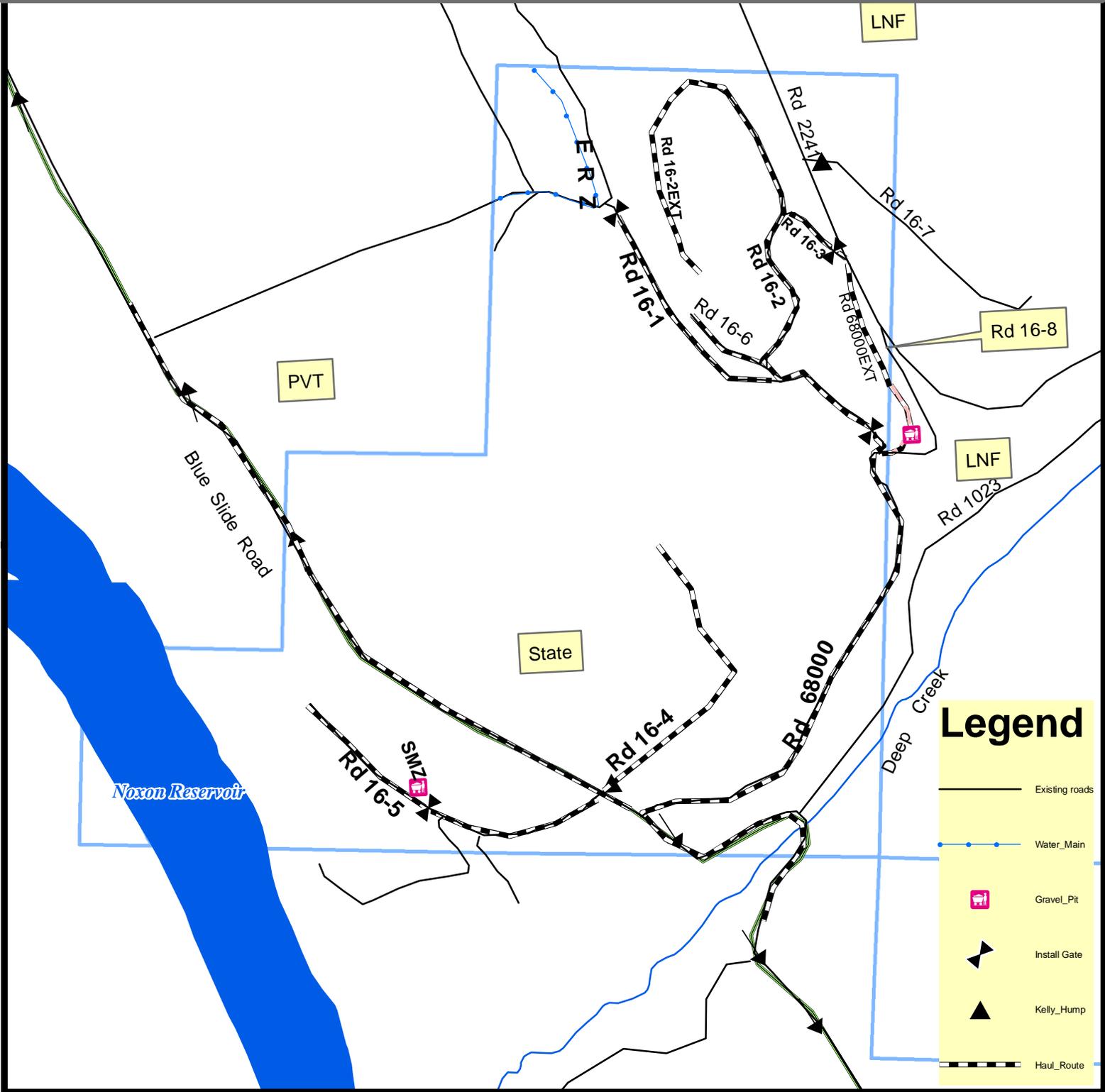
Deep Blue TS, Transportation and Harvest Map Section 16, T23N, R30W



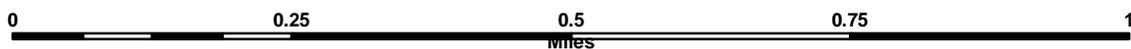
Montana DNRC
Northwestern Land Office
Timber



Deep Blue TS, Haul Route Section 16, T23N, R30W



Montana DNRC
Northwestern Land Office
Timber



EWING CENTRAL TIMBER SALE

February 19, 2013
Land Board

Location of Sale:

- Stillwater Unit (NWLO) – 20 miles northwest of Whitefish, Montana.
- Flathead County – Sections 2, 3, 10, 11, 12, 13, 14, 15, T33N-R24W
- 100% CS
- This sale is within the Habitat Conservation Plan (HCP) project area and complies with the HCP.

Sale Volume & Estimated Value:

- The estimated volume is 14,948 tons (2,450 MBF) of sawlogs with a conversion factor of 6.10 tons/MBF.

Minimum Bid Rate (per ton)	Forest Improvement Fee (per ton)	Total Minimum Value (per ton)	Estimated Volume (tons)	Total Minimum Sale Value
\$15.72	\$ 4.12	\$19.84	14,948	\$296,568.32

Sale & Harvest Treatments:

- The sale consists of 12 harvest units totaling 287 acres.
- Silvicultural Prescriptions consists of: Seedtree with Reserve (176 acres); Intermediate Cut for an Old Growth Maintenance (81 acres); and Overstory Removal (30 acres) harvests throughout the project area.
- Fuels reduction and site preparation in harvest units would promote western larch, Douglas-fir, and western white pine regeneration. Unit 7 would be planted with western white pine.
- Units 1, 2, 7, and 8 are old growth. Units 1 and 2 would be maintained as old growth. Units 7 and 8 would lose old-growth status due to a severe decline in the overall stand health. Both units have a high probability of losing old-growth status naturally within the next 10 years if left untreated.

Harvest Systems:

- 81% Tractor
- 19% Cable

Road Construction & Maintenance:

- 1 mile of temporary road construction is required to access harvest units.
- Approximately 0.5 miles of old road bed would be reconstructed to a temporary road standard.
- Up to 17.9 miles of existing road would be maintained or have drainage improvements installed as necessary to protect water quality.
- Existing seasonal and year-round road closures would remain unchanged after project implementation.

Public Involvement:

DNRC actively sought input from the public throughout this project. Public involvement was solicited by placing scoping notices in the Daily InterLake and the Whitefish Pilot. 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. The Initial Proposal was also placed on the DNRC website and posted at the Olney Post Office. The scoping period was open for 30 days. One letter that encouraged DNRC to harvest timber was received from the public.

Issues & Mitigations:

SAFETY

Open roads along the haul route are beginning to brush-in, thereby reducing sight distance for traffic. The open roads used within the project area would be brushed for this proposed timber sale, which would increase sight distances and improve driving safety.

WILDLIFE

Rules required under the Habitat Conservation Plan and the Administrative Rules of the State of Montana were used to help design harvest units. This proposed timber sale would decrease habitat for wildlife species requiring interior forest conditions, while creating habitat for species preferring more open stands or younger forest. Coarse woody debris and snags would be altered during the proposed timber harvesting; however, snags, snag recruits, and coarse woody debris would be retained in all proposed harvest units. Overall, minor adverse direct, indirect, and cumulative effects would be anticipated on terrestrial and avian wildlife habitats.

OLD GROWTH

During field reconnaissance, 465 acres of old growth were identified in the project area. 128 acres would be harvested. 81 of those acres would receive a maintenance harvest, which would remove most of the whitewoods but leave the large healthy western larch and Douglas-fir. These 81 acres would retain their old growth status. 47 acres of old growth would be harvested and would lose old growth status. These acres have high levels of root and stem rot, bark beetle activity, and dwarf mistletoe infestations; as a result there is a high probability of these stands losing old-growth status naturally within the next 10 years if left untreated.

SEDIMENT DELIVERY

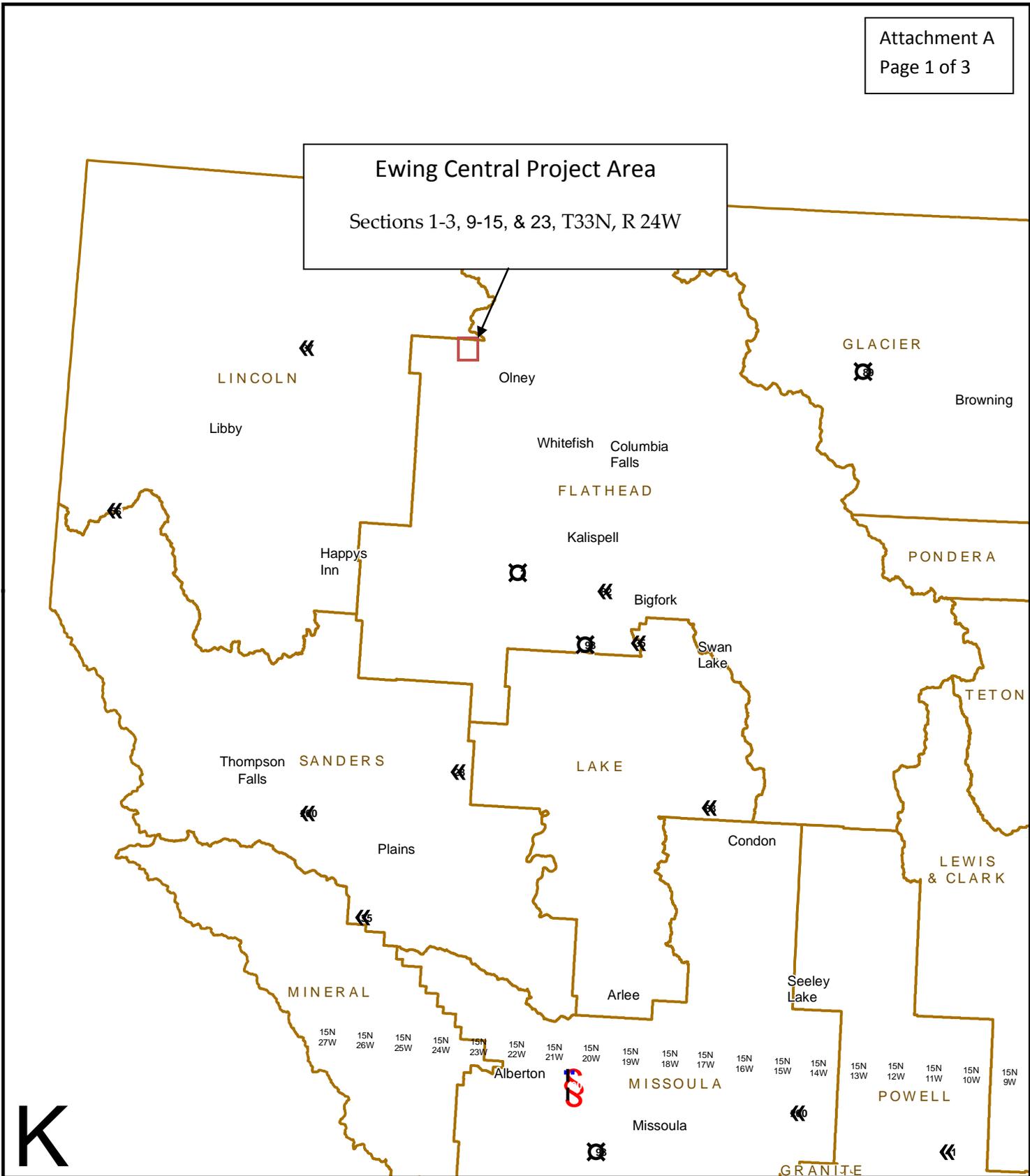
Road maintenance and BMP updates from past timber sales have left most of the roads in this transportation plan in good condition. There are a couple of spots on closed roads where wash-outs have occurred and one CMP has become plugged. These sites would be repaired along with general road maintenance under the proposed timber sale.

NOXIOUS WEEDS

The proposed timber sale would treat 3.23 miles of road for weeds prior to entry and after harvesting. In addition, the Stillwater Unit has an integrated weed management program which includes washing and inspection of off-road equipment, grass seeding disturbed areas, and weed spraying of open roads by the County.

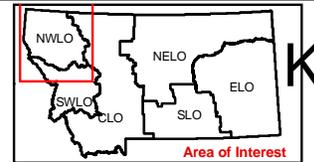
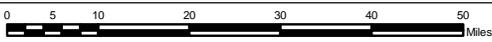
The Director recommends the Land Board direct the Department to sell the Ewing Central Timber Sale.

Ewing Central Project Area
Sections 1-3, 9-15, & 23, T33N, R 24W



	Interstate Highway		County		City
	U.S. Route		DNRC other		Township/Range
	State Highway		DNRC managed for timber		Management Unit
	Secondary Roads				

6 December 2010
Montana DNRC
Technical Services Section/dr

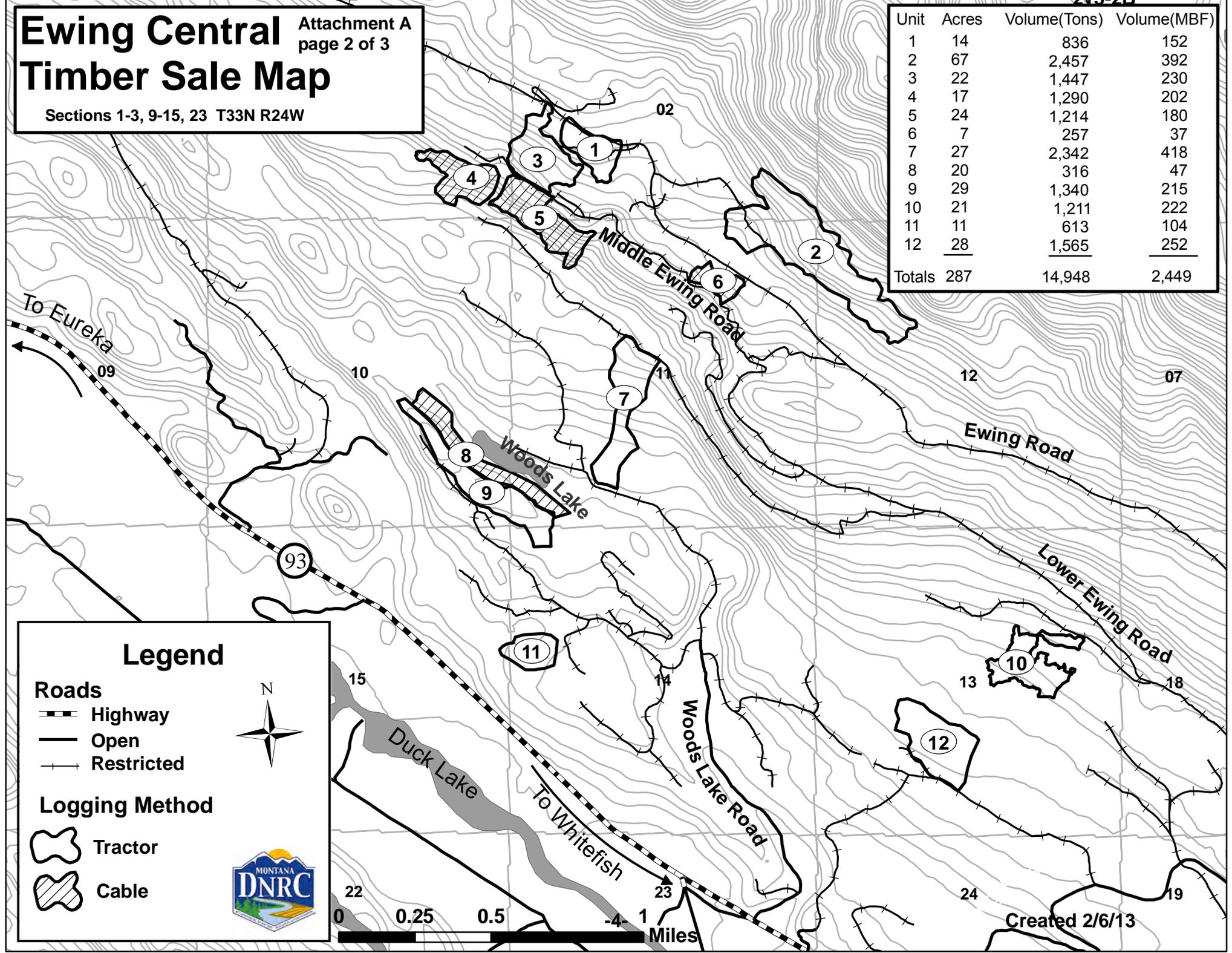


Ewing Central Timber Sale Map

Attachment A
page 2 of 3

Sections 1-3, 9-15, 23 T33N R24W

Unit	Acres	Volume(Tons)	Volume(MBF)
1	14	836	152
2	67	2,457	392
3	22	1,447	230
4	17	1,290	202
5	24	1,214	180
6	7	257	37
7	27	2,342	418
8	20	316	47
9	29	1,340	215
10	21	1,211	222
11	11	613	104
12	28	1,565	252
Totals	287	14,948	2,449



Legend

Roads

- Highway (dashed line with cross-ticks)
- Open (solid line)
- Restricted (line with cross-ticks)

Logging Method

- Tractor (irregular outline)
- Cable (hatched outline)

North arrow

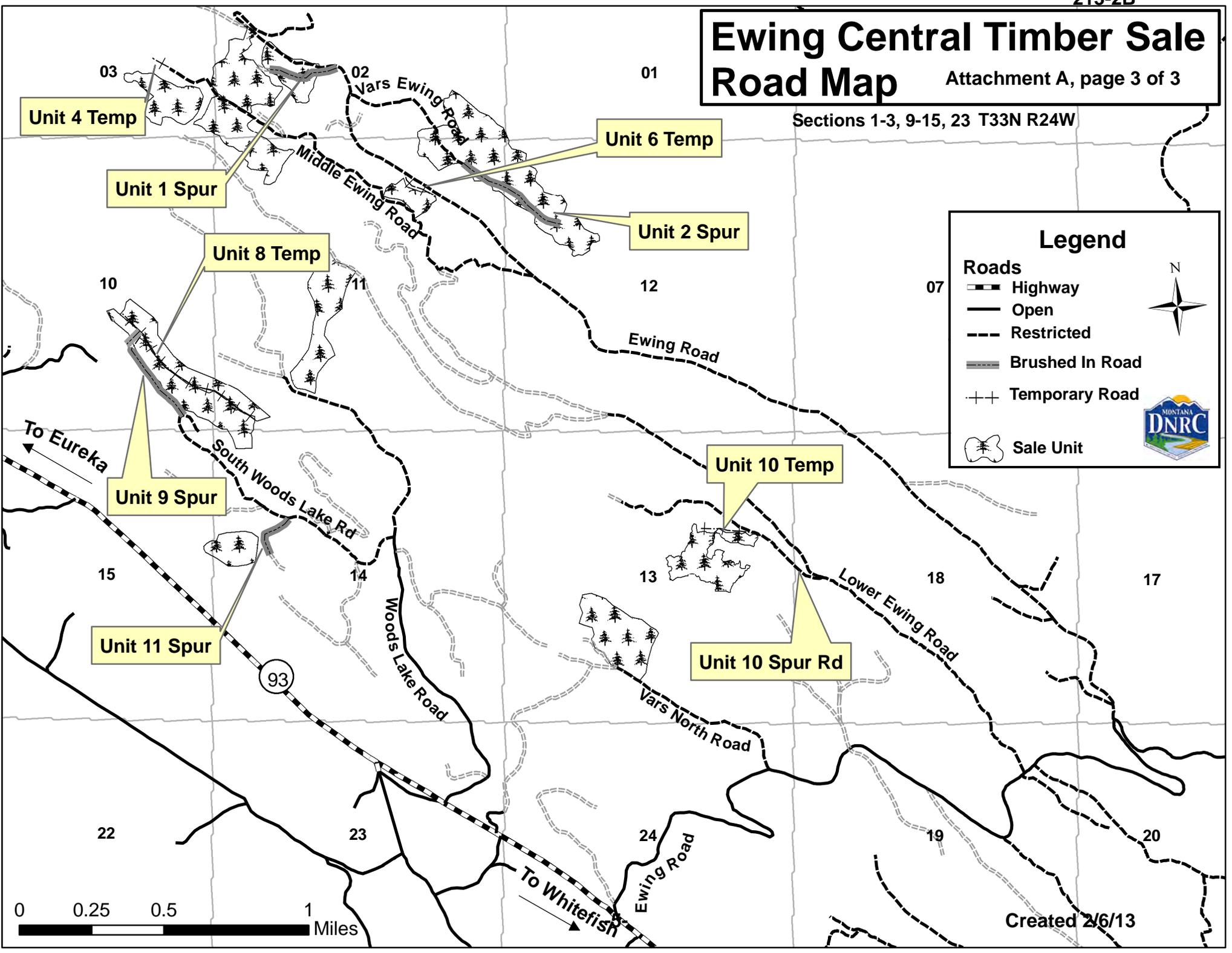
Scale: 0, 0.25, 0.5, 1 Miles

Created 2/6/13

Ewing Central Timber Sale Road Map

Attachment A, page 3 of 3

Sections 1-3, 9-15, 23 T33N R24W

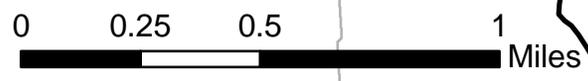


Legend

Roads

- Highway
- Open
- Restricted
- Brushed In Road
- Temporary Road

Sale Unit



Created 2/6/13

LAZY SWIFT 2 TIMBER SALE

February 19, 2013
Land Board

Location of Sale:

- Stillwater Unit (NWLO) – 8 miles northwest of Whitefish, Montana.
- Flathead County – Sections 19, 30, and 31, T32N-R22W.
- 100% ACB
- This sale is within the Habitat Conservation Plan (HCP) project area and complies with the HCP.

Sale Volume & Estimated Value:

- The estimated volume is 34,002 tons (5,341 MBF) of sawlogs with a conversion factor of 6.37 tons/MBF

Minimum Bid Rate (per ton)	Forest Improvement Fee (per ton)	Total Minimum Value (per ton)	Estimated Volume (tons)	Total Minimum Sale Value
\$17.10	\$3.95	\$21.05	34,002	\$715,742.10

Sale & Harvest Treatments:

- The sale consists of 9 harvest units totaling 661 acres.
- There will be a combination of a seedtree with reserve, commercial thinning, and overstory removal throughout the project area.
- Harvest units will have fuels reduction and site preparation to promote western larch, Douglas-fir, and western white pine regeneration.
- There are no old-growth stands in the project area.

Harvest Systems:

- 98% Tractor
- 2% Small Yarder/ground lead

Road Construction & Maintenance:

- Approximately 1.4 miles of new permanent road construction and 2.1 miles of temporary road construction are required to access harvest units.
- Approximately 0.6 miles of old road bed will be reconstructed to a temporary road standard and 2.5 miles of old road will be reclaimed/abandoned.
- Approximately 4.6 miles of existing road will be maintained or have drainage improvements installed as necessary to protect water quality.

Public Involvement:

- DNRC actively sought input from the public throughout this project. Public involvement was solicited by placing notices in the Whitefish Pilot (Whitefish) and Daily Interlake, and sending the Initial Proposal Letter with maps to individuals, agencies, industry representatives, and other organizations that have expressed interest in Stillwater Unit's management activities. The scoping period was open for 30 days. Public input received consisted of 2 letters, 5 emails, and 1 phone call. One individual called and sent a follow up letter approximately 5 months after the scoping period had closed. The issues and

concerns identified through public scoping were summarized and used to further refine the project.

- The Draft EA was distributed for a 30-day public review period during which time interested individuals had the opportunity to review the document and send comments to the Interdisciplinary Team (ID Team). The Final EA was published on January 29, 2013.

Public Comments, Issues, & Mitigations:

WILDLIFE:

This project area is within grizzly bear recovery areas, specifically the Stillwater subunit. The design measures in the recently passed Habitat Conservation Plan (HCP) related to grizzly bears, Canada lynx, westslope cutthroat trout, and bull trout were incorporated into the project. Other ARMs for wildlife species were met and included fisher, pileated woodpecker, bald eagles, gray wolves, and big game habitats.

SOIL & WATER:

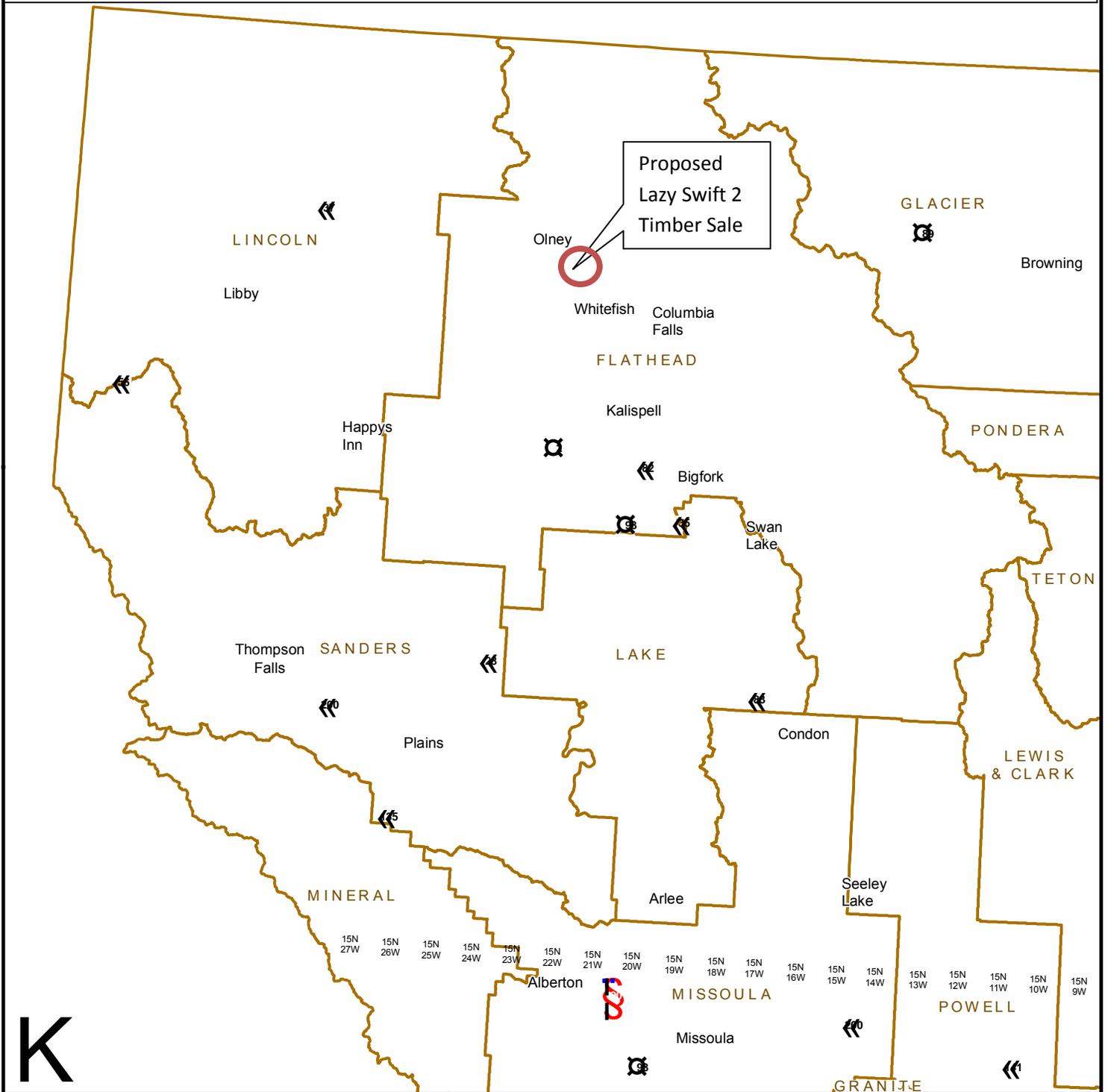
DNRC incorporated Best Management Practices into the project design as required by ARM 36.11.422 (2), all HCP rules pertaining to riparian harvest, and all laws pertaining to SMZ's would be followed, a low risk of soil damage and sediment delivery to streams would be expected.

RECREATION:

For public safety, access would be restricted within the proposed harvest units during active logging operations.

The Director recommends the Land Board direct the Department to sell the Lazy Swift 2 Timber Sale.

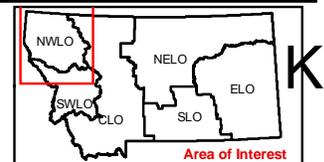
Lazy Swift 2 Timber Sale Vicinity Map
Sections 19, 30 & 31 of T32N R22W
Flathead County
Attachment A 1 of 3



K

	Interstate Highway		County		City
	U.S. Route		DNRC other		Township/Range
	State Highway		DNRC managed for timber		Management Unit
	Secondary Roads				

6 December 2010
 Montana DNRC
 Technical Services Section/dr



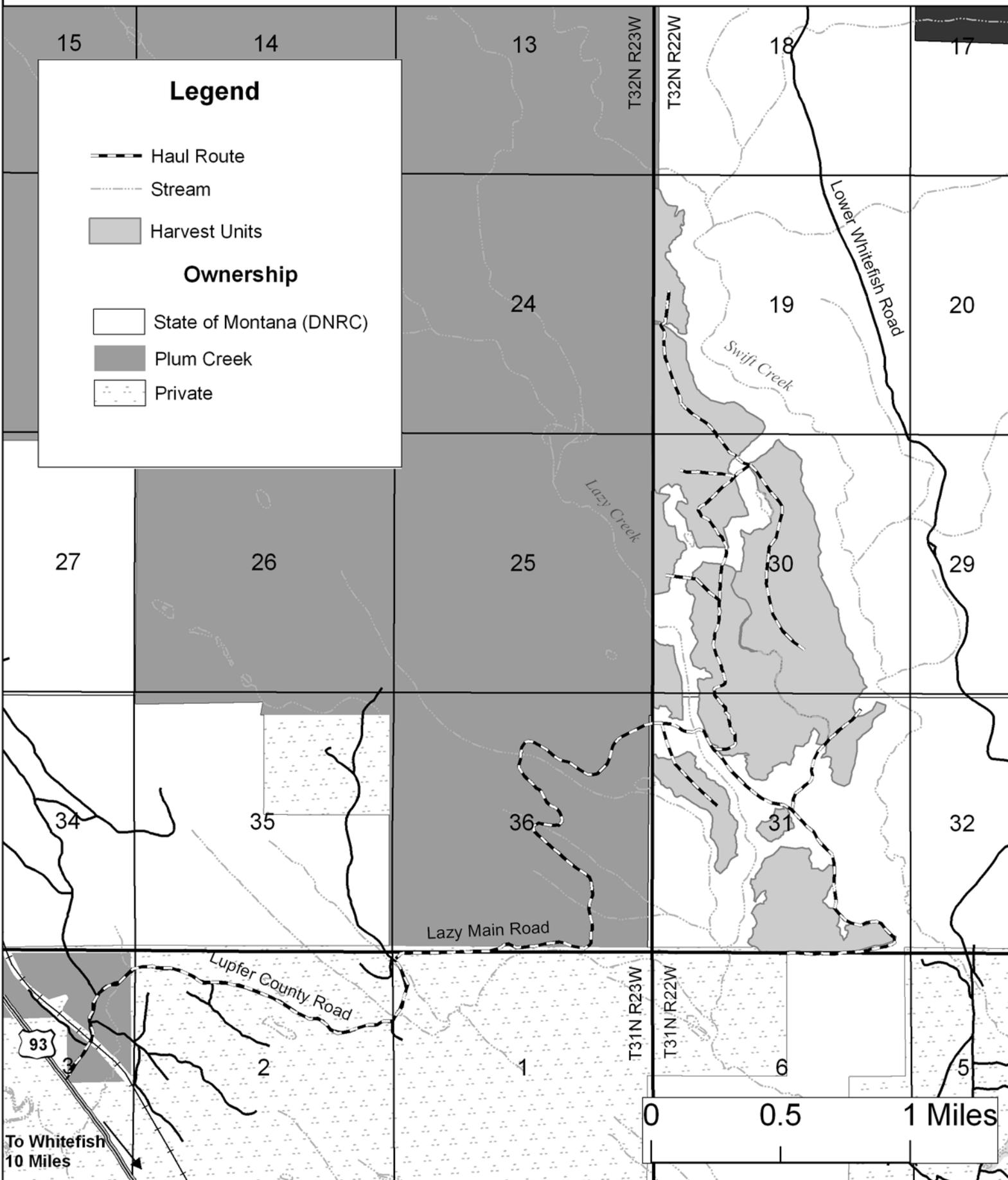
Lazy Swift 2 Timber Sale

213-2C



Haul Route

Sections 19, 30 & 31 T32N R22W
Attachment A 2 of 3



Lazy Swift 2 Timber Sale Units and Road Work

213-20



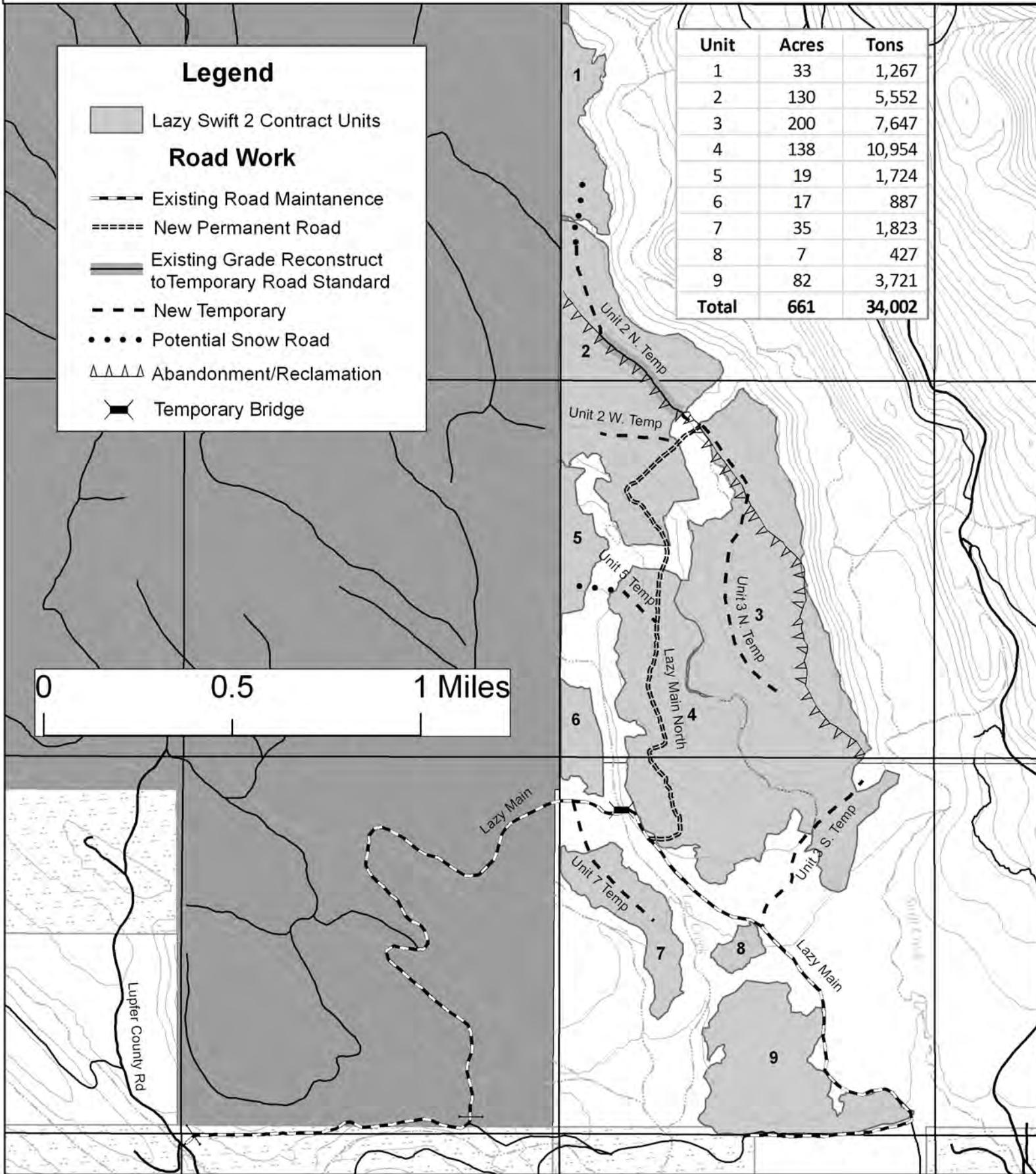
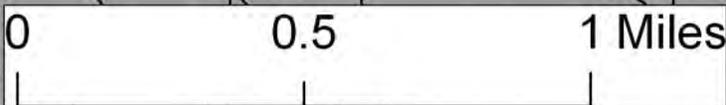
Sections 19, 30 & 31 T32N R22W
Attachment A 3 of 3



Legend

-  Lazy Swift 2 Contract Units
- Road Work**
-  Existing Road Maintenance
-  New Permanent Road
-  Existing Grade Reconstruct to Temporary Road Standard
-  New Temporary
-  Potential Snow Road
-  Abandonment/Reclamation
-  Temporary Bridge

Unit	Acres	Tons
1	33	1,267
2	130	5,552
3	200	7,647
4	138	10,954
5	19	1,724
6	17	887
7	35	1,823
8	7	427
9	82	3,721
Total	661	34,002



213-3

Land Exchange: Preliminary Approval –
DNRC/Montgomery

LAND BOARD AGENDA ITEM
PRELIMINARY APPROVAL

February 19, 2013

DNRC/Montgomery Land Exchange

Proposal: Land exchange between the Department of Natural Resources and Conservation (DNRC) and William Montgomery

Proponent: DNRC and William Montgomery

Acres:

State Trust Land (DNRC)		
County	Legal Description	Acres
Flathead	Pt of SW1/4 NE1/4, Sec 20 T32N R23W	.51
		.51
Montgomery Private Land		
County	Legal Description	Acres
Flathead	Portion of tract 2B In Government Lot 4 NE1/4SE14 Sec 20 T32N R23W	10
		10

Location: Flathead County

Beneficiary MSU Morrill

PROPOSAL

DNRC requests preliminary approval from the Board to proceed with further evaluation of a land exchange to resolve an encroachment on state land. Mr. Montgomery inadvertently encroached on state land while building a residence. The evaluation will determine if the private property proposed for exchange would adequately compensate the state for the value of the land encroached upon, and whether the exchange is in the State's best interest.

PUBLIC INVOLVEMENT PROCESS AND RESULTS

A scoping letter requesting public comment was sent out December 18, 2012 and the comment period ran through January 11, 2013. The letter was sent to 10 neighboring landowners and the Flathead County Commissioners. No comments were received.

EXCHANGE CRITERIA ANALYSIS

The following preliminary review documents how the land exchange meets or exceeds the land exchange criteria and accrues benefits to the MSU Morrill Trust Beneficiaries.

1. EQUAL OR GREATER VALUE

Both the Trust and Montgomery lands will be appraised to determine actual values if the Board gives preliminary approval for this proposed exchange. Preliminary review of the .51 acres of State Trust land indicates an estimated value with legal access and use, at \$51,000 based on comparable MLS listings. A summary appraisal was completed on the 10 acres of private land proposed for exchange in June 2012 and indicates a value of \$130,000.

Preliminarily Meets Criteria

2. STATE LAND BORDERING ON NAVIGABLE LAKES AND STREAMS

The state property involved is in close proximity to Lower Stillwater Lake but does not border the lake and there is no lake frontage involved in the proposed land exchange.

Preliminarily Meets Criteria

3. EQUAL OR GREATER INCOME TO THE TRUST

The state property is adjacent to the ownership boundary and in close proximity to private residences. Based on this condition, the ability to generate revenue from this part of the property in the future is limited.

The private property is directly adjacent to blocked state forest land. The land has revenue generating opportunities from timber management in conjunction with the state land being managed around it. The property involved has a moderately high yield capability in regard to timber production based on adjacent habitat types and initial reconnaissance. In addition, the private property involved is adjacent to residential development to the south, which indicates the potential for real estate revenue in the future.

Preliminary Meets Criteria

4. EQUAL OR GREATER ACREAGE

DNRC would exchange to Montgomery approximately .51 acres of Trust land for approximately 10 acres of Montgomery private property as shown on the attached map. The acreage received by the Trust would be greater than what was given

Preliminarily Meets Criteria

5. CONSOLIDATION OF STATE LAND

Both parcels involved in the exchange are directly adjacent to the Stillwater State Forest. The net change would be an additional 9.49 acres to state land consolidated with the State Forest.

Preliminarily Meets Criteria

6. POTENTIAL FOR LONG-TERM APPRECIATION

Both parcels involved have the potential for long-term appreciation. As noted previously the .51 acres of state property involved is in close proximity to private ownership and by itself would have limited long term appreciation potential.

The 10-acre Montgomery property has existing legal access and most of the property has gentle slopes. Some of the property has lake views and scenic views to the west. Based on the location, the potential for long-term appreciation is likely high.

Preliminarily Meets Criteria

7. ACCESS

The state lands in the larger block to the north are legally accessible via Highway 93, but the .51 acres proposed for exchange has no improved physical access to the property.

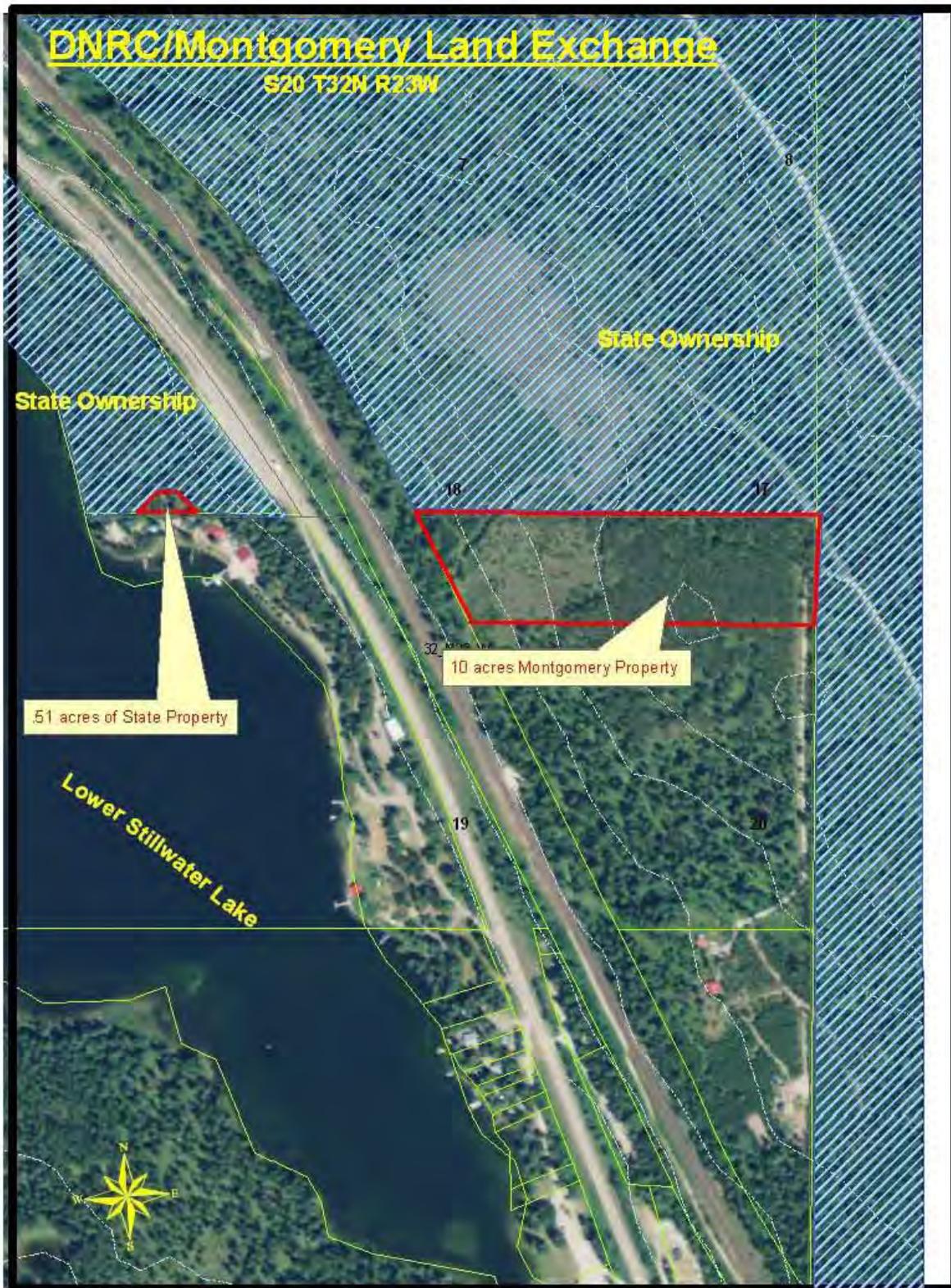
There is public access to the Montgomery property via a forest road off of Lupfer Loop Road.

Preliminarily Meets Criteria

AGENCY RECOMMENDATIONS

The Director believes this proposed land exchange would benefit the Trust beneficiary, the State of Montana, and bring an encroachment on State Trust Land to a satisfactory conclusion. The Director requests that this exchange receive preliminary approval from the Board. If approved by the Board, DNRC would execute a non-binding Agreement to initiate the land exchange with Mr. Montgomery, and would begin a detailed evaluation.

MONTGOMERY LAND EXCHANGE LOCATION MAP



213-4

EASEMENTS

SUMMARY SHEET – RIGHTS OF WAY APPLICATIONS

HISTORIC PRIVATE ACCESS ROAD – *Todd Witt Farms, Inc.* (Page 2)

HISTORIC TELEPHONE UTILITY – *Northern Telephone Coop.* (Page 1)

PRIVATE ACCESS ROAD – *Cliff & Linda Roen* (Page 5)

PUBLIC PARK/ATHLETIC COMPLEX – *City of Kalispell* (Page 4)

STATE HIGHWAY PROJECT – *Dept. of Transportation* (Page 3)

AFFECTED GRANTS AND PROPOSED INCOME:

Common Schools	\$2,267,158
Deaf & Blind School	\$ 500

AFFECTED COUNTIES: Chouteau, Flathead, Glacier, Meagher, Musselshell

Rights of Way Applications

February 19, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northern Telephone Cooperative, Inc.
P O Box 190
Sunburst MT 59482

Application No.: 16201
R/W Purpose: a buried telecommunications cable
Lessee Agreement: N/A (Historic)
Acreage: 2.42
Compensation: \$726.00
Legal Description: 20-foot strip through S2S2, Sec. 36, Twp. 37N, Rge. 6W,
Glacier County
Trust Beneficiary: Common Schools
Classification: III



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

Rights of Way Applications

February 19, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Todd Witt Farms, Inc. 2555 Russell Road Carter MT 59420
Application No.:	16202
R/W Purpose:	a private access road to a single-family residence and associated outbuildings and to conduct normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	5.16
Compensation:	\$3,715.00
Legal Description:	30-foot strips through NE4NW4, SW4NW4 Sec. 3 and SE4NE4, NE4SE4, S2SE4 Sec. 4, Twp. 25N, Rge. 9E, Chouteau County
Trust Beneficiary:	Common Schools
Classification:	III



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

Rights of Way Applications

February 19, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Montana Department of Transportation
P O Box 201001
Helena MT 59620-1001

Application No.: 16203

R/W Purpose: highway construction and maintenance including occupancy by public utilities as defined in §69-4-101, MCA

Lessee Agreement: ok

Acreage: 0.21

Compensation: \$500.00

Legal Description: Tract of land in NW4NW4 and SE4NE4, Sec. 32, Twp. 9N, Rge. 11E, Meagher County

Trust Beneficiary: Deaf & Blind School

Classification: III



The MDoT is reconstructing portions of Highway 12 near Checkerboard in Meagher and Wheatland Counties. The existing roadway width and cut and fill slopes do not meet the current criteria for minor arterials and the accident and severity rates on this roadway are higher than statewide averages for rural primary roads. The project will widen existing driving lanes and shoulders creating flatter side slopes and with new pavement markings, signage and rumble strips it is expected that a reduction in the number of traffic accidents will decrease.

The Department recommends approval of this request.

Rights of Way Applications

February 19, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	City of Kalispell 201 First Ave. East Kalispell MT 59901
Application No.:	16204
R/W Purpose:	a public park and youth athletic complex
Lessee Agreement:	N/A (Currently Leased by Applicant)
Acreage:	122.08
Compensation:	\$2,260,367
Legal Description:	Tract of land in E2SW4, SE4, Sec. 36, Twp. 29N, Rge. 22W, Flathead County
Trust Beneficiary:	Common Schools
Classification:	II



The October 15, 2012 Land Board approved a Memorandum of Understanding (MOU) between the State and the City of Kalispell to purchase an easement for the current Kidsports Athletic Complex. Under the MOU the City had the ability to apply for an easement on portions of the current leased area over time to accommodate financing options associated with the purchase of an easement. While the MOU was executed, the City concluded that they had available resources to purchase the entire easement now rather than parcel it out over time. Pursuant to the MOU the Department is presenting the application for a permanent easement for the Kidsports Complex to the Board with a recommendation for approval.

Rights of Way Applications

February 19, 2013

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Cliff and Linda Roen 41 Roen Road Musselshell MT 59059
Application No.:	16205
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations
Lessee Agreement:	N/A (Unleased)
Acreage:	4.7
Compensation:	\$2,350.00
Legal Description:	30-foot strip through N2NW4, SE4NW4, W2NE4, NE4SE4, Sec. 36, Twp. 7N, Rge. 28E, Musselshell County
Trust Beneficiary:	Common Schools
Classification:	III



Applicant's predecessor in interest utilized a road on state land to access farming lands since 1962. While use of an existing road for this length of time would normally come in under the Historic Right of Way program, a recent boundary survey revealed that a portion of the road was actually located on adjoining private lands. Applicant approached the landowner for an easement and was denied. Upon discussion with the Department, applicant is proposing to build two new small segments of road to connect to the existing road on State land. These segments will connect to other adjoining private lands over which applicant has easements for access. A county road provides the remainder of the access, including access for the State. Minimal impact will occur from the new road construction, which is a little over 500 feet total.

The Department recommends approval of this easement request.
