

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS**  
**January 20, 2015, at 9:00**  
**Justice Building, 215 N. Sanders, Supreme Court Chambers**  
**Helena, MT**

**ACTION ITEMS**

**115-1 Timber Sales**

**A. Iron Excaline**

*Benefits: Common Schools  
Location: Lincoln County*

**Approved 5-0**

**B. King Hemlock**

*Benefits: Eastern-MSU/Western-UM, Montana Tech, MSU Morrill, School for the Deaf and Blind  
Location: Flathead County*

**Approved 5-0**

**C. Spring Bear**

*Benefits: MSU Morrill, Public Buildings, School for the Deaf and Blind,  
Location: Lewis AND Clark County*

**Approved 5-0**

**115-2 Administrative Rule Proposal – Conservation Strategies (MAR 36-22-162)**

*Benefits: Beaverhead, Deer Lodge, Flathead, Gallatin, Granite, Jefferson, Lake, Lewis and Clark, Lincoln, Madison, Mineral, Missoula, Park, Ravalli, Sanders, and Silver Bow Counties*

*Location: Common Schools, Eastern-MSU/Western-UM, Montana Tech, MSU 2<sup>nd</sup>, MSU Morrill, Pine Hills School, Public Buildings, School for Deaf and Blind*

**Approved 5-0**

**115-3 Sale of Cabin and Home Sites: Final Approval for Sale – Sale 711**

*Benefits: Pine Hills School  
Location: Missoula County*

**Approved 5-0**

**115-4 Easements**

*Benefits: Capitol Buildings, Common Schools, Montana Tech.  
Location: Carter, Chouteau, Hill, Judith Basin, Liberty, Richland, Stillwater, Teton, Toole*

**Approved 5-0**

**INFORMATION ITEM**

**115-5 Historic Right of Way Program**

*Benefits: All Trusts  
Location: State of Montana*

**Approved 5-0**

**PUBLIC COMMENT**



# 115-1

## TIMBER SALES

- A. Iron Excaline
- B. King Hemlock
- C. Spring Bear

**Land Board Agenda Item  
January 20, 2015**

**115-1A Timber Sale: Iron Excaline**

**Location: Lincoln County  
Section 36, T31N-R34W**

**Trust Benefits: Common Schools**

**Trust Revenue: \$34,167 (estimated, minimum bid)**

The Iron Excaline timber sale is located approximately four miles south of Troy, Montana. The sale includes two harvest units totaling 110 acres with an estimated sale volume of 2,948 tons (497 MBF) of sawlogs. The minimum bid value is \$11.59 per ton which would generate approximately \$34,167 for the Common Schools trust, and \$12,470 in forest improvement fees. This project is within the Habitat Conservation Plan (HCP) project area and complies with the HCP.

Harvest prescriptions would promote timber types historically found in the area and promote natural regeneration. Seed tree harvest prescriptions will be utilized, promoting regeneration of ponderosa pine and western larch. Harvest activities have been designed to maintain and improve overall forest health, reduce fuel loadings, and increase forest productivity. Old growth is not present in this unit.

This timber sale would include approximately 0.1 miles of new, temporary road construction. Approximately 0.6 miles of temporary skid trail would also be constructed. Approximately 1.4 miles of existing road would receive maintenance and/or site improvements as needed to meet Forestry Best Management Practices. All roads on this parcel would continue to be closed to unauthorized motor vehicle use post-harvest.

Legal access to the Iron Creek County Road has been obtained for this timber sale.

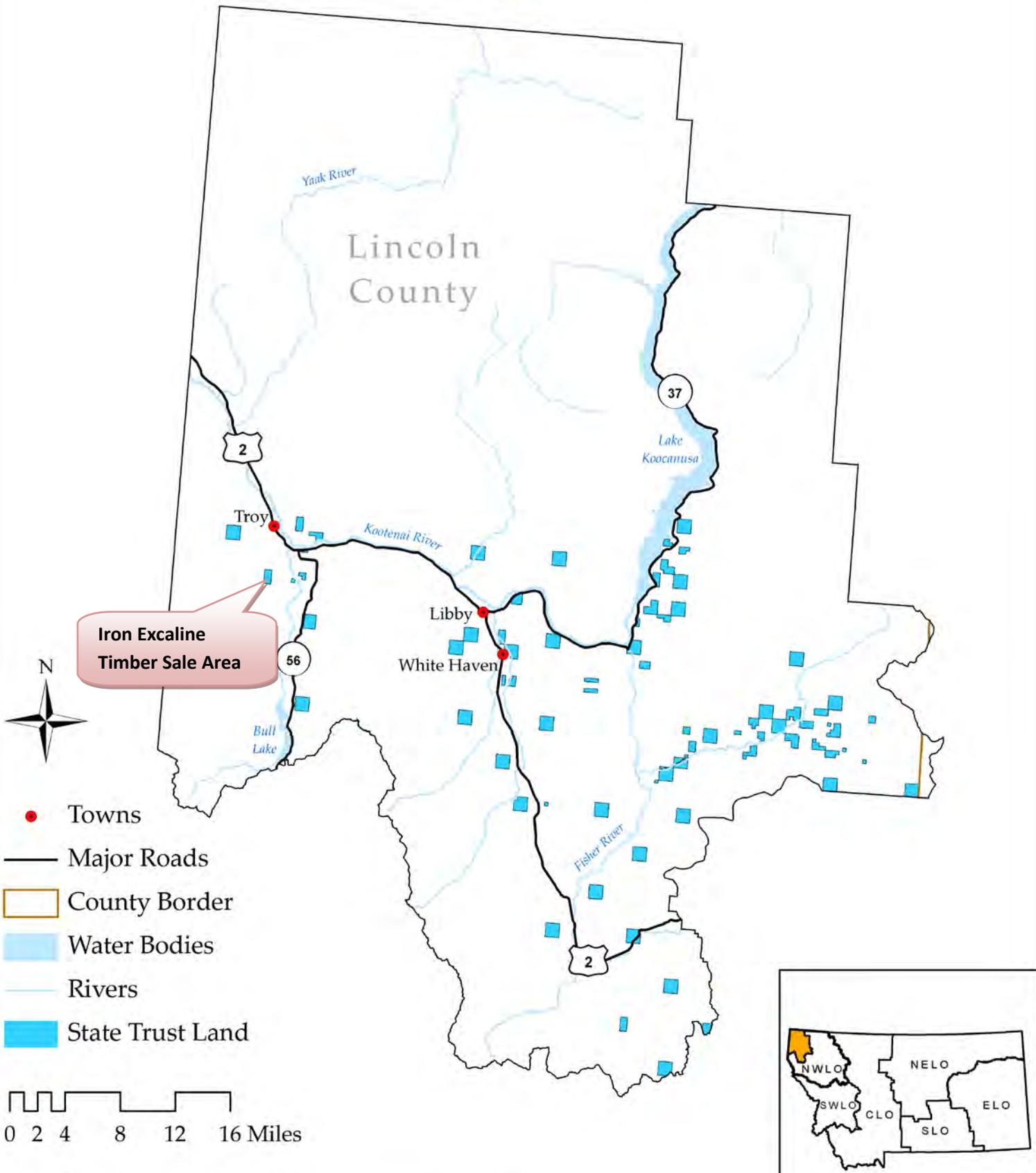
A public notice was published in the Western News on February 12th, 19th, and 26th, as well as March 5th 12th, and 19th, 2010. Scoping letters were sent to adjacent land owners and other interested parties on the Libby Unit mailing list for scoping notices. Comments and concerns were addressed and incorporated in to the final Iron Schoolhouse Timber Sale Environmental Assessment (EA) in January, 2012. The amendment to the Iron Schoolhouse Timber Sale EA was signed on August 14, 2014. The Iron Excaline Timber Sale area was included in the gross project area during the original scoping process conducted under the Iron Schoolhouse Timber Sale EA. No additional public scoping was conducted under the Amendment to the Iron Schoolhouse Timber Sale EA. Activities are to be conducted in accordance with the mitigations listed in both the Amendment to the Iron Schoolhouse Timber Sale EA and the Iron Schoolhouse Timber Sale EA.

**DNRC Recommendation**

The director recommends the Land Board direct DNRC to sell the Iron Excaline timber sale.

# IRON EXCALINE TIMBER SALE VICINITY MAP LIBBY UNIT

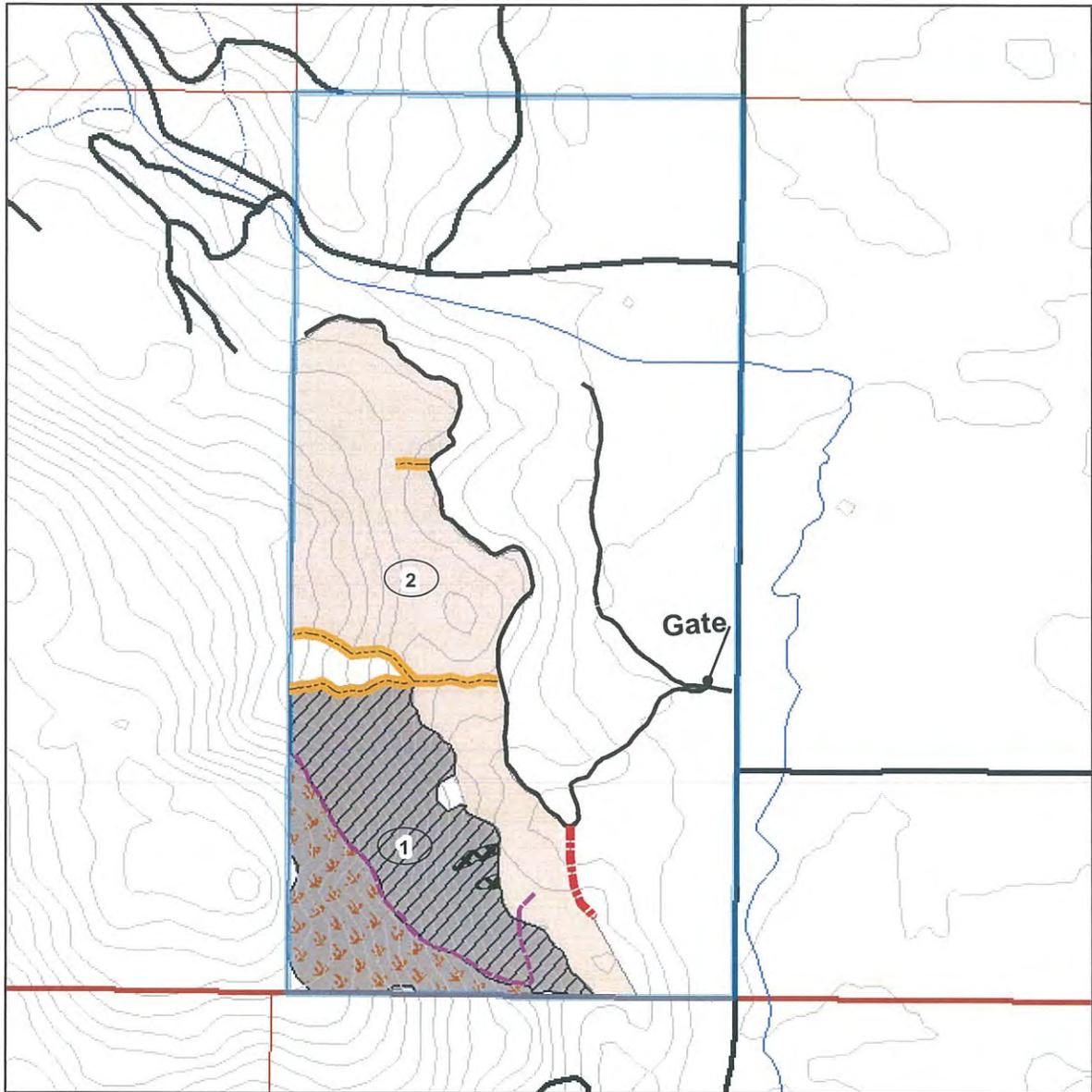
115-1A



# Iron Excaline Timber Sale

## Harvest Map

W 1/2 Section 36, T31N, R34W



### Legend

- |   |                                   |   |   |
|---|-----------------------------------|---|---|
|  | Unit 1 (48 Ac.)                   |  | State Trust Land                                |
|  | Unit 2 (62 Ac.)                   |  | Existing Roads                                  |
|  | Harvest Unit number               |  | Slash Piling Area (17 Ac.)                      |
|  | SMZ                               |  | Lopping Area (31 Ac.)                           |
|  | Equipment Restriction Zones       |  | Excavated Skid Trail / Yarder Trail (Temporary) |
|  | New Road Construction (Temporary) |   |   |

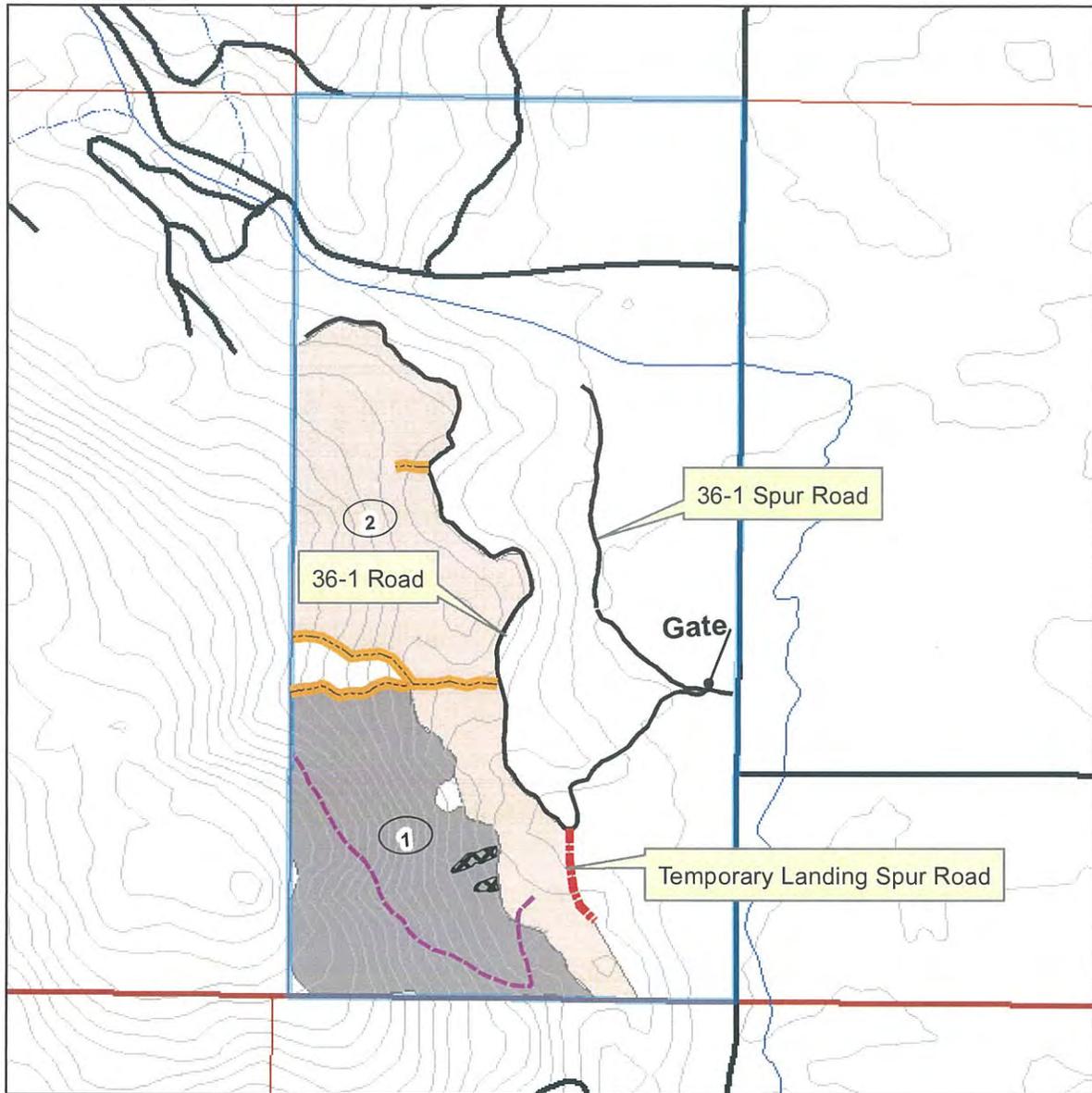


1 inch equals 0.2 miles  
Created 1/9/15

# Iron Excaline Timber Sale

## Roads Map

W 1/2 Section 36, T31N, R34W



### Legend

-  Unit 1 (48 Ac.)
-  Unit 2 (62 Ac.)
-  SMZ
-  Equipment Restriction Zones
-  Excavated Skid Trail / Yarder Trail (Temporary)
-  New Road Construction (Temporary)
-  Existing Roads
-  State Trust Land
-  Harvest Unit number

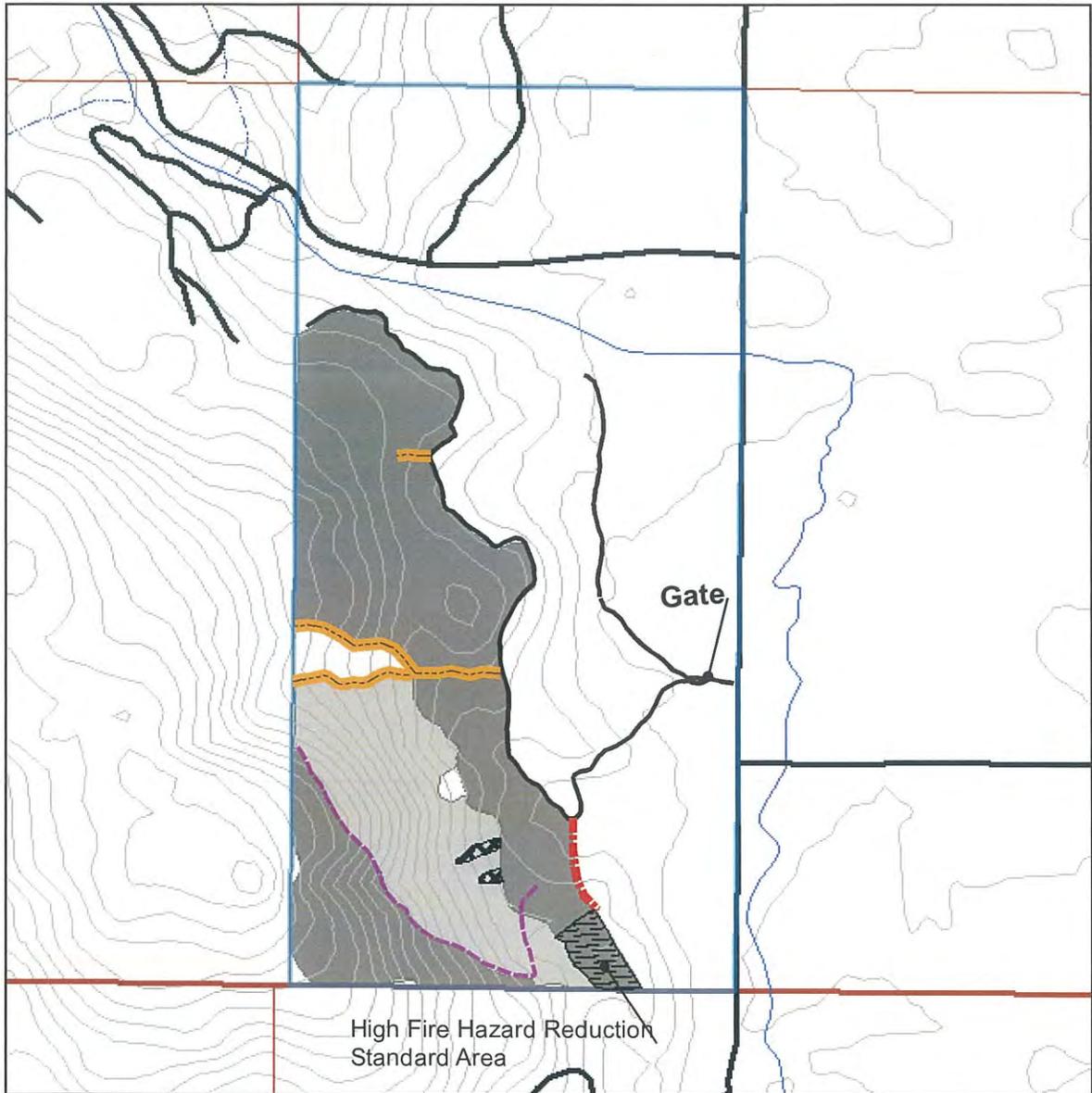


1 inch equals 0.2 miles  
 Created 1/9/15

# Iron Excaline Timber Sale

## Logging System Map

W 1/2 Section 36, T31N, R34W



### Legend

- |   |   |   |  |
|---|---|---|--|
|  | Cable Skidding (31 Ac.)                         |  | Existing Roads                           |
|  | Tractor Skidding (79 Ac.)                       |  | State Trust Land                         |
|  | Equipment Restriction Zones                     |  | High Fire Hazard Reduction Standard Area |
|  | SMZ   |   |  |
|  | Excavated Skid Trail / Yarder Trail (temporary) |   |  |
|  | New Road Construction (Temporary)               |   |  |



1 inch equals 0.2 miles

**Land Board Agenda Item  
January 20, 2015**

**115-1B Timber Sale: King Hemlock**

**Location: Flathead County**

**Sections 6, 7, 17, 18, 19, 20, 29 and 30, T32N – R22W**

**Trust Benefits: Eastern-MSU/Western-UM, Montana Tech, MSU 2<sup>nd</sup>, School for the Deaf and Blind**

**Trust Revenue: \$486,311 (estimated, minimum bid)**

**Item Summary**

The King Hemlock timber sale is located approximately ten miles north of Whitefish, MT. The sale includes 14 harvest units totaling 498 acres with an estimated sale volume of 28,143 tons (4,118 MBF) of sawlogs. The minimum bid of \$17.28 per ton would generate \$486,311 for the trust beneficiaries and \$103,566 in forest improvement fees. This project is within the Habitat Conservation Plan (HCP) project area and complies with the HCP.

Harvest prescriptions are designed to reduce wildfire fuel loading and promote regeneration of western white pine, western larch and Douglas-fir. There are several prescriptions planned for the project area: clear-cut with reserves (79 acres); seedtree with reserves (294 acres); overstory removal (51 acres); shelterwood (20 acres); and old growth maintenance (54 acres) harvests throughout the project area. There are 410 acres of old growth in the project area and Stillwater Unit will retain 10.3% old growth on its forested lands.

In conjunction with the sale, the Department of Natural Resources and Conservation (DNRC) will maintain 8.1 miles of existing road. Approximately 3.7 miles of road would be reconstructed to facilitate the passage of log trucks and meet Best Management Practice standards. Approximately 1.5 miles of new, temporary road would be built. Post-harvest, all the temporary roads would be reclaimed. No changes to the Stillwater transportation plan would occur; all currently restricted roads would remain restricted to unauthorized vehicles during and after the project.

A non-cost share road use agreement with the U.S. Forest Service was obtained for this timber sale for approximately 0.8 miles of road access across National Forest System lands.

A scoping notice with maps was sent to landowners and interested parties in June 2013 and was posted on the DNRC website. Legal ads were also placed in the Daily Interlake and Whitefish Pilot newspapers and the initial proposal was posted at the Olney Post Office. Four comments were received:

- a letter from the Confederated Salish and Kootenai Tribes (CSKT) reminding DNRC that cultural resources important to their Nation are imbedded throughout the region. They further requested to be notified if any new or additional information arose through the course of the project so that they could actively participate in the management of their cultural resources. If previously unknown cultural materials are identified at any time during project related activities, DNRC will contact CSKT Tribal Historical Preservation Officer (THPO) and require that all work cease until a professional assessment of such resources could be made;

- an email with letter from F.H. Stoltze Land and Lumber Company regarding concerns over the project including: limited ability to improve road access in the future; costs associated with possible mandatory removal of non-sawlog material; attainment of western white pine cover types; and constraints recreation use may impose on timber management in the area. With the exception of attainment of western white pine cover types, these concerns were out of the scope of the project. The conversion of forest stands to western white pine cover types is deemed as appropriate by DNRC forest management professionals and is addressed in the Vegetation Analysis of the Checklist Environmental Assessment;
- an email with letter from the Whitefish Legacy Partners concerning impacts and mitigations to wildlife, clean water, soil resources, recreational opportunities, aesthetics and viewshed. Additionally, they asked how the project conforms to the Whitefish Neighborhood Plan. DNRC has designed mitigation measures into the project to reduce potential impacts to wildlife, clean water, soil resources, recreation opportunities, aesthetics and viewshed. The proposed project conforms to the Whitefish Neighborhood Plan obligation that the Swift Creek Subarea be managed for timber; and
- an email with letter received after the comment period closed from the Mineral County Commissioners in general support of the project. The commissioners also expressed concerns relative to: public access maintenance and improvements; weed mitigation; water resource protection; and utilization of resultant biomass.

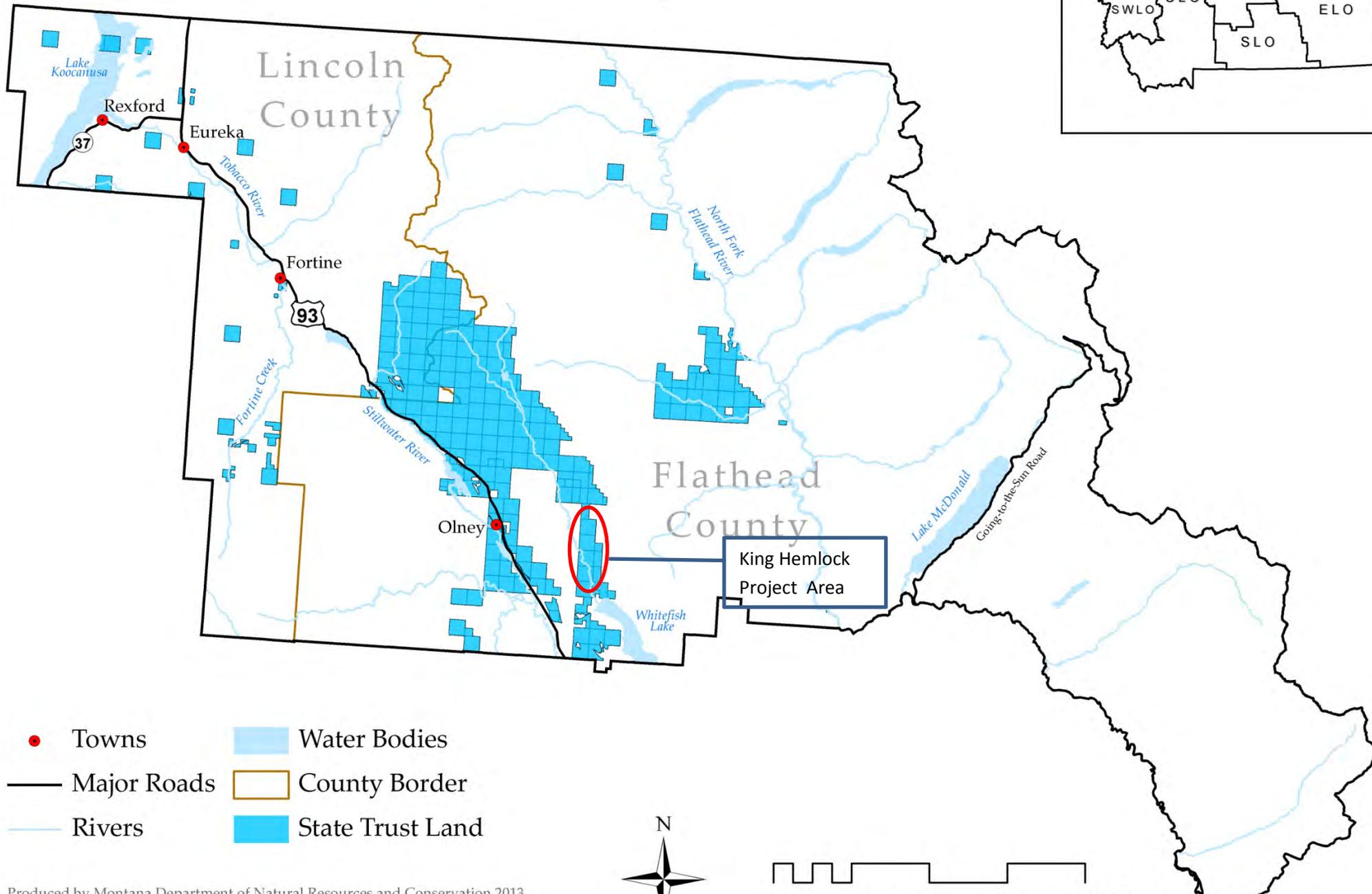
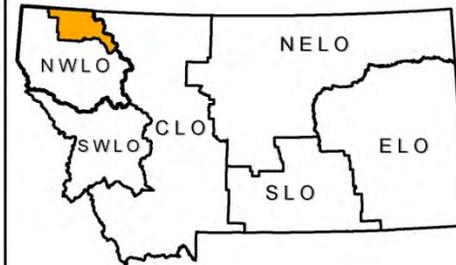
**DNRC Recommendation**

The director recommends the Land Board direct DNRC to sell the King Hemlock timber sale.

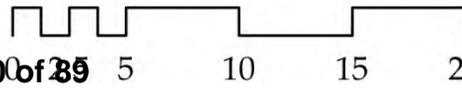
# KING HEMLOCK VICINITY MAP STILLWATER UNIT



115-1B



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



# King Hemlock Timber Sale

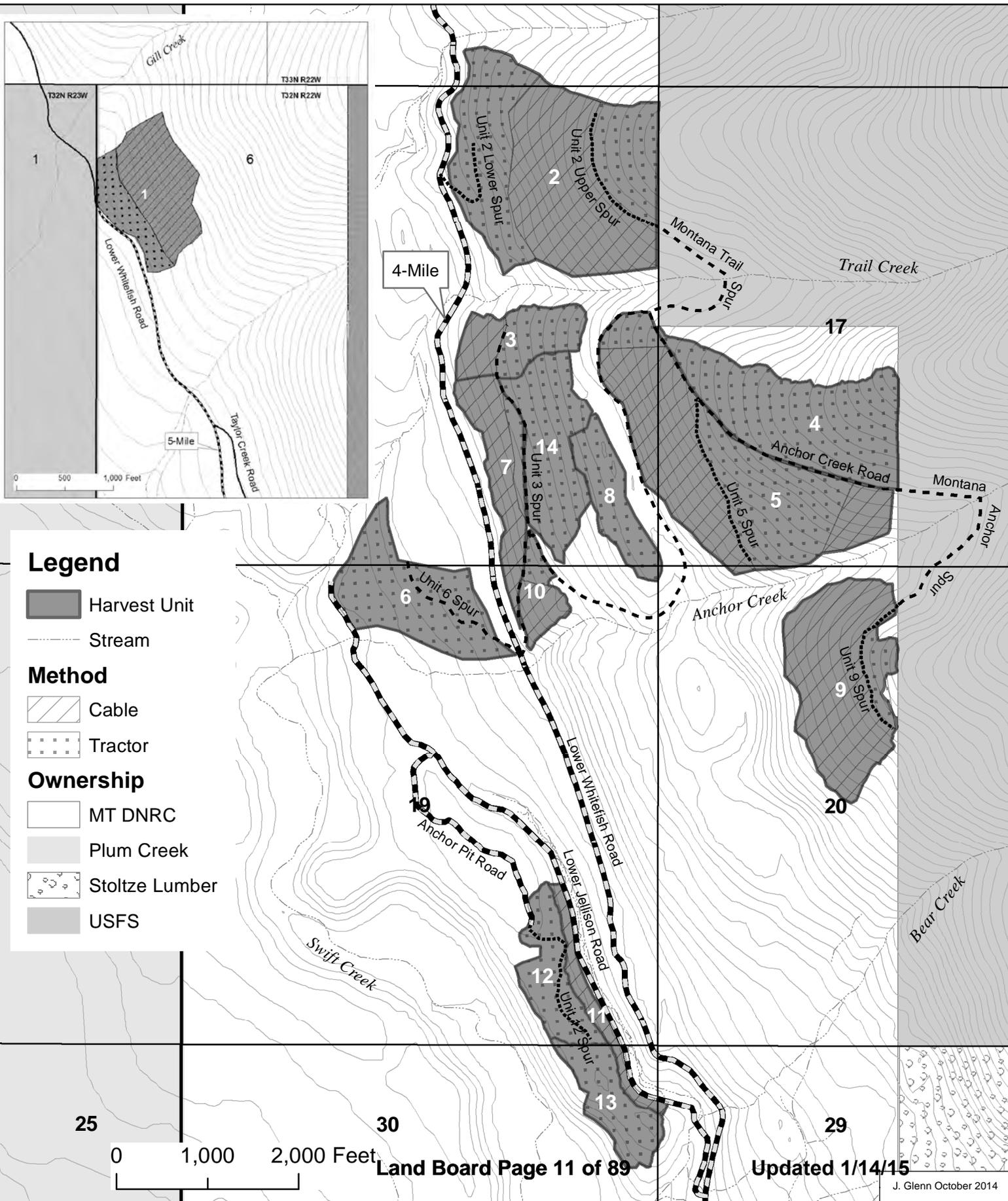
115-1B



## Harvest Units

Sections 6, 7, 17, 18, 19, 20, 29 & 30 T32N R22W

Attachment A 4 of 4



**Legend**

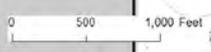
- Harvest Unit
- Stream

**Method**

- Cable
- Tractor

**Ownership**

- MT DNRC
- Plum Creek
- Stoltze Lumber
- USFS



# King Hemlock Timber Sale

115-1B



## Haul Route

Sections 6, 7, 17, 18, 19, 20, 29 & 30 T32N R22W

Attachment A 2 of 4



### Legend

Haul Route

Harvest Unit

Stream

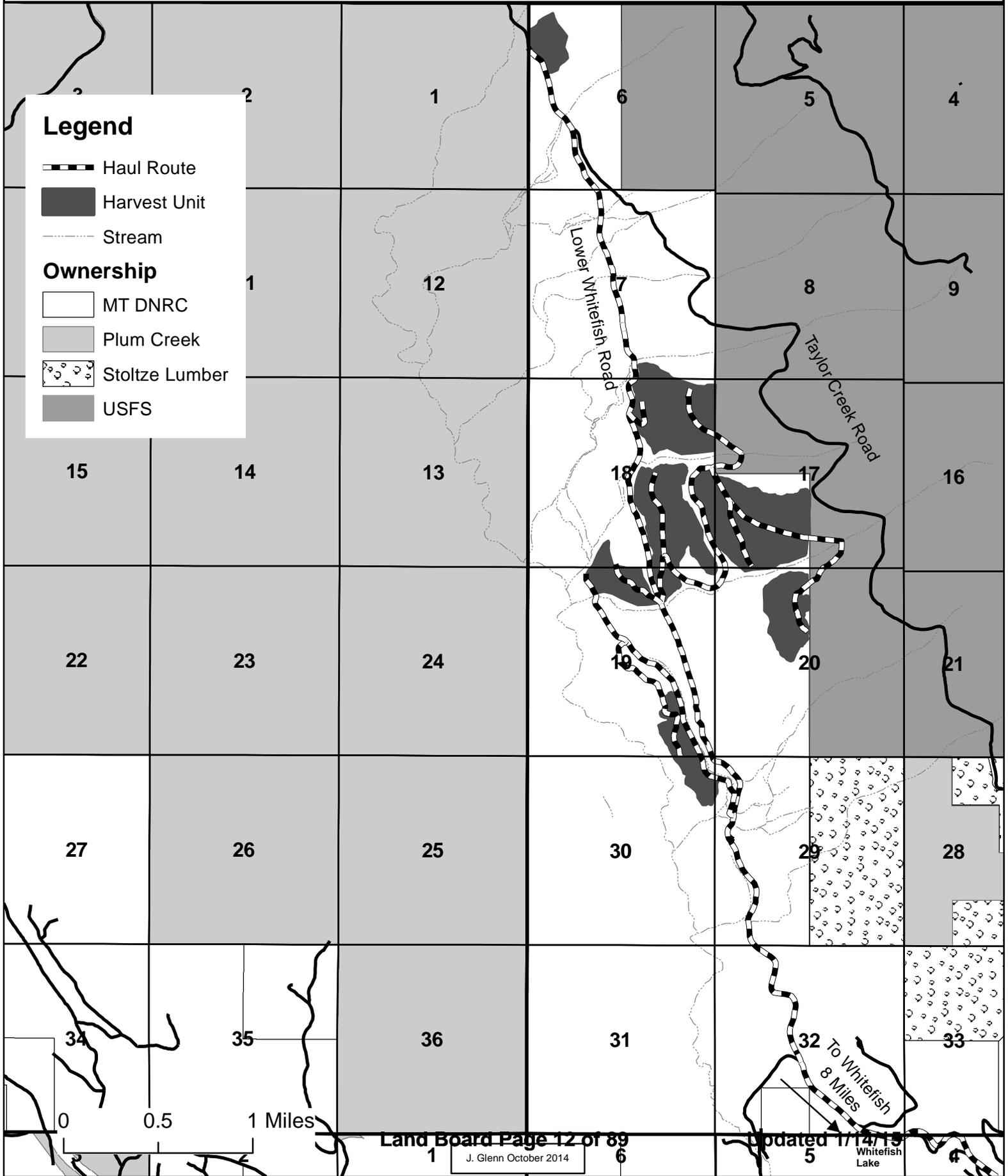
### Ownership

MT DNRC

Plum Creek

Stoltze Lumber

USFS



# King Hemlock Timber Sale

115-1B



## Road Work

Sections 6, 7, 17, 18, 19, 20, 29 & 30 T32N R22W

Attachment A 3 of 4



To West Fork  
14 Miles

### Legend

Harvest Unit

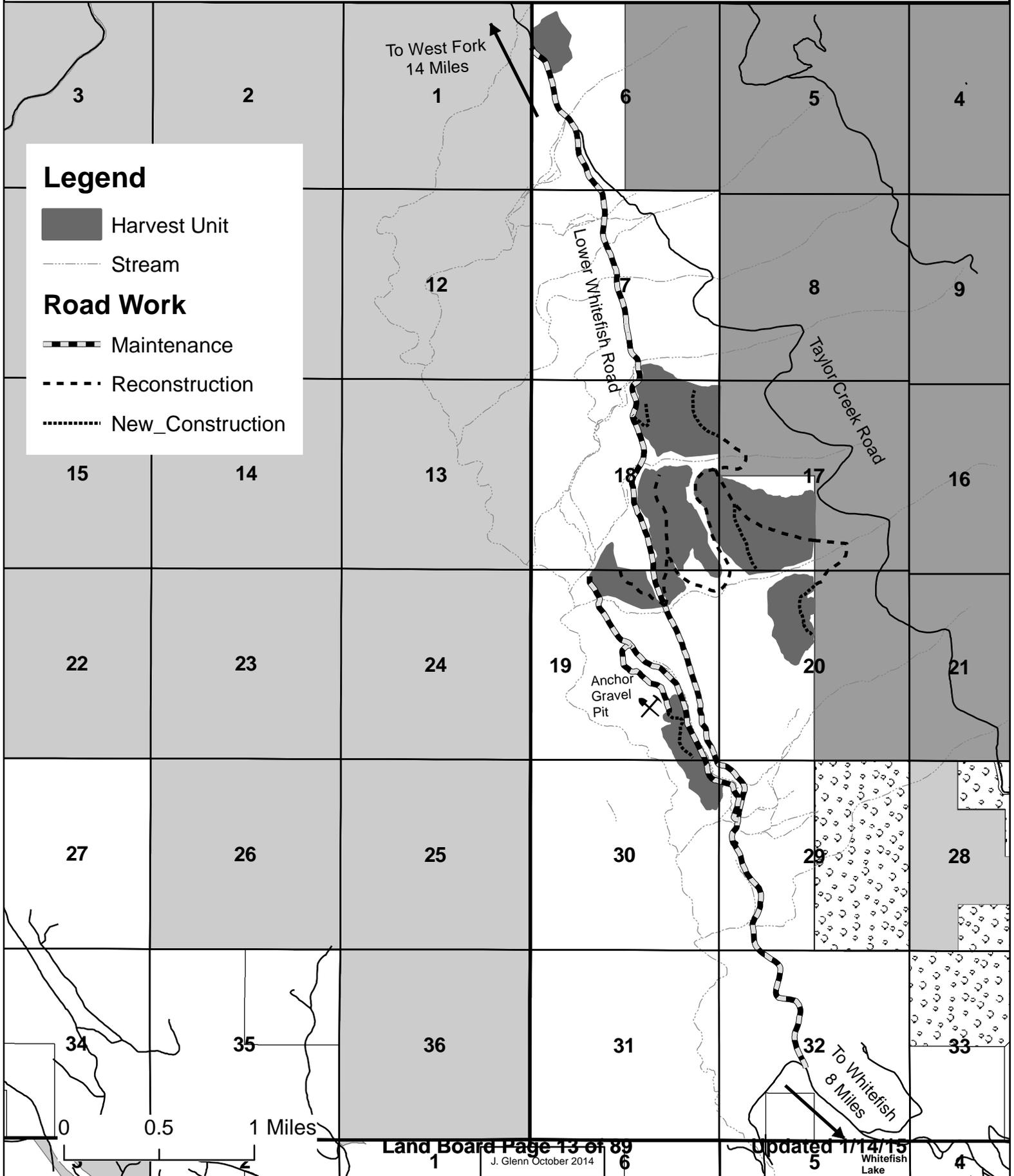
Stream

### Road Work

Maintenance

Reconstruction

New\_Construction



15

14

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0 0.5 1 Miles

**Land Board Agenda Item  
January 20, 2015**

**115-1C Timber Sale: Spring Bear****Location: Lewis and Clark County****Trust Benefits: Public Buildings****Trust Revenue: \$236,662 (estimated, minimum bid)****Item Summary**

The Spring Bear timber sale is located approximately three miles east and south of Lincoln, Montana. This sale includes seven harvest units totaling 448 acres with an estimated sale volume of 19,575 tons (2,702 MBF) of sawlogs. The minimum bid of \$12.09 per ton would generate approximately \$236,662 for the Public Buildings Trust and \$61,466 in Forest Improvement Fees. This project is within the Habitat Conservation Plan (HCP) project area and complies with the HCP.

The sale will improve stand vigor and promote regeneration of ponderosa pine and Douglas-fir. Some salvage harvest of ponderosa pine, lodgepole pine and Douglas-fir will occur in areas affected by mountain pine beetle and spruce budworm infestations. The sale as a whole will improve overall forest health in the stands and reduce the likelihood of short-term losses to disease and fire. Maintenance treatments will be applied to any old growth stands within the project area. There will be no removal of old growth for this timber sale.

In conjunction with the sale, the Department of Natural Resources and Conservation (DNRC) will maintain 10.7 miles of existing road. Road improvements would include surface blading, installation of drainage features to prevent surface erosion and sediment delivery to the stream, ditching to improve road surface stability, gravel surfacing of selected segments as needed and designated on site to comply with Best Management Practices (BMP) standards, and to protect water quality. Approximately 1.1 miles of new permanent road will be constructed for this project. Roads would be closed to unauthorized motorized use post-harvest.

Access to this timber sale has been obtained with temporary road use permits from Sunny Slope Grazing Association Inc. and Sieben Ranch.

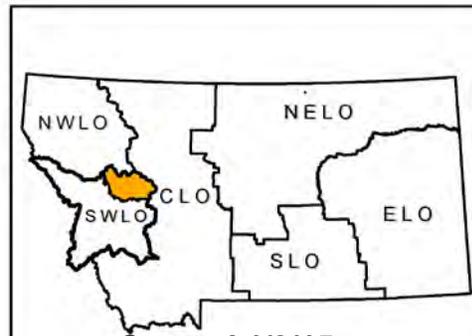
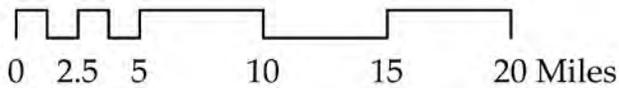
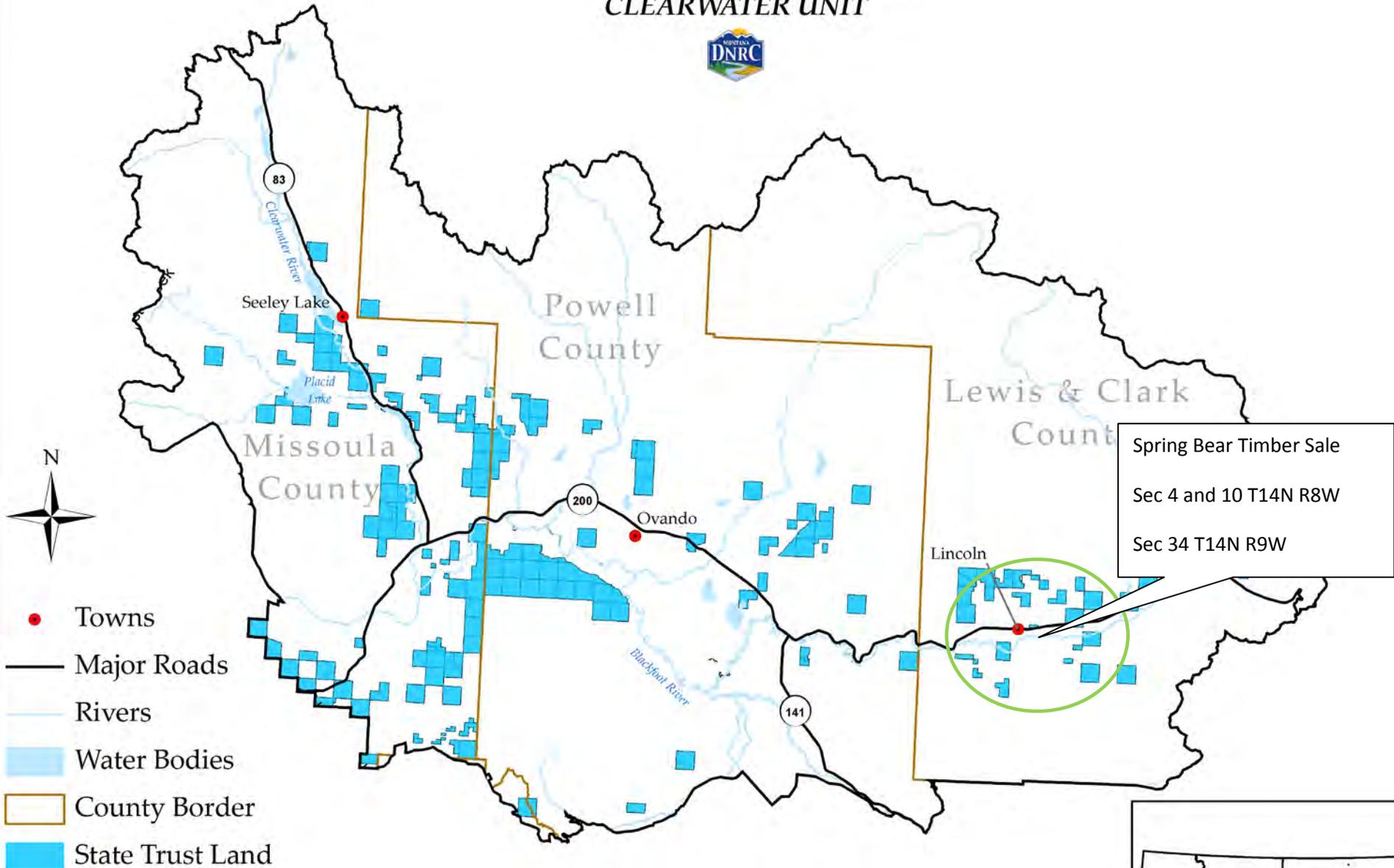
This is the third timber sale under the Upper Blackfoot Timber Management Plan, Environmental Assessment (EA). The public and resource professionals in state agencies were scoped to notify them and receive input. This information was used to guide the development of the EA. DNRC has reviewed the proposal and comments, analyzed conditions, and recommended harvest mitigation measures to reduce the potential for impacts. Those mitigations include: seasonal closures for Grizzly Bears and Goshawks with a no harvest time period from March 1-July 15, and increased no harvest areas along fish bearing streams.

**DNRC Recommendation**

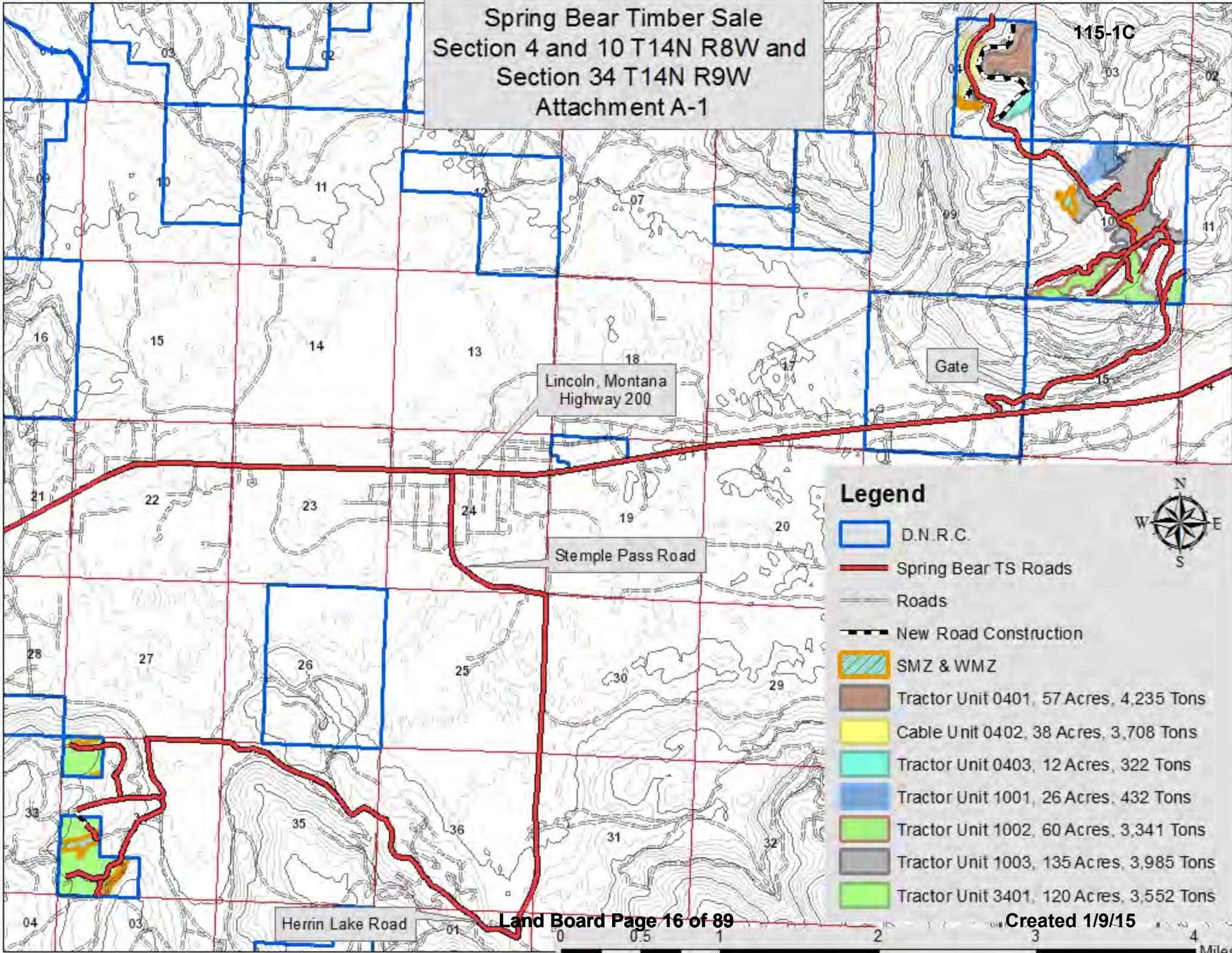
The director recommends the Land Board direct DNRC to sell the Spring Bear timber sale.

# SPRING BEAR T.S. VICINITY MAP CLEARWATER UNIT

115-1C



Spring Bear Timber Sale  
 Section 4 and 10 T14N R8W and  
 Section 34 T14N R9W  
 Attachment A-1



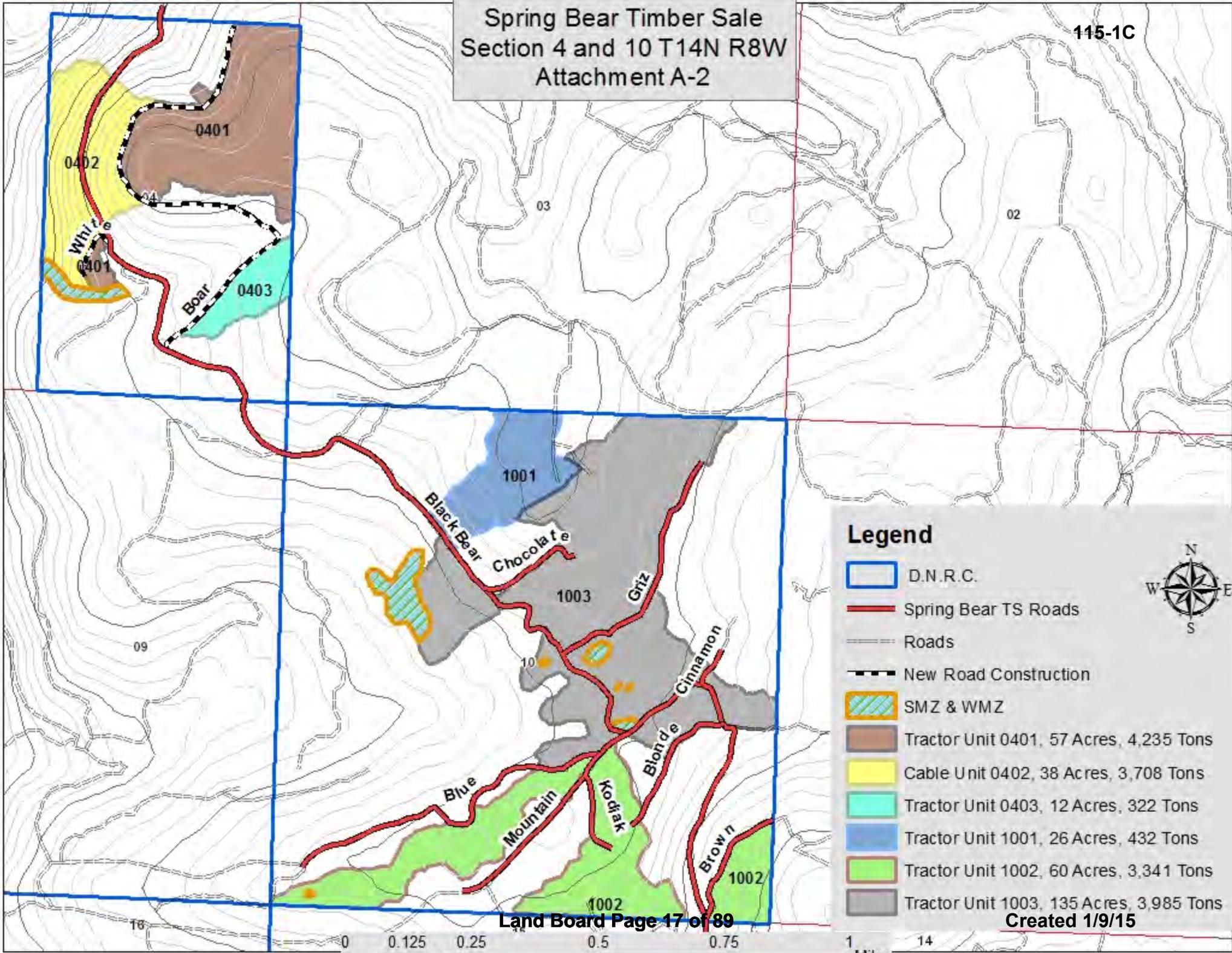
**Legend**

-  D.N.R.C.
-  Spring Bear TS Roads
-  Roads
-  New Road Construction
-  SMZ & WMZ
-  Tractor Unit 0401, 57 Acres, 4,235 Tons
-  Cable Unit 0402, 38 Acres, 3,708 Tons
-  Tractor Unit 0403, 12 Acres, 322 Tons
-  Tractor Unit 1001, 26 Acres, 432 Tons
-  Tractor Unit 1002, 60 Acres, 3,341 Tons
-  Tractor Unit 1003, 135 Acres, 3,985 Tons
-  Tractor Unit 3401, 120 Acres, 3,552 Tons



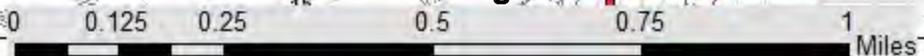
Spring Bear Timber Sale  
 Section 4 and 10 T14N R8W  
 Attachment A-2

115-1C



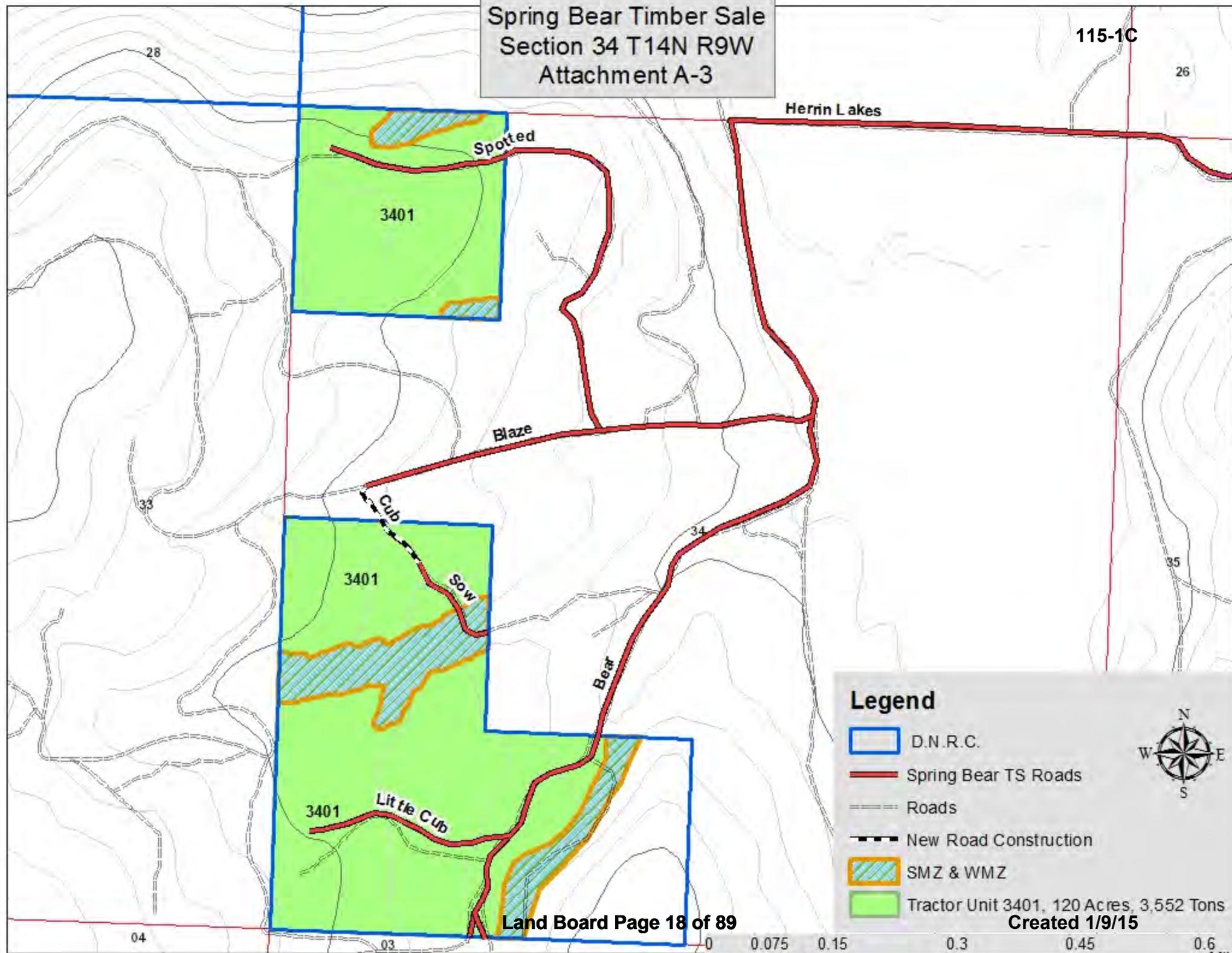
**Legend**

- D.N.R.C.
- Spring Bear TS Roads
- Roads
- New Road Construction
- SMZ & WMZ
- Tractor Unit 0401, 57 Acres, 4,235 Tons
- Cable Unit 0402, 38 Acres, 3,708 Tons
- Tractor Unit 0403, 12 Acres, 322 Tons
- Tractor Unit 1001, 26 Acres, 432 Tons
- Tractor Unit 1002, 60 Acres, 3,341 Tons
- Tractor Unit 1003, 135 Acres, 3,985 Tons



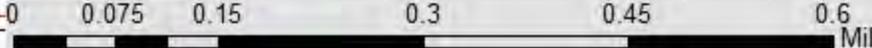
Spring Bear Timber Sale  
Section 34 T14N R9W  
Attachment A-3

115-1C



**Legend**

-  D.N.R.C.
-  Spring Bear TS Roads
-  Roads
-  New Road Construction
-  SMZ & WMZ
-  Tractor Unit 3401, 120 Acres, 3,552 Tons



# 115-2

## ADMINISTRATIVE RULE PROPOSAL – CONSERVATION STRATEGIES

(MAR 36-22-162)

**Land Board Agenda Item  
January 20, 2015**

**115-2 Administrative Rule Proposal – Conservation Strategies (MAR 36-22-162)**

<b>Location:</b>	Beaverhead, Deer Lodge, Flathead, Gallatin, Granite, Jefferson, Lake, Lewis and Clark, Lincoln, Madison, Mineral, Missoula, Park, Ravalli, Sanders, and Silver Bow Counties
<b>Trust Benefits:</b>	Common Schools, Eastern-MSU/Western-UM, Montana Tech, MSU 2 <sup>nd</sup> , MSU Morrill, Pine Hills School, Public Buildings, School for Deaf and Blind,
<b>Trust Revenue:</b>	N/A

**Item Summary**

Department of Natural Resources and Conservation (DNRC) proposes the adoption of New Rule I to allow the department to implement conservation strategies for grizzly bear, Canada lynx, bull trout, westslope cutthroat trout, and Columbia redband trout on forested state trust lands in the DNRC Northwestern, Southwestern, and Central Land Offices, as specified in the Montana DNRC Forested State Trust Lands Habitat Conservation Plan (HCP) except when they conflict with Stillwater Core [ARM 36.11.432 (1)(d), (e), and (f)].

The adoption of New Rule I is reasonably necessary because on August 21, 2014, a federal district court judge ruled that management of the "Stillwater Core" area of the Stillwater and Coal Creek State Forests under the Montana DNRC Forested State Trust Lands HCP did not comply with Section 10 of the federal Endangered Species Act. New Rule I ensures that the "Stillwater Core" area will be managed in a manner that is consistent with this federal court ruling.

Additionally, adoption of New Rule I will allow DNRC to apply the conservation strategies to forested state trust lands that were acquired since the adoption of the HCP. New Rule I will thereby provide DNRC the opportunity to consistently manage for these species on forested lands in the three respective land offices.

The proposal notice will be filed with the Secretary of State on January 20, 2015, and published in the Montana Administrative Register (MAR) on January 29, 2015. The comment period will run through February 25, 2015, and one public hearing will be held during the comment period.

**DNRC Recommendation**

The director recommends the approval of the draft proposal notice so the department 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 Rule I regarding the conservation strategies on forested state trust lands )  
NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION )  
)  
)  
)

To: All Concerned Persons

1. The Department of Natural Resources and Conservation (“DNRC”) will hold a public hearing at 4:00 P.M. on Monday, February 23, 2015, at DNRC’s Forestry Division Headquarters Clark Fork Conference Room, 2705 Spurgin Road, Missoula, Montana, 59804, to consider the adoption of the above-stated rule.

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 agency no later than 5:00 p.m. on February 19, 2015, to advise the department of the nature of the accommodation that you need. Please contact Sonya Germann, Chief, DNRC Forest Management Bureau, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306, fax (406) 542-4217, email sgermann@mt.gov.

3. The department proposes to adopt the following rule:

NEW RULE I DNRC CONSERVATION STRATEGIES (1) For forested state trust lands in the department’s Northwestern Land Office, Southwestern Land Office, and Central Land Office, the department will implement the conservation strategies for grizzly bear, Canada lynx, bull trout, westslope cutthroat trout, and Columbia redband trout specified in the “Montana DNRC Forested State Trust Lands Habitat Conservation Plan Final EIS/HCP”, except when those conservation strategies conflict with ARM 36.11.432 (1)(d), (e), and (f).

AUTH: 77-5-204, MCA

IMP: 77-5-116, 77-5-204, 77-5-206, 77-5-207, MCA

REASONABLE NECESSITY: The adoption of New Rule I is reasonably necessary because on August 21, 2014, a federal district court judge ruled that management of the "Stillwater Core" area of the Stillwater and Coal Creek State Forests under the Montana DNRC Forested State Trust Lands Habitat Conservation Plan (HCP) did not comply with Section 10 of the federal Endangered Species Act. New Rule I ensures that the "Stillwater Core" area will be managed in a manner that is consistent with this federal court ruling. Additionally, adoption of New Rule I will allow DNRC to apply the conservation strategies to forested state trust lands that

were acquired since the adoption of the Montana DNRC Forested State Trust Lands Habitat Conservation. New Rule I will thereby provide DNRC the opportunity to consistently manage for these species on all forested lands in the three respective land offices.

4. 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 to Sonya Germann, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306; fax (406) 542-4217; or emailed to [sgermann@mt.gov](mailto:sgermann@mt.gov), and must be received no later than 5:00 p.m. on February 25, 2015.

5. Sonya Germann, Chief, DNRC Forest Management Bureau, Trust Land Management Division, has been designated to preside over and conduct the public hearings.

6. An electronic copy of this Notice of Public Hearings on Proposed Adoption is available through the department's web site at <http://www.dnrc.mt.gov>. The department strives to make the electronic copy of this Notice of Public Hearing on Proposed Adoption 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.

7. 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 sent or delivered to Sonya Germann, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306; fax (406) 542-4217; or emailed to [sgermann@mt.gov](mailto:sgermann@mt.gov), or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled.

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

/s/  
MARK PHARES  
Rule Reviewer

Certified to the Secretary of State on [DATE].

# 115-3

SALE OF CABIN AND HOME SITES:  
FINAL APPROVAL FOR SALE – SALE 711

**Land Board Agenda Item  
January 20, 2015**

**115-3 Sale of Cabin and Home Sites: Final Approval for Sale – Sale 711**

**Location: Missoula County**

**Trust Benefits: Pine Hills**

**Trust Revenue: \$150,000**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting final approval on one cabin site nominated for sale in Missoula County. The sale was nominated by the lessee and is located approximately ten miles south of Seeley Lake.

Sale #	# of Acres	Legal	Nominator	Trust
711	0.83	Lot 16, Elbow Lake, Section 20, T15N-R14W	Tim & Cheryl Schwenk	Pine Hills

The parcel is currently leased as cabin site and produces an average income for residential leases statewide.

The parcel will be sold with the access that is currently provided under the lease agreement.

**Economic Analysis:**

Short-term – The average rate of return on the sale parcel is 2.06 percent. The parcel would continue to receive this return if it remains in state ownership.

Long-term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through DNRC's land banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 1.97 percent on acquisitions with income generated from annual lease payments.

**Cultural/Paleontological Resources:**

A Class I level of cultural resource inventory was conducted for the proposed sale. Home sites typically contain numerous structures and the ground surfaces within most home sites have been disturbed over the course of many years of occupation and development. This sale of will have no effect to state owned heritage properties.

**Background:**

In March 2014, the board granted preliminary approval for this parcel to continue through the land banking sale evaluation process. In October 2014 the board set the minimum bid for the land at the appraised value below:

Sale #	Minimum Bid of Land	Appraised Value of Improvements
711	\$150,000	\$45,000

**Sale Price:**

The cabin site was sold at a public auction on December 8, 2014. The parcel had only one bidder, who was the current lessee and improvements owner, and the parcel was sold for the minimum bid amount listed above.

**DNRC Recommendation**

The director recommends final approval for the cabin site lot at the appraised value shown above. The sale will be closed within 30 days of final approval by the board.

**Missoula County Sale Location Map**



**Sale #711**

Lot 16, Elbow Lake, Section 20, T15N-R14W  
**Tim & Cheryl Schwenk**



# 115-4

## EASEMENTS

**Land Board Agenda Item  
January 20, 2015**

**115-4 Easements**

**Location:** Carter, Chouteau, Hill, Judith Basin, Liberty, Richland, Stillwater, Teton, Toole Counties

**Trust Benefits:** Common Schools, Montana Tech, Public Buildings

**Trust Revenue:** Common Schools = \$36,867  
Montana Tech = \$100  
Public Buildings = \$5,346

**Item Table of Contents**

<b>Applicant</b>	<b>Right-of-Way Purpose</b>	<b>Term</b>	<b>Page(s)</b>
Mid-Rivers Telephone Cooperative	New Telecommunications Utility	Permanent	1-5
3 Rivers Communications	New Telecommunications Utility	Permanent	6-11
3 Rivers Communications	Historic Utility	Permanent	12-13
Allen Beck	Historic Private Access Road	Permanent	14-15
Ralph J. Peterson	Historic Private Access Road	Permanent	16-17
Northwestern Corporation, d/b/a NWE	New Gas Utility	30-Year	18-19
Sarah Stevenson	Historic Private Access Road	Permanent	20-21
Susan & Mark Elings, Et. Al.	Historic Private Access Road	Permanent	22-23
<del>Belle Fourche Pipeline Company</del>	<del>New Oil Utility</del>	<del>30-Year</del>	<del>24-29</del>
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Toole County	Historic Public Access Road	Permanent	32-56
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Item Withdrawn

# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Mid-Rivers Telephone Cooperative PO Box 280 Circle MT 59215
Application No.:	16766
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	3.82
Compensation:	\$1051.00
Legal Description:	16-foot strip through N2N2, E2E2, Sec. 16, Twp. 25N, Rge. 59E, Richland County
Trust Beneficiary:	Common Schools

### Item Summary

Mid-Rivers Telephone Cooperative has made application for the installation of new underground telecommunications facilities to upgrade their current facilities and services to the West Sidney Exchange area. The new facilities will parallel existing copper lines. This route is the most direct route between terminus locations. Construction consists of the rip trench method with directional bores at stream crossings or other topographical challenges.

### DNRC Recommendation

The director recommends approval of this telecommunications upgrade project.

---

# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Mid-Rivers Telephone Cooperative PO Box 280 Circle MT 59215
Application No.:	16767
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	0.99
Compensation:	\$272.00
Legal Description:	16-foot strip through SE4NE4, NE4SE4, Sec. 29, Twp. 25N, Rge. 57E, Richland County
Trust Beneficiary:	Common Schools

### Item Summary

See page 1

### DNRC Recommendation

See page 1

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Mid-Rivers Telephone Cooperative PO Box 280 Circle MT 59215
Application No.:	16768
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	0.24
Compensation:	\$100.00
Legal Description:	16-foot strip through NE4NW4, Sec 28, Twp. 25N, Rge. 57E, Richland County
Trust Beneficiary:	Common Schools

### Item Summary

See page 1

### DNRC Recommendation

See page 1

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Mid-Rivers Telephone Cooperative PO Box 280 Circle MT 59215
Application No.:	16769
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	needed
Acreage:	0.35
Compensation:	\$100.00
Legal Description:	16-foot strip through Government Lots 5 & 7, Sec. 26, Twp. 26N, Rge. 57E, Richland County
Trust Beneficiary:	Common Schools

### Item Summary

See page 1

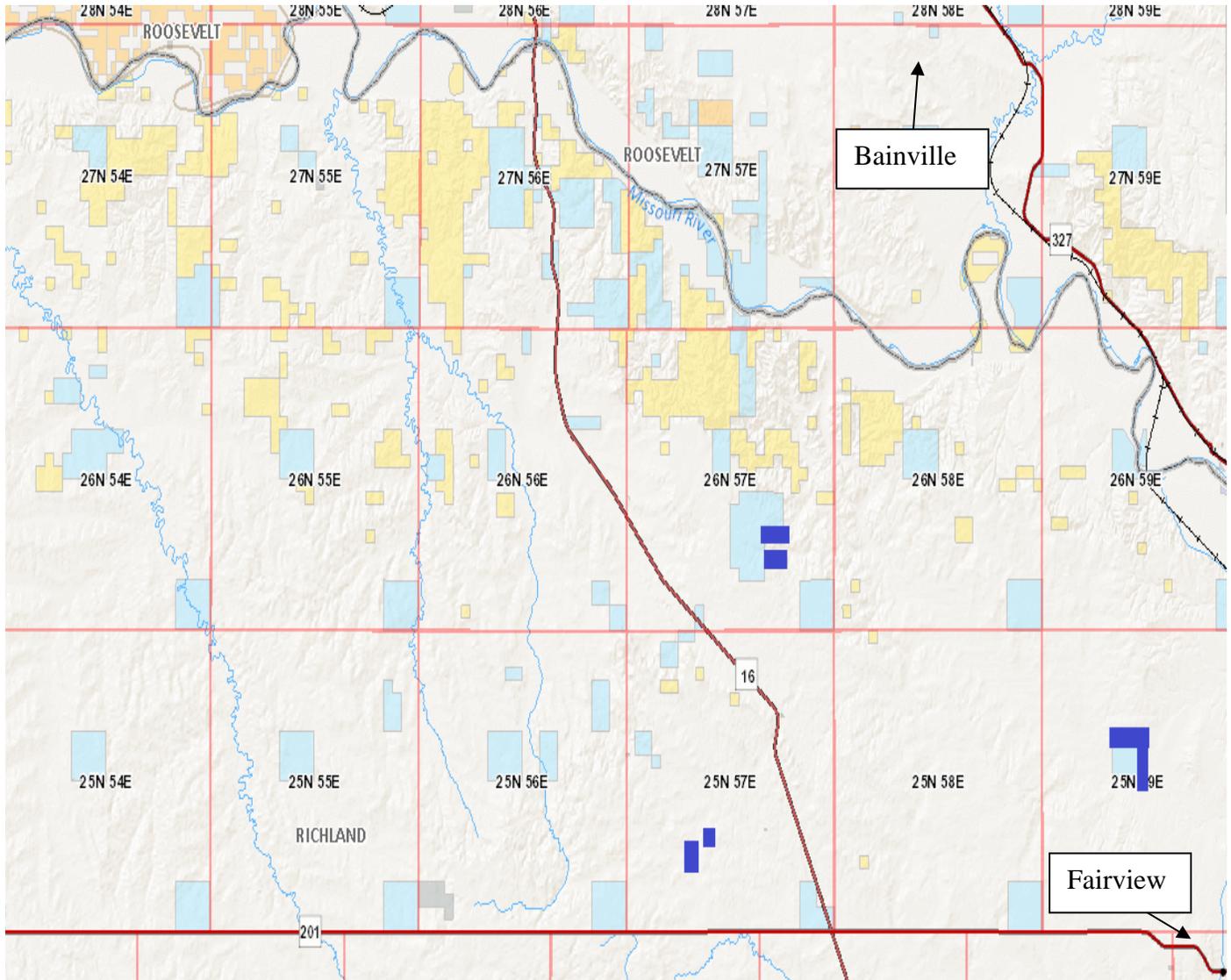
### DNRC Recommendation

See page 1

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# Rights of Way Applications

## January 20, 2015



# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	3 Rivers Communications PO Box 429 Fairfield MT 59436
Application No.:	16771
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	0.75
Compensation:	\$375.00
Legal Description:	20-foot strip through SE4NE4, Sec. 8, Twp. 21N, Rge. 9E, Chouteau County
Trust Beneficiary:	Common Schools

### Item Summary

3 Rivers Communications has made application for the installation and maintenance of a new underground telecommunications facility to subscribers in the Highwood Exchange area. The new facilities will parallel existing roads. This route is the most direct route between terminus locations.

### DNRC Recommendation

The director recommends approval of this telecommunications project.

---

# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	3 Rivers Communications PO Box 429 Fairfield MT 59436
Application No.:	16772
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	1.86
Compensation:	\$930.00
Legal Description:	20-foot strip through SW4NE4, W2SE4, Sec. 32, Twp. 22N, Rge. 9E, Chouteau County
Trust Beneficiary:	Common Schools

### Item Summary

See page 6

### DNRC Recommendation

See page 6

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	3 Rivers Communications PO Box 429 Fairfield MT 59436
Application No.:	16773
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	0.62
Compensation:	\$589.00
Legal Description:	20-foot strip through NW4SW4, SE4SW4, Sec. 17, Twp. 22N, Rge. 9E, Chouteau County
Trust Beneficiary:	Common Schools

### Item Summary

See page 6

### DNRC Recommendation

See page 6

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	3 Rivers Communications PO Box 429 Fairfield MT 59436
Application No.:	16774
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	1.86
Compensation:	\$930.00
Legal Description:	20-foot strip through NE4NW4, S2NW4, Sec. 16, Twp. 21N, Rge. 8E, Chouteau County
Trust Beneficiary:	Common Schools

### Item Summary

See page 6

### Department Recommendation

See page 6

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Communications  
PO Box 429  
Fairfield MT 59436

Application No.: 16775  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 0.22  
Compensation: \$100.00  
Legal Description: 20-foot strip through SE4NE4, Sec. 11, Twp. 21N, Rge. 8E,  
Chouteau County  
Trust Beneficiary: Montana Tech

### Item Summary

See page 6

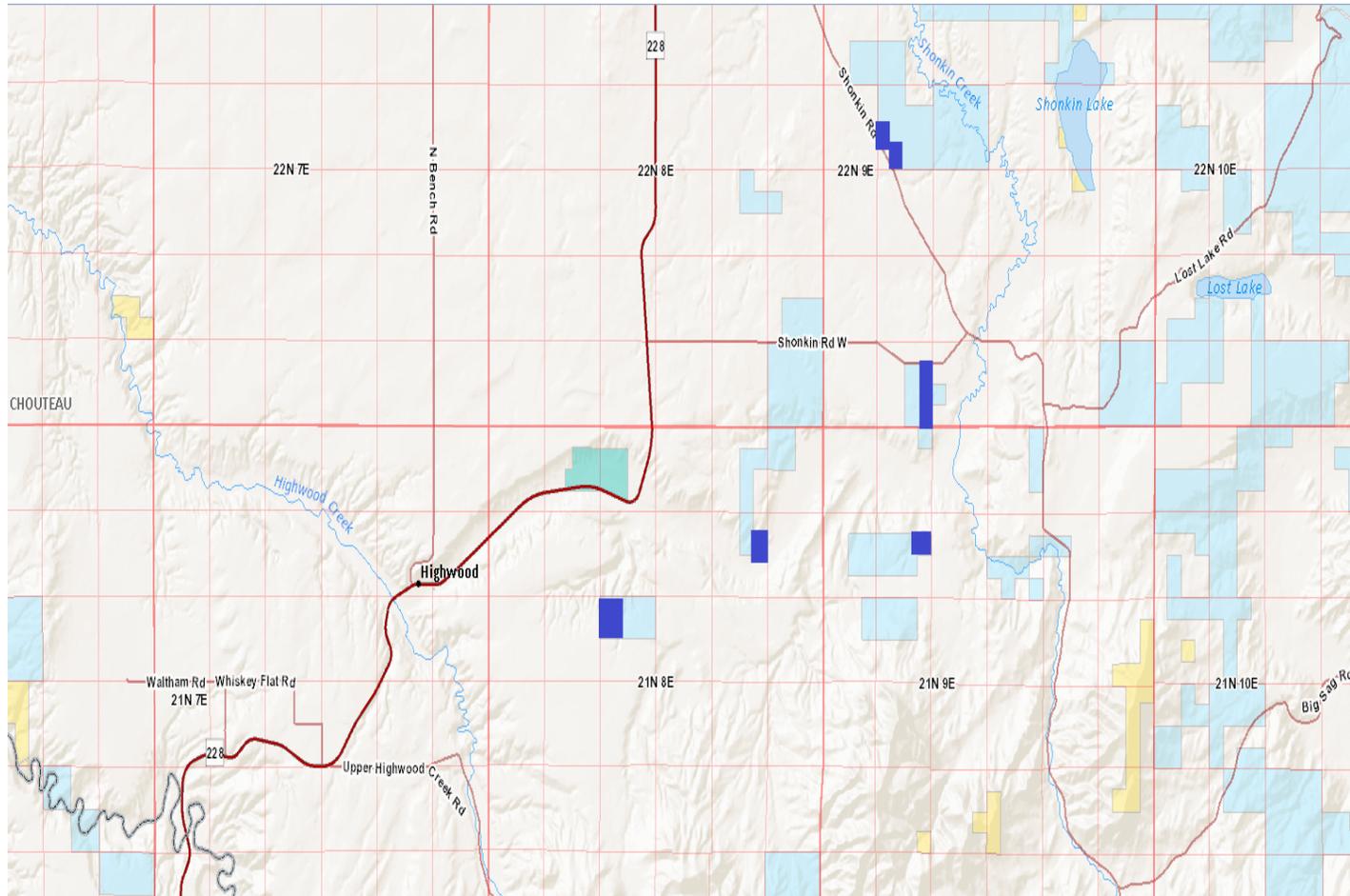
### DNRC Recommendation

See page 6

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# Rights of Way Applications

## January 20, 2015



## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	3 Rivers Communications PO Box 429 Fairfield MT 59436
Application No.:	16776
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	N/A (Historic)
Acreage:	1.21
Compensation:	\$605.00
Legal Description:	20-foot strip through N2N2, Sec. 36, Twp. 22N, Rge. 5W, Teton County
Trust Beneficiary:	Common Schools

#### Item Summary

3 Rivers Communications is requesting approval for a right of way of an existing buried telecommunications cable. This application is made pursuant to 77-1-130, MCA, Historic Rights of Way.

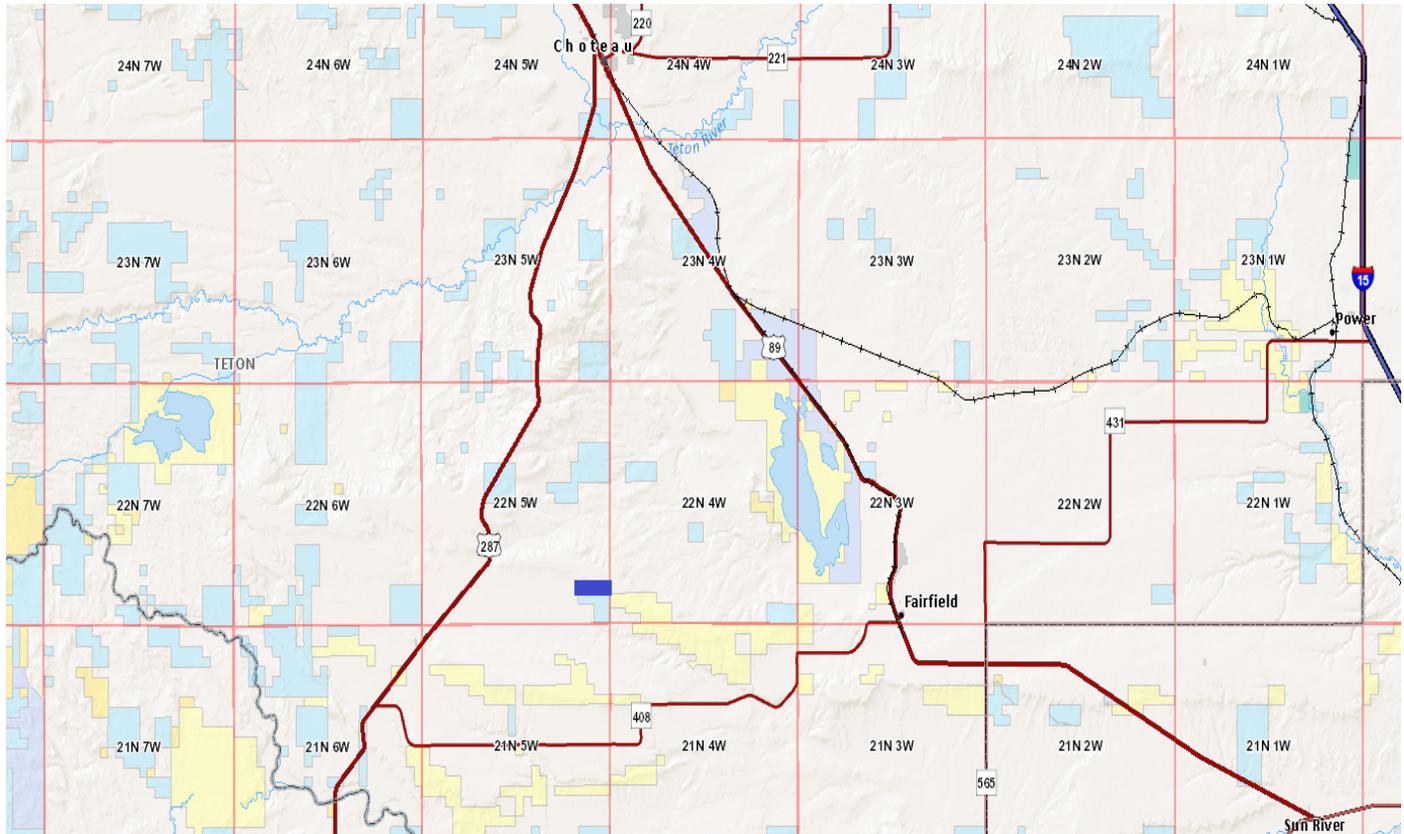
#### DNRC Recommendation

The director recommends approval of this historic utility request.

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# Rights of Way Applications

## January 20, 2015



## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Allen Beck 78 1st Lane NE Fairfield MT 59436
Application No.:	16777
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	0.77
Compensation:	\$462.00
Legal Description:	20-foot strip through SE4SW4, Sec. 21 & SE4SW4, Sec. 22, Twp. 21N, Rge. 6W, Teton County
Trust Beneficiary:	Public Buildings

#### Item Summary

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

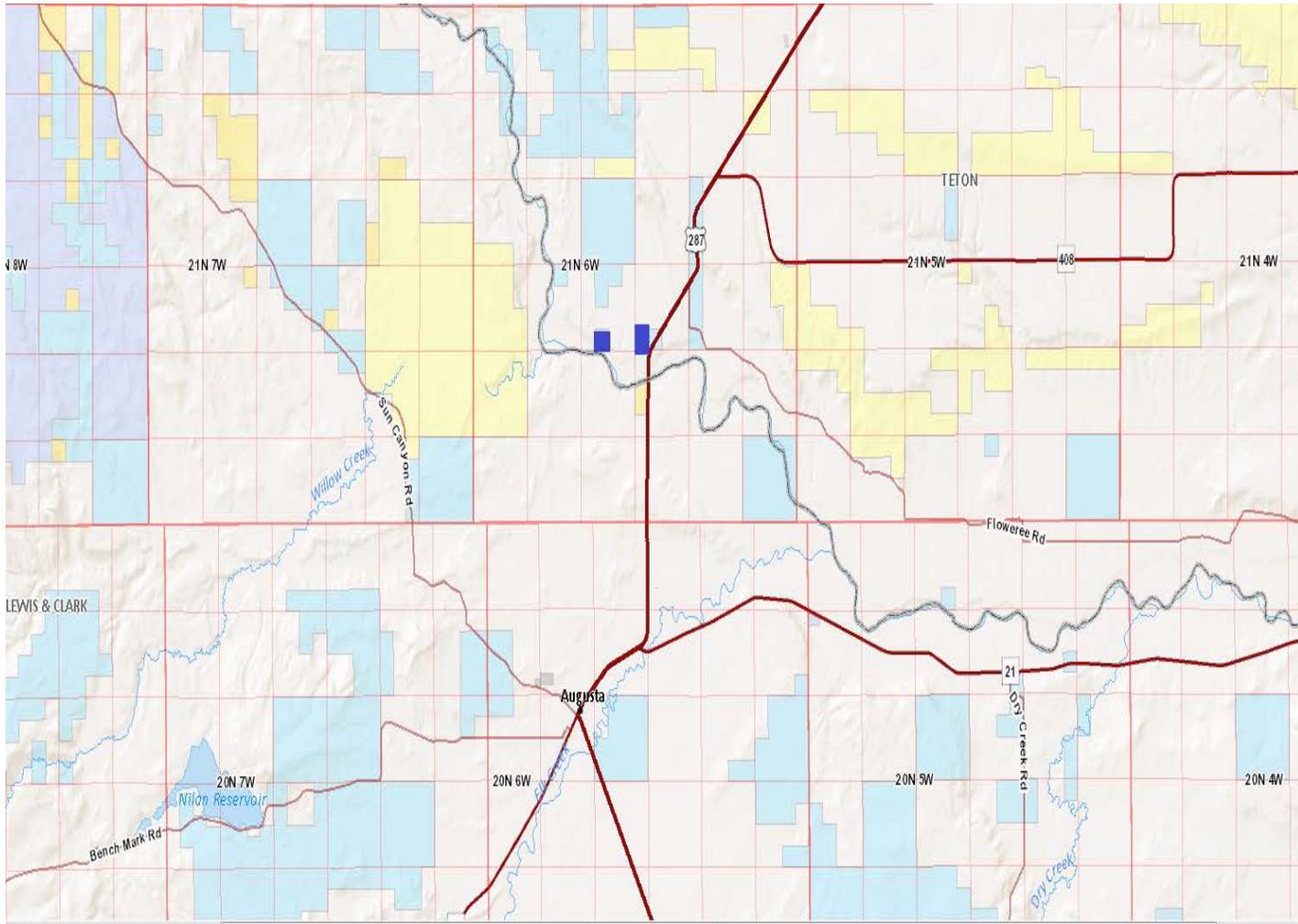
#### DNRC Recommendation

The director recommends approval of this historic right of way application.

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# Rights of Way Applications

## January 20, 2015



## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Ralph J. Peterson 522 21st Street Black Eagle MT 59414
Application No.:	16778
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	0.77
Compensation:	\$462.00
Legal Description:	20-foot strip through SE4SW4, Sec. 21 & SE4SW4, Sec. 22, Twp. 21N, Rge. 6W, Teton County
Trust Beneficiary:	Public Buildings

#### Item Summary

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

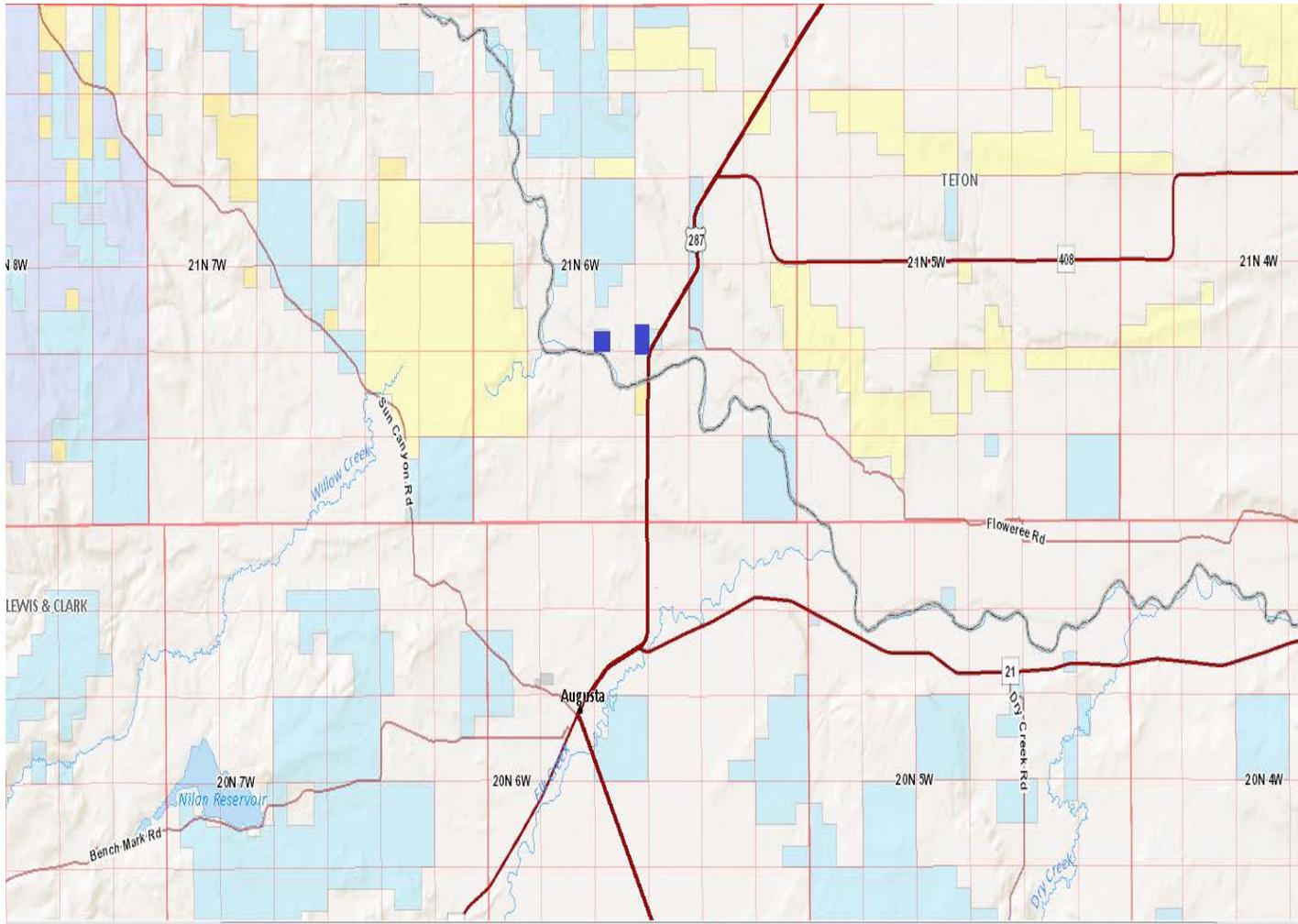
#### DNRC Recommendation

The director recommends approval of this historic right of way application.

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# Rights of Way Applications

## January 20, 2015



## Rights of Way Applications

January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Corporation, d/b/a NWE PO Box 1644 Havre MT 59501
Application No.:	16779
R/W Purpose:	a 4" buried natural gas transmission line
Lessee Agreement:	ok
Acreage:	0.6
Compensation:	\$2399.00
Legal Description:	20-foot strip through W2SW4, Sec. 16, Twp. 32N, Rge. 15E, Hill County
Trust Beneficiary:	Common Schools

### Item Summary

Northwestern Corporation has made application for a four-inch natural gas transmission line which will lie east of the existing county road. The proposed project is to provide service the Havre Industrial Park. The easement will be a 30-year term easement with compensation of \$15/rod, which is consistent with other installations in this area.

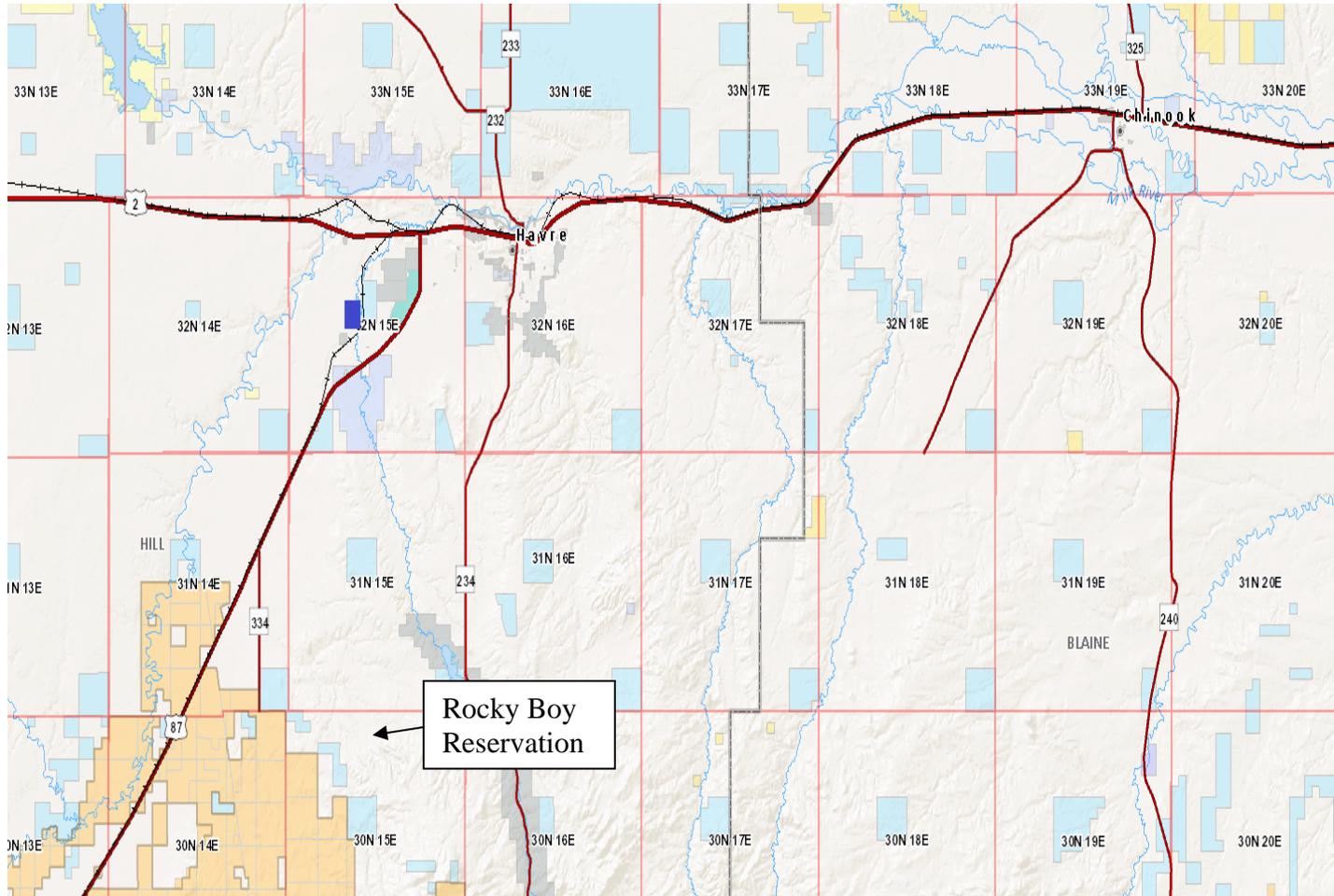
### DNRC Recommendation

The director recommends approval of a 30-year term easement for this natural gas transmission line.

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# Rights of Way Applications

## January 20, 2015



## Rights of Way Applications

**January 20, 2015**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Sarah Stevenson 216 Red Barn Road Hobson MT 59452
Application No.:	16780
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	1.46
Compensation:	\$657.00
Legal Description:	20-foot strip through NE4NW4, W2NE4, Sec. 16, Twp. 14N, Rge. 13E, Judith Basin County
Trust Beneficiary:	Common Schools

### Item Summary

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

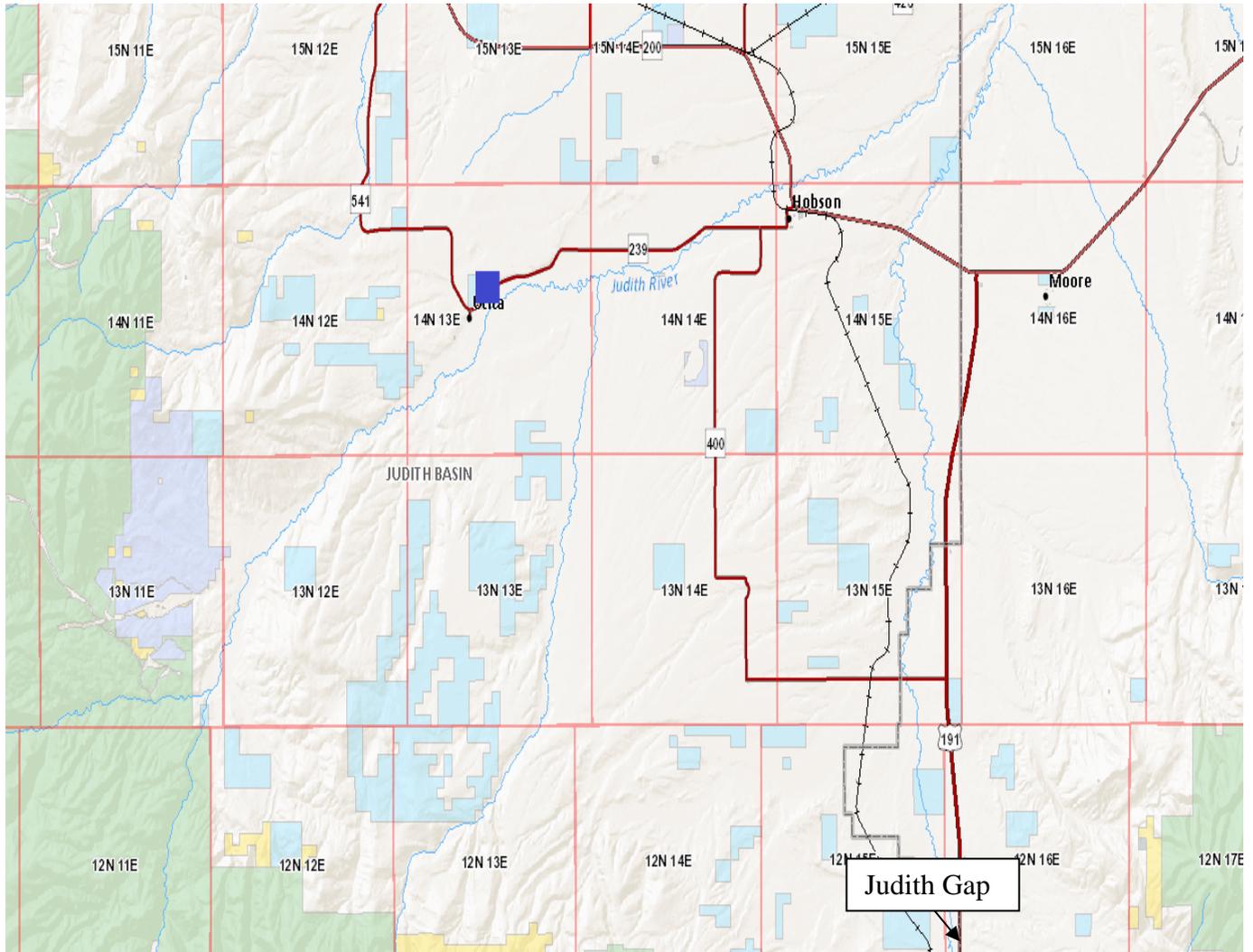
### DNRC Recommendation

The director recommends approval of this historic right of way application.

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# Rights of Way Applications

## January 20, 2015



## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Susan & Mark Elings, Et. Al. 638 Horseshoe Bend Lewistown MT 59457
Application No.:	16783
R/W Purpose:	a private access road to a single family residence and associated outbuildings and for conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	1.61
Compensation:	\$443.00
Legal Description:	20-foot strip through N2NW4, Sec. 9, Twp. 28N, Rge. 4E, Liberty County
Trust Beneficiary:	Common Schools

#### Item Summary

Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of access to a single family residence and associated outbuildings and for conducting normal farming and ranching operations. The road has been in place for years and authorization for continued use is being requested pursuant to 77-1-130, MCA, which allows for recognition of such historic access.

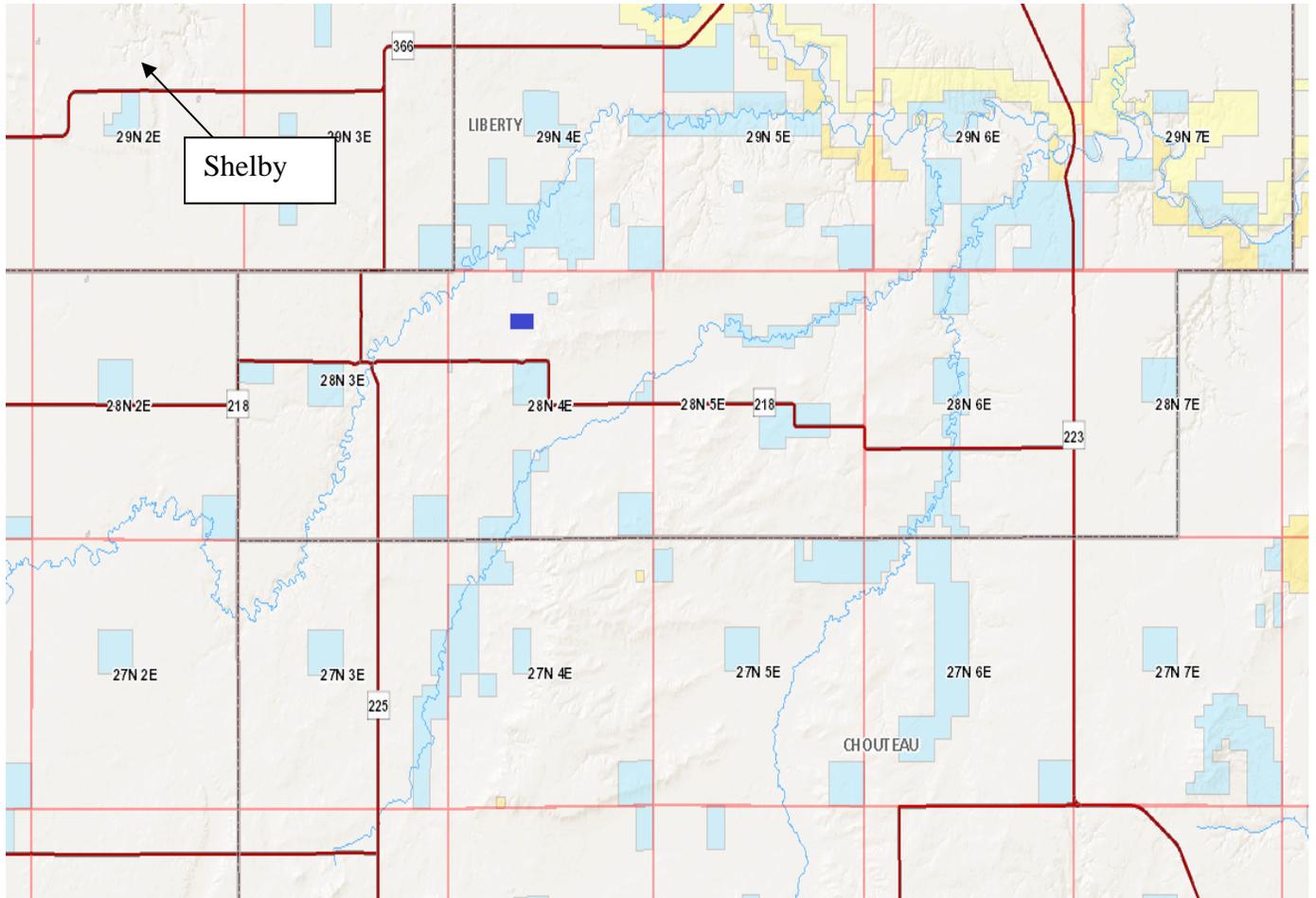
#### DNRC Recommendation

The director recommends approval of this historic right of way application.

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# Rights of Way Applications

## January 20, 2015



## Rights of Way Applications

January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Belle Fourche Pipeline Company  
PO Drawer 2360  
Casper WY 82602

Application No.: 16786  
R/W Purpose: a buried 16" crude oil pipeline  
Lessee Agreement: needed  
Acreage: 6.08  
Compensation: \$16,058.00  
Legal Description: 50-foot strip through W2W2, Sec. 36, Twp. 2N, Rge. 57E,  
Carter County  
Trust Beneficiary: Common Schools

### Item Summary

Belle Fourche Pipeline Company has made application for the installation of a buried 16-inch crude oil transmission pipeline. This pipeline is affiliated with the Butte Pipeline which was installed in 1955 which currently operates in the same area as being proposed for this line. This project is referred to as the Thunderbird Pipeline and these portions of the pipeline are Phases II & III of the project. The line will be capable of transporting approximately 80,000 barrels per day of crude oil. This project crosses through sage grouse core habitat areas. Pursuant to *Sage Grouse Executive Order No. 10-2014*, special stipulations will be placed in the easement document to address mitigation measures, such as restrictions related to construction time periods. The easement will be a 30-year term easement with compensation of \$50/rod, which is consistent with other installations in this area.

### DNRC Recommendation

The director recommends approval of a 30-year term easement for this crude oil transmission line.

# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Belle Fourche Pipeline Company PO Drawer 2360 Casper WY 82602
Application No.:	16787
R/W Purpose:	a buried 16" crude oil pipeline
Lessee Agreement:	needed
Acreage:	6.28
Compensation:	\$16,589.00
Legal Description:	50-foot strip through NW4NE4, E2W2, Sec. 36, Twp. 1S, Rge. 57E, Carter County
Trust Beneficiary:	Common Schools

#### Item Summary

See page 24

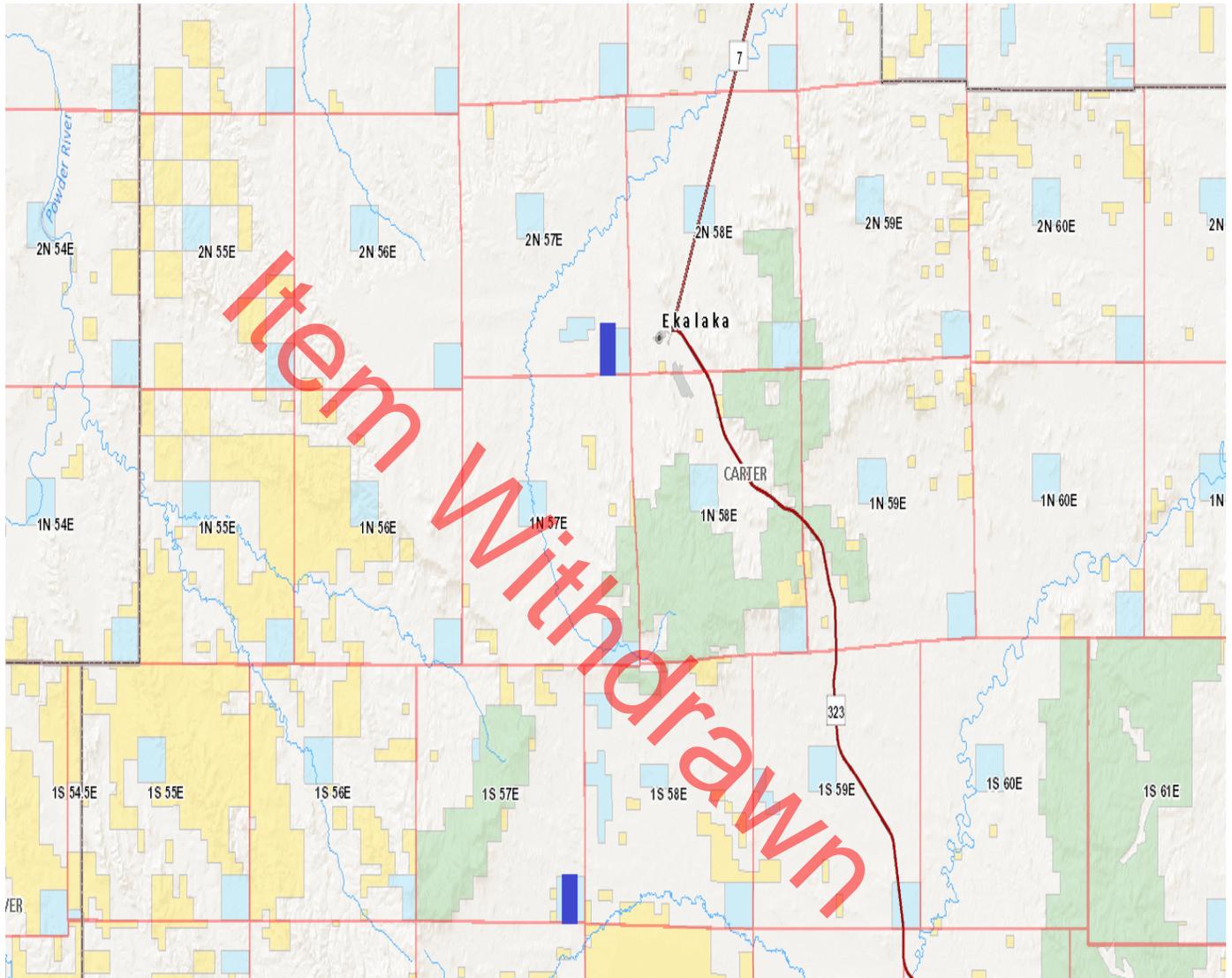
#### DNRC Recommendation

See page 24

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# Rights of Way Applications

January 20, 2015



## Rights of Way Applications

January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Belle Fourche Pipeline Company  
 PO Drawer 2360  
 Casper WY 82602

Application No.: 16788  
 R/W Purpose: a buried 16" crude oil pipeline  
 Lessee Agreement: needed  
 Acreage: 6.08  
 Compensation: \$16,021.00  
 Legal Description: 50-foot strip through W2W2, Sec. 36, Twp. 6S, Rge. 57E,  
 Carter County  
 Trust Beneficiary: Common Schools

### Item Summary

See page 24

### DNRC Recommendation

See page 24

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## Rights of Way Applications

January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Belle Fourche Pipeline Company  
 PO Drawer 2360  
 Casper WY 82602

Application No.: 16789  
 R/W Purpose: a buried 16" crude oil pipeline  
 Lessee Agreement: needed  
 Acreage: 6.08  
 Compensation: \$16,065.00  
 Legal Description: 50-foot strip through E2E2, Sec. 16, Twp. 9S, Rge. 57E,  
 Carter County  
 Trust Beneficiary: Common Schools

### Item Summary

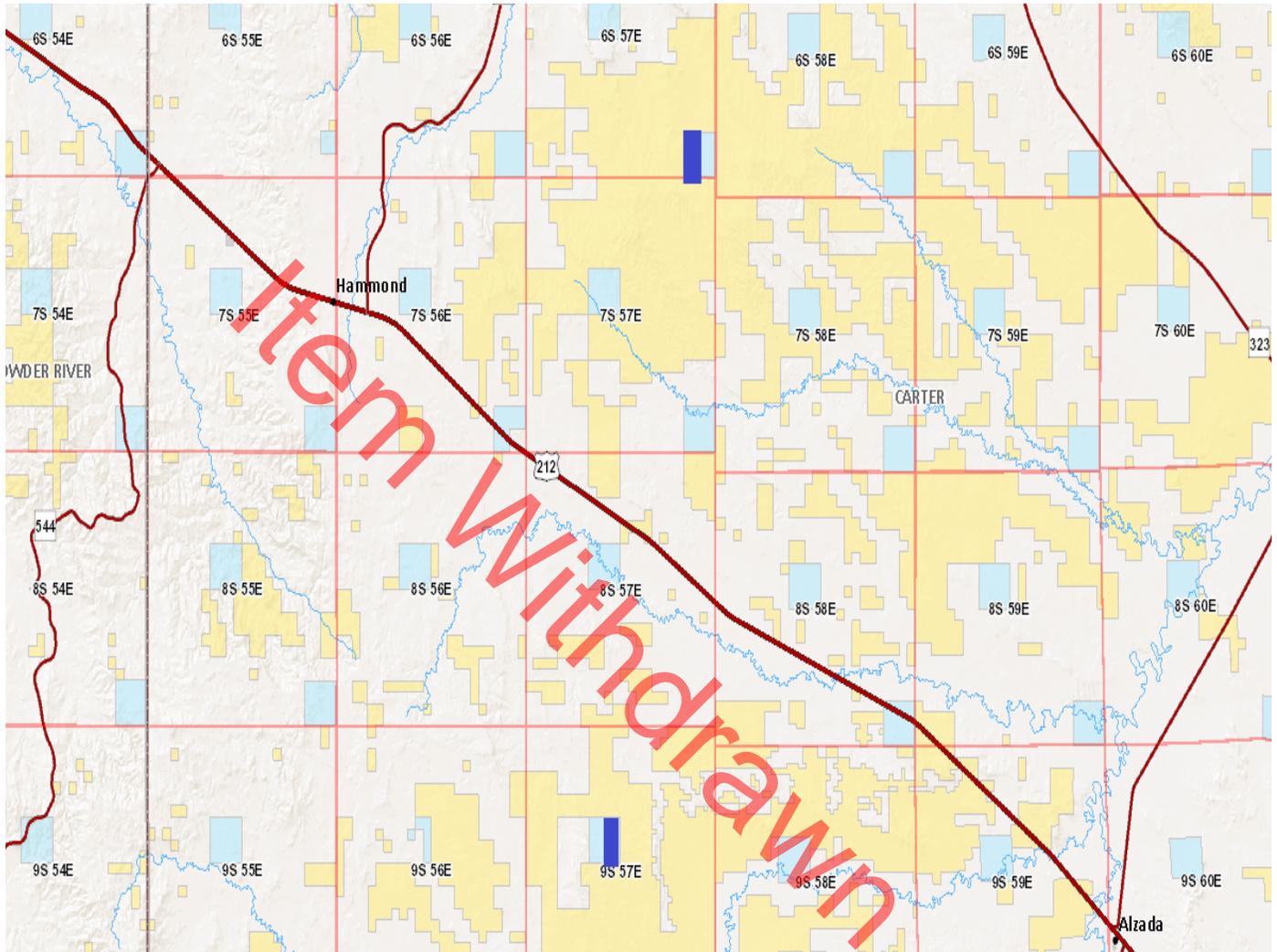
See page 24

### DNRC Recommendation

See page 24

# Rights of Way Applications

## January 20, 2015



# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Anderson Family Properties, LLC PO Box 1007 Canadian TX 79014
Application No.:	16790
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	0.021
Compensation:	\$350.00
Legal Description:	tract of land in SW4SW4, Sec. 16, Twp. 4S, Rge. 18E, Stillwater County
Trust Beneficiary:	Common Schools

### Item Summary

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

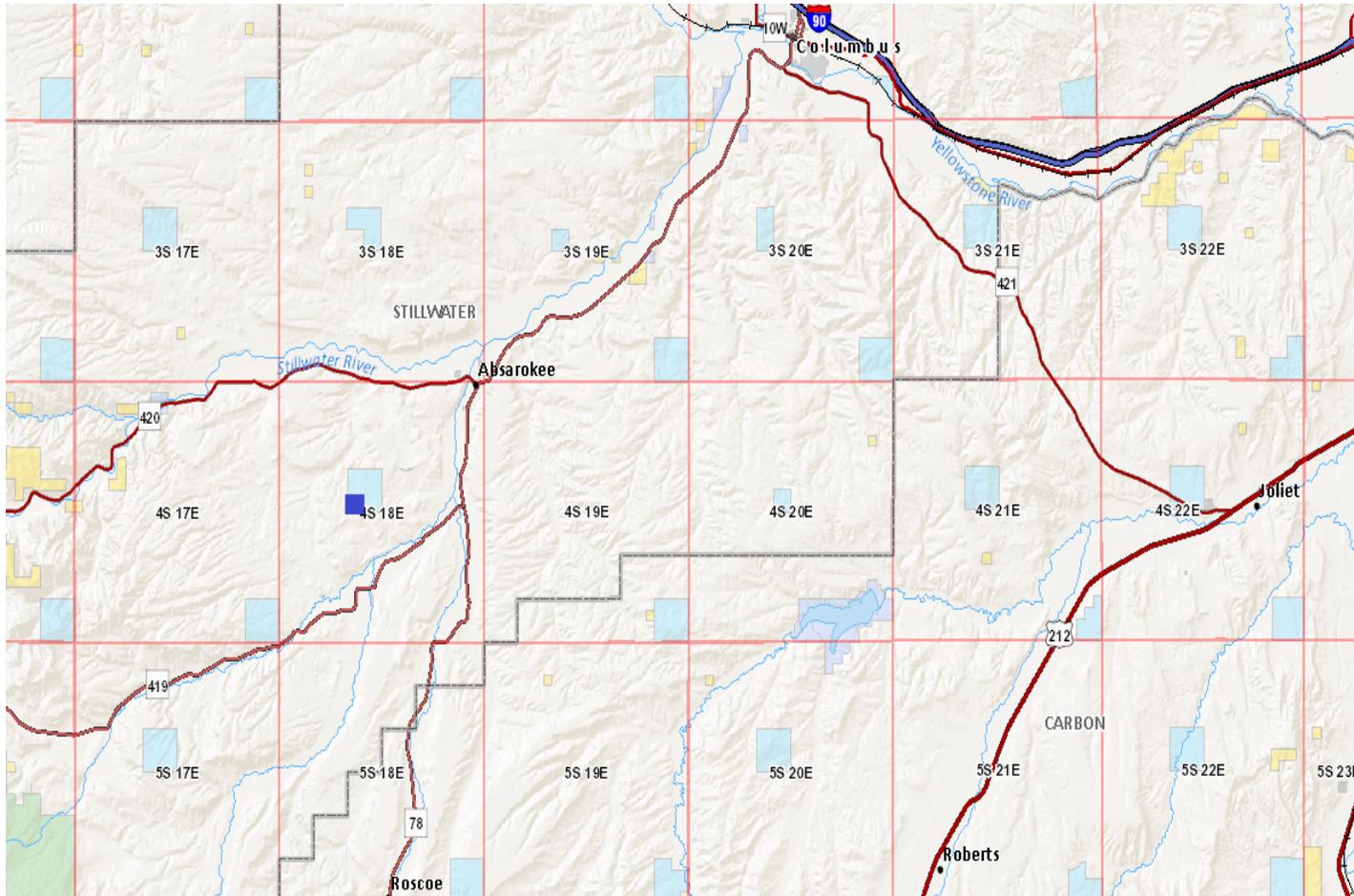
### DNRC Recommendation

The director recommends approval of this historic right of way application.

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# Rights of Way Applications

## January 20, 2015



## Rights of Way Applications

**January 20, 2015**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16793
R/W Purpose:	a public county road known as North Dunkirk Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.67
Compensation:	\$734.00
Legal Description:	30-foot strip through W2W2, Sec. 36, Twp. 35N, Rge. 1W, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

Toole County has made application for this county road that was constructed on state lands many years ago without proper authorization from the Land Board. Pursuant to 77-1-130, MCA the County is requesting recognition of this road as a historic right of way.

### Department Recommendation

The Director recommends approval of this historic right of way for Toole County.

---

## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16794
R/W Purpose:	a public county road known as North Devon Road
Lessee Agreement:	N/A (Historic)
Acreage:	11.85
Compensation:	\$3738.00
Legal Description:	30-foot strip through E2E2, Sec. 4, E2E2, Sec. 16, E2SE4, Sec. 33, Twp. 33N, Rge. 2E; E2SE4NE4, E2SE4, Sec. 33, Twp. 34N, Rge. 2E, Toole County
Trust Beneficiary:	Common Schools & Public Buildings

#### Item Summary

See page 32

#### Department Recommendation

See page 32

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## Rights of Way Applications

**January 20, 2015**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16795
R/W Purpose:	a public county road known as Eide School Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.68
Compensation:	\$736.00
Legal Description:	30-foot strip through E2E2, Sec.36, Twp. 35N, Rge. 2E, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

See page 32

### Department Recommendation

See page 32

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16796
R/W Purpose:	a public county road known as Cut Across Road (Gold Butte Road)
Lessee Agreement:	N/A (Historic)
Acreage:	3.29
Compensation:	\$658.00
Legal Description:	60-foot strip through N2SE4, SE4NE4, Sec. 16, Twp. 36N, Rge. 2E, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

See page 32

### Department Recommendation

See page 32

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16797
R/W Purpose:	a public county road known as Gus Blaze Road
Lessee Agreement:	N/A (Historic)
Acreage:	13.69
Compensation:	\$4461.00
Legal Description:	30-foot strip through S2S2, Sec. 1, Twp. 34N, Rge. 1E; S2SE4, Sec. 14, S2SE4, Sec. 16, S2S2, Sec. 18, N2NE4, Sec. 22, N2NW4NE4, Sec. 23, Twp. 34N, Rge. 2E, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

See page 32

### Department Recommendation

See page 32

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16798
R/W Purpose:	a public county road known as Green Road
Lessee Agreement:	N/A (Historic)
Acreage:	1.78
Compensation:	\$356.00
Legal Description:	30-foot strip through E2NE4, Sec. 4, Twp. 34N, Rge. 2W, Toole County
Trust Beneficiary:	Public Buildings

### Item Summary

See page 32

### Department Recommendation

See page 32

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## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16799
R/W Purpose:	a public county road known as East Broken Wheel Road
Lessee Agreement:	N/A (Historic)
Acreage:	1.8
Compensation:	\$360.00
Legal Description:	30-foot strip through S2SE4, Sec. 13, Twp. 33N, Rge 2W, Toole County
Trust Beneficiary:	Common Schools

#### Item Summary

See page 32

#### Department Recommendation

See page 32

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16800
R/W Purpose:	a public county road known as Pondera School Road
Lessee Agreement:	N/A (Historic)
Acreage:	1.83
Compensation:	\$1464.00
Legal Description:	30-foot strip through S2SW4, Sec. 17, Twp. 29N, Rge. 3E, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

See page 32

### Department Recommendation

See page 32

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16801
R/W Purpose:	a public county road known as Aschim Road
Lessee Agreement:	N/A (Historic)
Acreage:	9.16
Compensation:	\$3664.00
Legal Description:	30-foot strip through S2NW4 & 60-foot strip through S2NW4, SW4NE4, N2NE4, Sec. 36, Twp. 37N, Rge. 1W, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

See page 32

### Department Recommendation

See page 32

---

## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16802
R/W Purpose:	a public county road known as Buckley Road
Lessee Agreement:	N/A (Historic)
Acreage:	1.64
Compensation:	\$410.00
Legal Description:	30-foot strip through E2NE4, Sec. 8, Twp. 37N, Rge. 4W, Toole County
Trust Beneficiary:	Common Schools

#### Item Summary

See page 32

#### Department Recommendation

See page 32

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## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16803
R/W Purpose:	a public county road known as Hesla Road
Lessee Agreement:	N/A (Historic)
Acreage:	1.81
Compensation:	\$362.00
Legal Description:	30-foot strip through N2NE4, Sec. 30, Twp. 35N, Rge. 2W, Toole County
Trust Beneficiary:	Public Buildings

#### Item Summary

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#### Department Recommendation

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## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16804
R/W Purpose:	a public county road known as Potter Road
Lessee Agreement:	N/A (Historic)
Acreage:	0.92
Compensation:	\$184.00
Legal Description:	30-foot strip through Government Lot 4, Sec. 4, Twp. 33N, Rge. 3W, Toole County
Trust Beneficiary:	Public Buildings

#### Item Summary

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#### Department Recommendation

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## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16805
R/W Purpose:	a public county road known as Rim Road
Lessee Agreement:	N/A (Historic)
Acreage:	13.1
Compensation:	\$2893.00
Legal Description:	60-foot strip through S2SW4 Sec. 24 & SE4NE4 Sec. 25, Twp. 35N, Rge. 4W; 30-foot strip through Government Lots 3 & 4 Sec. 30, Twp. 35N, Rge. 3W, W2SE4, SW4NE4, Sec. 10, E2SE4, Sec. 15 and NE4NE4, Sec. 27, Twp. 36N, Rge. 4W, Toole County
Trust Beneficiary:	Common Schools & Public Buildings

#### Item Summary

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#### Department Recommendation

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16807
R/W Purpose:	a public county road known as Nine Mile Road
Lessee Agreement:	N/A (Historic)
Acreage:	0.73
Compensation:	\$292.00
Legal Description:	30-foot strip through Government Lot 1, Sec. 18, Twp. 36N, Rge. 1E, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

See page 32

### Department Recommendation

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16808
R/W Purpose:	a public county road known as Strawberry Road
Lessee Agreement:	N/A (Historic)
Acreage:	6.84
Compensation:	\$2736.00
Legal Description:	30-foot strip through SE4NE4, Sec. 35; 30-foot strip through W2NW4 & 60-foot strip through W2SW4, SE4SW4 Sec 36, Twp. 37N, Rge. 3E, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

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### Department Recommendation

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16809
R/W Purpose:	a public county road known as Jap Evans Road
Lessee Agreement:	N/A (Historic)
Acreage:	7.2
Compensation:	\$2330.00
Legal Description:	30-foot strip through N2NW4, Sec. 9 & N2NE4, Sec. 10, Twp. 32N, Rge. 1E; Government Lot 7, SE4SW4, Sec. 6, NE4NE4, Sec. 11 & NW4NW4, Sec. 12, Twp. 32N, Rge. 2E, Toole County
Trust Beneficiary:	Common Schools & Public Buildings

### Item Summary

See page 32

### Department Recommendation

See page 32

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16810
R/W Purpose:	a public county road known as Holtz Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.65
Compensation:	\$2920.00
Legal Description:	30-foot strip through N2N2, Sec. 16, Twp. 37N, Rge. 2W, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

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### Department Recommendation

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16811
R/W Purpose:	a public county road known as Oilmont Highway
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$728.00
Legal Description:	30-foot strip through S2S2, Sec. 36, Twp. 35N, Rge. 3E, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

See page 32

### Department Recommendation

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# Rights of Way Applications

## January 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16812
R/W Purpose:	a public county road known as South Bootlegger Road
Lessee Agreement:	N/A (Historic)
Acreage:	2.35
Compensation:	\$646.00
Legal Description:	60-foot strip through NE4NW4, Sec. 35, Twp. 30N, Rge. 3E, Toole County
Trust Beneficiary:	Public Buildings

### Item Summary

See page 32

### Department Recommendation

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## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16814
R/W Purpose:	a public county road known as Aloe Road
Lessee Agreement:	N/A (Historic)
Acreage:	8.2
Compensation:	\$1640.00
Legal Description:	60-foot strip through E2NE4, SW4NE4, SE4SW4, Sec. 16, Twp. 34N, Rge. 3W, Toole County
Trust Beneficiary:	Common Schools

#### Item Summary

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#### Department Recommendation

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## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16815
R/W Purpose:	a public county road known as Greenhill School Road
Lessee Agreement:	N/A (Historic)
Acreage:	5.05
Compensation:	\$1010.00
Legal Description:	30-foot strip through S2SE4, Sec. 14; N2NW4, NE4NE4, Sec. 23; NW4NW4, Sec. 24, Twp. 33N, Rge. 2E, Toole County
Trust Beneficiary:	Common Schools & Public Buildings

#### Item Summary

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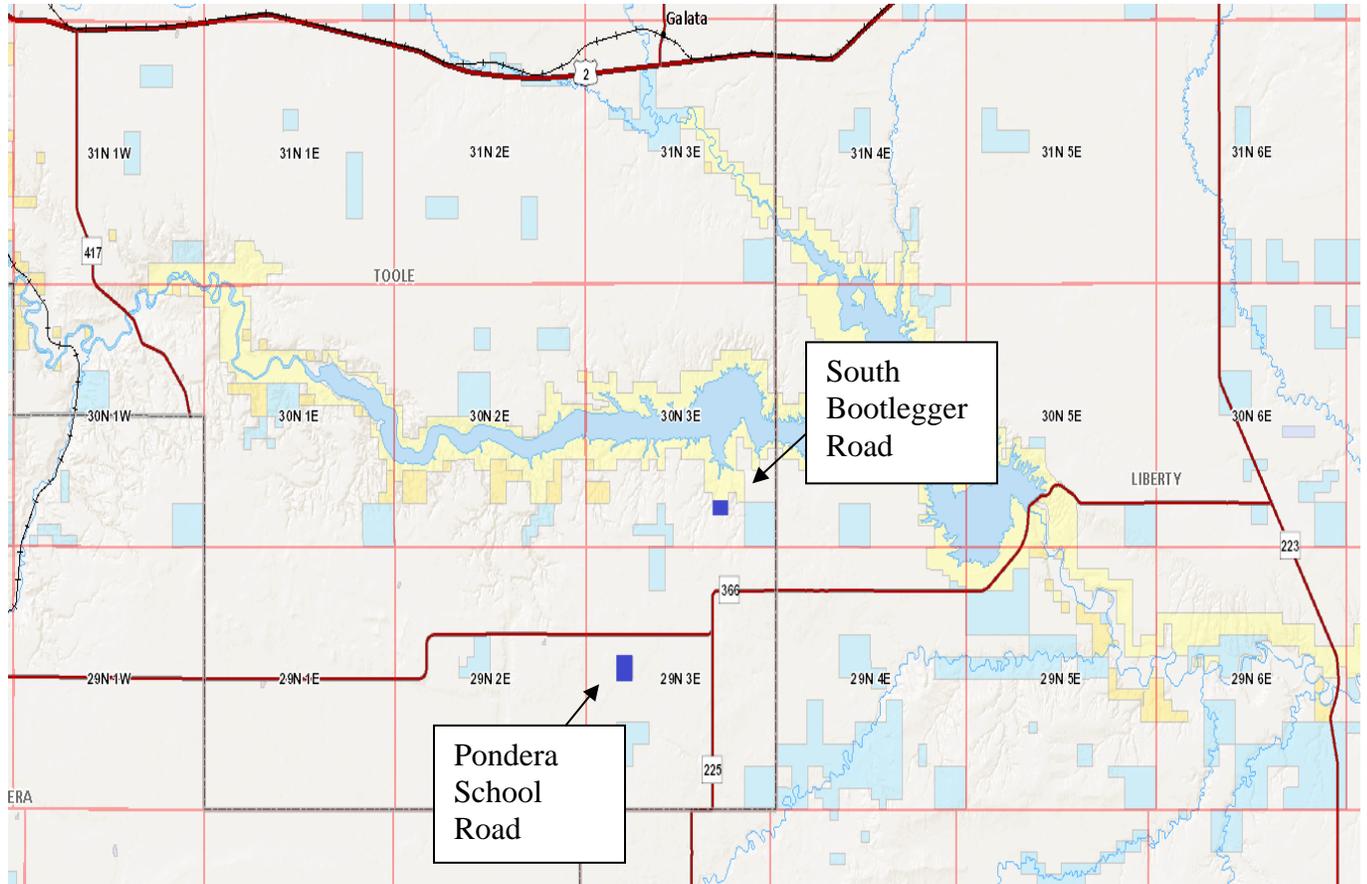
#### Department Recommendation

See page 32

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# Rights of Way Applications

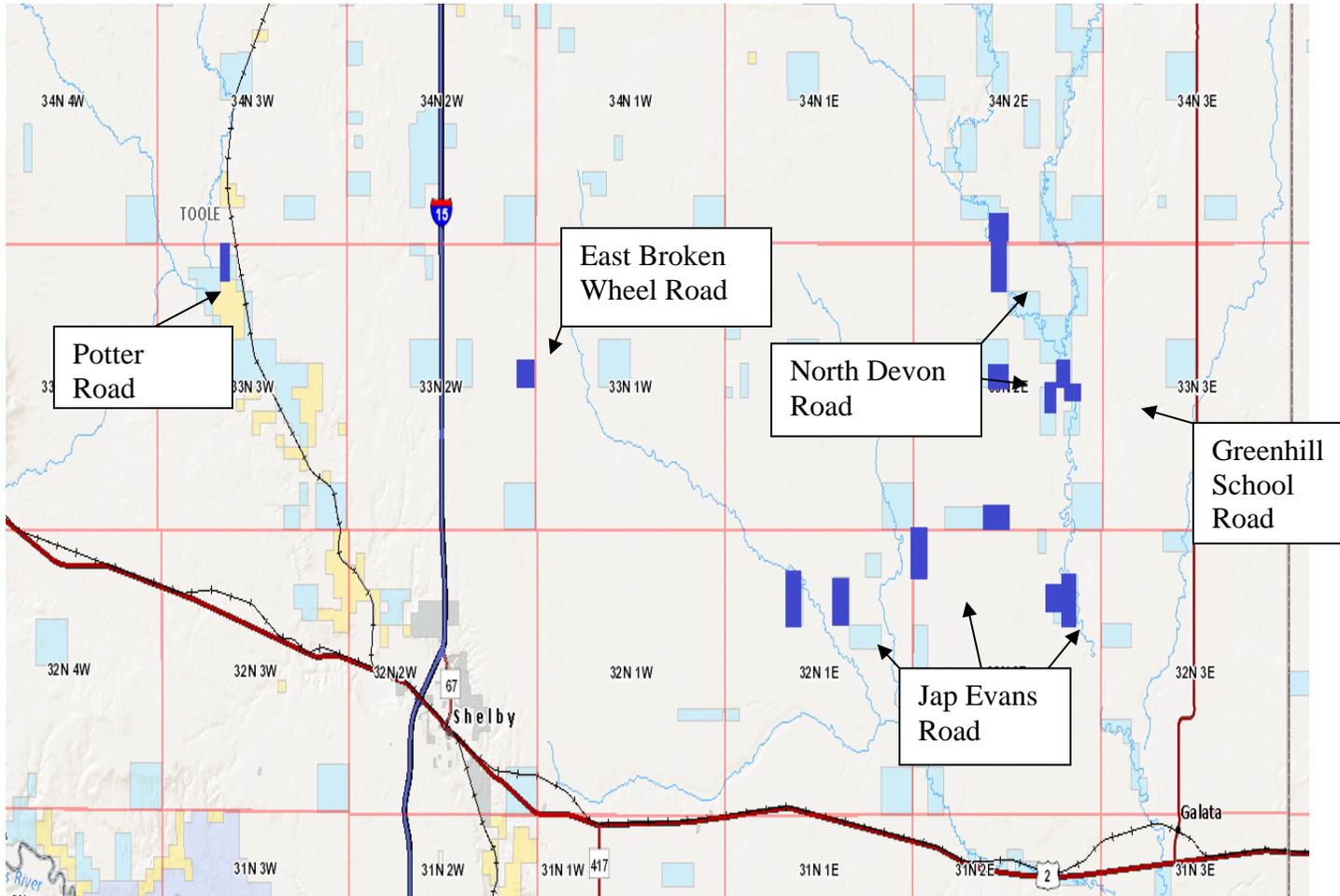
## January 20, 2015



App # 16800 & 16812

# Rights of Way Applications

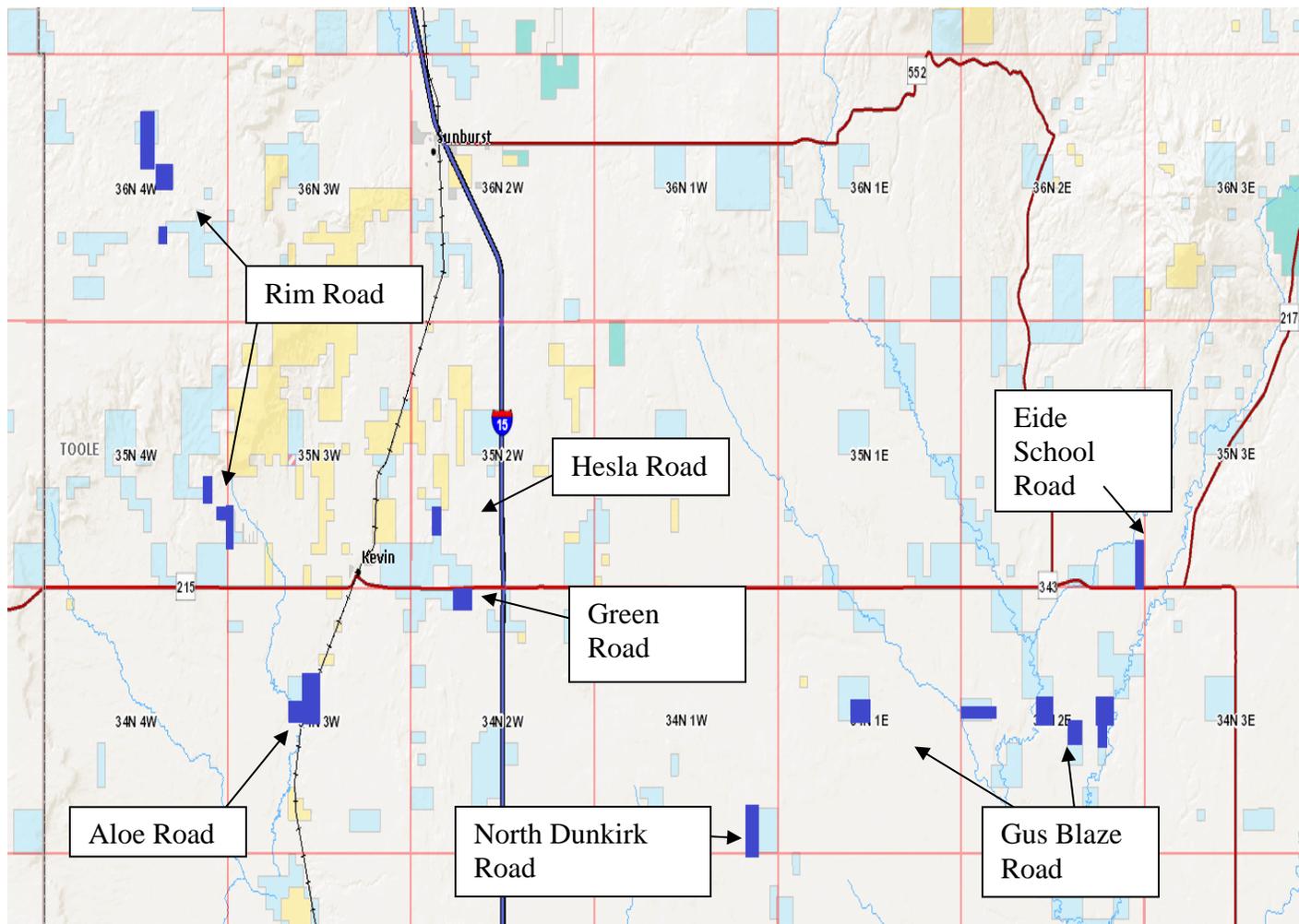
## January 20, 2015



App #'s 16794, 16799, 16804, 16809, 16815

# Rights of Way Applications

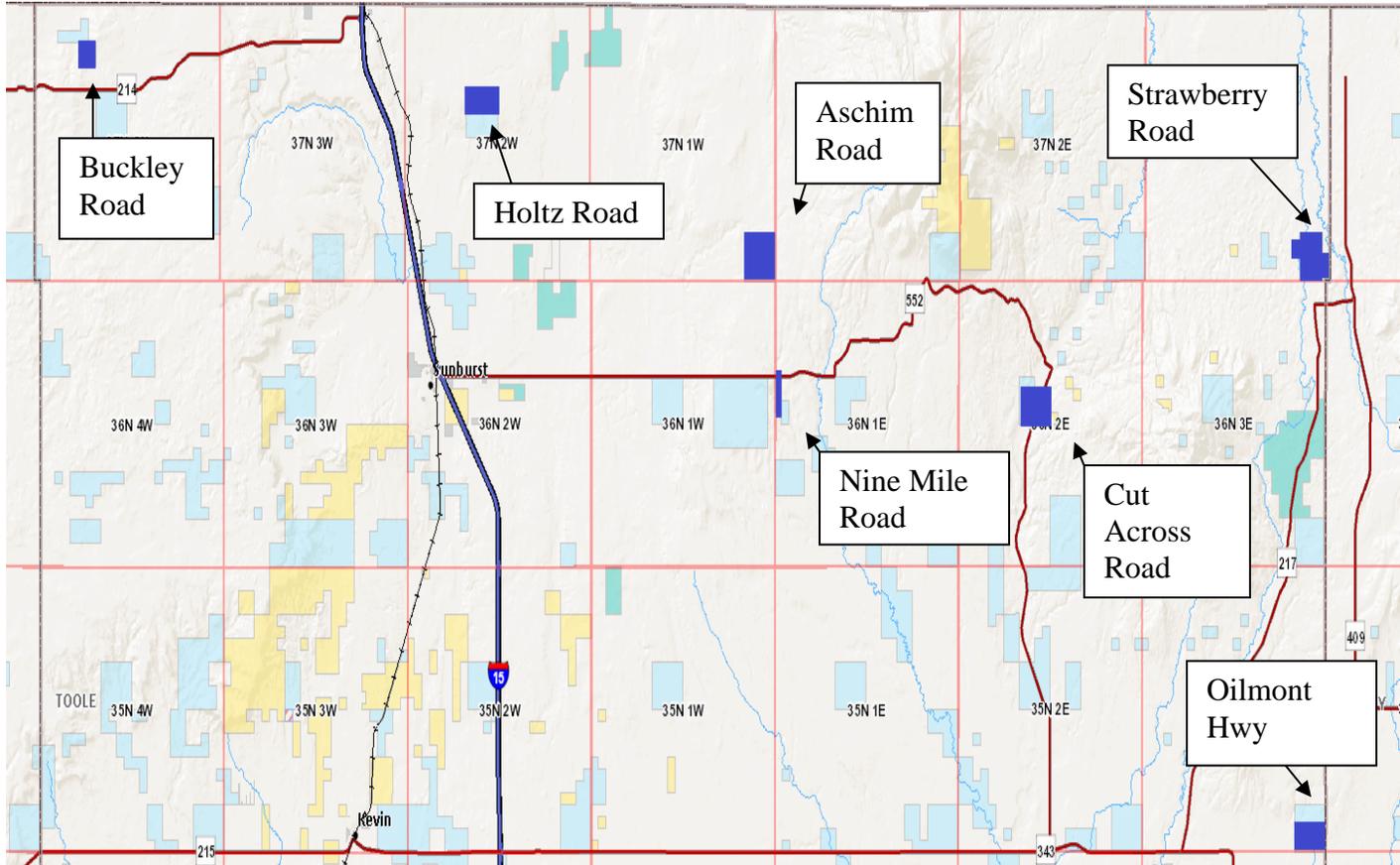
## January 20, 2015



App #'s 16793, 16795, 16797, 16798, 16803, 16805, 16814

# Rights of Way Applications

## January 20, 2015



App #'s 16796, 16801, 16802, 16807, 16808, 16810, 16811

## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Marias River Ranches, Inc. PO Box 571 Shelby MT 59474
Application No.:	16840
R/W Purpose:	a private access road to two family residences and associated outbuildings and for the purpose of conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	1.72
Compensation:	\$516.00
Legal Description:	30-foot strip through NE4NE4, SW4NE4 Toole County
Trust Beneficiary:	Public Buildings

#### Item Summary

Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of access to two family residences and associated outbuildings and for conducting normal farming and ranching operations. The road has been in place for years and authorization for continued use is being requested pursuant to 77-1-130, MCA, which allows for recognition of such historic access.

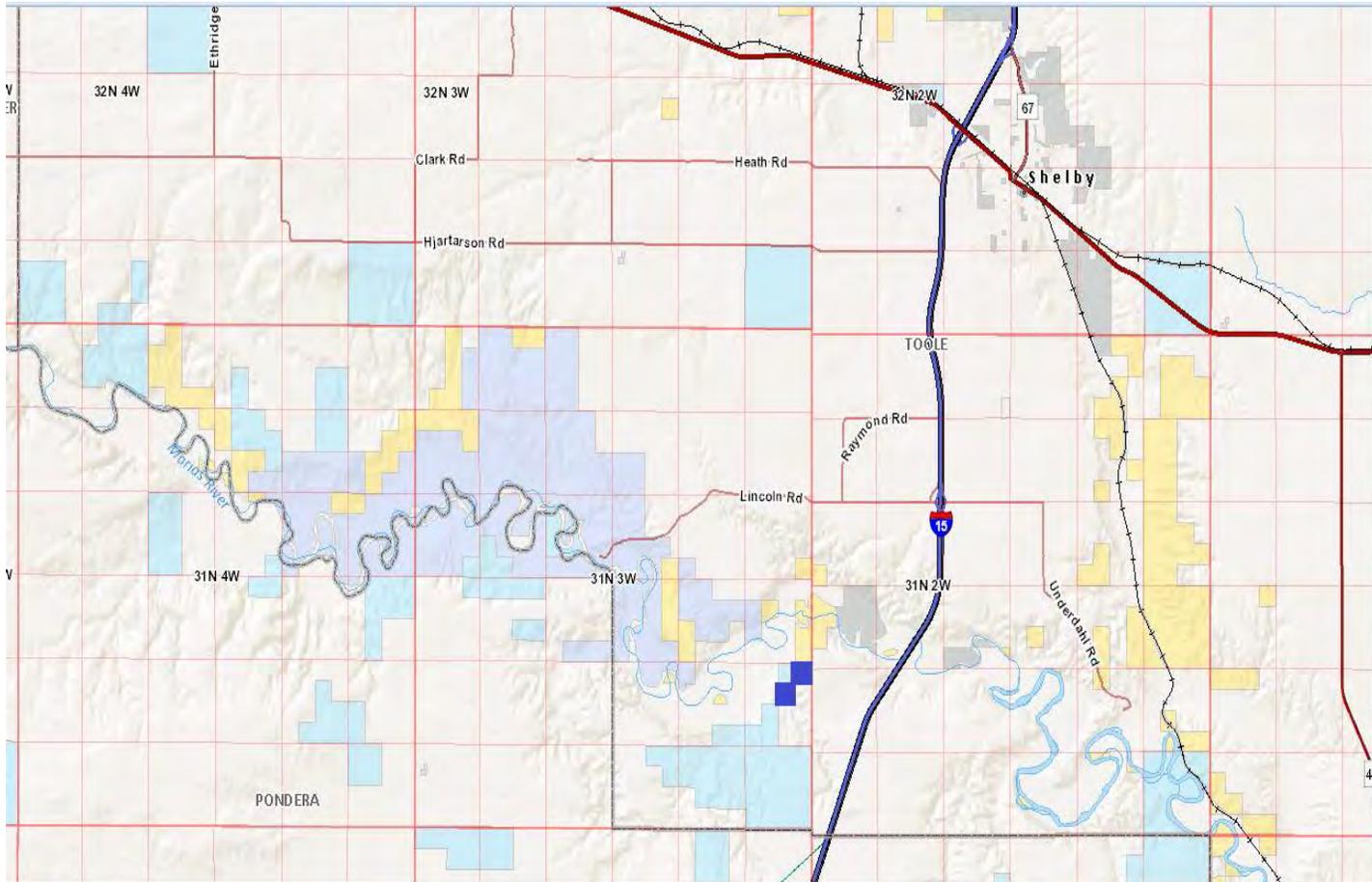
#### Department Recommendation

The director recommends approval of this historic right of way application.

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# Rights of Way Applications

## January 20, 2015



# 115-5

## HISTORIC RIGHT OF WAY PROGRAM

**Land Board Agenda Item  
January 20, 2015**

**115-5 Historic Right of Way Program**

**Location: State of Montana**

**Trust Benefits: All Trusts**

**Item Summary**

The Historic Rights of Way statute ([77-1-130](#), MCA) went into effect October 1, 2001 as a temporary authorization to address trespass use of state trust land prior to 1997. The statute specifically directs the application process for county government, private individuals and utility operators whose roads and facilities have not been previously legally cited. Originally designed to sunset on October 1, 2006, the statute was extended by the Legislature in 2005 and 2011 to allow potential applicants more time to comply. Currently, the statute will expire on October 1, 2015.

The statute also provides deviations from the standard easement process so as to encourage compliance, as well as simplify the process for Department of Natural Resources and Conservation (DNRC) staff. These departures include three major components of the existing standard easement process:

- survey completed by a licensed surveyor or professional engineer is not required;
- settlement of damages with the state surface lessee is not required;
- DNRC is not required to analyze historic use under the Montana Environmental Policy Act (MEPA).

In the effort to promote compliance with the statute, DNRC has:

- conducted informational meetings and training sessions for the Montana Cooperatives Association members and placed informational articles within their publications;
- Attended district and annual meetings and made presentations to the membership of the Montana Association of Counties (MACo), as well as the Montana Association of County Road Supervisors (MACRS). In addition, DNRC meets periodically with individual county commissioners.

Since 2002 DNRC has processed the following, by category:

**County Roads:**

- 575 county road easements issued
- \$609,000 collected in trust revenue
- County participation – see attached spreadsheet

Private Access Roads:

- 236 private access road easements issued
- \$375,000 collected in trust revenue

Utilities:

- 2,076 utility facility easements issued
- \$752,500 collected in trust revenue

**COUNTY ROAD FIGURES AS OF DECEMBER, 2014**

County	Granted under Historic ROW	App. Received In Process	Processed - No Payment (not issued)	Existing ROW's Prior to Historic ROW Statute*	Compensation Paid to Trusts Per Historic ROW Grants
Beaverhead	60			7	\$119,896
<b>Big Horn</b>	NO ROW ISSUED ON STATE TRUST LAND				
Blaine	16	45		33	\$53,956
Broadwater	1				\$3,880
Carbon				11	
Carter	30			3	\$8,292
Cascade	13				
Chouteau				13	
Custer				4	
Daniels				253	
Dawson	41	8	1	12	\$30,811
<b>Deer Lodge</b>	NO ROW ISSUED ON STATE TRUST LAND				
Fallon	77			19	\$26,615
Fergus	28	12		9	\$50,331
Flathead	2		3	37	\$9,971
Gallatin				12	
Garfield				2	
Glacier				2	
Golden Valley	9			1	\$13,844
Granite				7	
Hill			8	61	
Jefferson				6	
Judith Basin			1	15	
Lake				1	
Lewis & Clark	1				\$12,960
Liberty	2	3		22	\$9,765
Lincoln				3	
Madison	1			6	\$2,029
McCone	11	40		26	\$5,453

Meagher				1	
Mineral				6	
Missoula			1	6	
Musselshell	1			7	\$1,280
Park				3	
Petroleum		1			
Phillips				34	
Pondera	2			17	\$1,032
<b>Powder River</b>	NO ROW ISSUED ON STATE TRUST LAND				
Powell	4			1	\$26,635
Prairie	53	1		7	\$23,463
Ravalli				1	
Richland	79			32	\$33,928
Roosevelt	22			9	\$18,161
Rosebud		6		4	
Sanders				25	
Sheridan				20	
<b>Silver Bow</b>	NO ROW ISSUED ON STATE TRUST LAND				
Stillwater				25	
Sweet Grass				3	
Teton	2		2	14	\$2,710
Toole		44		51	
<b>Treasure</b>	NO ROW ISSUED ON STATE TRUST LAND				
Valley	85	2		215	\$52,444
Wheatland				5	
<b>Wibaux</b>	NO ROW ISSUED ON STATE TRUST LAND				
Yellowstone	35			36	\$101,563

**\$609,019**

\*It is believed that quite a few of the roads granted under these earlier easements were never constructed in the location provided in the easement.