

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
February 17, 2015, at 9:00
Justice Building, 215 N. Sanders, Supreme Court Chambers
Helena, MT

ACTION ITEMS

- 215-1** **Timber Sale: Heyers Gulch**
Benefits: Lands Acquired – Public Schools, Common Schools
Location: Missoula County
Approved 5-0
- 215-2** **Land Banking Parcels: Set Minimum Bid for Sale**
- A. Carter County**
Benefits: Common Schools
Location: Carter County
Approved 5-0
- B. Custer County**
Benefits: Common Schools
Location: Custer County
Approved 5-0
- C. Fergus County**
Benefits: Common Schools
Location: Fergus County
Approved 5-0
- D. Garfield County**
Benefits: Common Schools
Location: Garfield County
Approved 5-0
- E. McCone County**
Benefits: Common Schools
Location: McCone County
Approved 5-0
- F. Powder River County**
Benefits: Common Schools
Location: Powder River County
Approved 5-0
- G. Wheatland County**
Benefits: Common Schools
Location: Wheatland County
Approved 5-0
- 215-3** **Easements**
- A. DNRC Easements**
Benefits: Common Schools, Public Buildings
Location: Big Horn, Dawson, Fallon, Fergus, Musselshell, Phillips, Toole Counties
Approved 5-0
- B. Reciprocal Access Agreement: Shallenberger**
Benefits: Common Schools, Public Buildings
Location: Sanders County
Approved 5-0

PUBLIC COMMENT

215-1

TIMBER SALE

Heyers Gulch

**Land Board Agenda Item
February 17, 2015**

215-1 Timber Sale: Heyers Gulch

Location: Missoula County

Trust Benefits: Common Schools, Acquired Lands – Public Schools

Trust Revenue: \$50,613 (estimated, minimum bid)

Item Summary

The Heyers Gulch timber sale is located approximately 12 air miles east of Missoula, MT. The sale includes 11 harvest units totaling 203 acres with an estimated sale volume of 7,476 tons (1.16 MMBF). The minimum bid values is \$6.77 per ton which would generate approximately \$49,076 for the Common Schools trust and \$1,537 for the Acquired Lands – Public Schools trust, and \$26,316 in forest improvement fees. This project involves Habitat Conservation Plan (HCP) parcels and complies with the HCP.

Silvicultural prescriptions were designed to salvage Douglas-fir sawtimber at high risk to mortality, i.e. affected by root rots and Douglas-fir beetle. Modified shelterwood treatments would favor retention of large diameter ponderosa pine and western larch as both seed trees and to maintain the potential for old growth development and achievement of desired future conditions. A combination of thinning from below and crown thinning have been prescribed to reduce stocking so as to improve stand vigor, reduce the risk of both insect attack and stand replacement fire, and promote regeneration of ponderosa pine and western larch. The treatment would improve species composition through retention of root rot resistant species. For this timber sale, 81 acres would be tractor harvested and 122 acres would be cable (skyline) harvested. Approximately 25 acres were identified as old growth ponderosa pine within the project area that would be affected by harvest. Within this area a minimum of eight old large diameter ponderosa pine trees per acre would be retained to satisfy the minimum number of large diameter trees per acre required to satisfy that specified by Green et al. (1992).

This timber sale would include approximately 3.9 miles of permanent new road construction. Approximately 4.9 miles of existing road would receive maintenance. Approximately 18.7 miles of existing road would be improved or reconstructed to increase road surface drainage. Motorized access would remain restricted within the project area post-harvest.

The access to this timber sale from county roads is solely on Department of Natural Resources and Conservation (DNRC) ownership.

Comments from the general public, interest groups and agency specialists (DNRC) were solicited in April, 2012. A Legal Notice was run in the *Missoulian*, on April 18, 22, 25 and 29. Scoping notices were sent to 71 individuals and or organizations (a list of the organizations/individuals contacted is available in the project file). The scoping notice was made available on the DNRC website and distributed internally within the DNRC as well. Scoping notices were mailed to adjacent landowners. The Tribal Preservation Office of the

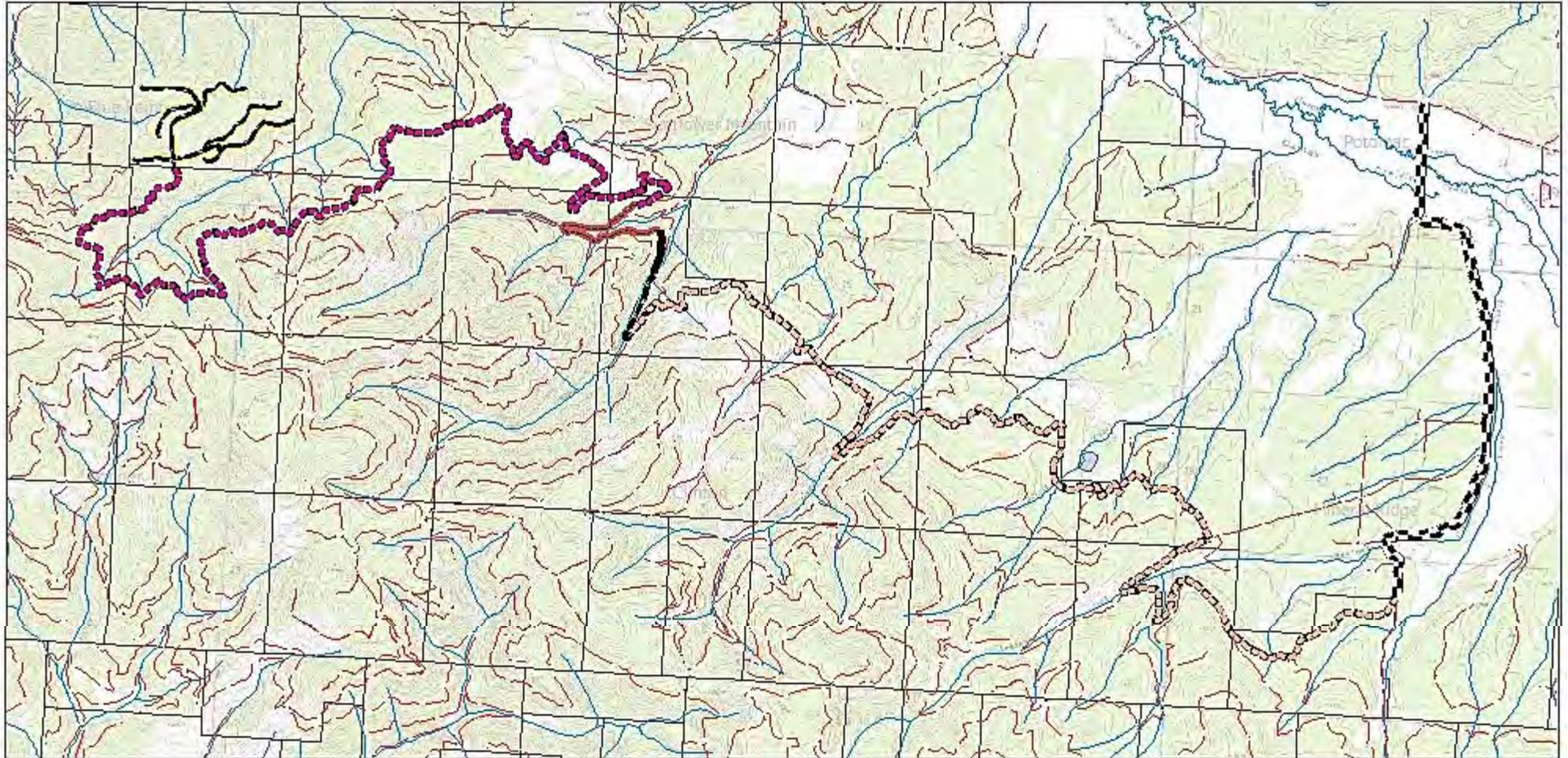
Confederated Salish and Kootenai Tribes expressed concern about protection of any cultural resources within the project area, including culturally modified trees. Several residents and the Missoula County Department of Public Works expressed concerns about road use issues, including: safety, dust, maintenance and repairs. Several individuals expressed concern that continued timber harvest within affected drainages could negatively impact forest cover important to elk and deer; and that any mature forest cover existing within the project area is unique and rare. DNRC incorporated all of these public comments into the design of the project to mitigate issues important to the public regarding old growth habitat, cultural resources, and public safety. These mitigations include but are not limited to haul route planning, large tree retention in appropriate harvest units, and no net increase in open road densities

DNRC Recommendation

The director recommends the Land Board direct DNRC to sell the Heyers Gulch timber sale.



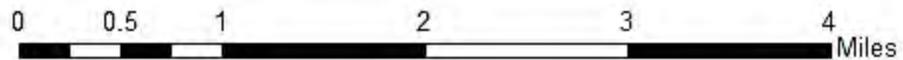
**Heyer's Gulch Timber Sale
Haul Route and New Construction
DNRC-MISSOULA UNIT**



Haul_Route

-  Ashby Creek Road
-  Bear Creek Road
-  Bear Heyers Haul Route
-  Heyers Gulch Lower Haul Route
-  Hilltop Road
-  Section 24 Connector

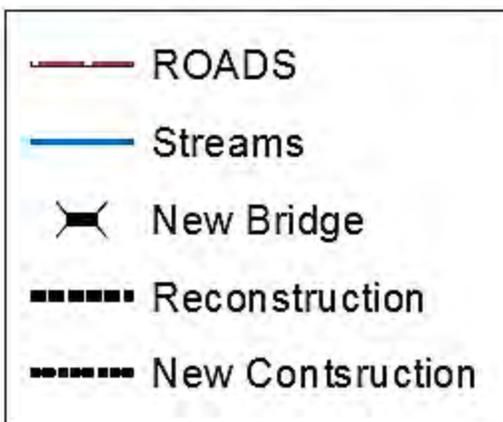
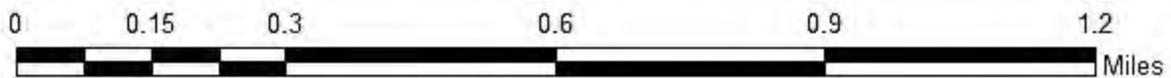
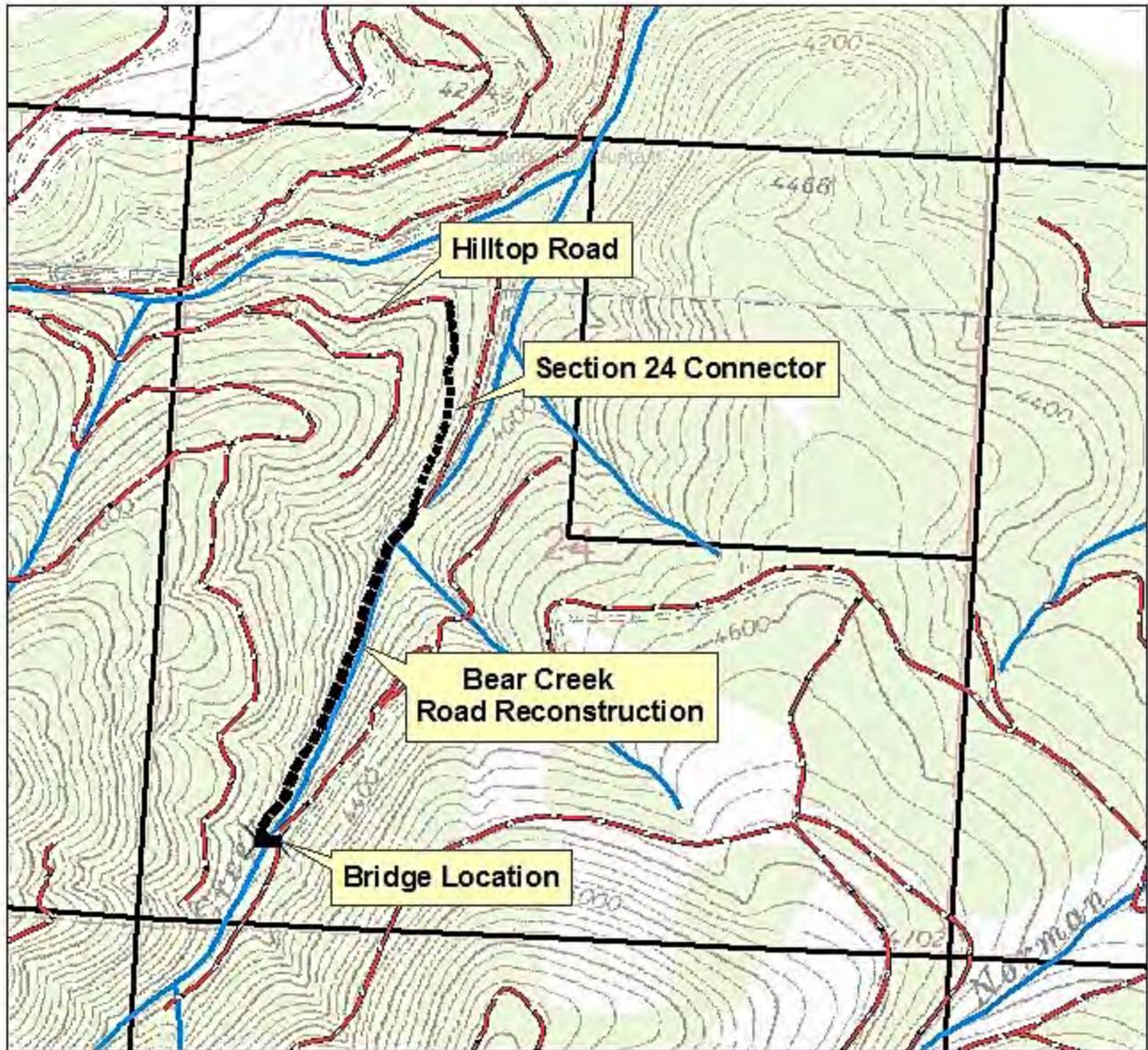
-  Heyers New Construction
-  ROADS
-  Streams

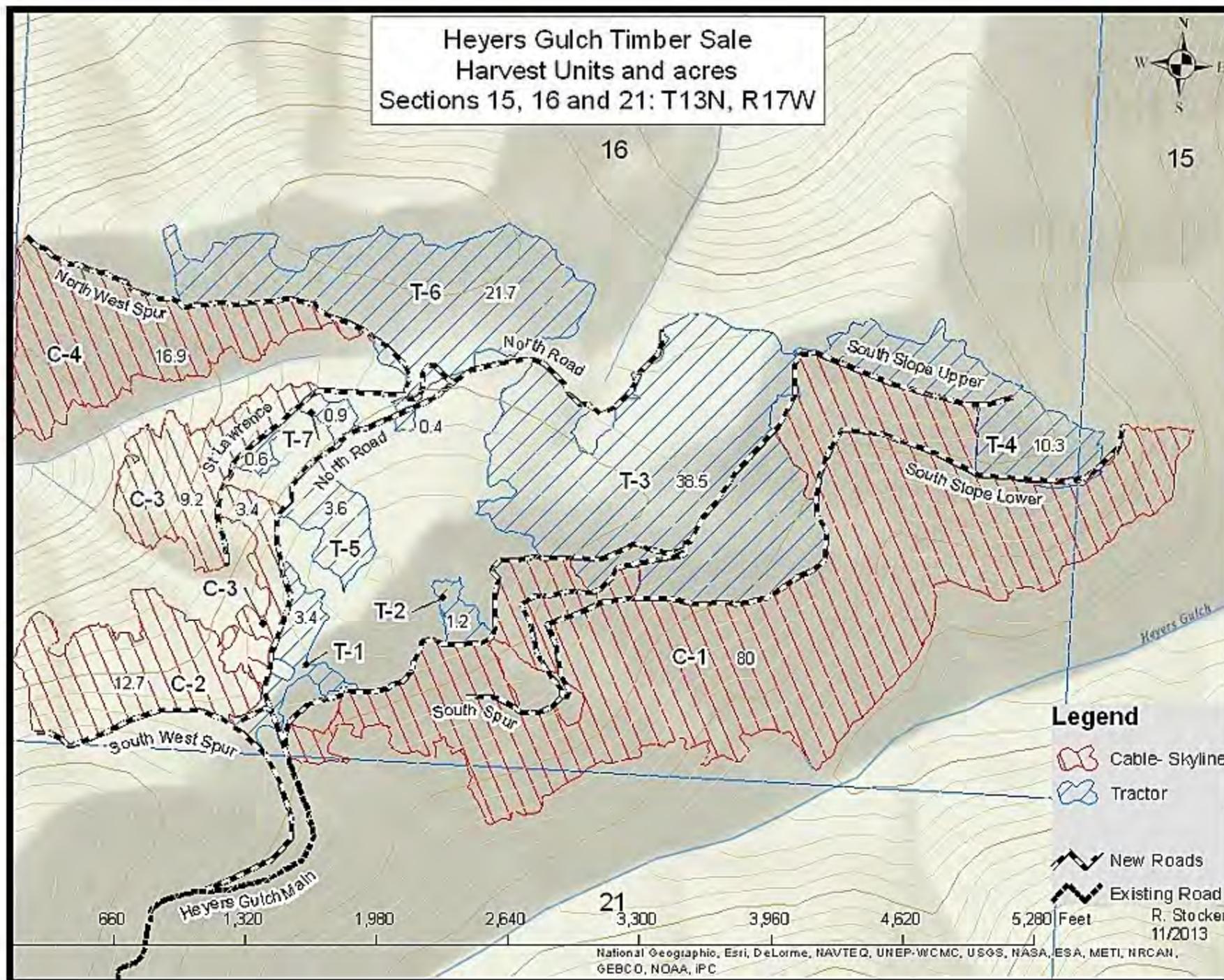




Heyer's Gulch Timber Sale

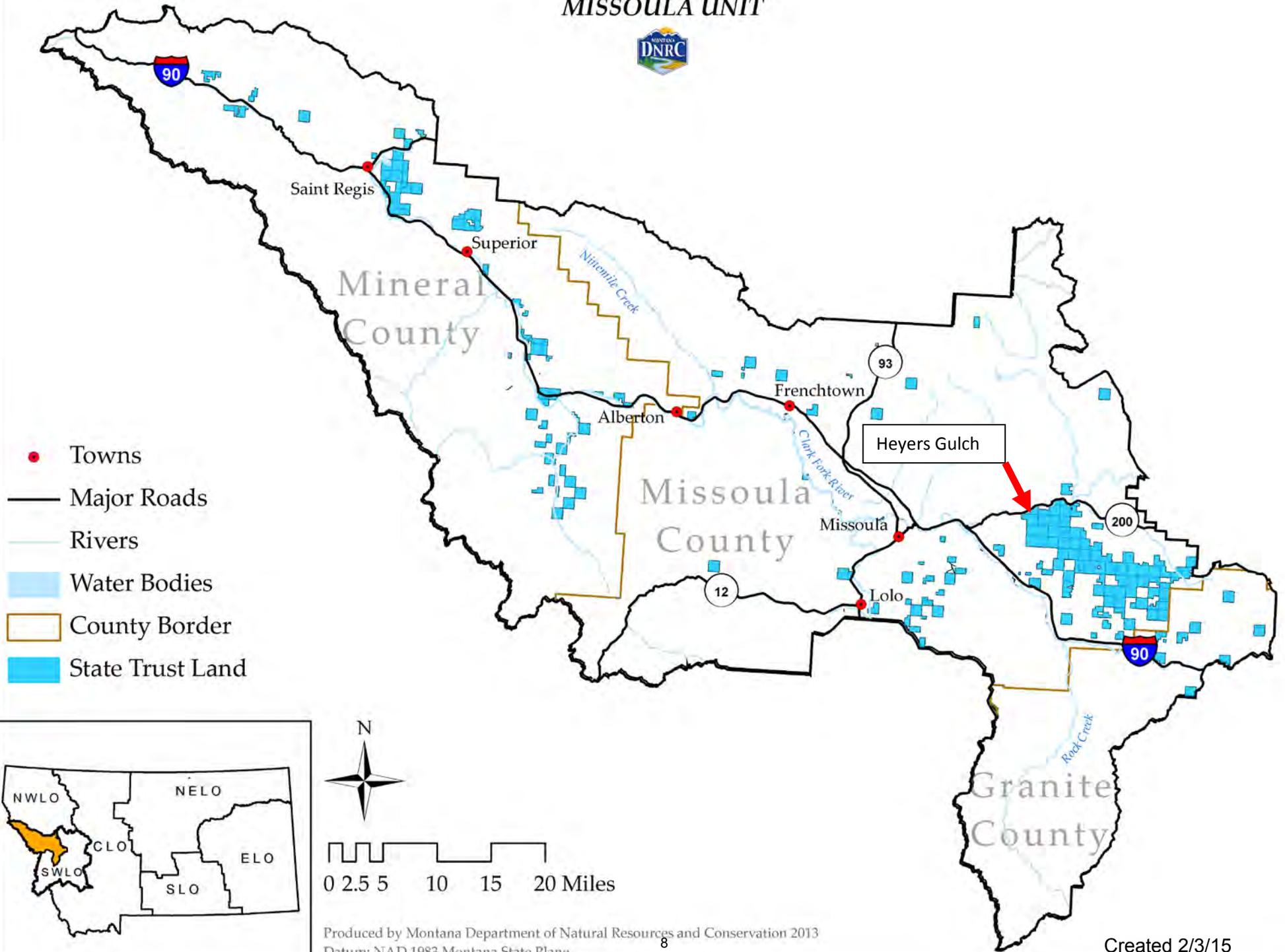
Sec 24 T13N R17W
DNRC-MISSOULA UNIT





HEYERS GULCH VICINITY MAP MISSOULA UNIT

215-1



215-2

LAND BANKING PARCELS: SET MINIMUM BID FOR SALE

- A. Carter County
- B. Custer County
- C. Fergus County
- D. Garfield County
- E. McCone County
- F. Powder River County
- G. Wheatland County

**Land Board Agenda Item
February 17, 2015**

215-2A Land Banking Parcel: Set Minimum Bid for Sale

Location: Carter County

Trust Benefits: Common Schools

Trust Revenue: \$204,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one parcel totaling 640 acres which was nominated for sale in Carter County. The sale was nominated by the lessee and is located approximately 10 miles north of the Wyoming-Montana Border.

Sale #	# of Acres	Legal	Nominator	Trust
61	640±	ALL, Section 16, T8S-R56E	Century Ranch LLC	Common Schools

Sale parcel 61 is used primarily for livestock grazing purposes. The parcel has average productivity for grazing lands statewide.

The parcel is not legally accessible by the public.

No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 0.62 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 the department'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 2.35 percent on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

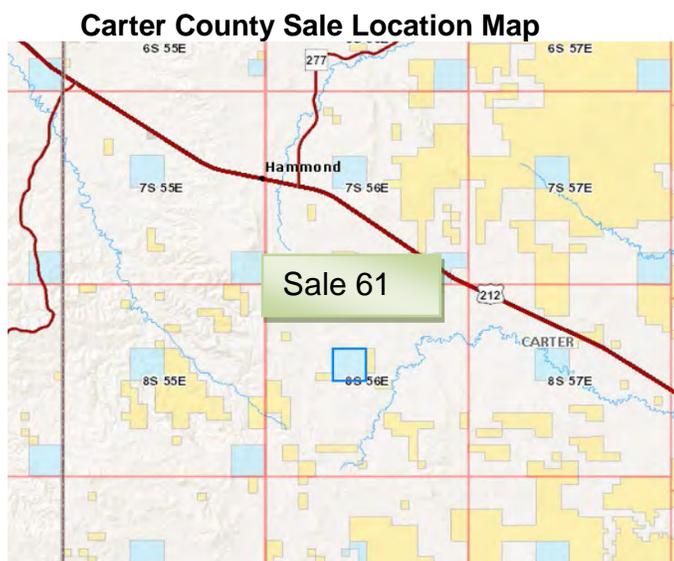
The state parcel nominated for sale (Section 16, T8S R56E) was inventoried to Class III standards for cultural and paleontological resources. No *Antiquities*, as defined under the Montana State Historic Preservation Act, were identified. Further, neither Judith River nor Hell Creek geological formations occur on or beneath the ground surface of the subject state tract. A formal report of findings has been prepared and filed with the Montana State Historic Preservation Office per the requirements of the Montana State Antiquities Act.

Appraised Value of sale parcel:

Sale #	Appraised Value With Access	Appraised Value per acre	Recommended Minimum Bid
61	\$204,000	\$319	\$204,000

DNRC Recommendation

The director recommends the Land Board set the minimum bid for the parcel at the appraised value with access shown above.

**Sale #61**

ALL, Section 16, T8S-R56E
Century Ranch, LLC



**Land Board Agenda Item
February 17, 2015**

215-2B Land Banking Parcel: Set Minimum Bid for Sale

Location: Custer County

Trust Benefits: Common Schools

Trust Revenue: \$252,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one parcel totaling 752.32 acres which was nominated for sale in Custer County. The sale was nominated by the lessee and is located approximately 36 miles southeast of Miles City.

Sale #	# of Acres	Legal	Nominator	Trust
232	752.32±	ALL, Section 36, T5N-R51E	Jeff & Susan Peila	Common Schools

Sale parcel 232 is used primarily for livestock grazing purposes. The parcel has average productivity for grazing lands statewide.

The parcel is not legally accessible by the public.

No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 0.60 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 the department'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 2.35 percent on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

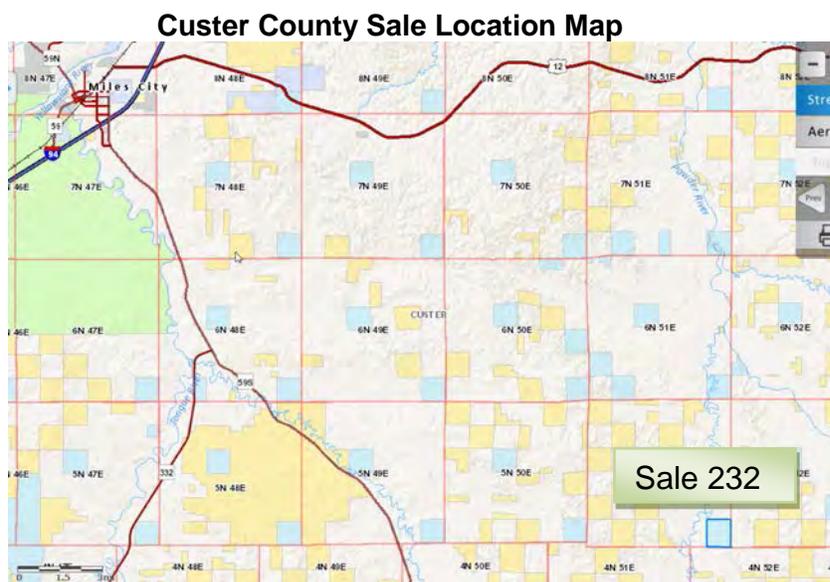
The state parcel nominated for sale (Section 36 T5N R51E) was inventoried to Class III standards for cultural and paleontological resources. No *Antiquities*, as defined under the Montana State Historic Preservation Act, were identified. Further, neither Judith River nor Hell Creek geological formations occur on or beneath the ground surface of the subject state tract. A formal report of findings has been prepared and filed with the Montana State Historic Preservation Office per the requirements of the Montana State Antiquities Act.

Appraised Value of sale parcel:

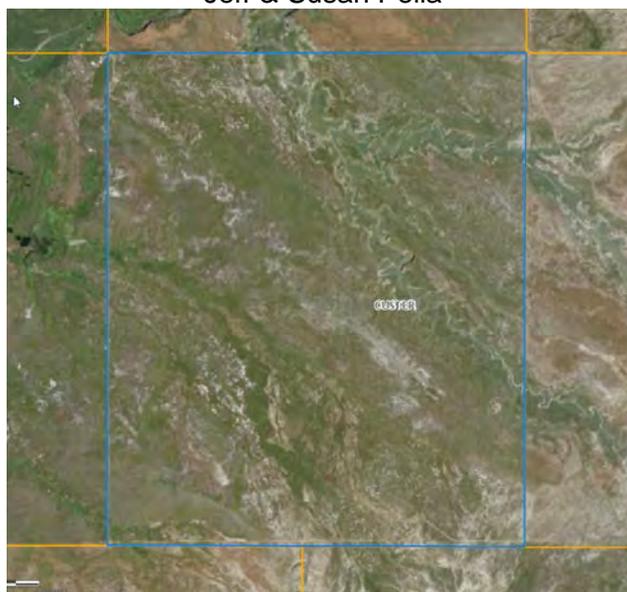
Sale #	Appraised Value With Access	Appraised Value per acre	Recommended Minimum Bid
232	\$252,000	\$335	\$252,000

DNRC Recommendation

The director recommends the Land Board set the minimum bid for the parcel at the appraised value with access shown above.



Sale #232
 ALL, Section 36, T5N-R51E
 Jeff & Susan Peila



**Land Board Agenda Item
February 17, 2015**

215-2C Land Banking Parcel: Set Minimum Bid for Sale

Location: Fergus County

Trust Benefits: Common Schools

Trust Revenue: \$300,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one parcel totaling 640 acres which was nominated for sale in Fergus County. The sale was nominated by the lessee and is located approximately 10 miles southeast of Winifred.

Sale #	# of Acres	Legal	Nominator	Trust
715	640±	ALL, Section 16, T20N-R20E	Edward Butcher	Common Schools

Sale parcel 715 includes approximately 121 acres of hay land and 519 acres of grazing land. The parcel has below average productivity for agricultural and grazing lands statewide.

The parcel is not legally accessible by the public.

No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 0.70 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 the department’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 2.35 percent on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

The state parcel proposed for sale (Section 16, T20N R20E) was inventoried to Class III standards for cultural and paleontological resources. No paleontologic resources were identified, but an eroded concentration of firecracked rock was located and formally recorded. It is not clear if this concentration of firecracked rock is a fully eroded cultural feature (i.e., hearth) or if is a product of a natural fire that burned across the landscape many years prior. Although the firecracked rock cluster is being treated as cultural, it is recommended to lack significance and integrity, and therefore is not a Heritage Property as defined in the State Antiquities Act. A formal report of

findings has been prepared and filed with the Montana State Historic Preservation Office per the requirements of the Montana State Antiquities Act.

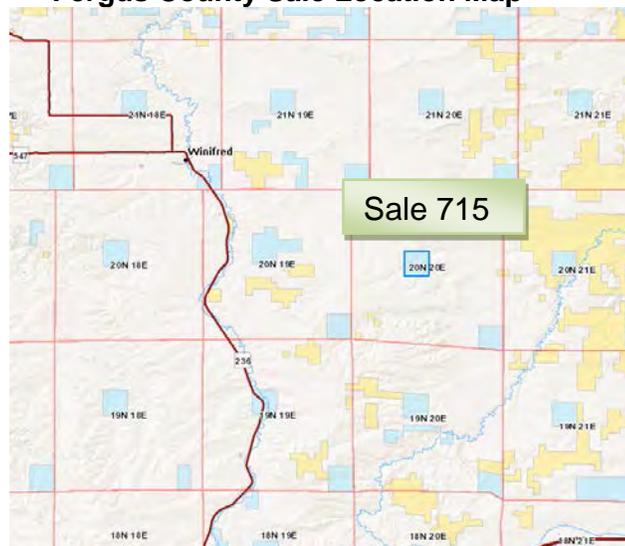
Appraised Value of sale parcel:

Sale #	Appraised Value With Access	Appraised Value per acre	Recommended Minimum Bid
715	\$300,000	\$469	\$300,000

DNRC Recommendation

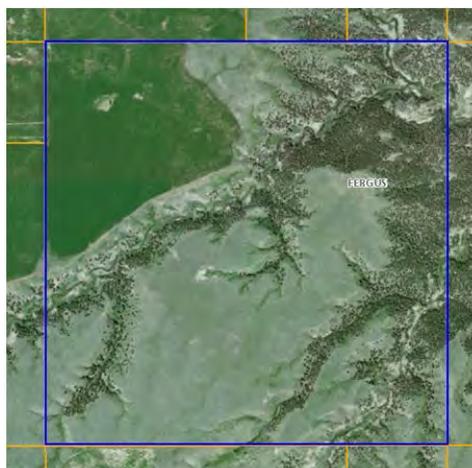
The director recommends the Land Board set the minimum bid for the parcel at the appraised value with access shown above.

Fergus County Sale Location Map



Sale #715

ALL, Section 16, T20N-R20E
Edward Butcher



**Land Board Agenda Item
February 17, 2015**

215-2D Land Banking Parcel: Set Minimum Bid for Sale

Location: Garfield County

Trust Benefits: Common Schools

Trust Revenue: \$107,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one parcel totaling 320 acres which was nominated for sale in Garfield County. The sale was nominated by the lessee and is located approximately 35 miles southeast of Jordan.

Sale #	# of Acres	Legal	Nominator	Trust
719	320±	W½, Section 14, T15N-R41E	Burl & Shemene Peckman	Common Schools

Sale parcel 719 is used primarily for livestock grazing purposes. The parcel has average productivity for grazing lands statewide.

The parcel is not legally accessible by the public.

No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 0.65 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 the department’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 2.35percent on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

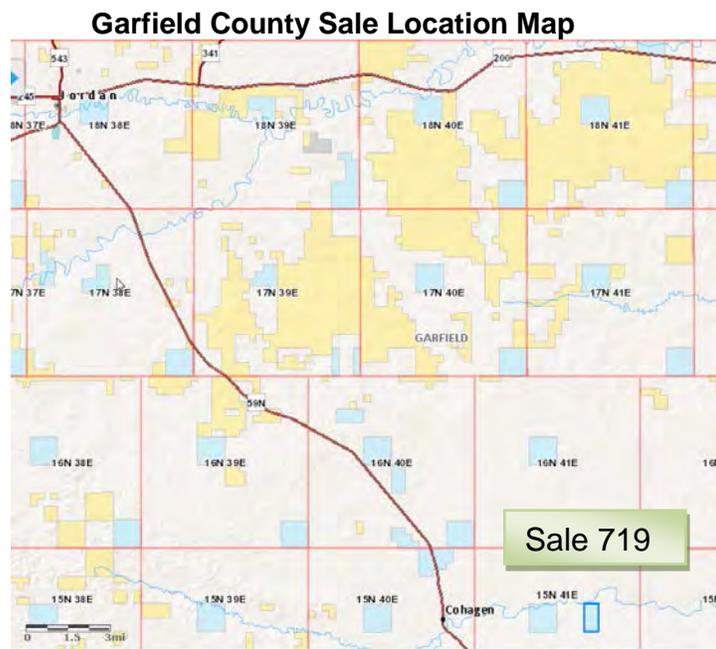
The state parcel nominated for sale (W1/2 Section 14 T15N R41E) was inventoried to Class III standards for cultural and paleontological resources. No *Antiquities*, as defined under the Montana State Historic Preservation Act, were identified. Hell Creek geological formations occur on or beneath the ground surface of the subject state tract, but no evidence of fossil bearing deposits were identified. A formal report of findings has been prepared and filed with the Montana State Historic Preservation Office per the requirements of the Montana State Antiquities Act.

Appraised Value of sale parcel:

Sale #	Appraised Value With Access	Appraised Value per acre	Recommended Minimum Bid
719	\$107,000	\$335	\$107,000

DNRC Recommendation

The director recommends the Land Board set the minimum bid for the parcel at the appraised value with access shown above.



Sale #719
W½, Section 14, T15N-R41E
Burl & Shemene Peckman



**Land Board Agenda Item
February 17, 2015**

215-2E Land Banking Parcel: Set Minimum Bid for Sale

Location: McCone County

Trust Benefits: Common Schools

Trust Revenue: \$10,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one parcel totaling 40 acres which was nominated for sale in McCone County. The sale was nominated by the lessee and is located approximately 30 miles southeast of the Wolf Point.

Sale #	# of Acres	Legal	Nominator	Trust
717	40±	NW¼NW¼, Section 16, T26N-R48E	Larry Heser	Common Schools

Sale parcel 717 is used primarily for livestock grazing purposes. The parcel has below average productivity for agricultural and grazing lands statewide.

The parcel is not legally accessible by the public.

No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 0.46 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 the department'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 2.35 percent on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

The state parcel nominated for sale (NW1/4NW1/4 Section 16 T26N R48E) was inventoried to Class III standards for cultural and paleontological resources. No *Antiquities*, as defined under the Montana State Historic Preservation Act, were identified. Hell Creek geological formations occur on or beneath the ground surface of the subject state tract, but no evidence of fossil bearing deposits were identified. A formal report of findings has been prepared and filed with the Montana State Historic Preservation Office per the requirements of the Montana State Antiquities Act.

Appraised Value of sale parcel:

Sale #	Appraised Value With Access	Appraised Value per acre	Recommended Minimum Bid
717	\$10,000	\$250	\$10,000

DNRC Recommendation

The director recommends the Land Board set the minimum bid for the parcel at the appraised value with access shown above.

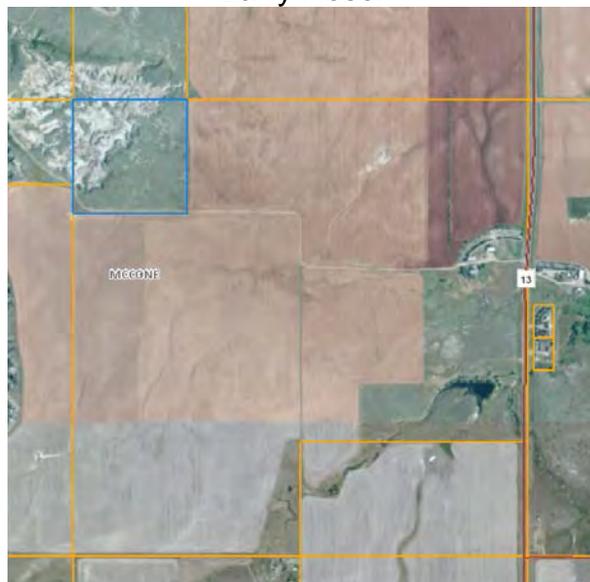
McCone County Sale Location Map



Sale #717

NW¼NW¼, Section 16, T26N-R48E

Larry Heser



**Land Board Agenda Item
February 17, 2015**

215-2F Land Banking Parcel: Set Minimum Bid for Sale

Location: Powder River County

Trust Benefits: Common Schools

Trust Revenue: \$26,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on two non-contiguous parcels totaling 80 acres which were nominated for sale in Powder River County. The sale was nominated by the lessee and is located approximately 45 miles northwest of Broadus.

Sale #	# of Acres	Legal	Nominator	Trust
718	80±	SW ¹ / ₄ NW ¹ / ₄ , SW ¹ / ₄ SE ¹ / ₄ , Section 16, T4N-R50E	Smith Ranch, Inc.	Common Schools

Sale parcel 718 is used primarily for livestock grazing purposes, with approximately 10 acres of hay field. The parcel has average productivity for grazing and hay lands statewide.

The parcel is not legally accessible by the public.

No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 1.00 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 the department'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 2.35percent on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

The state parcels proposed for sale (SWNW1/4 and SWSE1/4 Section 16 T4S R50E) were inventoried to Class III standards for cultural and paleontological resources. No paleontologic resources were identified, but two cultural resources consisting of 1) a low-profile cairn and minimal scattering of chipped stone debitage; and 2) a small unused granary were identified, formally recorded, and evaluated to determine if either property is eligible for listing in the National Register of Historic Places. Both cultural resources are recommended to lack significance and integrity, and

therefore are not Heritage Properties as defined in the State Antiquities Act. A formal report of findings has been prepared and filed with the Montana State Historic Preservation Office per the requirements of the Montana State Antiquities Act.

Appraised Value of sale parcel:

Sale #	Appraised Value With Access	Appraised Value per acre	Recommended Minimum Bid
718	\$26,000	\$325	\$26,000

DNRC Recommendation

The director recommends the Land Board set the minimum bid for the parcel at the appraised value with access shown above.

Powder River County Sale Location Map



Sale #718

SW¼NW¼, SW¼SE¼, Section 16, T4N-R50E
Smith Ranch, Inc.



**Land Board Agenda Item
February 17, 2015**

215-2G Land Banking Parcel: Set Minimum Bid for Sale

Location: Wheatland County

Trust Benefits: Common Schools

Trust Revenue: \$280,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one parcel totaling 640 acres which was nominated for sale in Wheatland County. The sale was nominated by the lessee and is located approximately 12 miles southeast of Judith Gap.

Sale #	# of Acres	Legal	Nominator	Trust
716	640±	ALL, Section 16, T10N-R17E	Douglas Ross	Common Schools

Sale parcel 716 is used primarily for livestock grazing purposes. The parcel has below average productivity for agricultural and grazing lands statewide.

The parcel is not legally accessible by the public.

No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 0.43 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 the department’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 2.35 percent on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

The state parcel nominated for sale (Section 16, T10N R17E) was inventoried to Class III standards for cultural and paleontological resources. No *Antiquities*, as defined under the Montana State Historic Preservation Act, were identified. Further, neither Judith River nor Hell Creek geological formations occur on or beneath the ground surface of the subject state tract. A formal report of findings has been prepared and filed with the Montana State Historic Preservation Office per the requirements of the Montana State Antiquities Act.

Appraised Value of sale parcel:

Sale #	Appraised Value With Access	Appraised Value per acre	Recommended Minimum Bid
716	\$280,000	\$438	\$280,000

DNRC Recommendation

The director recommends the Land Board set the minimum bid for the parcel at the appraised value with access shown above.

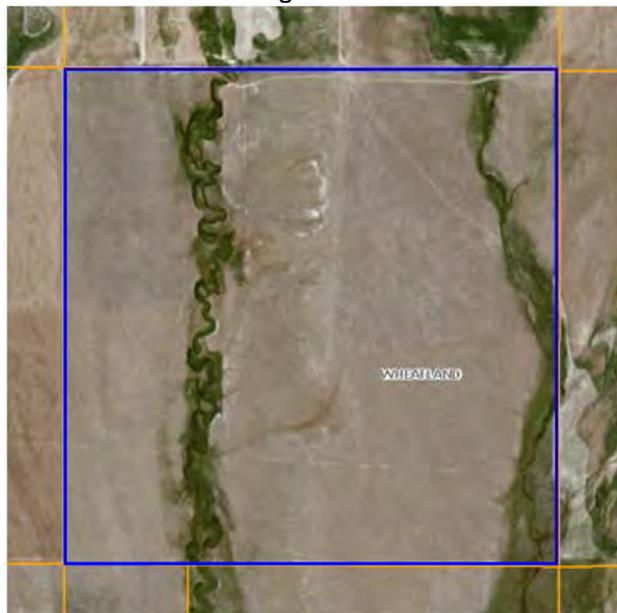
Wheatland County Sale Location Map



Sale #716

ALL, Section 16, T10N-R17E

Douglas Ross



215-3

EASEMENTS

A. DNRC Easements

B. Reciprocal Access Agreement
Shallenberger

**Land Board Agenda Item
February 17, 2015**

215-3A Easements

Location: Big Horn, Dawson, Fallon, Fergus, Musselshell, Phillips, Toole

Trust Benefits: Common Schools, Public Buildings

**Trust Revenue: Common Schools= \$ 32,205.00
Public Buildings= \$4,270.00**

Item Table of Contents

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Fergus County
 712 W Main Street, Suite 210
 Lewistown MT 59457

Application No.: 16602
 R/W Purpose: public county road known as Burnett Road
 Lessee Agreement: N/A (Historic)
 Acreage: 3.86
 Compensation: \$1737.00
 Legal Description: 60-foot strip through SW4NW4, NW4SW4,
 Sec. 3, Twp. 15N, Rge. 21E,
 Fergus County

Trust Beneficiary: Common Schools

Item Summary

Fergus 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 Fergus County.

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Fergus County
 712 W Main Street, Suite 210
 Lewistown MT 59457

Application No.: 16606
 R/W Purpose: public county road known as Forest Grove Road
 Lessee Agreement: N/A (Historic)
 Acreage: 8.2
 Compensation: \$3691.00
 Legal Description: 60-foot strip through S2NE4, Sec. 9 & S2NW4, NE4SE4, Sec. 10;
 30-foot strip through NE4SE4, Sec. 10, NW4SW4, Sec. 11,
 Twp. 14N, Rge. 22E,
 Fergus County

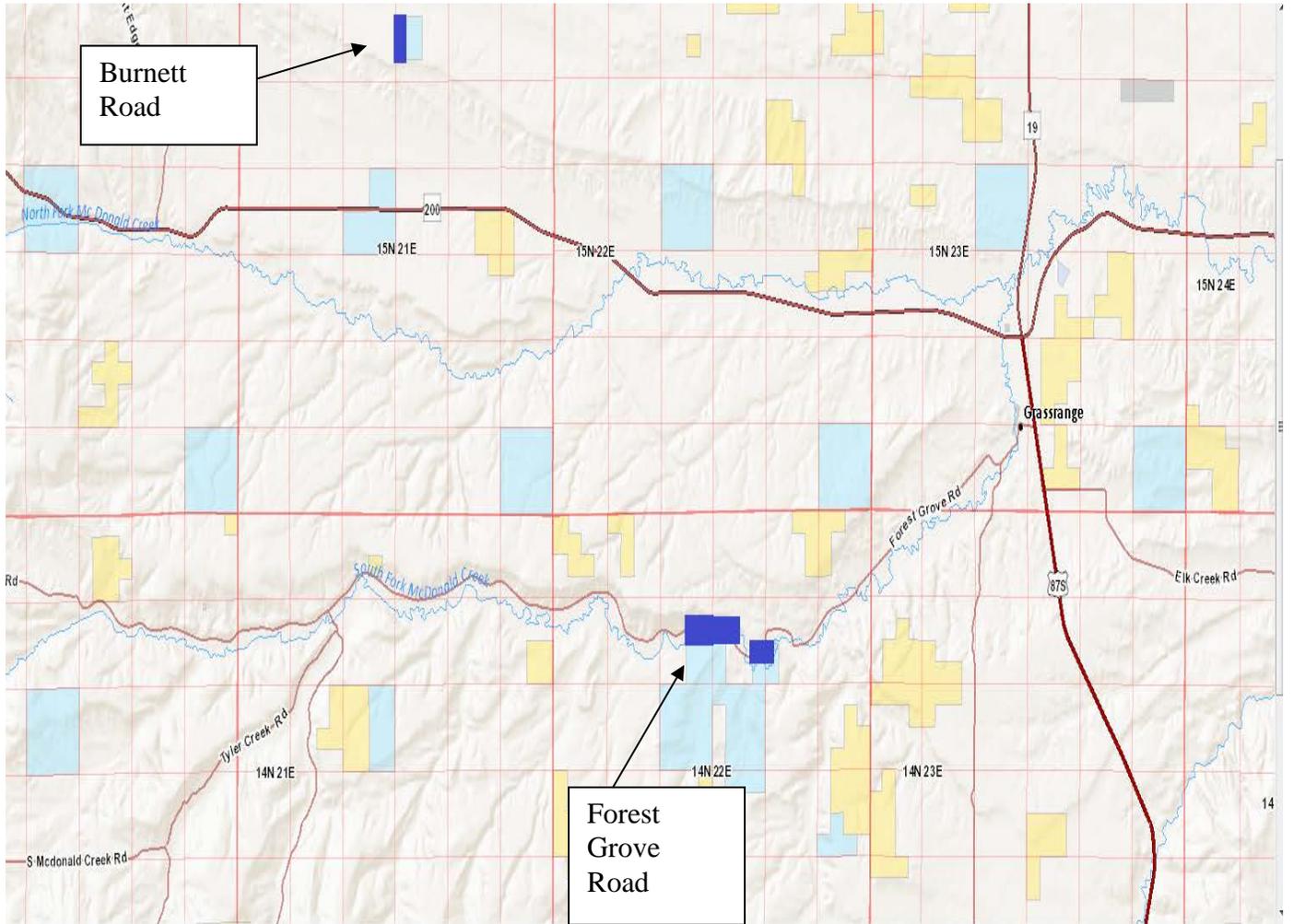
Trust Beneficiary: Common Schools

Item Summary

See page 1

Department Recommendation

See page 1



Application #'s 16602 & 16606 – Fergus County

APPLICANTS AND RIGHTS OF WAY INFORMATION

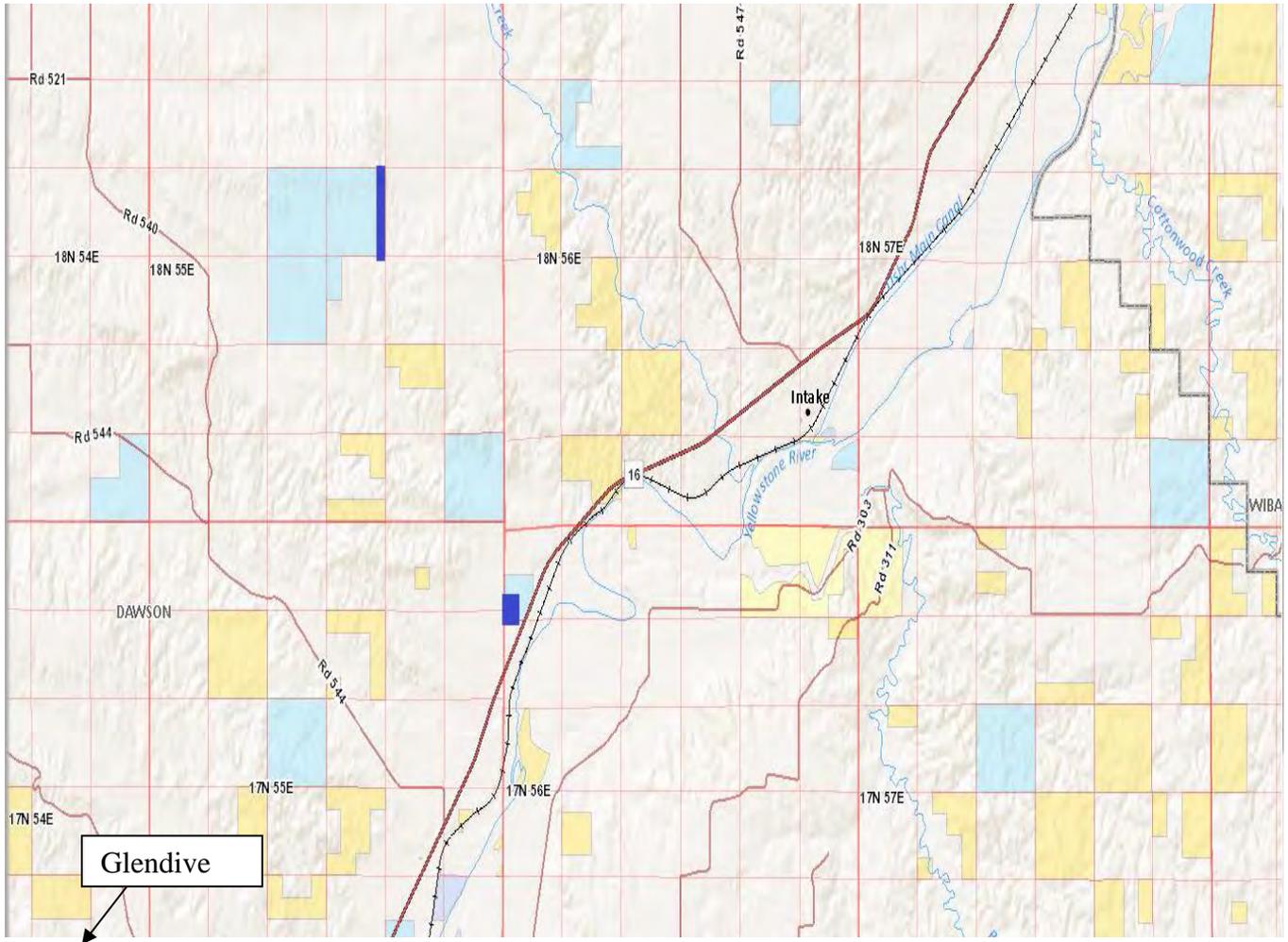
Applicant:	Dawson County 207 W Bell Glendive MT 59330
Application No.:	16726
R/W Purpose:	public county road known as Road 539
Lessee Agreement:	N/A (Historic)
Acreage:	2.62
Compensation:	\$497.00
Legal Description:	30-foot strip through SW4SW4, Sec. 6, Twp. 17N, Rge. 56E & E2NE4, E2SE4, Sec. 15, Twp. 18N, Rge. 55E, Dawson County
Trust Beneficiary:	Common Schools

Item Summary

Dawson 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 Dawson County.



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dawson County
207 W Bell
Glendive MT 59330

Application No.: 16729
R/W Purpose: public county road known as Road 523
Lessee Agreement: N/A (Historic)
Acreage: 1.02
Compensation: \$179.00
Legal Description: 60-foot strip through SW4SW4, Sec. 6, Twp. 21N, Rge. 55E,
Dawson County
Trust Beneficiary: Common Schools

Item Summary

See page 4

Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dawson County
207 W Bell
Glendive MT 59330

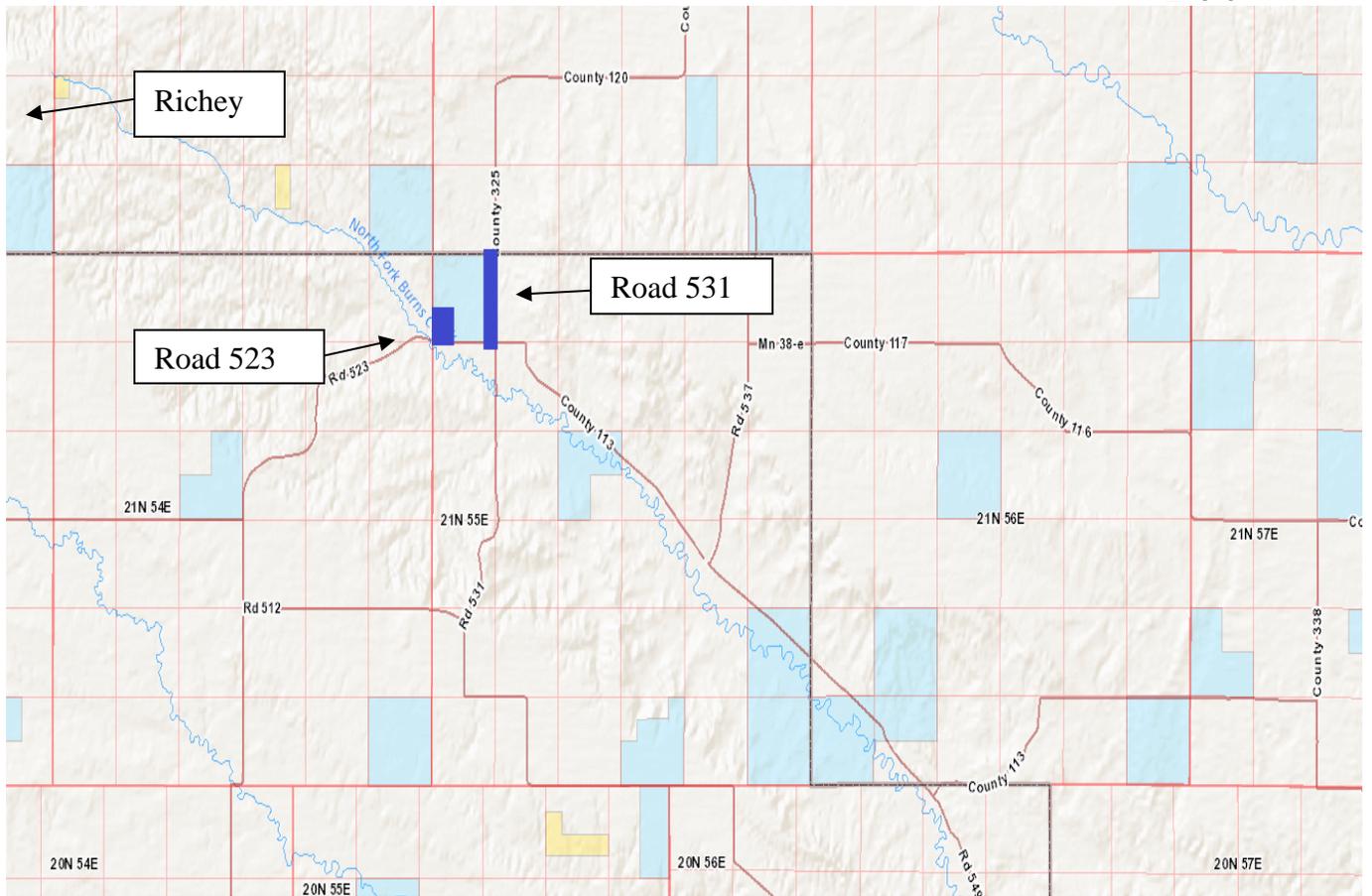
Application No.: 16730
R/W Purpose: public county road known as Road 531
Lessee Agreement: N/A (Historic)
Acreage: 3.64
Compensation: \$637.00
Legal Description: 30-foot strip through E2E2, Sec. 6, Twp. 21N, Rge. 55E,
Dawson County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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Applications 16729 & 16730 – Dawson County

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dawson County
207 W Bell
Glendive MT 59330

Application No.: 16731
R/W Purpose: public county road known as Road 230
Lessee Agreement: N/A (Historic)
Acreage: 3.03
Compensation: \$530.00
Legal Description: 30-foot strip through N2NW4, NW4NE4 & 60-foot strip through
NW4NE4, Sec. 24, Twp 16N, Rge. 51E,
Dawson County

Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dawson County
207 W Bell
Glendive MT 59330

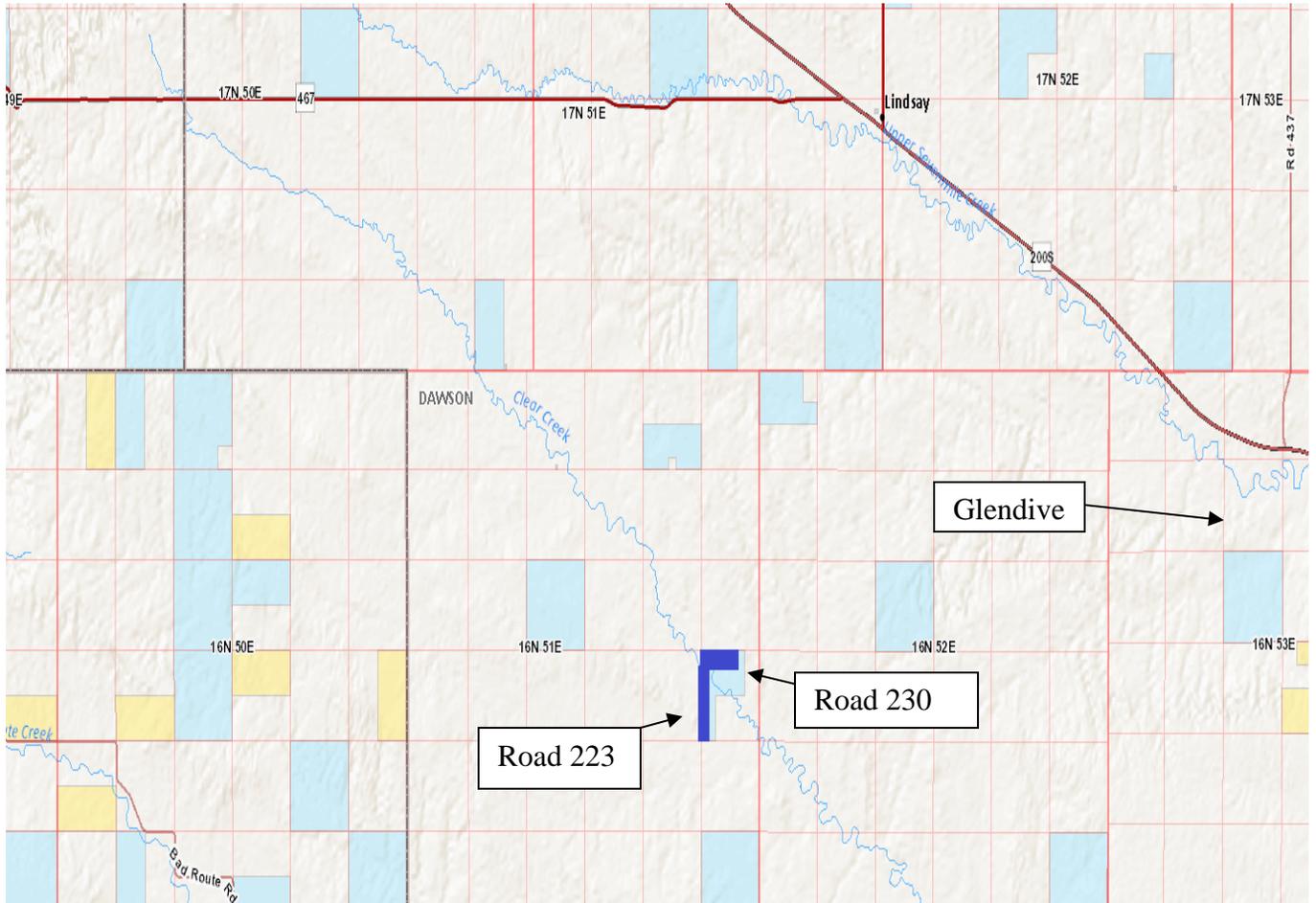
Application No.: 16732
R/W Purpose: public county road known as Road 223
Lessee Agreement: N/A (Historic)
Acreage: 3.64
Compensation: \$637.00
Legal Description: 30-foot strip through W2W2, Sec. 24, Twp. 16N, Rge. 51E,
Dawson County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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Applications 16731 & 16732 – Dawson County

APPLICANTS AND RIGHTS OF WAY INFORMATION

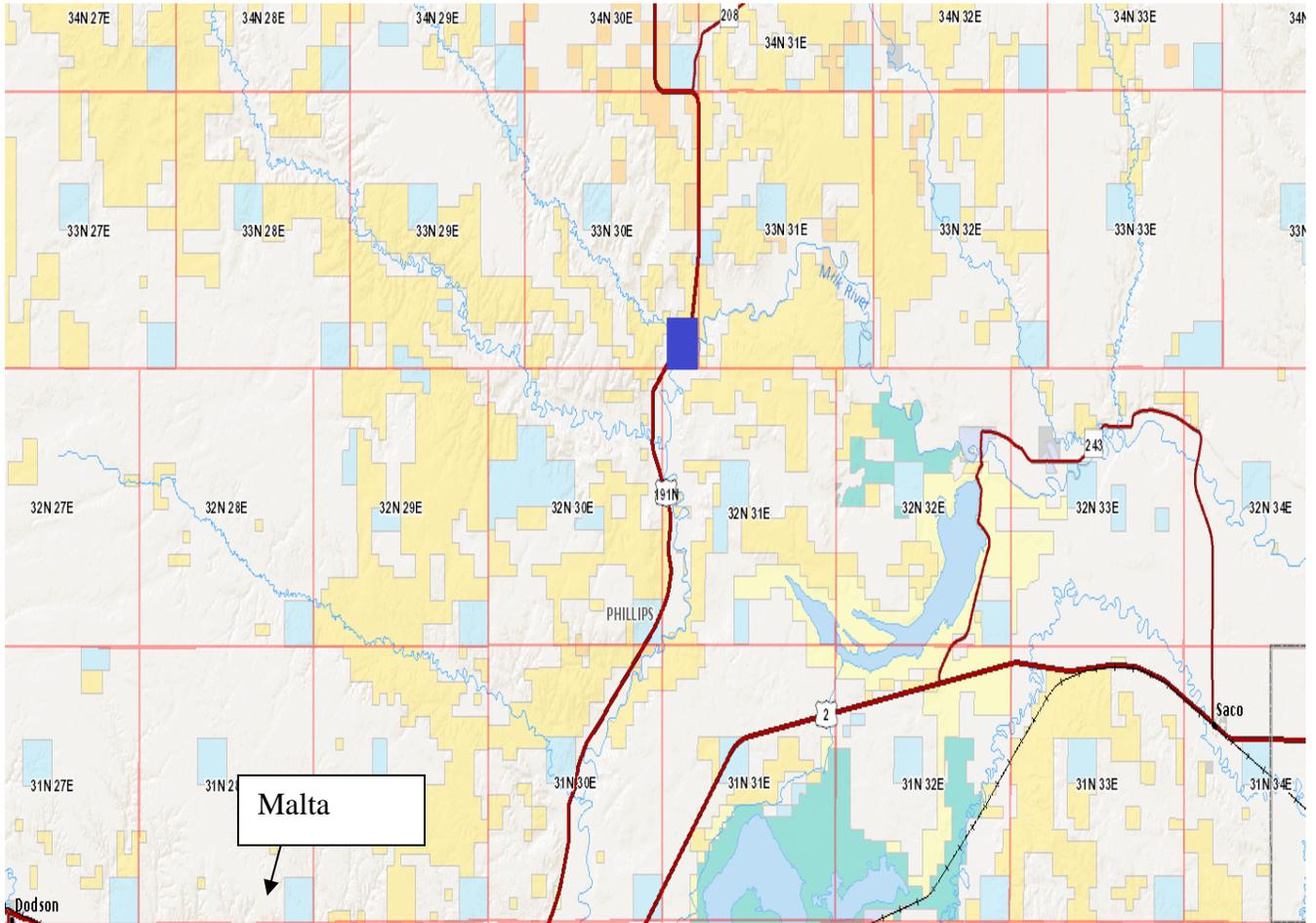
Applicant:	Big Flat Electric Coop., Inc. PO Box 229 Malta MT 59538
Application No.:	16770
R/W Purpose:	overhead 14.4kV distribution line
Lessee Agreement:	ok
Acreage:	4.31
Compensation:	\$1078.00
Legal Description:	20-foot strip through N2NE4, SW4NE4, SE4NW4, NE4SW4, W2SW4, Sec. 36, Twp. 33N, Rge. 30E Phillips County
Trust Beneficiary:	Common Schools

Item Summary

Big Flat Electric Cooperative, Inc. has made application for relocation of an existing power line. This relocation coincides with Montana Department of Transportation's highway improvement project on Highway 191N. This highway project was approved at the August 18, 2014, Land Board Meeting. The power line is a single phase, 14.4kV distribution line. This project crosses through sage grouse general habitat area. 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.

Department Recommendation

The director recommends approval of this overhead distribution line.



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Slope Electric Cooperative, Inc.
 PO Box 338
 New England ND 58647

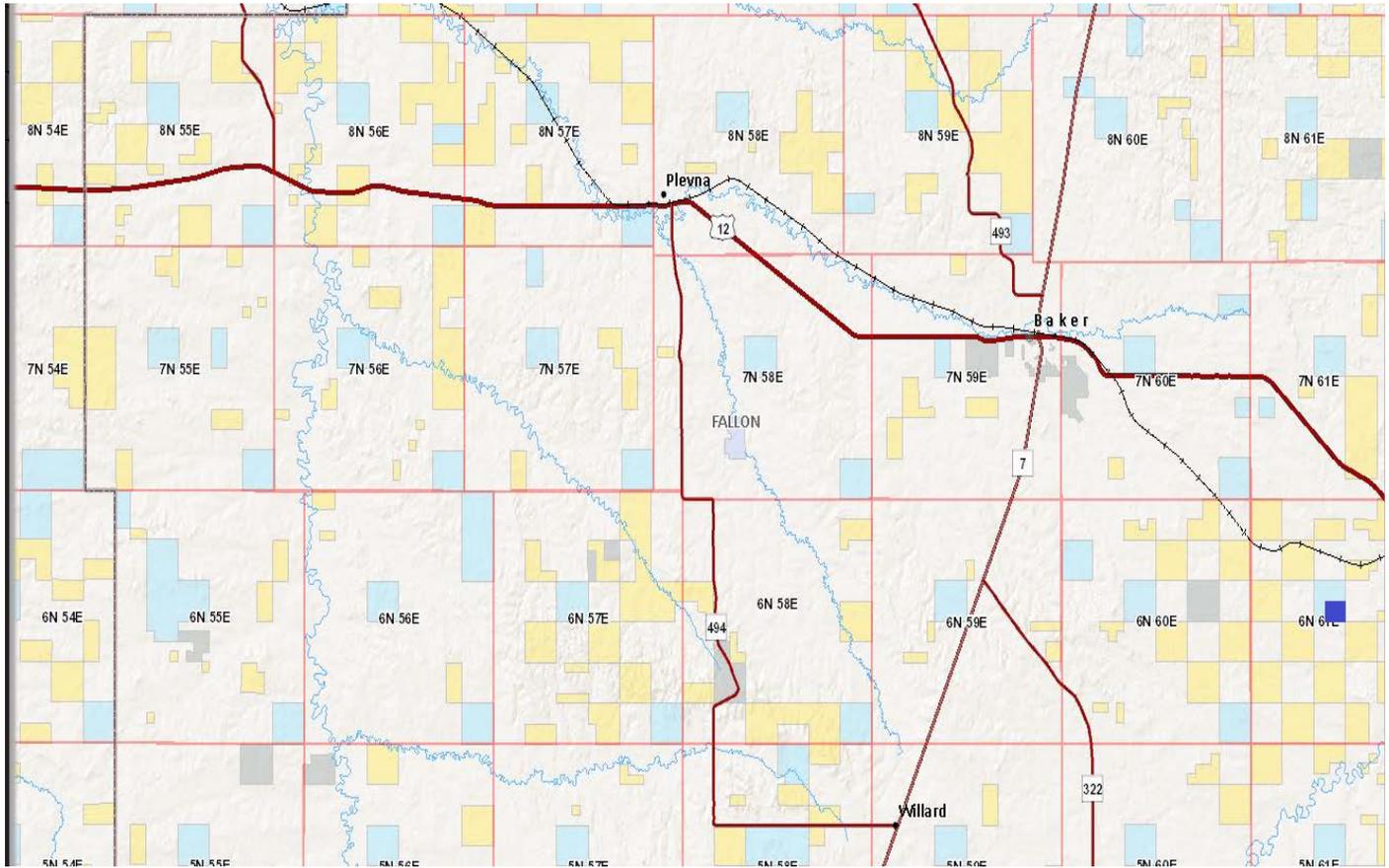
Application No.: 16782
 R/W Purpose: buried 7.2kV distribution line
 Lessee Agreement: ok
 Acreage: 0.17
 Compensation: \$100.00
 Legal Description: 20-foot strip through SE4SE4, Sec. 16, Twp. 6N, Rge. 61E,
 Fallon County
 Trust Beneficiary: Common Schools

Item Summary

Slope Electric has submitted application for an underground distribution line in which will supply power to the Buffalo Creek 41-21H oil well operated by Continental Resources, Inc. This well is located in the NE4 of Section 21, Township 6N, Range 61E. The line will start at the Husted 14-15H oil well site in the SW4 of Section 15, Township 6N, Range 61E. The proposed route follows the existing road and is the best route available due to the terrain. This project crosses through sage grouse core habitat area. 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.

Department Recommendation

The director recommends approval of this buried 7.2kV distribution line.



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16818
R/W Purpose:	public county road known as Suphellan Road
Lessee Agreement:	N/A (Historic)
Acreage:	6.36
Compensation:	\$2544.00
Legal Description:	30-foot strip through W2W2, S2SW4 & 60-foot strip through SW4SW4, Sec. 16, Twp. 36N, Rge. 1E, 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.

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
 226 1st Street South
 Shelby MT 59474

Application No.: 16819
 R/W Purpose: public county road known as Spring Road
 Lessee Agreement: N/A (Historic)
 Acreage: 4.41
 Compensation: \$882.00
 Legal Description: 30-foot strip through SW4NE4, NW4SE4 & 60-foot strip through
 NW4NE4, Sec. 34, Twp. 35N, Rge. 4W,
 Toole County

Trust Beneficiary: Common Schools & Public Buildings

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16820
R/W Purpose: public county road known as Zimmerman Road
Lessee Agreement: N/A (Historic)
Acreage: 1.24
Compensation: \$248.00
Legal Description: 60-foot strip through NW4NE4, Sec. 36, Twp. 33N, Rge. 3W,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16821
R/W Purpose: public county road known as West Nutter Lease Road
Lessee Agreement: N/A (Historic)
Acreage: 3.12
Compensation: \$624.00
Legal Description: 30-foot strip through N2N2, Sec. 16, Twp. 35N, Rge. 2W,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16822
R/W Purpose: public county road known as West Sweet Grass Road
Lessee Agreement: N/A (Historic)
Acreage: 1.86
Compensation: \$465.00
Legal Description: 30-foot strip through E2NE4, Sec. 25, Twp. 37N, Rge. 4W,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16823
R/W Purpose: public county road known as Union School Road
Lessee Agreement: N/A (Historic)
Acreage: 3.63
Compensation: \$2904.00
Legal Description: 30-foot strip through S2S2, Sec. 36, Twp. 30N, Rge. 1E,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16824
R/W Purpose: public county road known as Swayze West Road
Lessee Agreement: N/A (Historic)
Acreage: 3.63
Compensation: \$726.00
Legal Description: 30-foot strip through S2S2, Sec. 36, Twp. 36N, Rge. 3W,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
 226 1st Street South
 Shelby MT 59474

Application No.: 16825
 R/W Purpose: public county road known as Sunburst Road
 Lessee Agreement: N/A (Historic)
 Acreage: 10.67
 Compensation: \$2148.00
 Legal Description: 60-foot strip through SE4SE4, Sec. 12 and W2NW4, Sec. 24,
 Twp. 35N, Rge. 3W; W2W2, Sec. 29, Twp. 36N, Rge. 2W,
 Toole County

Trust Beneficiary: Public Buildings

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Toole County 226 1st Street South Shelby MT 59474
Application No.:	16826
R/W Purpose:	public county road known as Stevens Road
Lessee Agreement:	N/A (Historic)
Acreage:	4.84
Compensation:	\$968.00
Legal Description:	30-foot strip through SW4SW4 & 60-foot strip through S2SW4, Sec. 7, Twp. 34N, Rge. 2W, Toole County
Trust Beneficiary:	Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1ST Street South
Shelby MT 59474

Application No.: 16827
R/W Purpose: public county road known as Rooney Road
Lessee Agreement: N/A (Historic)
Acreage: 5.43
Compensation: \$1086.00
Legal Description: 30-foot strip through Government Lot 4, Sec. 4 & W2S2, Sec. 16,
Twp. 34N, Rge. 1E,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
 226 1ST Street South
 Shelby MT 59474

Application No.: 16829
 R/W Purpose: public county road known as Maggie Ward Road
 Lessee Agreement: N/A (Historic)
 Acreage: 3.71
 Compensation: \$742.00
 Legal Description: 60-foot strip through E2SW4, SW4SW4,
 Sec. 16, Twp. 35N, Rge. 32W,
 Toole County

Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1St Street South
Shelby MT 59474

Application No.: 16830
R/W Purpose: public county road known as Mozer Road
Lessee Agreement: N/A (Historic)
Acreage: 3.55
Compensation: \$710.00
Legal Description: 30-foot strip through S2S2, Sec. 16, Twp. 33N, Rge. 2W,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16831
R/W Purpose: public county road known as North Kelleher Road
Lessee Agreement: N/A (Historic)
Acreage: 7.16
Compensation: \$1432.00
Legal Description: 30-foot strip through N2N2, E2E2, Sec. 16, Twp. 33N, Rge. 2W,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
 226 1st Street South
 Shelby MT 59474

Application No.: 16832
 R/W Purpose: public county road known as Kiefer Road
 Lessee Agreement: N/A (Historic)
 Acreage: 5.45
 Compensation: \$1090.00
 Legal Description: 30-foot strip through W2SW4, Sec. 21 & W2W2 Sec. 28,
 Twp. 34N, Rge. 2W,
 Toole County

Trust Beneficiary: Common Schools & Public Buildings

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16833
R/W Purpose: public county road known as West Broken Wheel Road
Lessee Agreement: N/A (Historic)
Acreage: 1.81
Compensation: \$362.00
Legal Description: 30-foot strip through S2SE4, Sec. 15, Twp. 33N, Rge. 2W,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16834
R/W Purpose: public county road known as East Swayze Road
Lessee Agreement: N/A (Historic)
Acreage: 0.93
Compensation: \$186.00
Legal Description: 30-foot strip through S2SW4, Sec. 36, Twp. 36N, Rge. 2W,
Toole County
Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
 226 1st Street South
 Shelby MT 59474

Application No.: 16835
 R/W Purpose: public county road known as Sauby Road
 Lessee Agreement: N/A (Historic)
 Acreage: 1.82
 Compensation: \$364.00
 Legal Description: 30-foot strip through S2SW4, Sec. 28 & S2SE4, Sec. 29,
 Twp. 34N, Rge. 1W,
 Toole County

Trust Beneficiary: Public Buildings

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
 226 1st Street South
 Shelby MT 59474

Application No.: 16836
 R/W Purpose: public county road known as Two Mile Road
 Lessee Agreement: N/A (Historic)
 Acreage: 2.65
 Compensation: \$530.00
 Legal Description: 30-foot strip through W2NW4, Sec. 5 & E2NE4, Sec. 6,
 Twp. 34N, Rge. 2W,
 Toole County

Trust Beneficiary: Public Buildings

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
226 1st Street South
Shelby MT 59474

Application No.: 16837
R/W Purpose: public county road known as One Mile Road
Lessee Agreement: N/A (Historic)
Acreage: 1.81
Compensation: \$362.00
Legal Description: 30-foot strip through E2SE4, Sec. 32, Twp. 35N, Rge. 2W,
Toole County
Trust Beneficiary: Public Buildings

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
 226 1st Street South
 Shelby MT 59474

Application No.: 16838
 R/W Purpose: public county road known as Russell Road
 Lessee Agreement: N/A (Historic)
 Acreage: 3.64
 Compensation: \$2366.00
 Legal Description: 30-foot strip through W2W2, Sec. 36, Twp. 32N, Rge. 3W,
 Toole County
 Trust Beneficiary: Common Schools

Item Summary

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Department Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Toole County
 226 1st Street South
 Shelby MT 59474

Application No.: 16839
 R/W Purpose: public county road known as Stoltz Road
 Lessee Agreement: N/A (Historic)
 Acreage: 13.0
 Compensation: \$5200.00
 Legal Description: 60-foot strip through N2NW4, S2NE4, Sec. 23 & N2NW4,
 SW4NW4, W2NE4, Sec. 24, Twp. 36N, Rge. 1W,
 Toole County

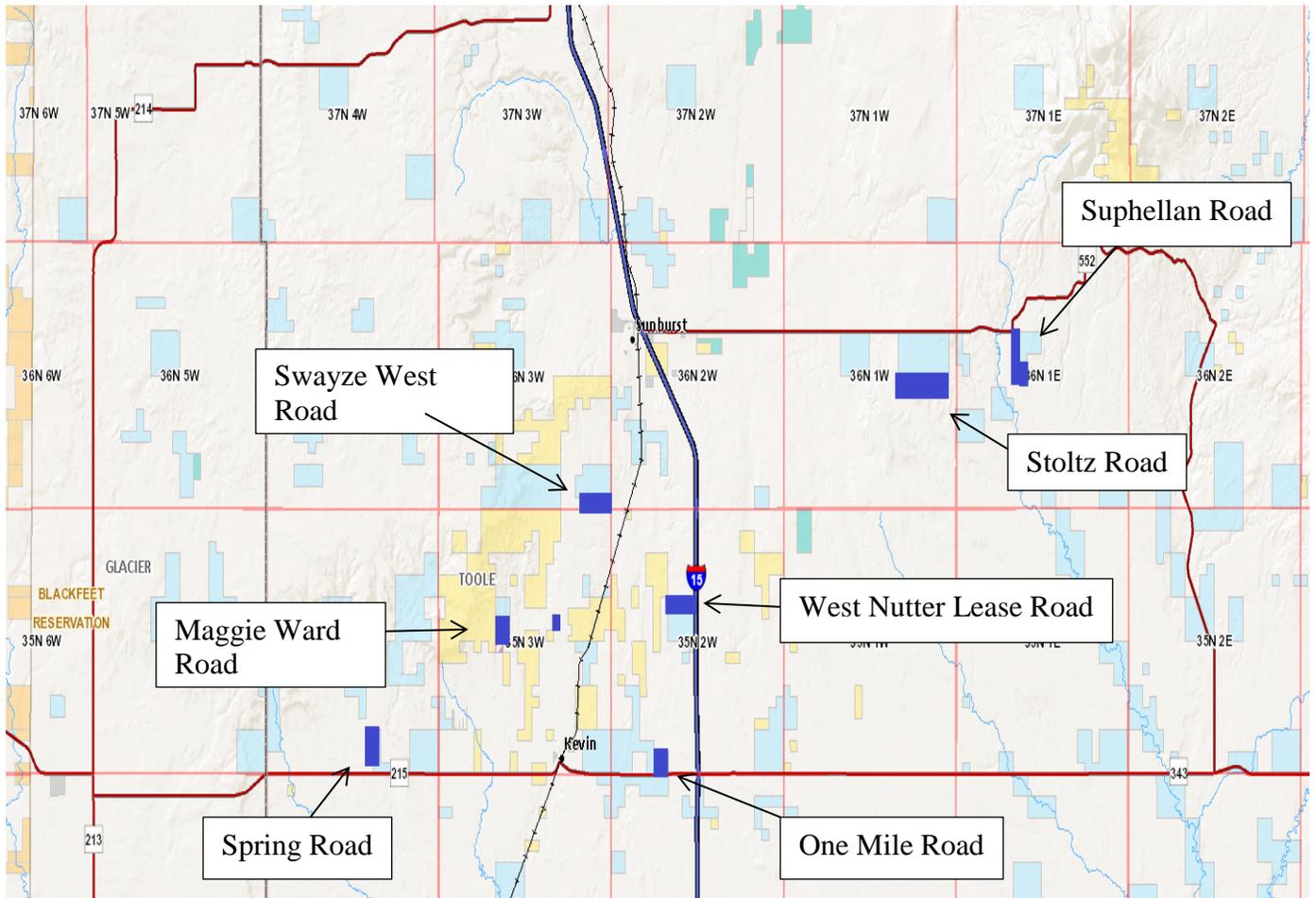
Trust Beneficiary: Common Schools

Item Summary

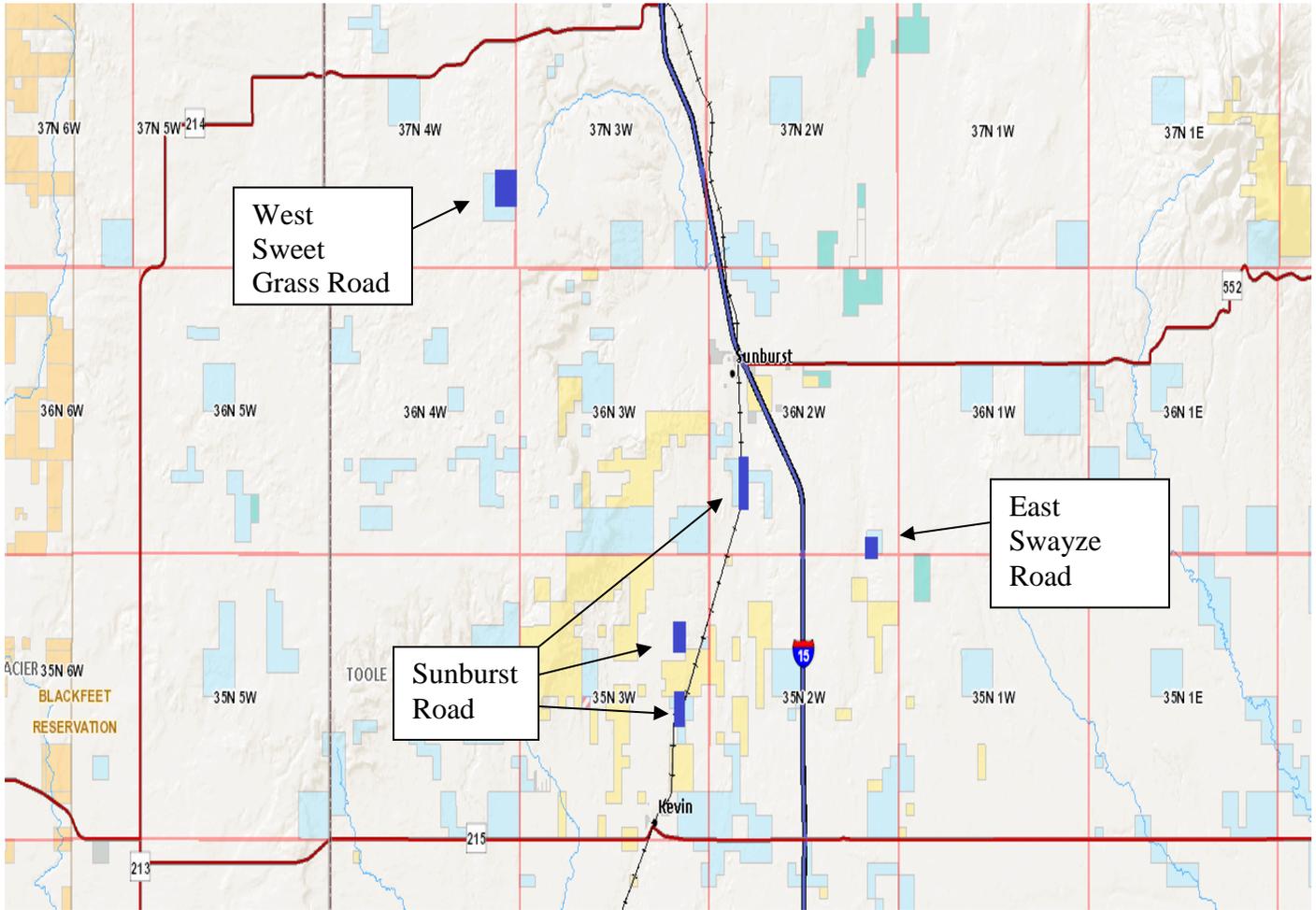
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Department Recommendation

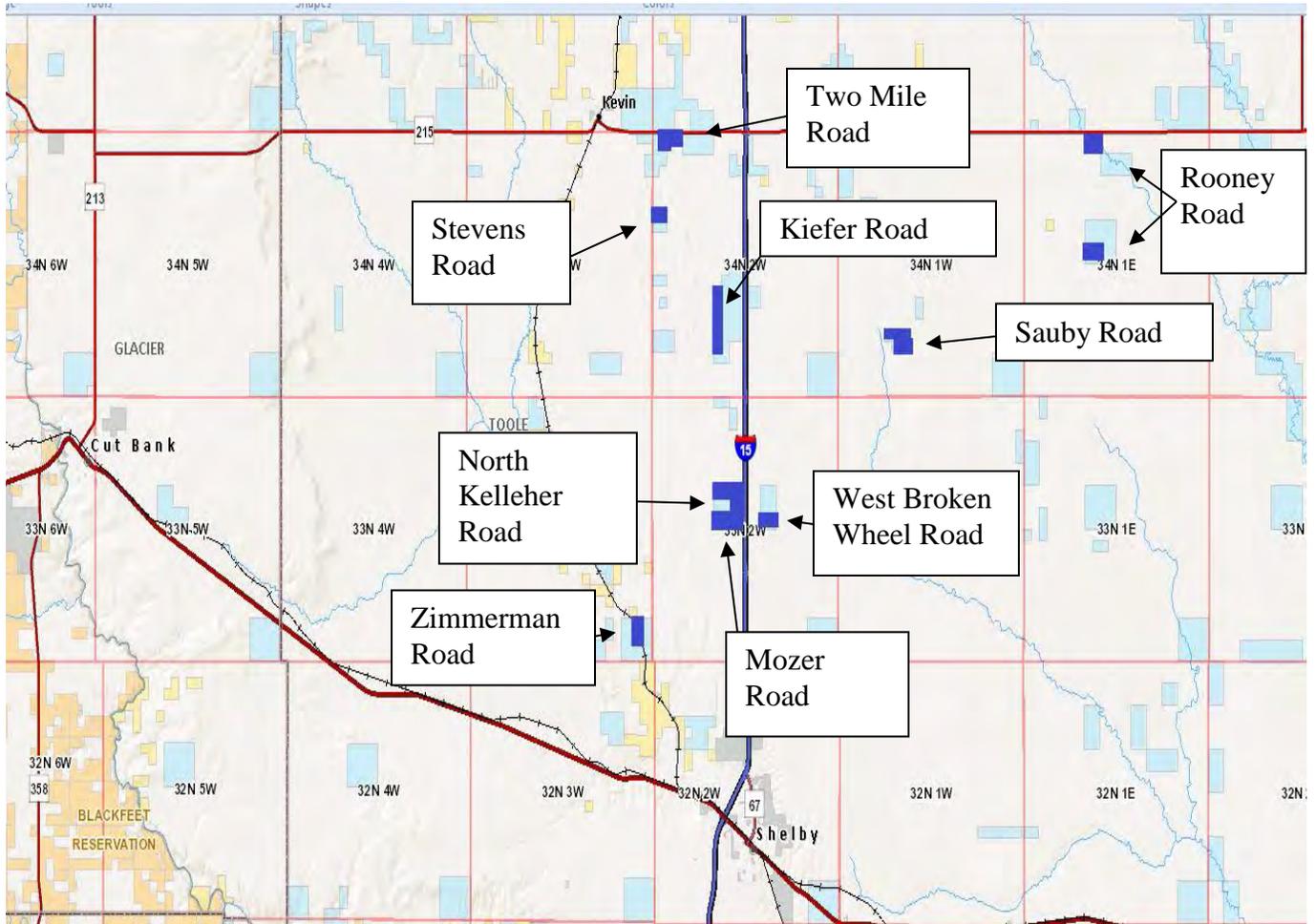
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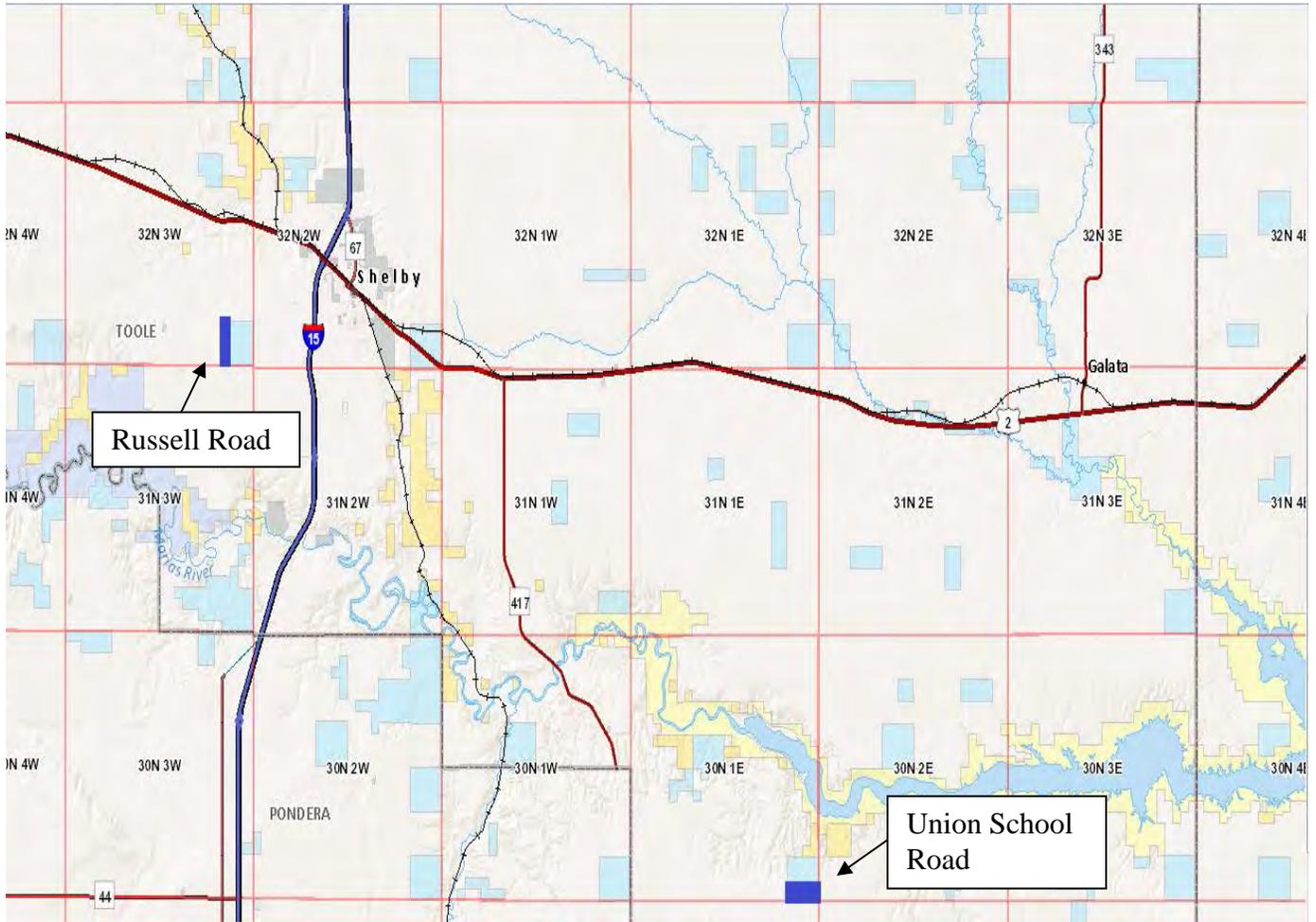
Swayze West Road, Maggie Ward Road, Spring Road, Suphellan Road, Stoltz Road, West Nutter Lease Road, One Mile Road



West Sweet Grass Road, Sunburst Road, East Swayze Road



Zimmerman Road, Stevens Road, Rooney Road, Mozer Road, North Kelleher Road, Kiefer Road, West Broken Wheel Road, Sauby Road, Two Mile Road



Russell Road and Union School Road

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Mid-Rivers Telephone Cooperative, Inc.
 105 Seven Mile Drive
 Glendive MT 59330

Application No.: 16853
 R/W Purpose: buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 1.45
 Compensation: \$725.00
 Legal Description: 16-foot strip through NW4NE4, E2NE4, NE4SE4,
 Sec. 36, Twp. 8N, Rge. 26E,
 Musselshell County

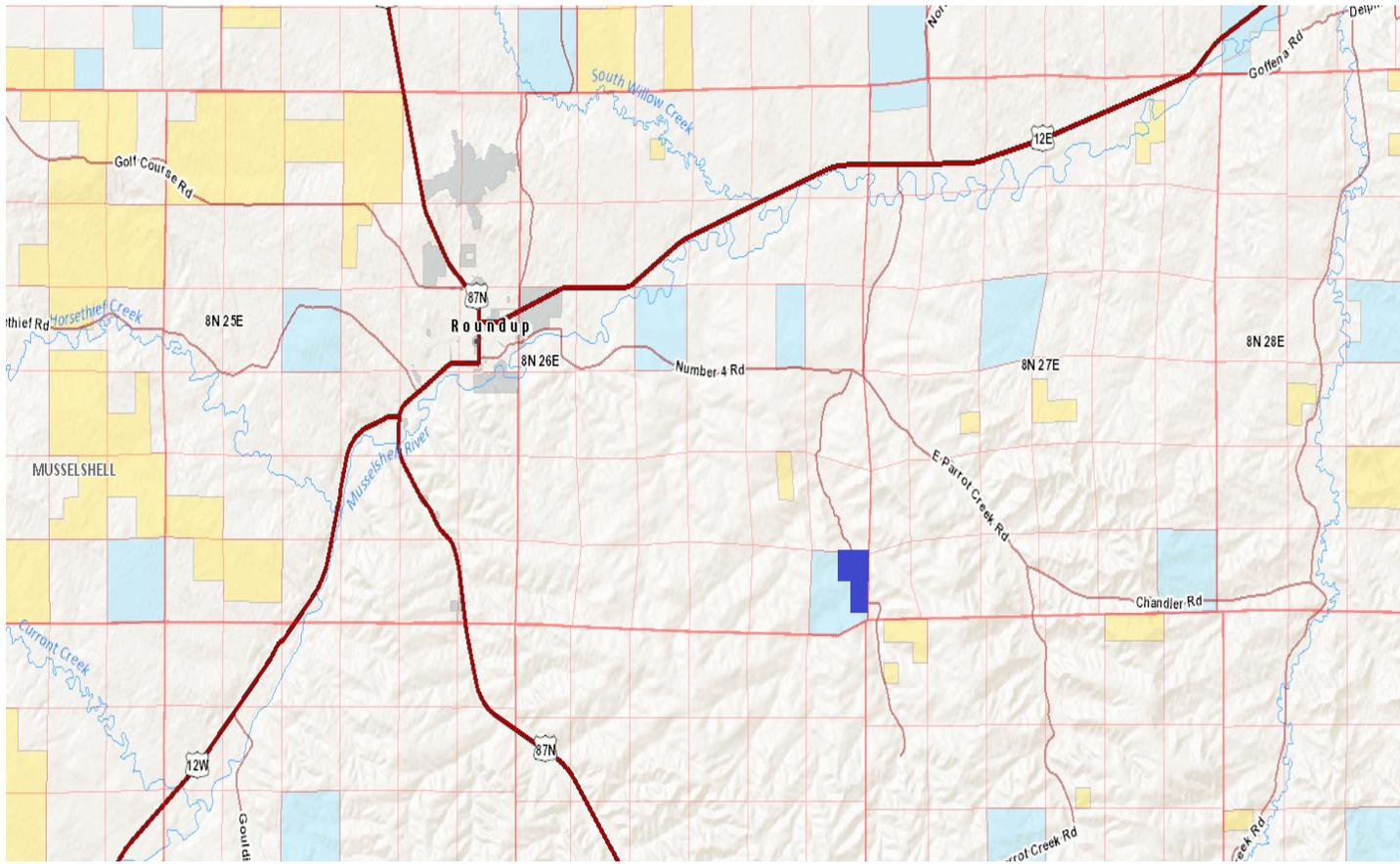
Trust Beneficiary: Common Schools

Item Summary

Mid-Rivers Telephone Cooperative has made application for a buried telecommunications cable in Musselshell County. The line will lie adjacent to West Parrot Creek Road. This telecommunications cable is to be used to provide service to their rural customers. The proposed route is the most direct and will cause the least amount of environmental damage. This project crosses through sage grouse general habitat area. 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.

Department Recommendation

The director recommends approval of this underground telecommunications cable.



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Range Telephone Cooperative, Inc.
 PO Box 127
 Forsyth MT 59327

Application No.: 16854
 R/W Purpose: buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 2.21
 Compensation: \$725.00
 Legal Description: 20-foot strip through Government Lots 1,2 & 5, NE4SW4,
 SW4NE4, Sec. 36, Twp. 9S, Rge. 39E,
 Big Horn County

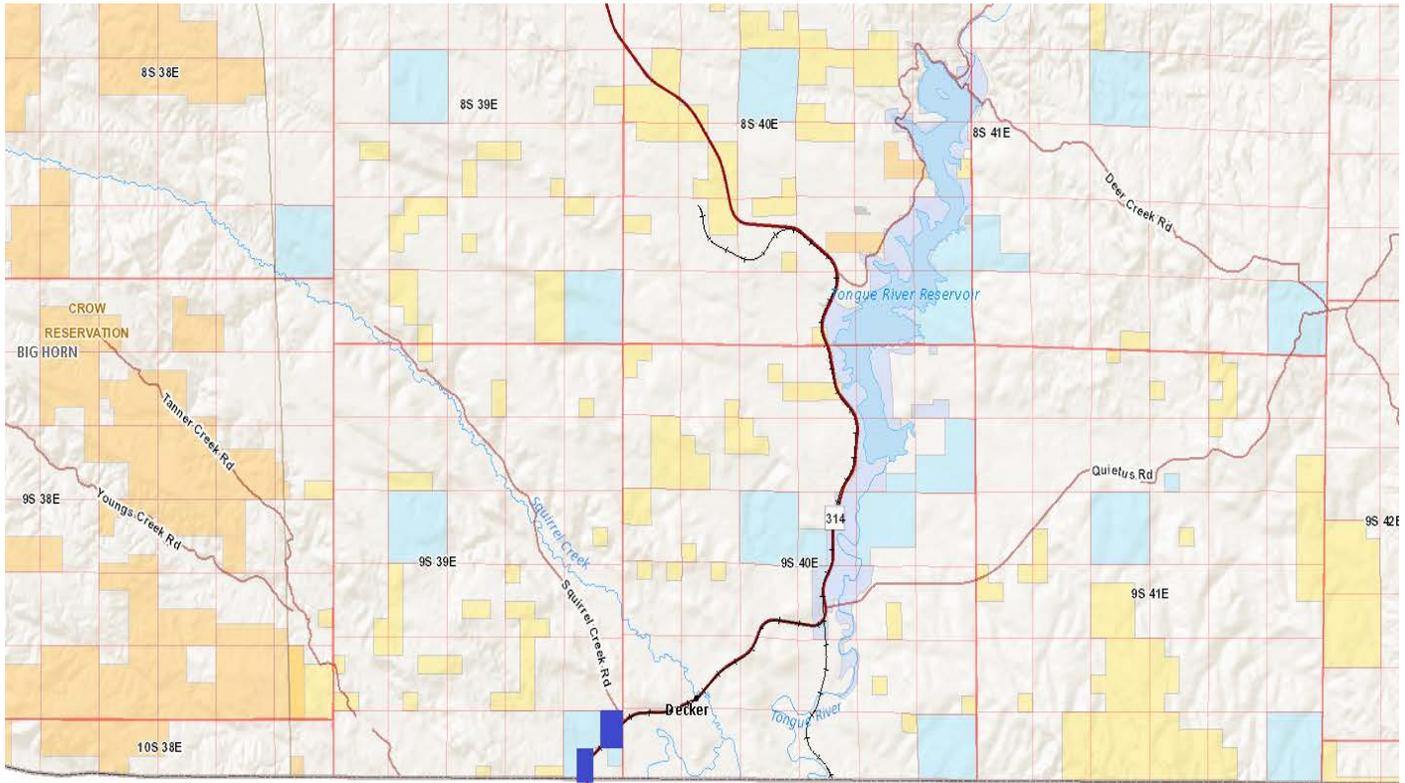
Trust Beneficiary: Common Schools

Item Summary

Range Telephone Cooperative has made application for a buried telecommunications cable which would allow for an upgrade of services to their customers in the Decker Exchange Service area. The route was chosen for its ease of access and its previously disturbed nature, Montana Highway 314. This project crosses through sage grouse general 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.

Department Recommendation

The director recommends approval of this underground telecommunications cable.



**Land Board Agenda Item
February 17, 2015**

215-3B Reciprocal Access Agreement – Jones Ranch/Shallenberger

Location: Sanders County

Trust Benefits: Common Schools, Public Buildings

Trust Revenue: Net Balance -0-

Item Summary:

I. Applicant:

N. James Shallenberger and Barbara A. Shallenberger
148 Jones Ranch Road, Plains, Montana 59859-0091

II. Purpose of Reciprocal Access Agreement:

State school trust land is intermingled with Shallenberger (Coop) property. In order for both parties to gain legal access, they have proposed to exchange easements as part of this reciprocal access agreement. Each party will grant perpetual non-exclusive easements for the purpose of constructing, reconstructing, maintaining, repairing, and using a road or road segment for all lawful purposes. Under this agreement, the state is acquiring a combination of non-motorized and motorized access rights in favor of the public.

III. Legal Description (R/W):

Sanders County:

State Land burdened - Sec. 14, T21N, R26W – 0.51 acre (P.B.)

State Land benefited - T21N, R26W

Sec. 16 (W1/2NE1/4, W1/2, SE1/4) – C.S.

Sec. 20 (portion of N1/2NW1/4) – C.S.

Sec. 22 (portions of NE1/4NW1/4 and E1/2) – P.B.

Sec. 22 (portion of NE1/4NE1/4) – C.S.

Coop Land burdened - Sec. 15 and Sec. 16, T21N, R26W

Coop Land benefited - T21N, R26W

Sec. 9 (E1/2SE1/4)

Sec. 10 (SW1/4)

Sec. 15 (N1/2, SW1/4)

Sec. 16 (E1/2NE1/4)

Total R/W Acres:

State grant to Coop: 0.34 acre

Coop grant to State: 6.50 acres

Total R/W Miles:

State grant to Coop: 0.07 mile
 Coop grant to State: 1.34 miles

IV. General Information:

Land Office: NWLO
 Unit Office: Plains
 County: Sanders
 Affected Trusts: Common Schools (C.S.) and Public Buildings (P.B.)
 Land Classification: Forest

VI. Costs to be Borne by Each Party:

Excess costs, by land value and road costs are summarized as follows:

	EXCESS COSTS	
	State owes Cooperator	Cooperator owes State
Land Value	\$ 5,032	\$ 281
Road Costs	\$	\$ 4,751
Total Value/Costs	\$ 5,032	\$ 5,032

NET BALANCE

Land Value	\$ 4,751	
Road Costs		\$ 4,751
Subtotals	\$ 4,751	\$ 4,751

TOTAL LAND AND ROAD \$ -0-

As a result of offsetting costs, the net balance is \$-0- (zero).

VII. Results of Montana Environmental Policy Act (MEPA) Analysis:

No significant impacts are expected and no further analysis required

VIII. Benefits to State:

1. Describe the rights regarding which the Department of Natural Resources and Conservation (DNRC) lands are being accessed.

Provides full permanent access for all lawful purposes to 750 acres of state trust lands (staged acquisition).

	624 acres (C.S.)
	126 acres (P.B.)
TOTAL:	<u>750 acres</u>

2. Describe the public access situation and the effects of this agreement.

- The public currently has access to state trust land in Sec. 22 via adjacent state ownership.
- As a result of this agreement, the state will acquire motorized access rights in favor of the public across Shallenberger property from point B to C, and non-

Created 2/4/15

motorized access rights in favor of the public from Point C to D across Shallenberger property, as shown on the attached Exhibit. A small parking area will be available near the gate at point C.

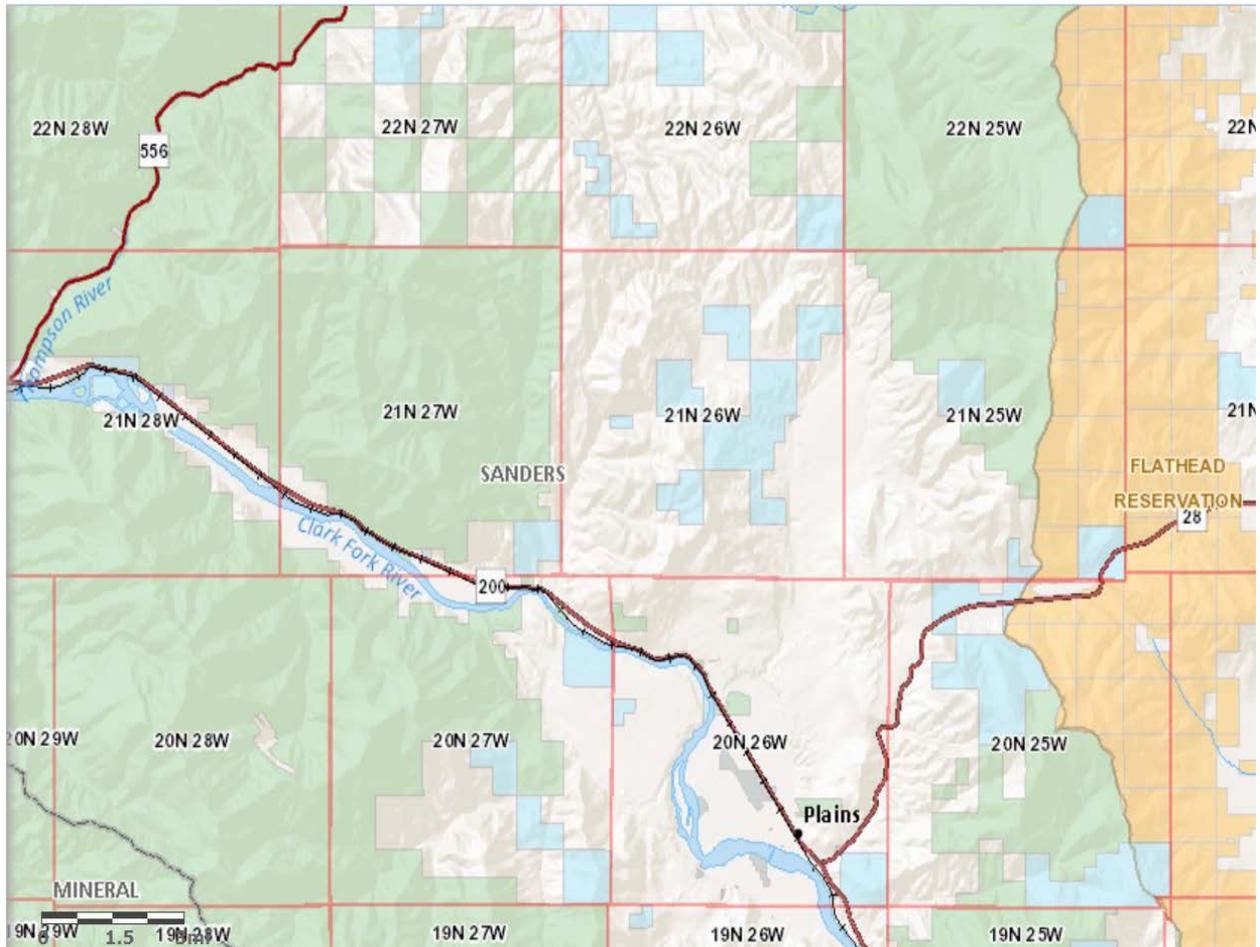
3. Describe other benefits associated with completing the agreement.

- Provides for an integrated transportation system which reduces road densities and potential resource impacts to water quality and wildlife habitat.
- Provides for acquisition costs to be shared, thereby reducing access acquisition costs, shared financial obligations for road maintenance, resurfacing, weed management, and road reconstruction, if needed, to current road standards.
- Provides for legal access for forest management opportunities and other uses if needed.

VIII. Recommendation/Action:

The director recommends approval of this proposed reciprocal access agreement with the cooperator. As the cooperator is providing a combination of motorized and non-motorized public access to current inaccessible state land, the director also recommends the board waive the one percent conveyance fee associated with the cooperator's lands pursuant to the reciprocal access and easement exchange policy.

VICINITY MAP



ROAD DETAIL MAP

