

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Tuesday, April 21, 2015, at 9:00 a.m.
Justice Building, 215 N. Sanders, Supreme Court Chambers
Helena, MT

ACTION ITEMS

- 415-1 **Timber Sales**
 A. Belmont Stakes
 Benefits: Common Schools
 Location: Missoula County
 Approved 5-0
- B. Colonite Creek**
 Benefits: Common Schools
 Location: Lincoln County
 Approved 5-0
- 415-2 **Land Banking Parcels: Preliminary Approval for Sale**
 Valley County
 Benefits: Common Schools and Eastern College – MSU/Western College – UM
 Location: Valley County
 Approved 5-0
- 415-3 **Land Banking Parcels: Final Approval for Sale**
 A. Jefferson County
 Benefits: Common Schools
 Location: Jefferson County
 Approved 5-0
- B. Wheatland County**
 Benefits: Common Schools
 Location: Wheatland County
 Approved 5-0
- 415-4 **Easements**
 A. Easements
 Benefits: Capitol Buildings, Common Schools, Public Lands
 Location: Broadwater, Cascade, Choteau, Fallon, Fergus, Flathead, Lincoln, Madison,
 McCone, Pondera, Powell, Richland Counties
 Approved 4-0 (Ms. Lindeen absent)
- B. Easement: Lupfer Road – Flathead County Agreement**
 Benefits: Public Buildings
 Location: Flathead County
 Approved 4-0 (Ms. Lindeen absent)
- C. Reciprocal Access Agreement: Butte/Silver Bow County – Herman Gulch**
 Benefits: Common Schools
 Location: Silver Bow County
 Approved 4-0 (Ms. Lindeen absent)

PUBLIC COMMENT

415-1

TIMBER SALES

A. Belmont Stakes

B. Colonite Creek

415-1A Timber Sale: Belmont Stakes

Location: Missoula County

Trust Benefits: Common Schools

Trust Revenue: \$199,470 (estimated, minimum bid)

Item Summary

The Belmont Stakes timber sale is approximately 11 miles southwest of Seeley Lake, Montana. The sale includes 12 harvest units totaling 307 acres with an estimated sale volume of 19,730 tons (3,344 MBF) of sawlogs. The minimum bid value is \$10.11 per ton, which would generate approximately \$199,470 for the Common Schools Trust and \$75,961 in Forest Improvement Fees. The sale is within the Habitat Conservation Plan (HCP) project area and complies with the commitments outlined in the HCP.

The timber sale would utilize an individual tree selection harvest prescription to reduce stand density by removing shade tolerant species (primarily Douglas-fir). Douglas-fir is currently being impacted by root rot across all size classes. The treatment would improve stand vigor and promote seral species, bringing stands closer to historic conditions. Following the timber harvest, areas with high concentrations of root rot would be planted with a more resistant species such as western larch. There are 176 acres of old growth included in this timber sale. The dense stocking from a shade tolerant understory has produced a high fuel load, putting old growth stands at risk of mortality if a fire were to occur in the area. Old growth maintenance treatments would remove shade tolerant species while still maintaining old growth characteristics in the stands. All 176 acres of old growth would remain post-harvest.

In conjunction with the sale, the Department of Natural Resources and Conservation (DNRC) would conduct the following road work:

- maintain and/or improve 21 miles of road across three ownerships (The Natura Conservancy [TNC], DNRC, United States Forest Service [USFS]);
- construct a total of 1.3 miles of new permanent road on TNC and DNRC ownership; and
- abandon 0.3 miles of steep poorly designed road on TNC ownership

DNRC and USFS are currently working on a cost-share agreement for approximately 10.58 miles of the road utilized for this haul route. As part of that agreement, this timber sale would have to implement road maintenance activities based on an assessment written by the USFS and approved by the U.S. Fish and Wildlife Service (USFWS). This maintenance would account for approximately 65% of the road cost estimates.

Access to this timber sale has been obtained through temporary road use permits (TRUP) with both TNC and the USFS.

Scoping letters were mailed to interested parties in January 2013 and a public notice was published in the *Missoulian*. One comment letter was received from the Confederated Salish and Kootenai Tribes (CSKT). They requested that if previously unknown cultural materials are identified at any time during project related activities, DNRC will contact CSKT Tribal Historic Preservation Officer (THPO) and require that all work cease until a professional assessment of such resources could be made. DNRC foresters and specialists have reviewed the proposal and comment, analyzed conditions, and recommended harvest mitigation measures to reduce the potential for impacts.

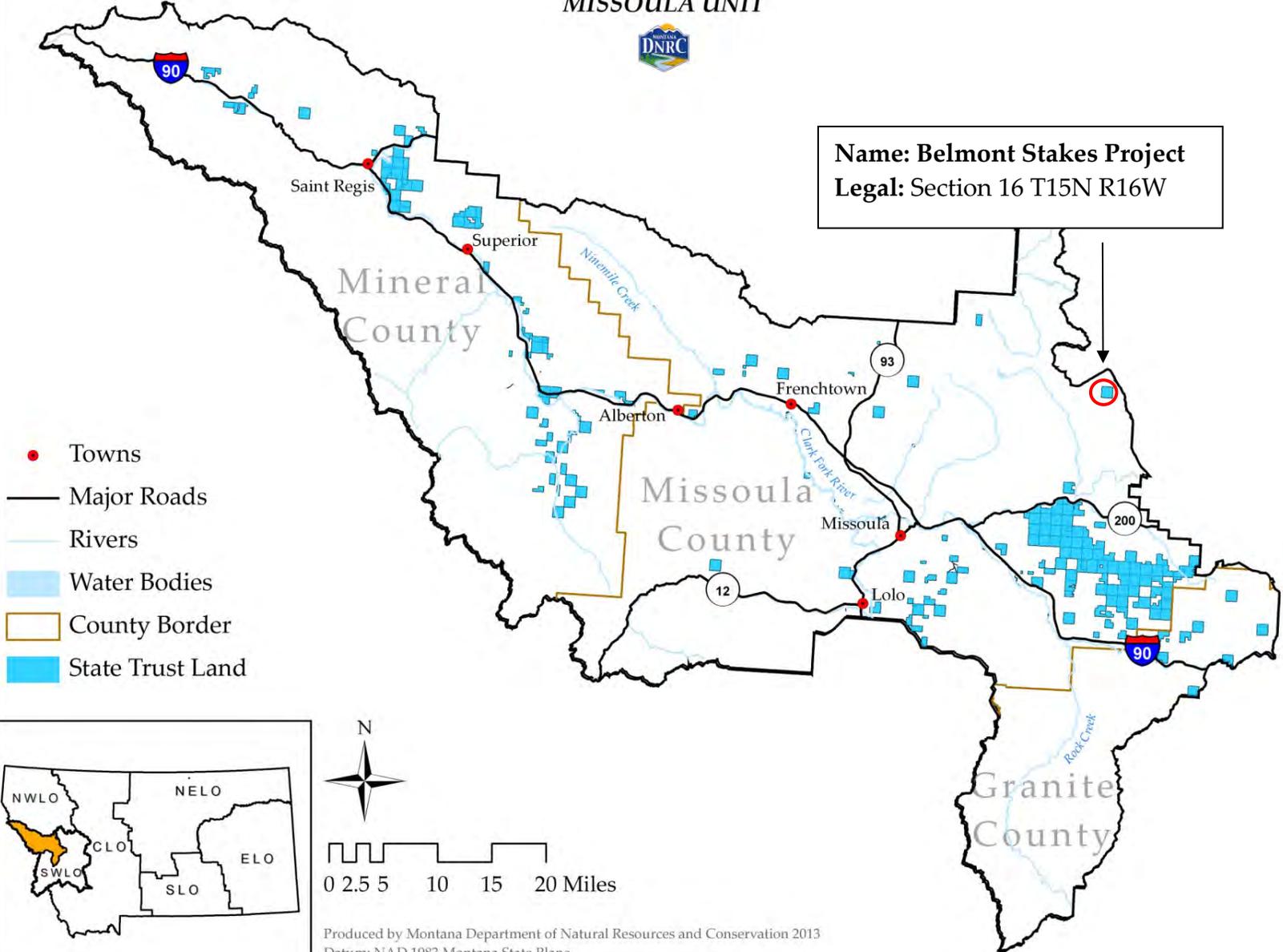
DNRC Recommendation

The director recommends the Land Board direct DNRC to sell the Belmont Stakes timber sale.

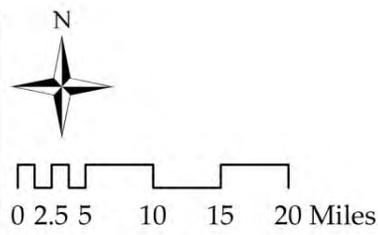
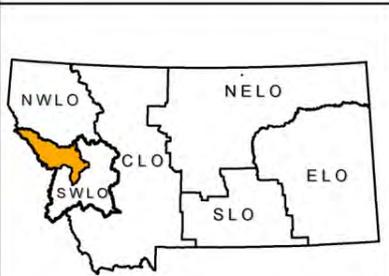
Belmont Stakes Timber Sale VICINITY MAP MISSOULA UNIT



Name: Belmont Stakes Project
Legal: Section 16 T15N R16W



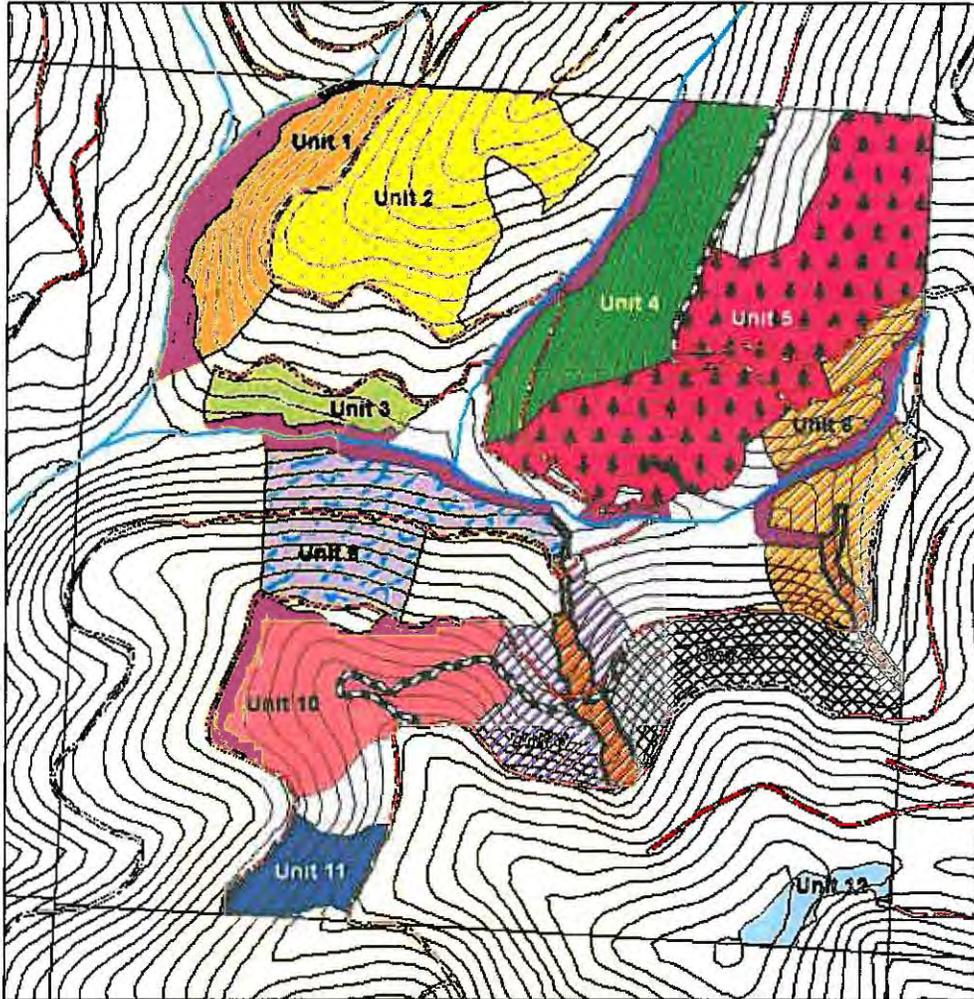
- Towns
- Major Roads
- Rivers
- Water Bodies
- County Border
- State Trust Land



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



**Belmont Stakes
Section 16 T15N R16W
Missoula Unit**



Harvest Units: All leave trees are marked with a blue horizontal stripe around the bole of the tree. Trees marked with a blue "W" or "WL" are wildlife trees and also must be left. Protect the residual stand and regeneration during all aspects of the harvest operations. Long butt in the woods and use existing skid trails and landings whenever possible.

- Excavated Trails
- Road Location
- Belmont Stakes Streams
- Belmont Stakes Roads
- Class 3 SMZ
- Class 1 SMZ

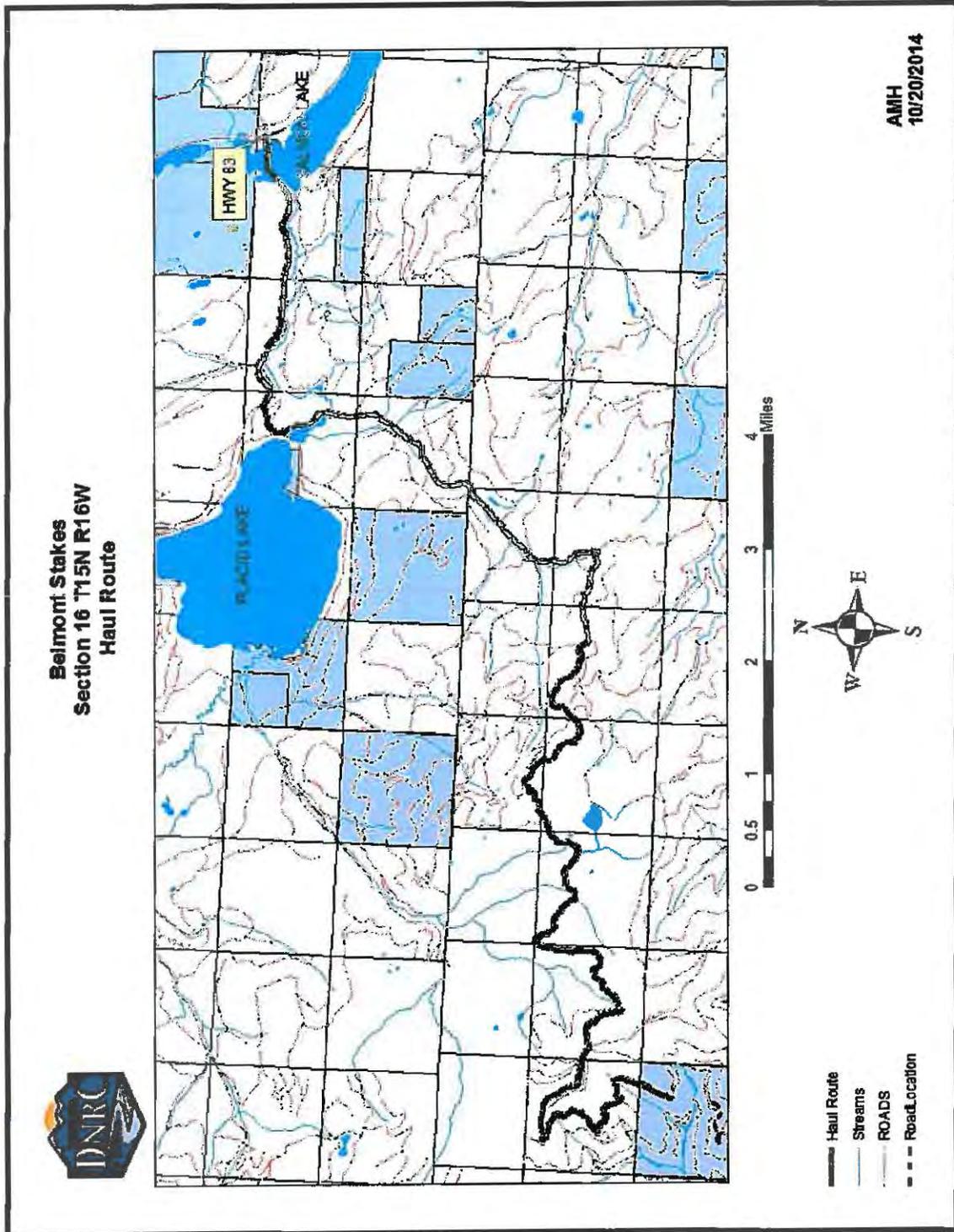
- BS UNITS**
- | | | | |
|--------|--|----|--|
| Unit 1 | | 6 | |
| Unit 2 | | 7 | |
| Unit 3 | | 8 | |
| Unit 4 | | 9 | |
| Unit 5 | | 10 | |
| | | 11 | |
| | | 12 | |

Harvest Boundaries: Yellow 3 stripe and yellow flagging
SMZ Boundaries: Pink SMZ flagging and orange paint
SMZ cut trees: Orange horizontal stripe

- | | |
|------------------|-------------------|
| Unit 1: 18 acres | Unit 7: 24 acres |
| Unit 2: 41 acres | Unit 8: 19 acres |
| Unit 3: 9 acres | Unit 9: 27 acres |
| Unit 4: 31 acres | Unit 10: 34 acres |
| Unit 5: 64 acres | Unit 11: 9 acres |
| Unit 6: 26 acres | Unit 12: 5 acres |



**AMH
10/15/2014**



**Land Board Agenda Item
April 21, 2015**

415-1B Timber Sale: Colonite Creek**Location: Lincoln County****Trust Benefits: Common Schools****Trust Revenue: \$228,784 (estimated, minimum bid)****Item Summary**

The Colonite Creek timber sale is approximately 31 miles south southeast of Libby, Montana. The sale includes one harvest unit totaling 278 acres with an estimated sale volume of 17,398 tons (2,590 MBF) of sawlogs. The minimum bid value is \$13.15 per ton, which would generate approximately \$228,784 for the Common Schools Trust and \$65,069 in Forest Improvement Fees. The sale 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 prescription with understory pre-commercial thinning will be utilized, promoting the regeneration of ponderosa pine and western larch. Harvest activities have been designed to capture value of recent bark beetle mortality, maintain and improve overall forest health, reduce fuel loading, and increase forest productivity. There is no old growth present in this sale.

This timber sale would include 2.68 miles of permanent new road construction and 10.57 miles of existing road maintenance.

The Department of Natural Resources and Conservation (DNRC) has obtained temporary road use permits (TRUP) from both the U.S. Forest Service (USFS) and Plum Creek Timber Co. to gain legal access to this parcel for the duration of the timber sale.

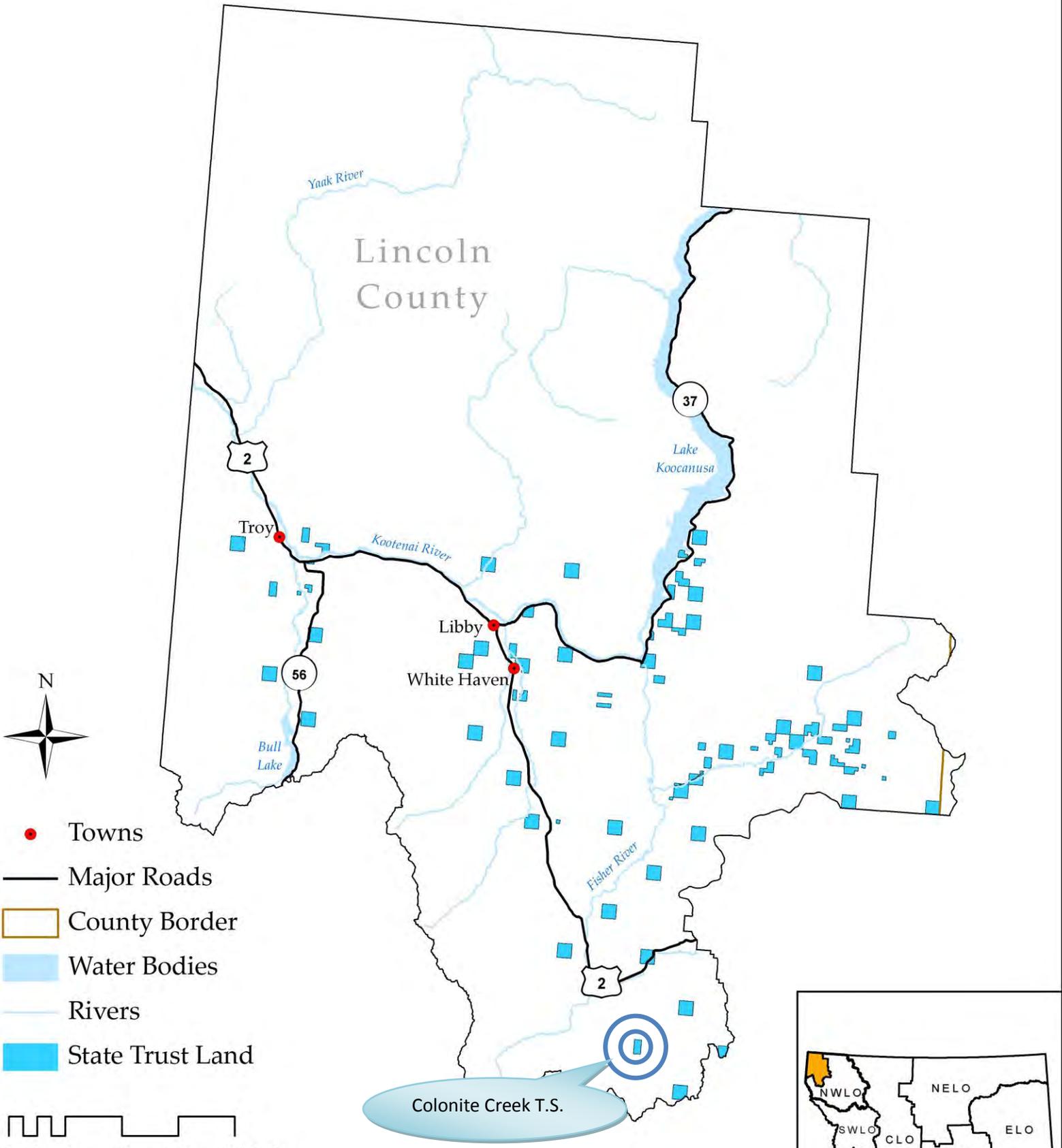
Scoping letters were mailed to interested parties on July 31, 2013, and public notice was published in the *Western News* on August 2, 9, 16, 23, and 30 of 2013. Notice was also posted on the DNRC website. One comment was received from the Confederated Salish and Kootenai Tribes (CSKT). Francis Auld wrote DNRC via email to ensure that any trees removed are not Culturally Modified Trees and asked if there was an existing or planned inventory of the area for cultural resources. DNRC responded to Mr. Auld, informing him a Class I inventory (map and database review) has been conducted and DNRC has no indication of previously identified cultural or paleontologic resources in this project's area of potential effect. No further correspondence from Mr. Auld was received after this communication. Foresters and specialists of the DNRC have reviewed the proposal and comment, analyzed conditions, and recommended harvest mitigation measures to reduce the potential for impacts.

DNRC Recommendation

The director recommends the Land Board direct DNRC to sell the Colonite Creek timber sale.

COLONITE CREEK VICINITY MAP LIBBY UNIT

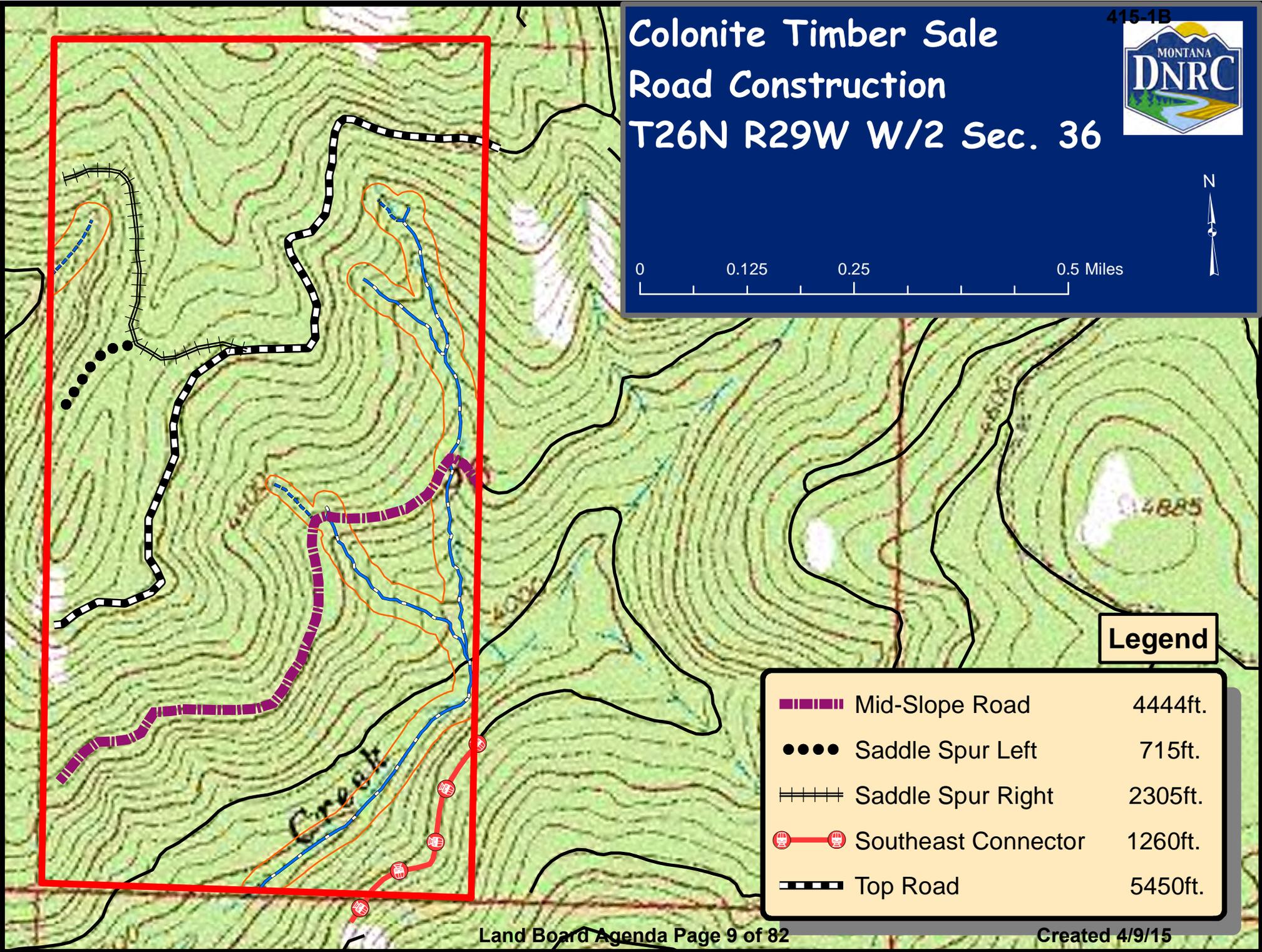
415-1B





Colonite Timber Sale Road Construction T26N R29W W/2 Sec. 36

0 0.125 0.25 0.5 Miles



Legend

| | | |
|--|---------------------|---------|
| | Mid-Slope Road | 4444ft. |
| | Saddle Spur Left | 715ft. |
| | Saddle Spur Right | 2305ft. |
| | Southeast Connector | 1260ft. |
| | Top Road | 5450ft. |

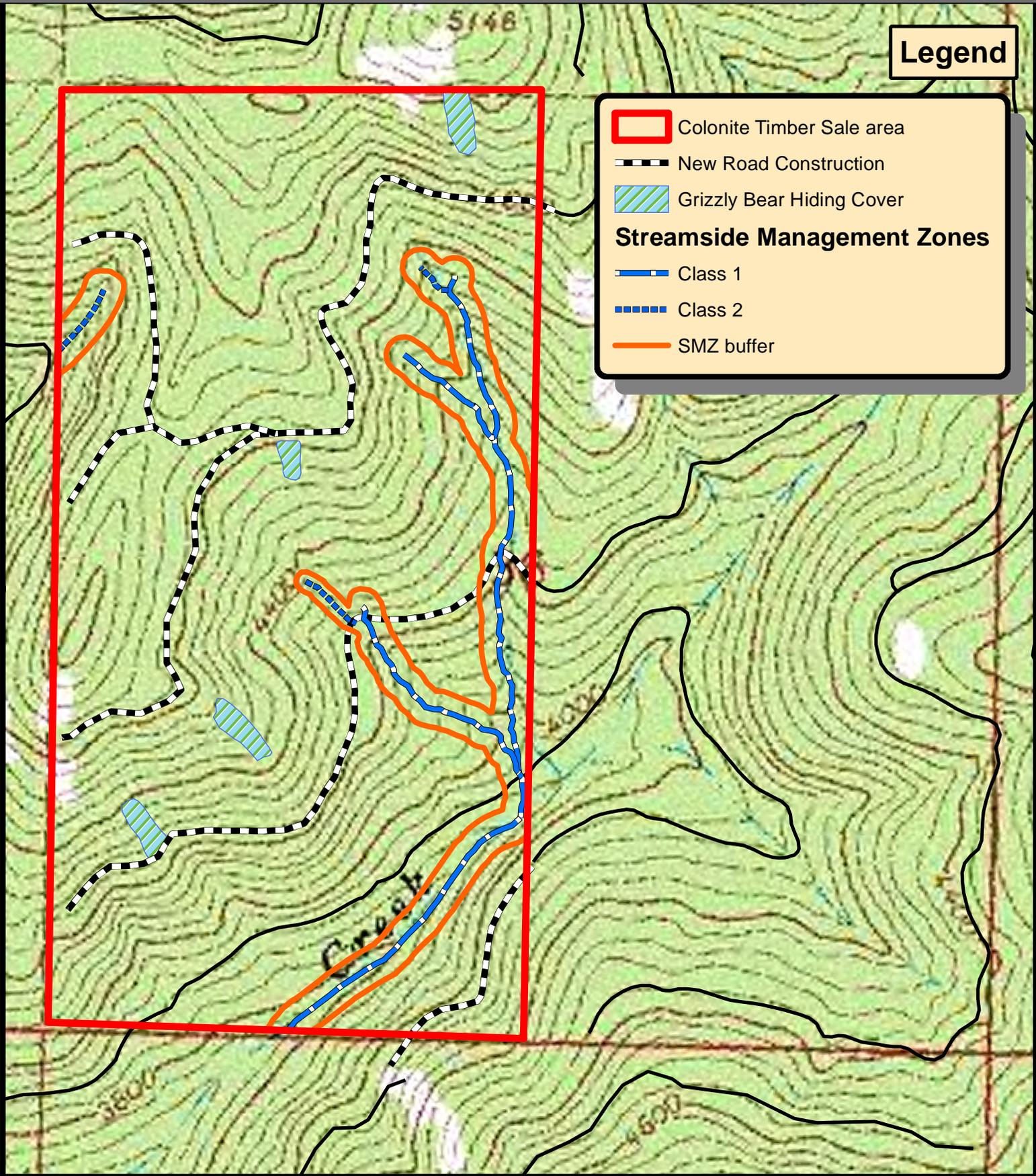
Colonite Timber Sale Harvest Map

T26N R29W W/2 Sec. 36



Legend

- Colonite Timber Sale area
- New Road Construction
- Grizzly Bear Hiding Cover
- Streamside Management Zones**
 - Class 1
 - Class 2
 - SMZ buffer



415-2

LAND BANKING PARCELS:
PRELIMINARY APPROVAL FOR SALE

415-2 Land Banking Parcels: Preliminary Approval for Sale

Location: Valley County

Trust Benefits: Common Schools, Eastern College – MSU/Western College – UM

Trust Revenue: Appraisal to be completed after preliminary approval

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting preliminary approval of four parcels totaling approximately 480 acres nominated for sale in Valley County. The sales were nominated by the lessee and the parcels are located approximately 43 miles northeast of Glasgow, Montana.

| Sale # | # of Acres | Legal | Nominator | Trust |
|--------|------------|--|-------------------|-----------------|
| 720 | 40± | SW¼NW¼, Section 29, T35N-R42E | Kenneth Greenwood | Common Schools |
| 721 | 120± | NE¼NW¼, S½NW¼, Section 25, T35N-R41E | Kenneth Greenwood | Western/Eastern |
| 722 | 40± | SW¼SE¼, Section 25, T35N-R41E | Kenneth Greenwood | Western/Eastern |
| 723 | 280± | S½NE¼, SE¼, NE¼SW¼, Section 30, T35N-R42E | Kenneth Greenwood | Common Schools |

Sale parcels 720 - 723 are used primarily for livestock grazing purposes. The parcels have average productivity for grazing lands statewide.

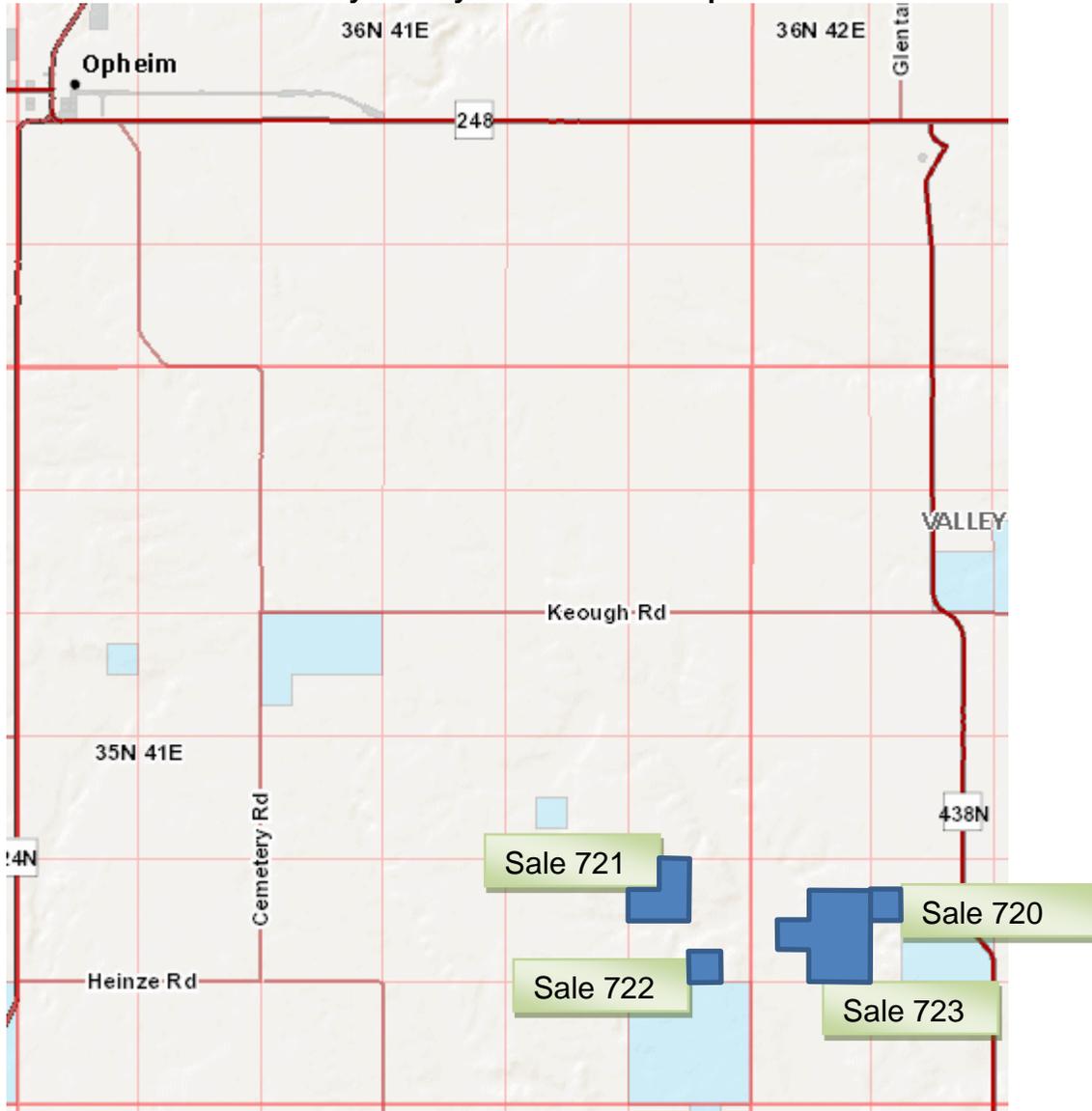
Parcels 720 and 723 are legally accessible by the public and parcels 721 and 722 are not legally accessible by the public.

No potentially negative issues were identified through the MEPA process regarding the sale of this parcel.

DNRC Recommendation

The director recommends the Land Board give preliminary approval to sell this parcel.

Valley County Sale Location Map



Sale #720
SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 29, T35N-R42E
Kenneth Greenwood



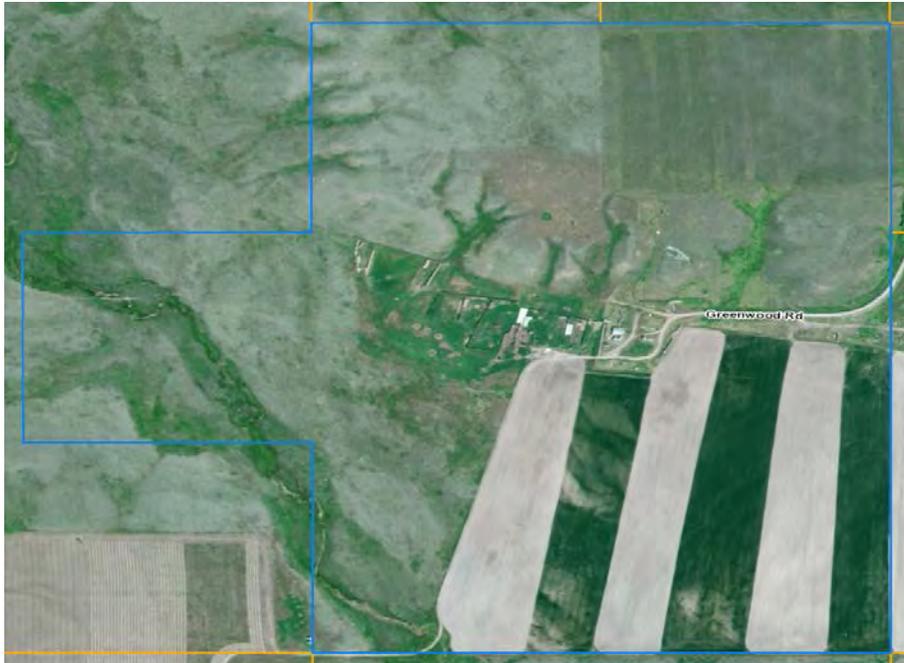
Sale #721
NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
Section 25, T35N-R41E
Kenneth Greenwood



Sale #722
SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 25, T35N-R41E
Kenneth Greenwood



Sale #723
S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 30, T35N-R42E
Kenneth Greenwood



415-3

LAND BANKING PARCELS: FINAL APPROVAL FOR SALE

- A. Jefferson County
- B. Wheatland County

**Land Board Agenda Item
April 21, 2015**

415-3A Land Banking Parcel: Final Approval for Sale

Location: Jefferson County

Trust Benefits: Common Schools

Trust Revenue: \$250,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting final approval on one parcel totaling 160 acres which was nominated for sale in Jefferson County. The sale was nominated by the DNRC Central Land Office and is located approximately six miles south of Helena.

| Sale # | # of Acres | Legal | Nominator | Trust |
|---------------|-------------------|------------------------------|------------------|-------------------|
| 340 | 160 | E½W½, Section 12, T9N-R3W | DNRC - CLO | Common Schools |

The parcel ranges from fairly level to sloping hillsides and drainages used primarily for livestock grazing purposes. The parcel has slightly above average productivity for grazing lands statewide.

The parcel is not legally accessible by the public. An easement exchange between the state and Ash Grove Cement Company provides DNRC with management access, and restricts future development access to ingress and egress for one single family residence.

No potentially negative issues were identified through the MEPA process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 0.28%. 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% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

The state parcel proposed for sale was inventoried to Class III standards for cultural and paleontological resources in April 2005. No paleontological resources were identified, but one cultural resource consisting of three low-profile cairns (rock clusters) was tested, formally recorded, evaluated, and determined not to be a Heritage Property. 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.

Background:

In April 2005 the Land Board granted preliminary approval for this parcel to continue through the Land Banking sale evaluation process. In July 2014 the board set the minimum bid at the appraised value with access as follows:

| Sale # | Minimum Bid |
|--------|-------------|
| 340 | \$250,000 |

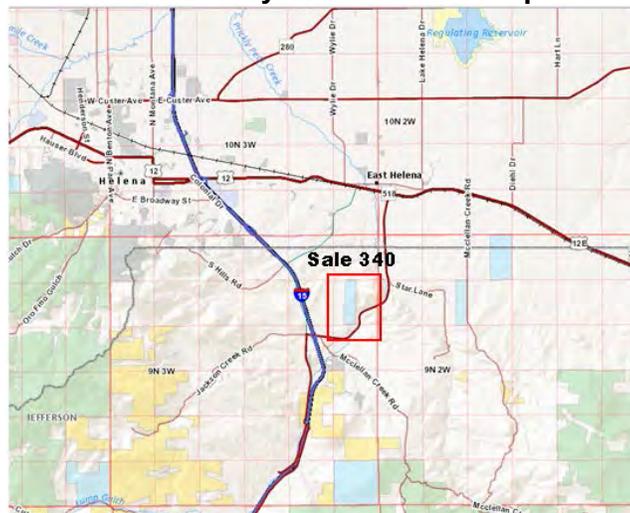
Sale Price

The parcel was sold at a public auction on March 18, 2015. The parcel had only one bidder and was sold for the minimum bid amount listed above.

DNRC Recommendation

The director recommends final approval of land banking sale 340. The sale will be closed within 30 days of final approval by the board.

Jefferson County Sale Location Map



Sale #340
E½W½, Section 12, T9N-R3W



**Land Board Agenda Item
April 21, 2015**

415-3B Land Banking Parcel: Final Approval 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 final approval 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 MEPA process regarding the sale of this parcel.

Economic Analysis:

Short-term – The rate of return on the sale parcel is 0.43%. 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% 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.

Background:

In September 2014 the Land Board granted preliminary approval for this parcel to continue through the land banking sale evaluation process. In February 2015 the board set the minimum bid at the appraised value with access as follows:

| Sale # | Minimum Bid |
|--------|-------------|
| 716 | \$280,000 |

Sale Price

The parcel was sold at a public auction on April 14, 2015. The parcel had only one bidder and was sold for the minimum bid amount listed above.

DNRC Recommendation

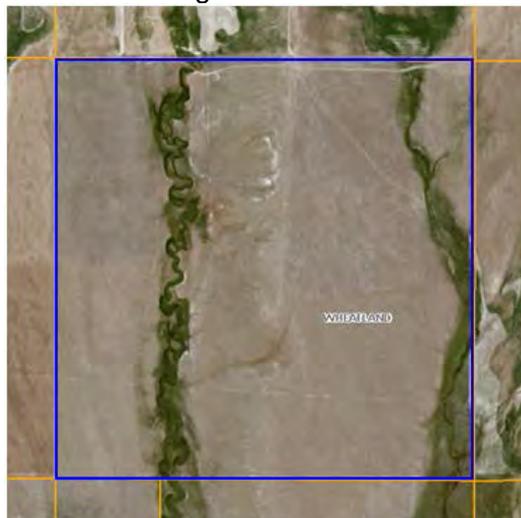
The director recommends final approval of land banking sale 716. The sale will be closed within 30 days of final approval by the board.

Wheatland County Sale Location Map



Sale #716

ALL, Section 16, T10N-R17E
Douglas Ross



415-4

EASEMENTS

A. Easements

B. Lupfer Road – Flathead County

C. Reciprocal Access Agreement:

Butte/Silver Bow County – Herman
Gulch

**Land Board Agenda Item
April 21, 2015**

415-4A Easements

Location: Broadwater, Cascade, Chouteau, Fallon, Fergus, Flathead, Lincoln, Madison, McCone, Pondera, Powell, Richland

**Trust Benefits: Common Schools
Public Buildings
Public Lands Trust – Navigable Rivers**

**Trust Revenue: Common Schools = \$78,599
Public Buildings = \$3,670
Public Lands Trust – Navigable Rivers = \$10,816**

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| Wales Brothers d/b/a Meyer Company Ranch | Historic Private Access Road | Permanent | 25-26 |
| ONEOK Rockies Midstream, LLC | New Gas Utility | 30 Year Term | 27-28 |
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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | Fergus County 712 W Main Street, Suite 210 Lewistown, MT 59457 |
| Application No.: | 16531 |
| R/W Purpose: | a public county road known as Kucera Lane |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 6.04 |
| Compensation: | \$1359.00 |
| Legal Description: | 30-foot strip through NW4NE4, NE4NE4 & 60-foot strip through E2E2, Sec. 16, Twp. 21N, Rge. 18E, 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.

DNRC Recommendation

The director recommends approval of this historic right of way for Fergus County.

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | Fergus County 712 W Main Street, Suite 210 Lewistown, MT 59457 |
| Application No.: | 16532 |
| R/W Purpose: | a public county road known as Mabee Road |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 8.84 |
| Compensation: | \$1989.00 |
| Legal Description: | 30-foot strip through E2NE4, NE4SE4 & 60-foot strip through E2SE4, SW4SE4, Sec. 16, Twp. 19N, Rge. 22E; 60-foot strip through N2NW4, SW4NW4, Sec. 36, Twp. 21N, Rge. 22E, Fergus County |
| Trust Beneficiary: | Common Schools |

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|--|
| Applicant: | Fergus County 712 W Main Street, Suite 210 Lewistown, MT 59457 |
| Application No.: | 16570 |
| R/W Purpose: | a public county road known as Black Butte Road |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 3.64 |
| Compensation: | \$1638.00 |
| Legal Description: | 30-foot strip through SE4NW4, SW4NE4 & 60-foot strip through NW4SW4, Sec. 6, Twp. 17N, Rge. 22E, Fergus County |
| Trust Beneficiary: | Common Schools |

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | Fergus County 712 W Main Street, Suite 210 Lewistown, MT 59457 |
| Application No.: | 16579 |
| R/W Purpose: | a public county road known as Iowa Bench Road |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 3.64 |
| Compensation: | \$1274.00 |
| Legal Description: | 30-foot strip through W2W2, Sec. 16, Twp. 17N, Rge. 14E, Fergus County |
| Trust Beneficiary: | Common Schools |

Item Summary

See page 1

DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 16591
R/W Purpose: a public county road known as Royce Lane
Lessee Agreement: N/A (Historic)
Acreage: 5.46
Compensation: \$1912.00
Legal Description: 30-foot strip through W2NW4, NW4SW4, Sec. 4 and SE4NE4,
NE4SE4, Sec. 5, Twp. 18N, Rge. 19E,
Fergus County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|--|
| Applicant: | Fergus County 712 W Main Street, Suite 210 Lewistown, MT 59457 |
| Application No.: | 16596 |
| R/W Purpose: | a public county road known as Black Welder Road |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 6.81 |
| Compensation: | \$1058.00 |
| Legal Description: | 30-foot strip through NE4SW4, SW4SW4 & 60-foot strip through N2SW4, Sec. 19; 60-foot strip through E2NW4, Sec. 20, Twp. 22N, Rge. 20E, Fergus County |
| Trust Beneficiary: | Common Schools |

Item Summary

See page 1

DNRC Recommendation

See page 1

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 16632
R/W Purpose: a public county road known as McCarthy Road
Lessee Agreement: N/A (Historic)
Acreage: 10.75
Compensation: \$4838.00
Legal Description: 30-foot strip through E2E2 & 60-foot strip through N2N2,
Sec. 36, Twp. 16N, Rge. 21E,
Fergus County

Trust Beneficiary: Common Schools

Item Summary

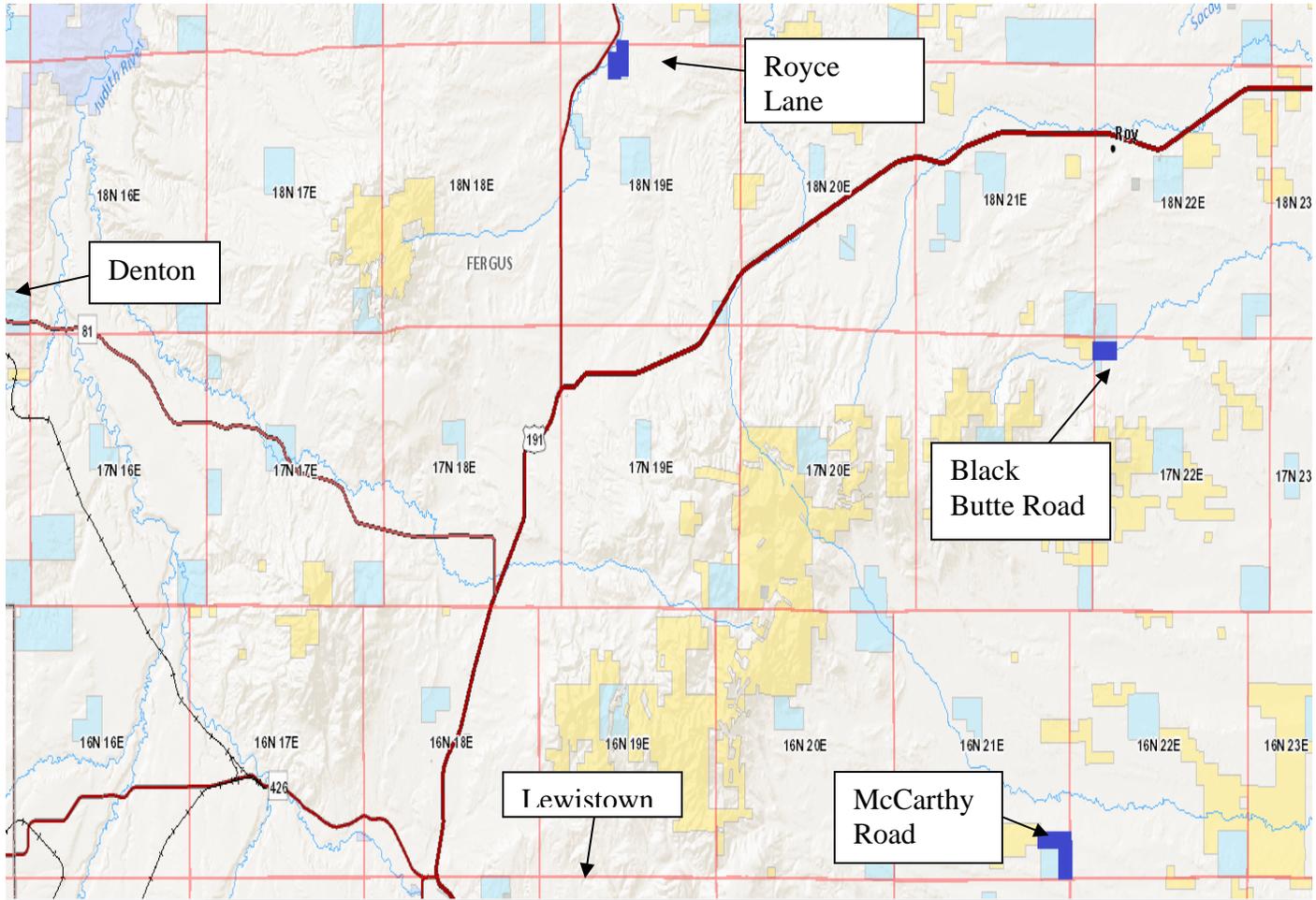
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DNRC Recommendation

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Right of Way Applications

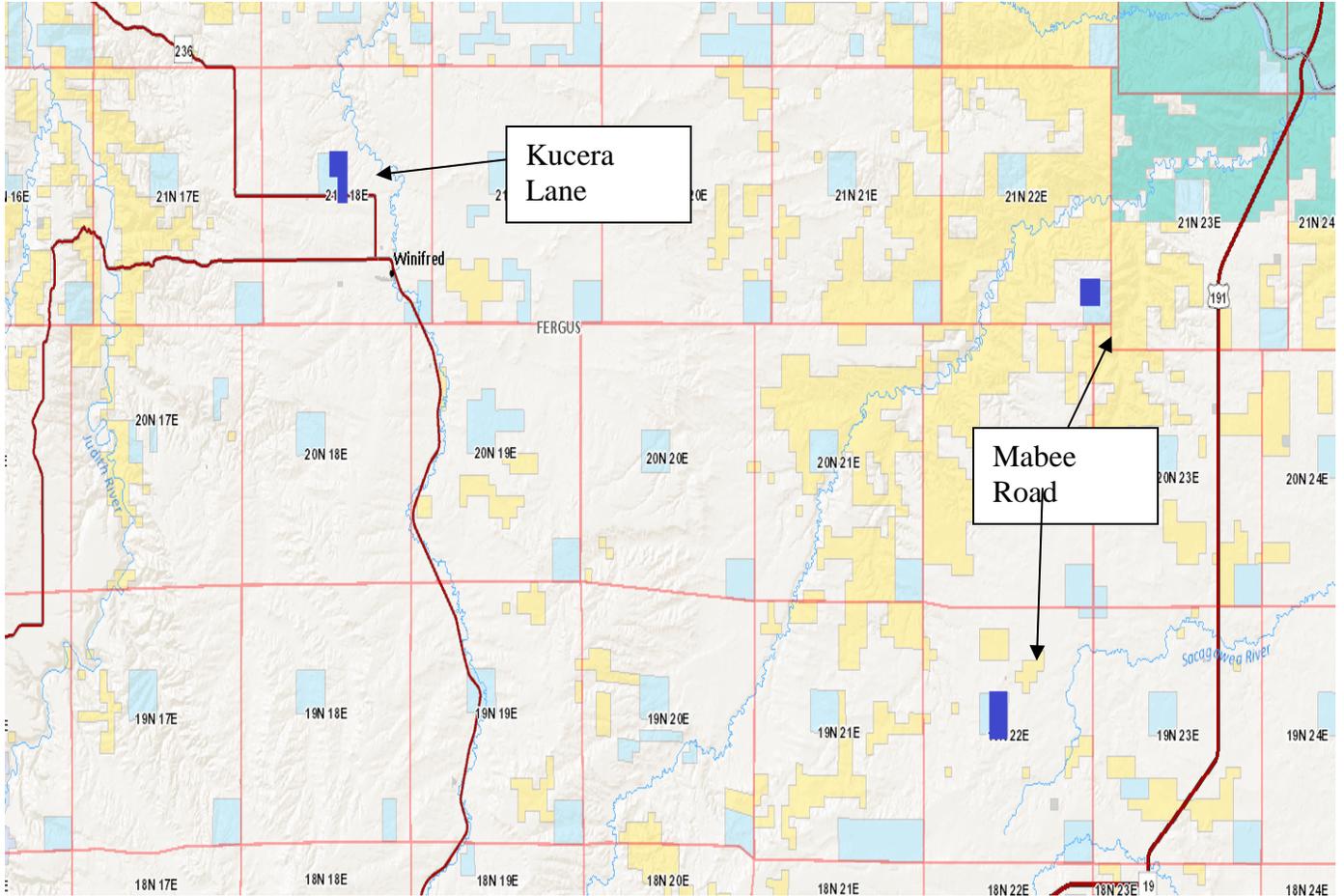
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Application #'s 16570, 16591, 16632

Right of Way Applications

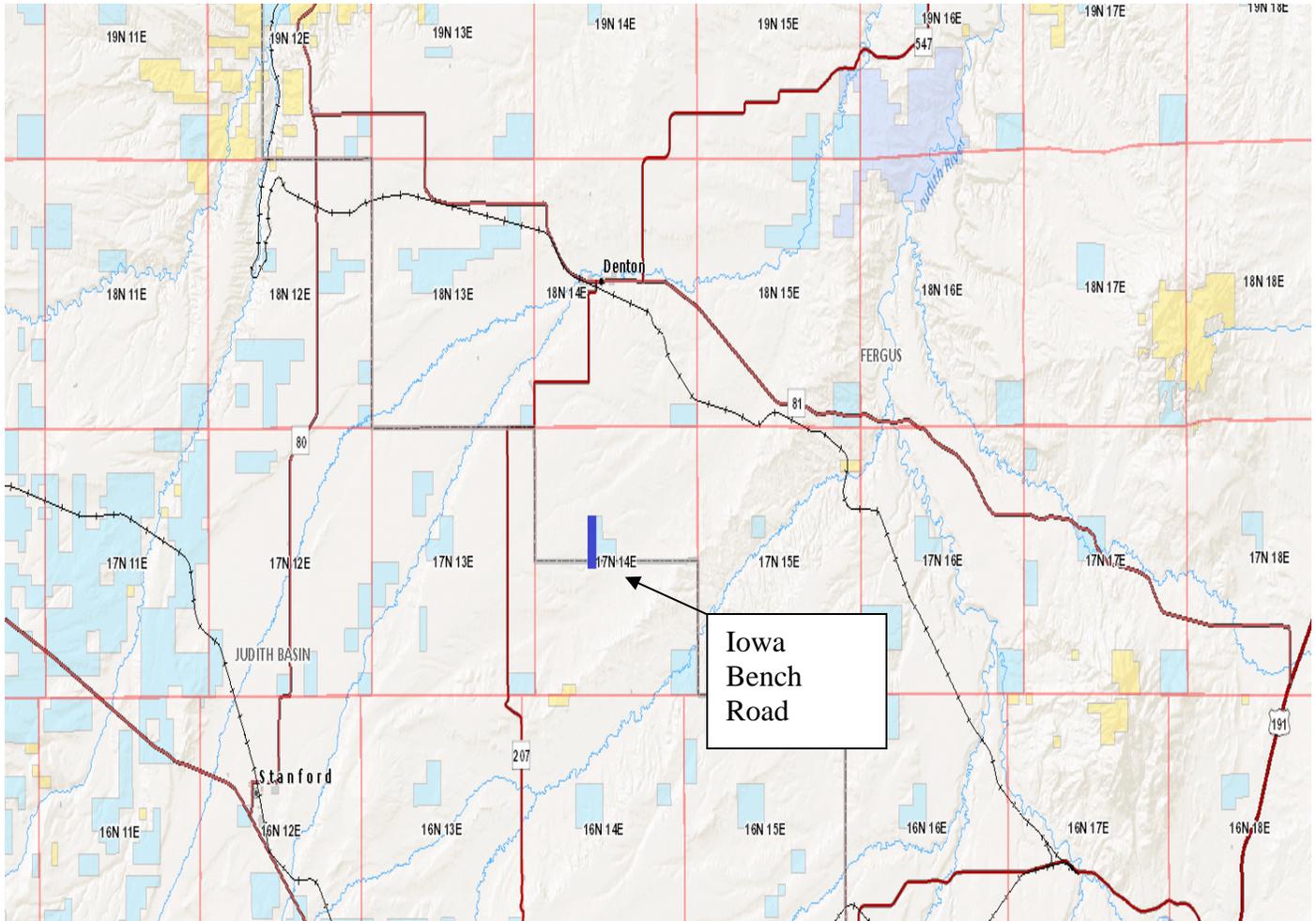
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Application #'s 16531 & 16532

Right of Way Applications

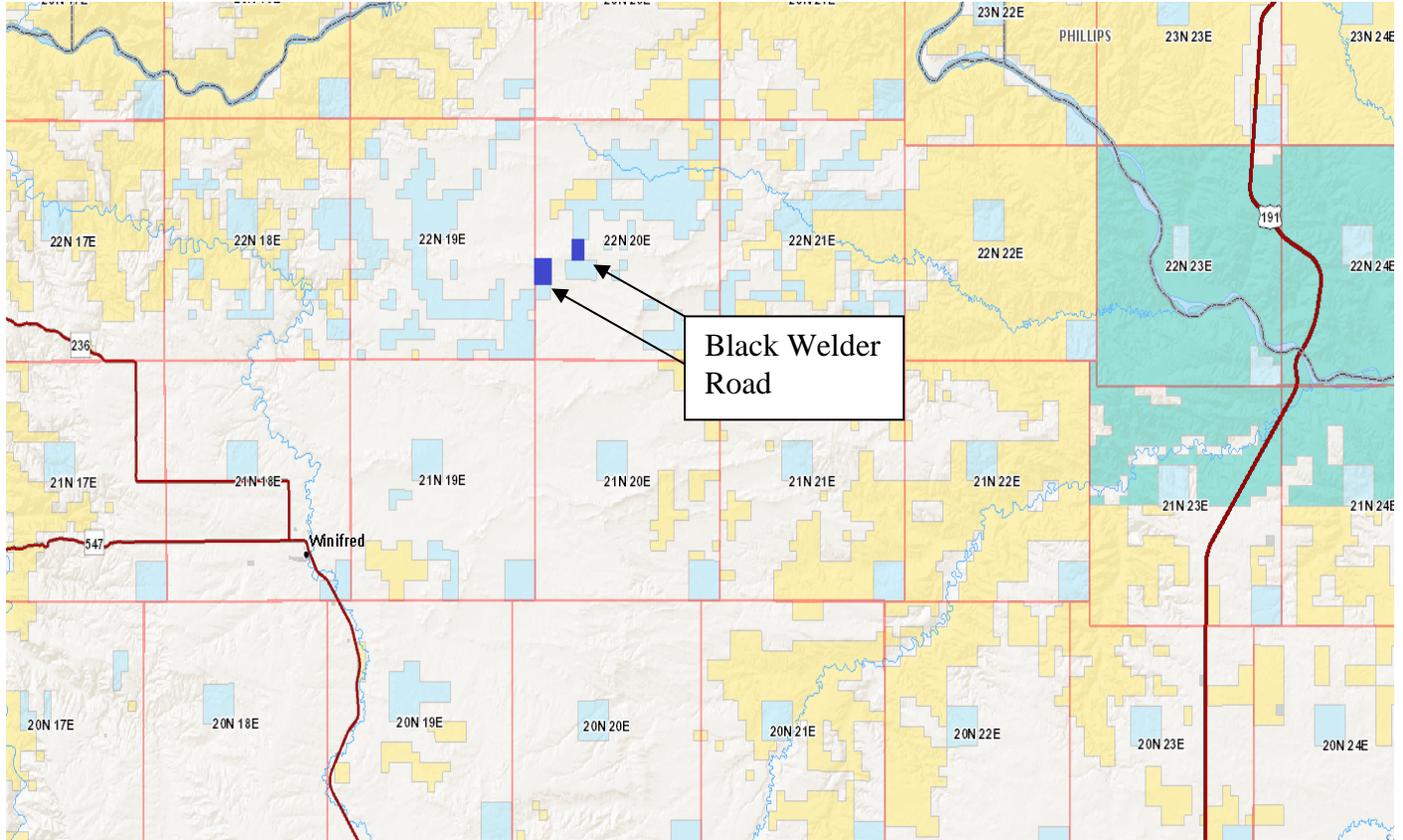
April 21, 2015



Application # 16579

Right of Way Applications

April 21, 2015



Application # 16596

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | McCone County PO Box 199 Circle, MT 59215-0199 |
| Application No.: | 16634 |
| R/W Purpose: | a public county road known as Maxwell Hill Road |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 3.64 |
| Compensation: | \$1001.00 |
| Legal Description: | 30-foot strip through W2W2, Sec. 16, Twp. 25N, Rge. 44E, McCone County |
| Trust Beneficiary: | Common Schools |

Item Summary

McCone 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.

DNRC Recommendation

The director recommends approval of this historic right of way for McCone County.

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | McCone County PO Box 199 Circle, MT 59215-0199 |
| Application No.: | 16636 |
| R/W Purpose: | a public county road known as North Sand Creek Road |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 5.46 |
| Compensation: | \$1502.00 |
| Legal Description: | 30-foot strip through W2E2, Sec. 16, Twp. 25N, Rge. 47E & E2SE4, Sec. 16, Twp. 26N, Rge. 47E, McCone County |
| Trust Beneficiary: | Common Schools |

Item Summary

See page 12

DNRC Recommendation

See page 12

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: McCone County
 PO Box 199
 Circle, MT 59215-0199

Application No.: 16655
 R/W Purpose: a public county road known as Mayberry Road
 Lessee Agreement: N/A (Historic)
 Acreage: 11.14
 Compensation: \$4065.00
 Legal Description: 30-foot strip through N2N2, Sec. 16, Twp. 19N, Rge. 46E; Sec. 16, Twp. 19N, Rge. 47E; Sec. 16, Twp. 19N, Rge. 48E, McCone County

Trust Beneficiary: Common Schools

Item Summary

See page 12

DNRC Recommendation

See page 12

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | McCone County PO Box 199 Circle, MT 59215-0199 |
| Application No.: | 16662 |
| R/W Purpose: | a public county road known as Good Road |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 0.91 |
| Compensation: | \$250.00 |
| Legal Description: | 30-foot strip through NE4NW4, Sec. 36, Twp. 26N, Rge. 48E, McCone County |
| Trust Beneficiary: | Common Schools |

Item Summary

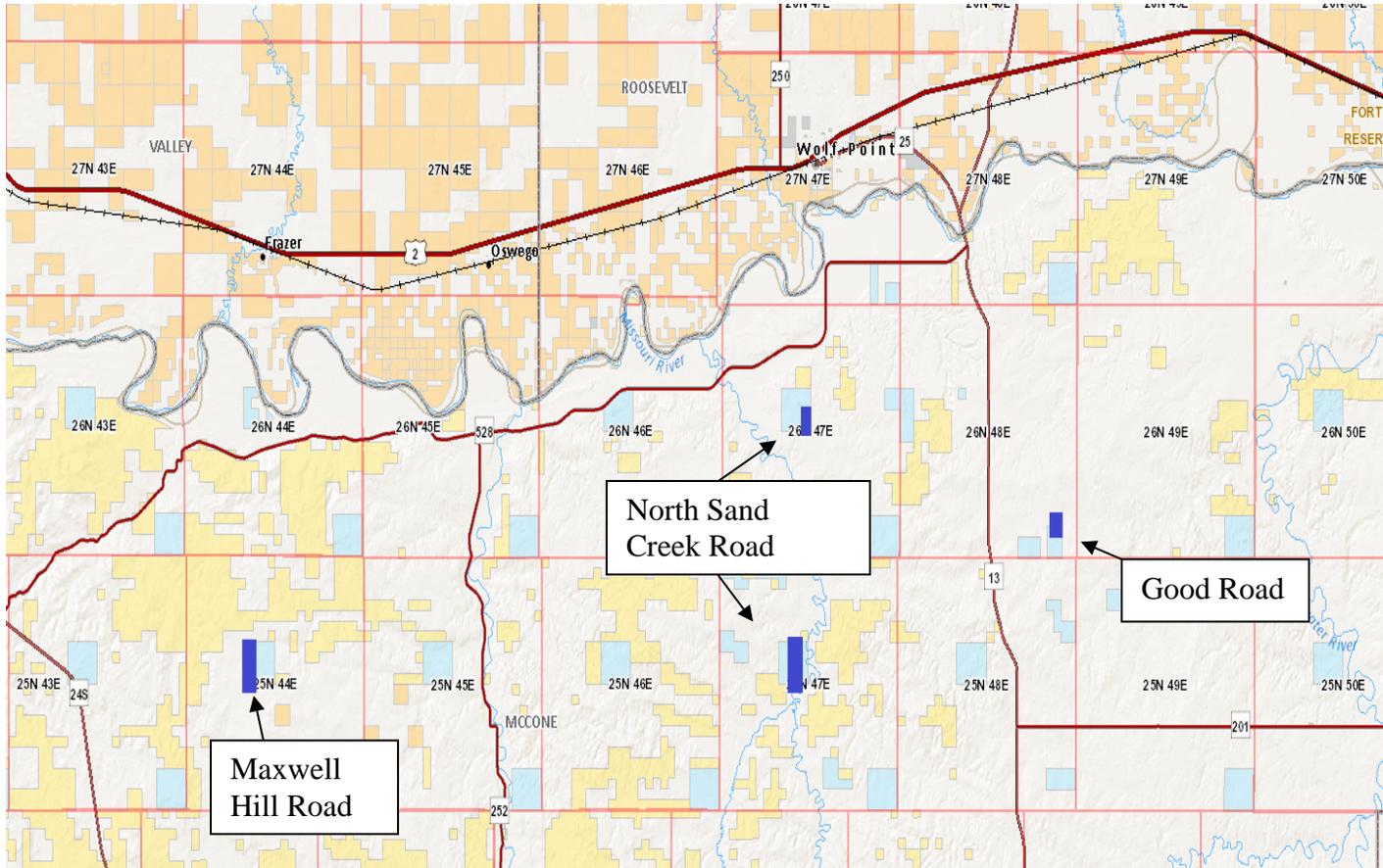
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DNRC Recommendation

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Right of Way Applications

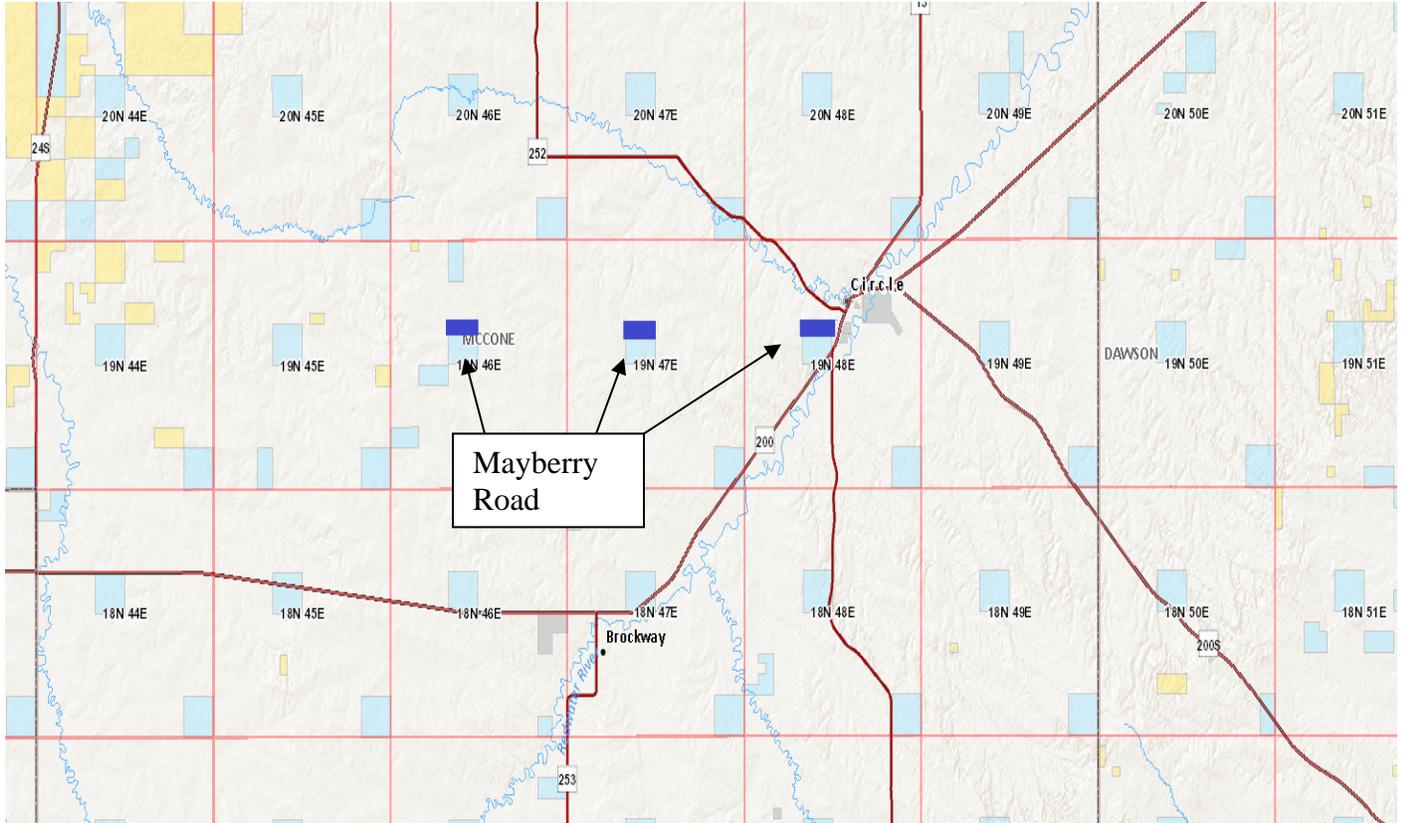
April 21, 2015



Application #'s 16634, 16636, 16662

Right of Way Applications

April 21, 2015



Application # 16655

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Montana Department of Fish, Wildlife & Parks
 PO Box 200701
 Helena, MT 59620

Application No.: 16759
 R/W Purpose: a private access road for administrative and agriculture purposes
 Lessee Agreement: ok
 Acreage: 1.04
 Compensation: \$312.00
 Legal Description: 30-foot strip through SE4SE4, Sec. 15, Twp. 31N, Rge. 4W,
 Pondera County

Trust Beneficiary: Common Schools

Item Summary

Department of Fish, Wildlife & Parks (FWP) has made application for a private administrative access road on an existing two track trail along the Marias River. The road provides access to the Marias River Wildlife Management Area southwest of Shelby. No new road construction or reconstruction will occur.

DNRC Recommendation

The director recommends approval of this private administrative access road.

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | Montana Fish, Wildlife & Parks PO Box 200701 Helena, MT 59620 |
| Application No.: | 16760 |
| R/W Purpose: | a private access road for administrative and agriculture purposes |
| Lessee Agreement: | ok |
| Acreage: | 0.75 |
| Compensation: | \$225.00 |
| Legal Description: | 30-foot strip through NE4NW4, Sec. 24, Twp. 31N, Rge. 4W, Pondera County |
| Trust Beneficiary: | Common Schools |

Item Summary

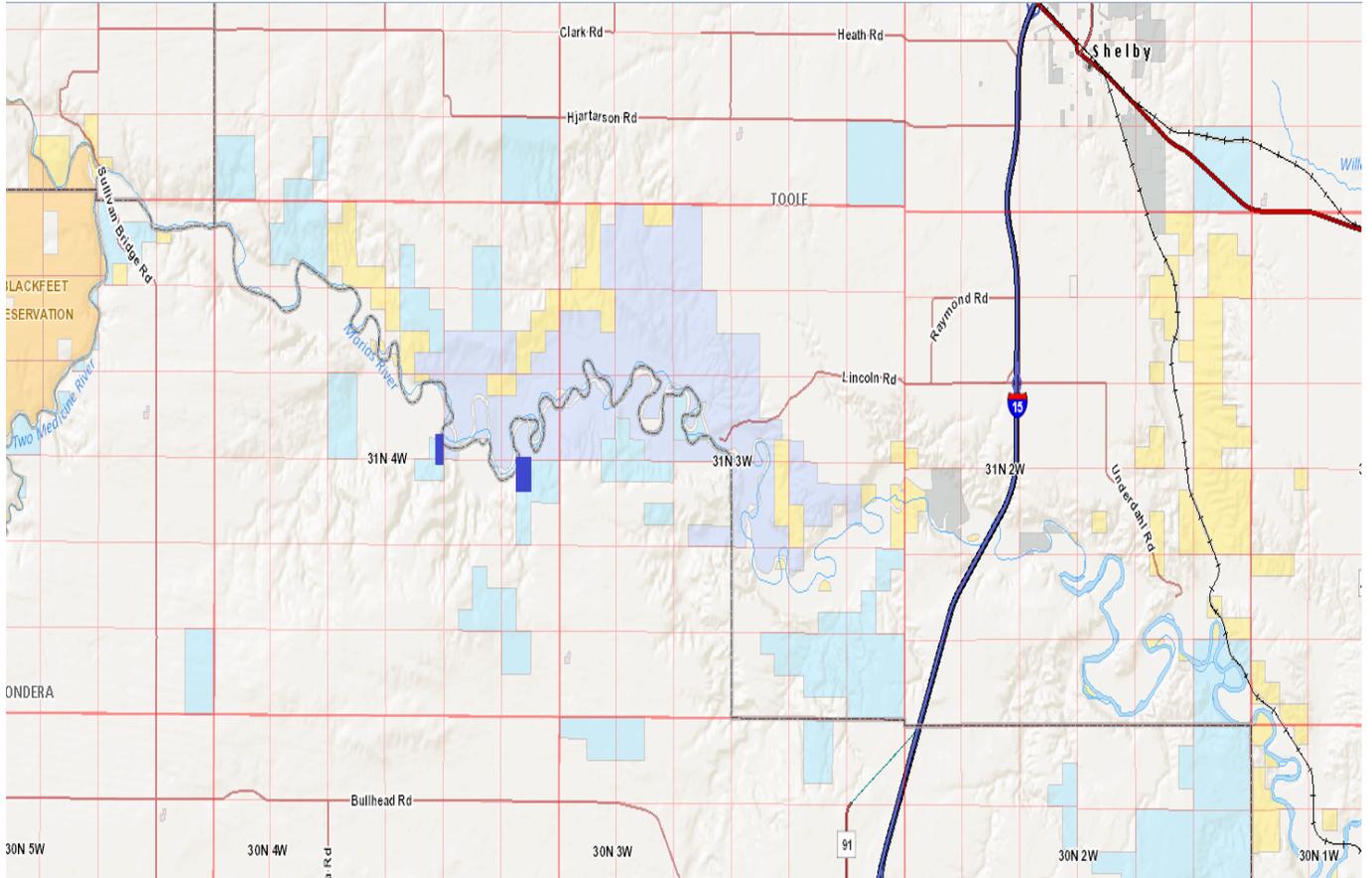
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DNRC Recommendation

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Right of Way Applications

April 21, 2015



Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: City of Whitefish
PO Box 158
Whitefish, MT 59937

Application No.: 16862
R/W Purpose: a bike and pedestrian bridge across the Whitefish River
Lessee Agreement: ok
Acreage: 0.04
Compensation: \$10,716.00
Legal Description: 12-foot strip across the Whitefish River in the SW4SW4,
Sec. 25, Twp. 31N, Rge. 22W,
Flathead County

Trust Beneficiary: Public Lands Trust – Navigable Rivers

Item Summary

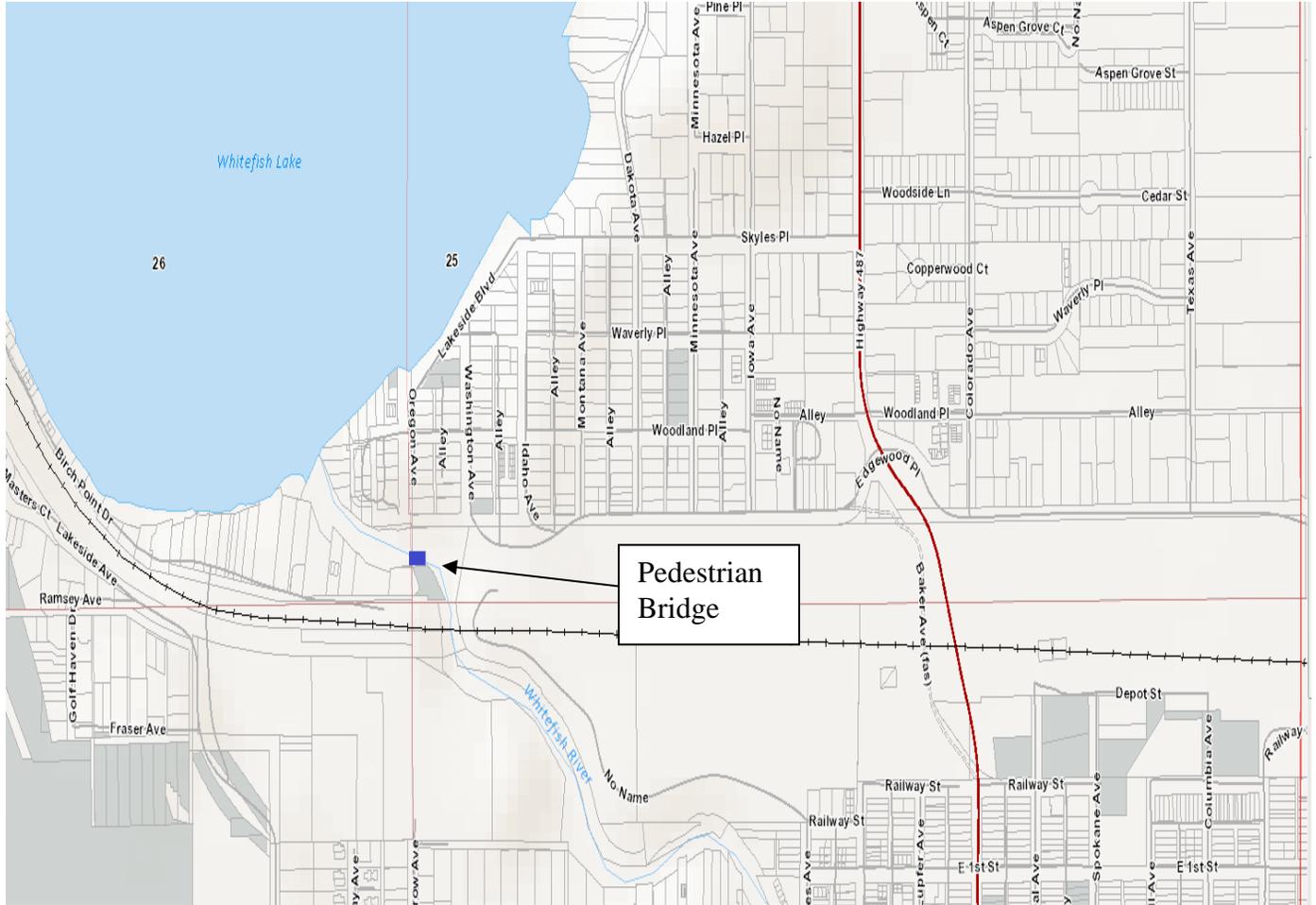
The city of Whitefish has made application for a bike and pedestrian bridge, locally known as Skye Park Bridge, across the Whitefish River northeast of Birch Point Drive. Due to the increasing amount of pedestrian and bike traffic, this bridge is to traverse the river and connect existing pedestrian/bike paths in city parks on either side of the river. The new bridge would improve the safety and flow of the public recreation traffic. The free-span bridge structure will be supported by piers and abutments located on land and no structures will be placed in the river. A Joint application was submitted for this project. Upon review of the necessary permits needed, in addition to the DNRC easement, a Floodplain Development Permit and a Stream Protection Act (SPA 124) Permit are necessary. These permits have been issued to the city of Whitefish.

DNRC Recommendation

The director recommends approval of this bike and pedestrian bridge across the Whitefish River.

Right of Way Applications

April 21, 2015



Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | Mid-Rivers Telephone Cooperative PO Box 280 Circle, MT 59215 |
| Application No.: | 16864 |
| R/W Purpose: | a buried fiber optic cable |
| Lessee Agreement: | ok |
| Acreage: | 1.94 |
| Compensation: | \$1019.00 |
| Legal Description: | 16-foot strip through W2NE4, W2SE4, Sec. 7, Twp. 6N, Rge. 60E, Fallon County |
| Trust Beneficiary: | Common Schools |

Item Summary

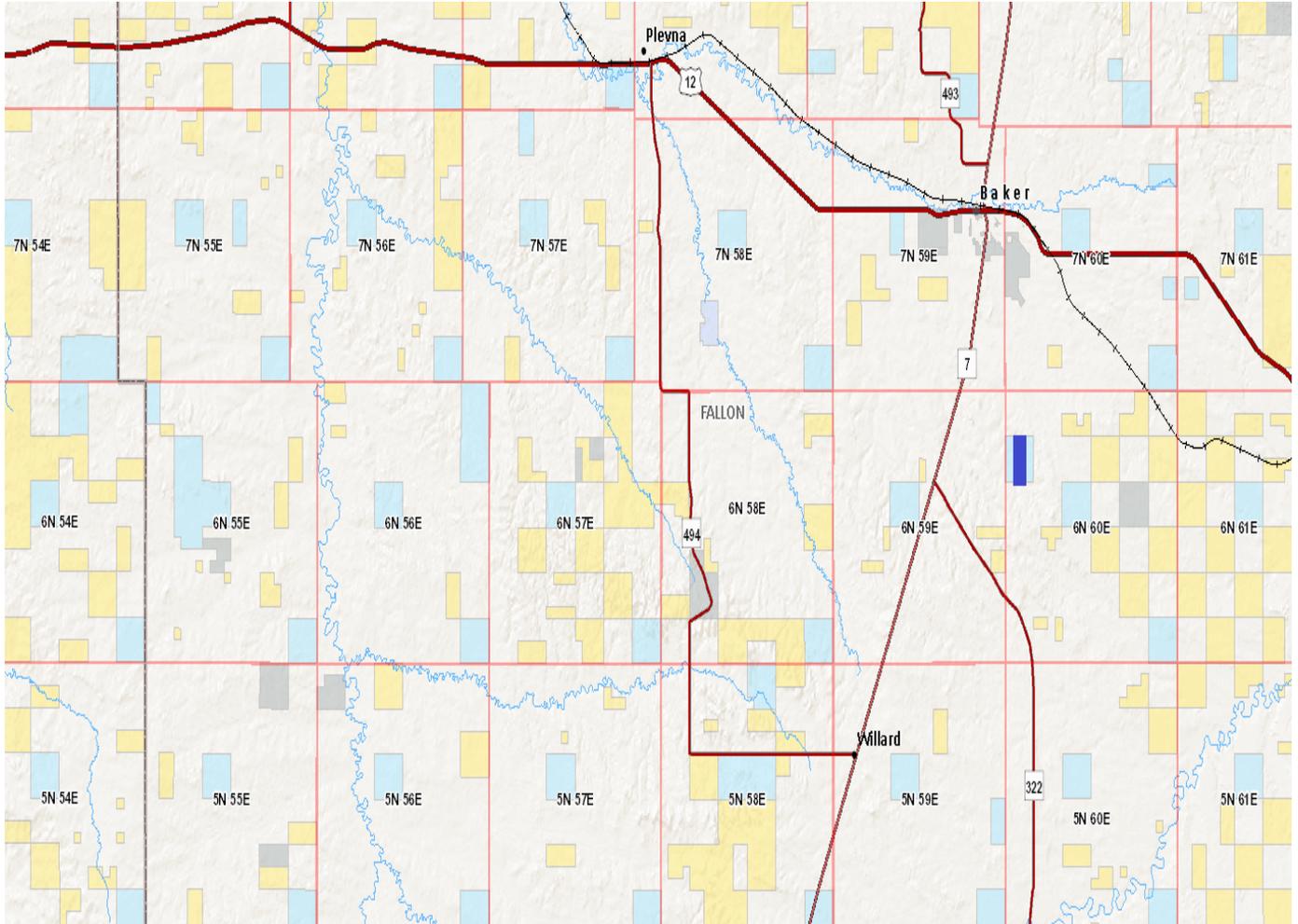
Mid-Rivers Telephone Cooperative has made application for a buried fiber optic cable in Fallon County. This fiber optic cable was previously authorized to be installed through a Land Use License in 2013 and this application is to convert the license to a permanent easement. This fiber optic cable is being used to provide service to their rural customers. The existing route is the most direct route. This line 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 for future activities, such as restrictions related to construction time periods for reconstruction or repair of the existing line.

DNRC Recommendation

The director recommends approval of a permanent easement for this fiber optic cable.

Right of Way Applications

April 21, 2015



Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|--|
| Applicant: | Wales Brothers d/b/a Meyer Company Ranch 300 Red Angus Lane Helmville, MT 59843 |
| Application No.: | 16890 |
| R/W Purpose: | private access road to one single family residence and associated outbuildings and to conduct normal farming and ranching operations and timber management |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 1.7 |
| Compensation: | \$2246.00 |
| Legal Description: | 20-foot strip through NE4NW4, N2NE4, Sec. 16, Twp. 12N, Rge. 12W, Powell County |
| Trust Beneficiary: | Common Schools |

Item Summary

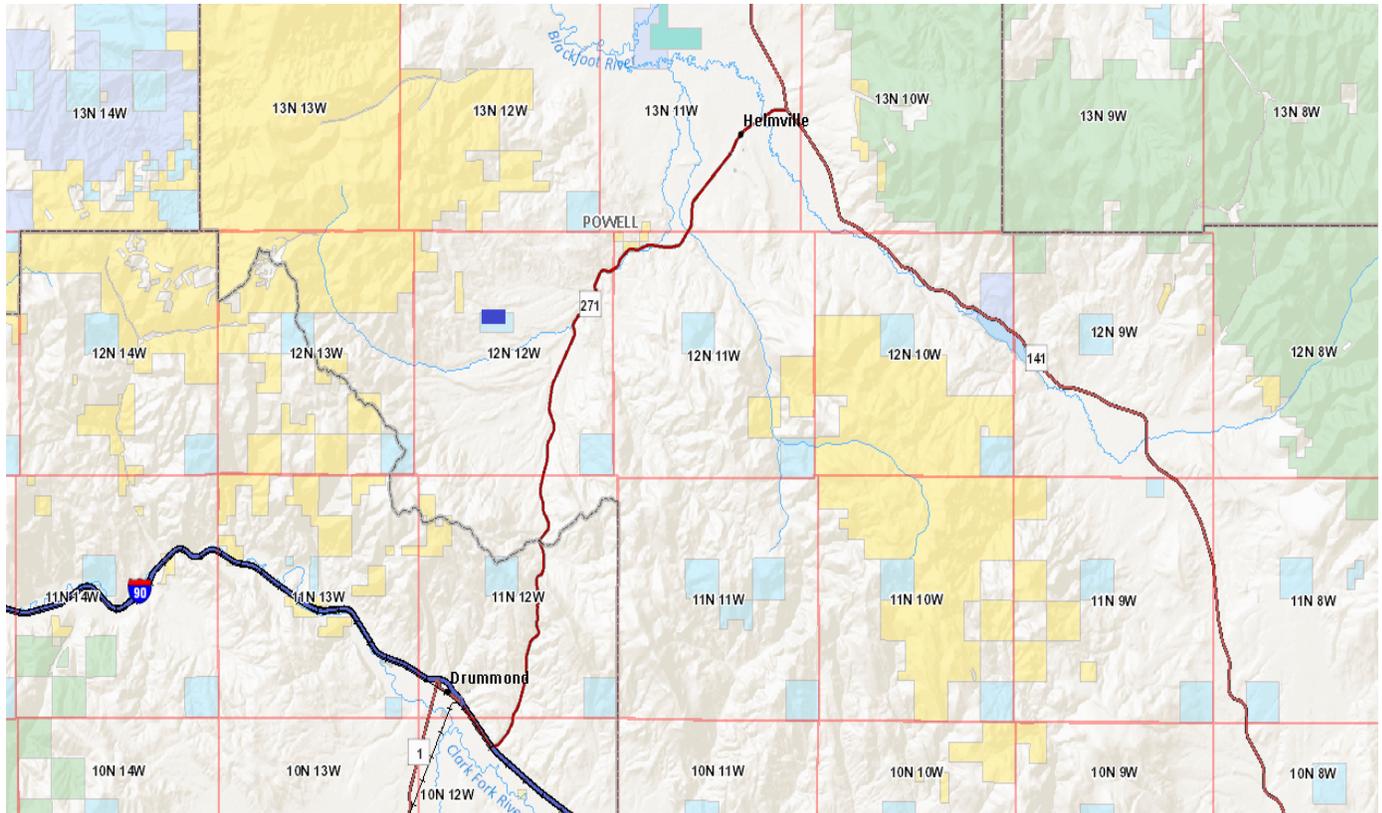
Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of access to one single family residence and associated outbuildings and conducting normal farming and ranching operations. The road has been in place for years and authorization for continued 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 private access road.

Right of Way Applications

April 21, 2015



Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: ONEOK Rockies Midstream, LLC
2700 Lincoln Ave SE
Sidney, MT 59270

Application No.: 16891
R/W Purpose: a buried 14" natural gas liquids pipeline
Lessee Agreement: ok
Acreage: 3.64
Compensation: \$28,838.00
Legal Description: 50-foot strip through NE4SE4, NE4, Sec. 36, Twp. 25N, Rge. 58E, Richland County

Trust Beneficiary: Common Schools

Item Summary

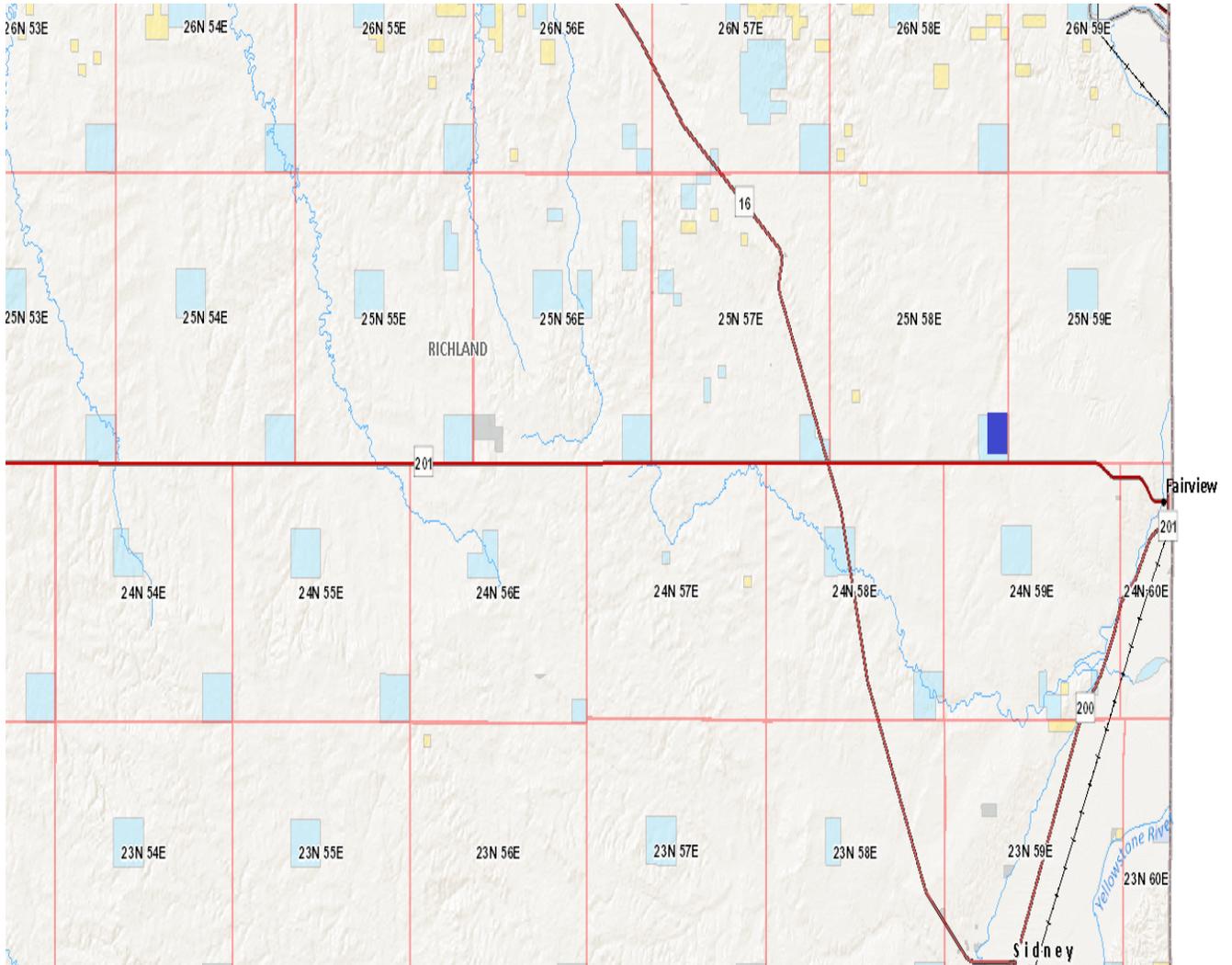
ONEOK Rockies Midstream, LLC. has made application for a 14" natural gas liquids pipeline. This line will run parallel with an existing natural gas line that ONEOK has acquired from Bear Paw Energy that was approved by the Land Board in 1971. The proposed easement corridor is along existing disturbed ground and will cause minimal impact to surrounding lands. Construction method will be through open trenching and is estimated to occur within a ten to twelve day period. ONEOK has offered compensation in the amount of \$150/rod which is consistent with other installations in the area.

DNRC Recommendation

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

Right of Way Applications

April 21, 2015



Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: NorthWestern Corporation d/b/a NWE
40 East Broadway
Butte, MT 59701

Application No.: 16893
R/W Purpose: an overhead 14.4/24.9 kV distribution line
Lessee Agreement: ok
Acreage: 0.05
Compensation: \$100.00
Legal Description: 20-foot strip across the Smith River in NW4NW4,
Sec. 36, Twp. 18N, Rge. 2E,
Cascade County

Trust Beneficiary: Public Lands Trust – Navigable Rivers

Item Summary

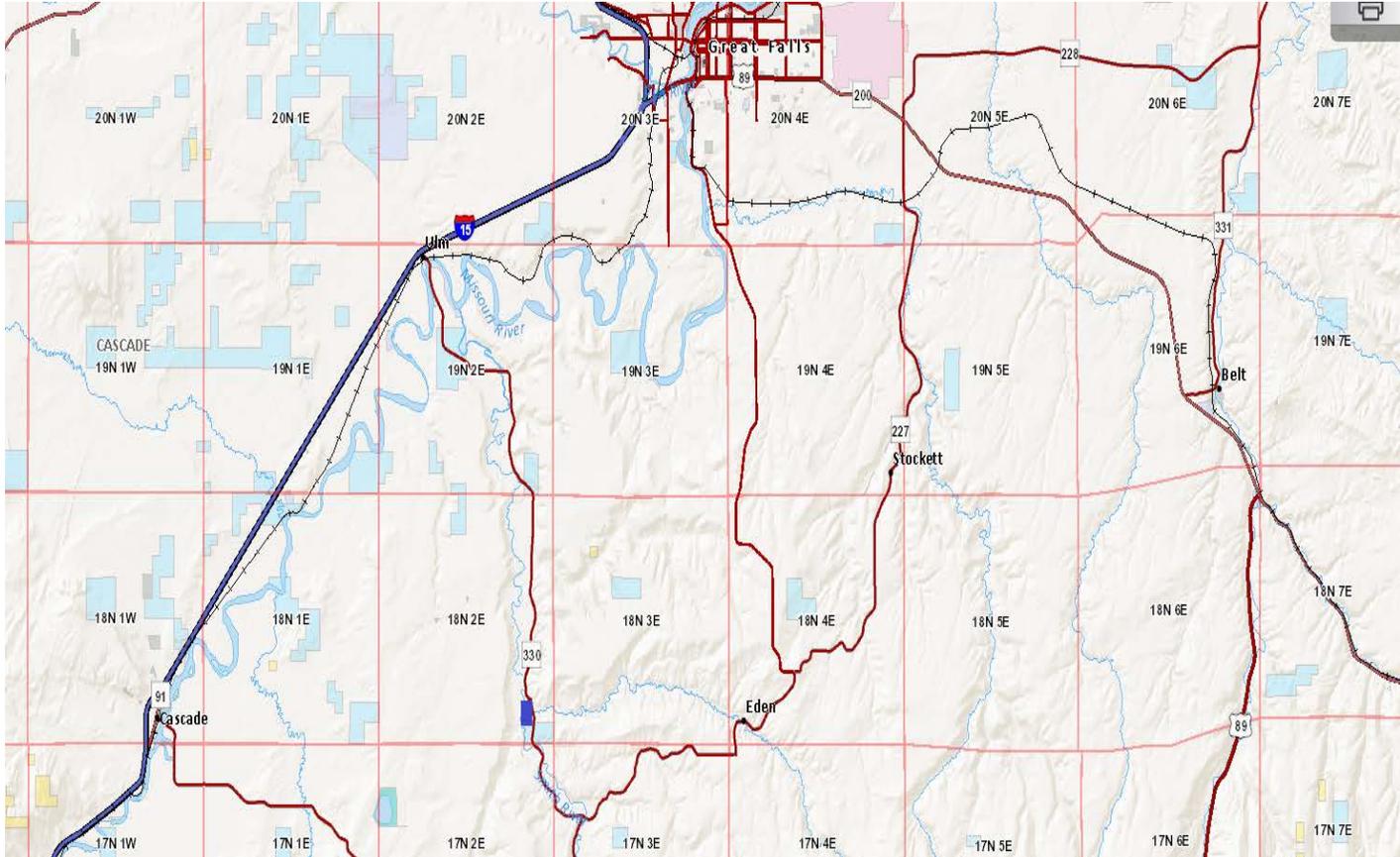
NorthWestern Corporation has made application for an overhead distribution line over the Smith River. The purpose of this line is to service an existing sprinkler irrigation pump system on private land and state trust land. The private land is owned by the Young Family Ranch and they are also the lessees of the state trust lands this irrigation system serves.

DNRC Recommendation

The director recommends approval of this overhead distribution line.

Right of Way Applications

April 21, 2015



Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | Central Montana Communications, Inc. PO Box 751 Havre, MT 59501 |
| Application No.: | 11330A |
| R/W Purpose: | one active and one inactive buried telecommunications cable |
| Lessee Agreement: | ok |
| Acreage: | 3.62 |
| Compensation: | \$1720.00 |
| Legal Description: | 20-foot strip through W2NW4, S2N2, Sec. 6, Twp. 21N, Rge. 12E, Chouteau County |
| Trust Beneficiary: | Common Schools |

Item Summary

Central Montana Communications, Inc. has made application for installation of a new underground telecommunications facility to upgrade their current facilities and services to Geraldine Exchange serving area in and around Geraldine. These improvements will offer state-of-the-art telecommunications toll and distribution facilities, as well as future growth capabilities. The proposed route is the most direct route between terminus locations. It is located primarily along existing roadways.

DNRC Recommendation

The director recommends approval of this underground telecommunications cable.

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Central Montana Communications, Inc.
 PO Box 751
 Havre, MT 59501

Application No.: 11335A
 R/W Purpose: one active and one inactive buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 0.64
 Compensation: \$304.00
 Legal Description: 20-foot strip through SW4SW4, Sec. 30, Twp. 22N, Rge. 12E,
 Chouteau County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Central Montana Communications, Inc.
 PO Box 751
 Havre, MT 59501

Application No.: 16970
 R/W Purpose: a buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 2.69
 Compensation: \$807.00
 Legal Description: 20-foot strip through NW4, W2NE4, NE4NE4,
 Sec. 36, Twp. 21N, Rge. 13E,
 Chouteau County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Central Montana Communications, Inc.
 PO Box 751
 Havre, MT 59501

Application No.: 16971
 R/W Purpose: a buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 0.61
 Compensation: \$580.00
 Legal Description: 20-foot strip through SW4NW4, Sec. 13, Twp. 22N, Rge. 11E,
 Chouteau County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | Central Montana Communications, Inc. PO Box 751 Havre, MT 59501 |
| Application No.: | 16972 |
| R/W Purpose: | a buried telecommunications cable |
| Lessee Agreement: | ok |
| Acreage: | 0.61 |
| Compensation: | \$183.00 |
| Legal Description: | 20-foot strip through S2SW4, Sec. 4, Twp. 22N, Rge. 12E, Chouteau County |
| Trust Beneficiary: | Common Schools |

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Central Montana Communications, Inc.
 PO Box 751
 Havre, MT 59501

Application No.: 16974
 R/W Purpose: a buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 1.21
 Compensation: \$1150.00
 Legal Description: 20-foot strip through S2SE4, Sec. 36, Twp. 23N, Rge. 11E,
 Chouteau County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Central Montana Communications, Inc.
PO Box 751
Havre, MT 59501

Application No.: 16975
R/W Purpose: a buried telecommunications cable
Lessee Agreement: ok
Acreage: 0.74
Compensation: \$703.00
Legal Description: 20-foot strip through W2NW4, Sec. 24, Twp. 22N, Rge. 11E,
Chouteau County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Central Montana Communications, Inc.
 PO Box 751
 Havre, MT 59501

Application No.: 16976
 R/W Purpose: a buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 0.11
 Compensation: \$105.00
 Legal Description: 20-foot strip through SE4SE4, Sec. 36, Twp. 22N, Rge. 11E,
 Chouteau County

Trust Beneficiary: Common Schools

Item Summary

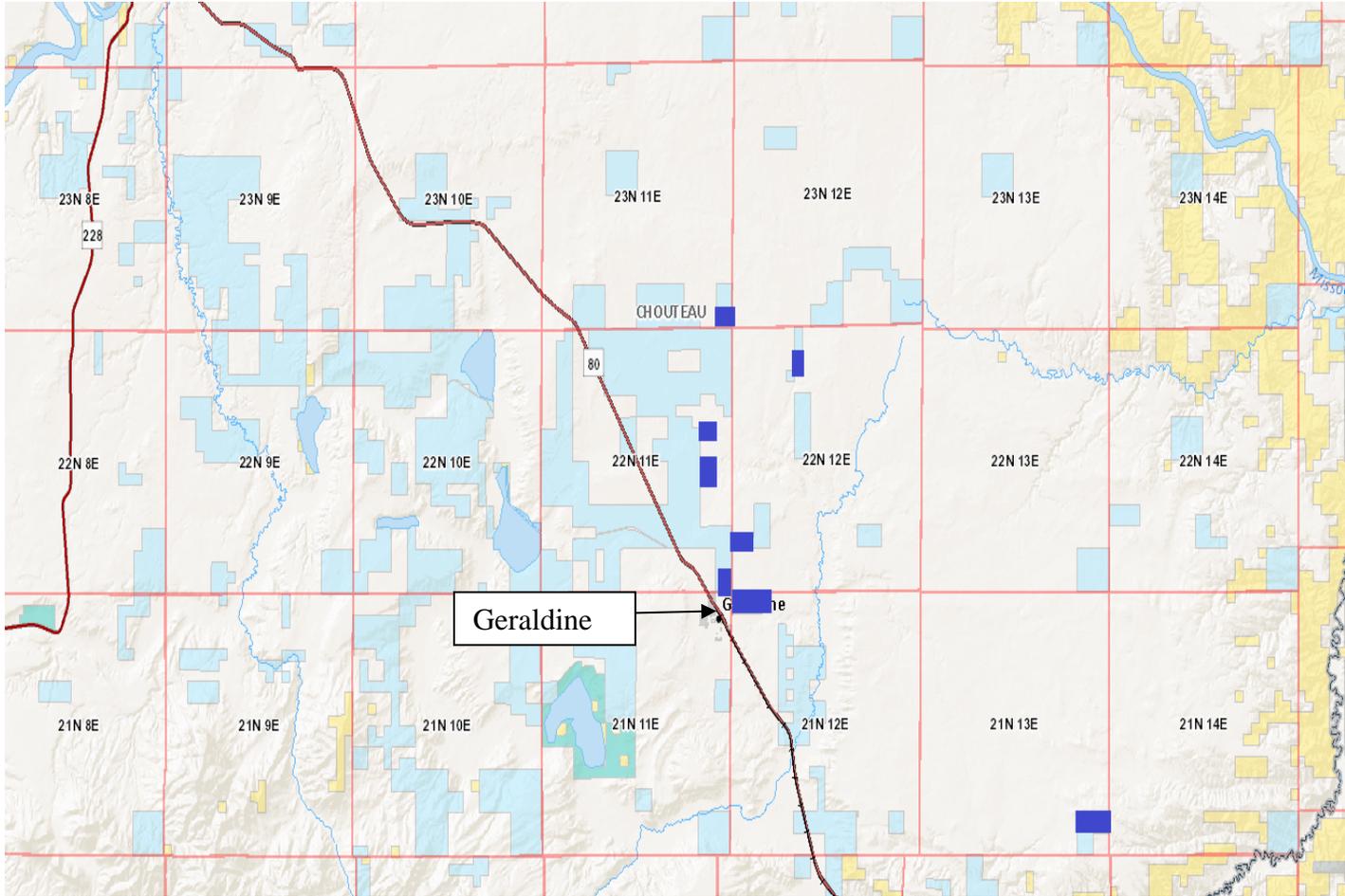
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DNRC Recommendation

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Right of Way Applications

April 21, 2015



Applications 11330A – 16976: Central Montana – Geraldine Exchange

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Cooperative, Inc.
 PO Box 429
 Fairfield, MT 59436

Application No.: 8740A
 R/W Purpose: one active and one inactive buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 0.62
 Compensation: \$744.00
 Legal Description: 20-foot strip through N2SW4, Sec. 15, Twp. 3W, Rge. 1W,
 Madison County

Trust Beneficiary: Common Schools

Item Summary

3 Rivers Telephone Cooperative, Inc. has made application for installation of a new underground telecommunications facility within an existing easement corridor to upgrade their current facilities and services to their Harrison Exchange area. The proposed route is the most direct route between terminus locations. It is located primarily along existing roadways. Portions of this project cross 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.

DNRC Recommendation

The director recommends approval of this underground telecommunications cable.

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | 3 Rivers Telephone Cooperative, Inc. PO Box 429 Fairfield, MT 59436 |
| Application No.: | 8741A |
| R/W Purpose: | one active and one inactive buried telecommunications cable |
| Lessee Agreement: | ok |
| Acreage: | 2.35 |
| Compensation: | \$1416.00 |
| Legal Description: | 20-foot strip through S2SW4, W2SE4, NE4SE4, Sec. 16, Twp. 3S, Rge. 1W, Madison County |
| Trust Beneficiary: | Common Schools |

Item Summary

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DNRC Recommendation

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Rights of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Cooperative, Inc.
 PO Box 429
 Fairfield, MT 59436

Application No.: 8771A
 R/W Purpose: one active and one inactive buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 1.51
 Compensation: \$1068.00
 Legal Description: 20-foot strip through E2NW4, Sec. 20, Twp. 3S, Rge. 1W,
 Madison County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|---|
| Applicant: | 3 Rivers Telephone Cooperative, Inc. PO Box 429 Fairfield, MT 59436 |
| Application No.: | 16977 |
| R/W Purpose: | a buried telecommunications cable |
| Lessee Agreement: | ok |
| Acreage: | 3.41 |
| Compensation: | \$2046.00 |
| Legal Description: | 20-foot strip through W2NW4, SE4NW4, NE4SW4, W2SE4, Sec. 24, Twp. 1S, Rge. 2W, Madison County |
| Trust Beneficiary: | Public Buildings |

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Cooperative, Inc.
 PO Box 429
 Fairfield, MT 59436

Application No.: 16978
 R/W Purpose: a buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 2.28
 Compensation: \$1368.00
 Legal Description: 20-foot strip through E2NW4, SW4NE4,
 Sec. 16, Twp. 1W, Rge. 2W,
 Madison County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|--|
| Applicant: | 3 Rivers Telephone Cooperative, Inc. PO Box 429 Fairfield, MT 59436 |
| Application No.: | 16979 |
| R/W Purpose: | a buried telecommunications cable |
| Lessee Agreement: | needed |
| Acreage: | 3.71 |
| Compensation: | \$2226.00 |
| Legal Description: | 20-foot strip through N2NW4, W2NE4, SE4NE4, E2SE4, Sec. 16, Twp. 1N, Rge. 3W, Madison County |
| Trust Beneficiary: | Common Schools |

Item Summary

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Department Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Cooperative, Inc.
 PO Box 429
 Fairfield, MT 59436

Application No.: 16980
 R/W Purpose: a buried telecommunications cable
 Lessee Agreement: ok
 Acreage: 0.74
 Compensation: \$444.00
 Legal Description: 20-foot strip through NW4NW4, SE4NE4,
 Sec. 13, Twp. 2S, Rge. 3W,
 Madison County

Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|--|
| Applicant: | 3 Rivers Telephone Cooperative, Inc. PO Box 429 Fairfield, MT 59436 |
| Application No.: | 16981 |
| R/W Purpose: | a buried telecommunications cable |
| Lessee Agreement: | ok |
| Acreage: | 0.35 |
| Compensation: | \$210.00 |
| Legal Description: | 20-foot strip through NE4NE4, Sec. 14, Twp. 2S, Rge. 3W, Madison County |
| Trust Beneficiary: | Common Schools |

Item Summary

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DNRC Recommendation

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Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Cooperative, Inc.
 PO Box 429
 Fairfield, MT 59436

Application No.: 16984
 R/W Purpose: a buried telecommunications cable
 Lessee Agreement: needed
 Acreage: 3.16
 Compensation: \$3792.00
 Legal Description: 20-foot strip through W2SW4, NE4SW4, SE4NW4, SW4NE4,
 N2NE4, Sec. 36, Twp. 3S, Rge. 1W,
 Madison County

Trust Beneficiary: Common Schools

Item Summary

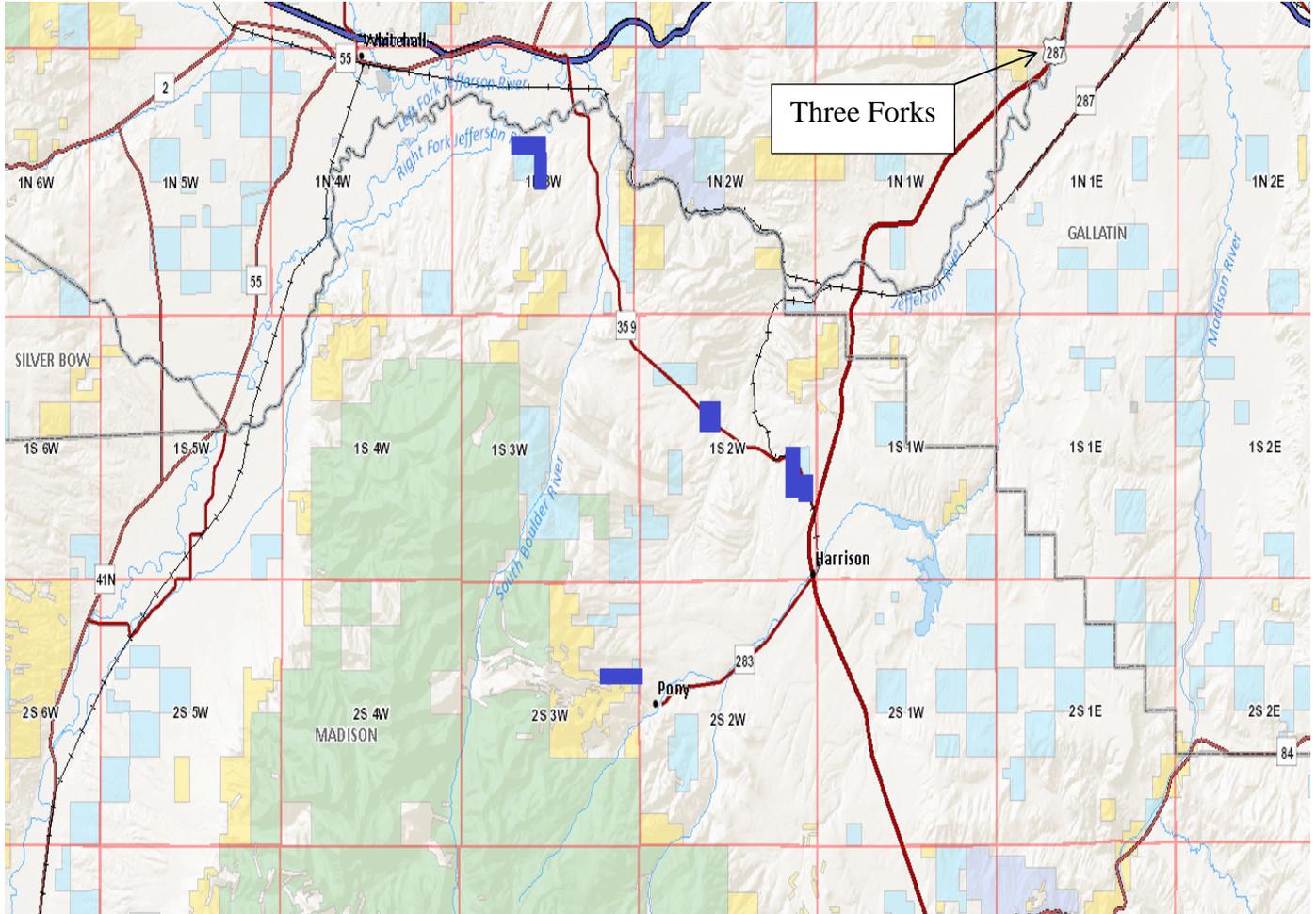
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DNRC Recommendation

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Right of Way Applications

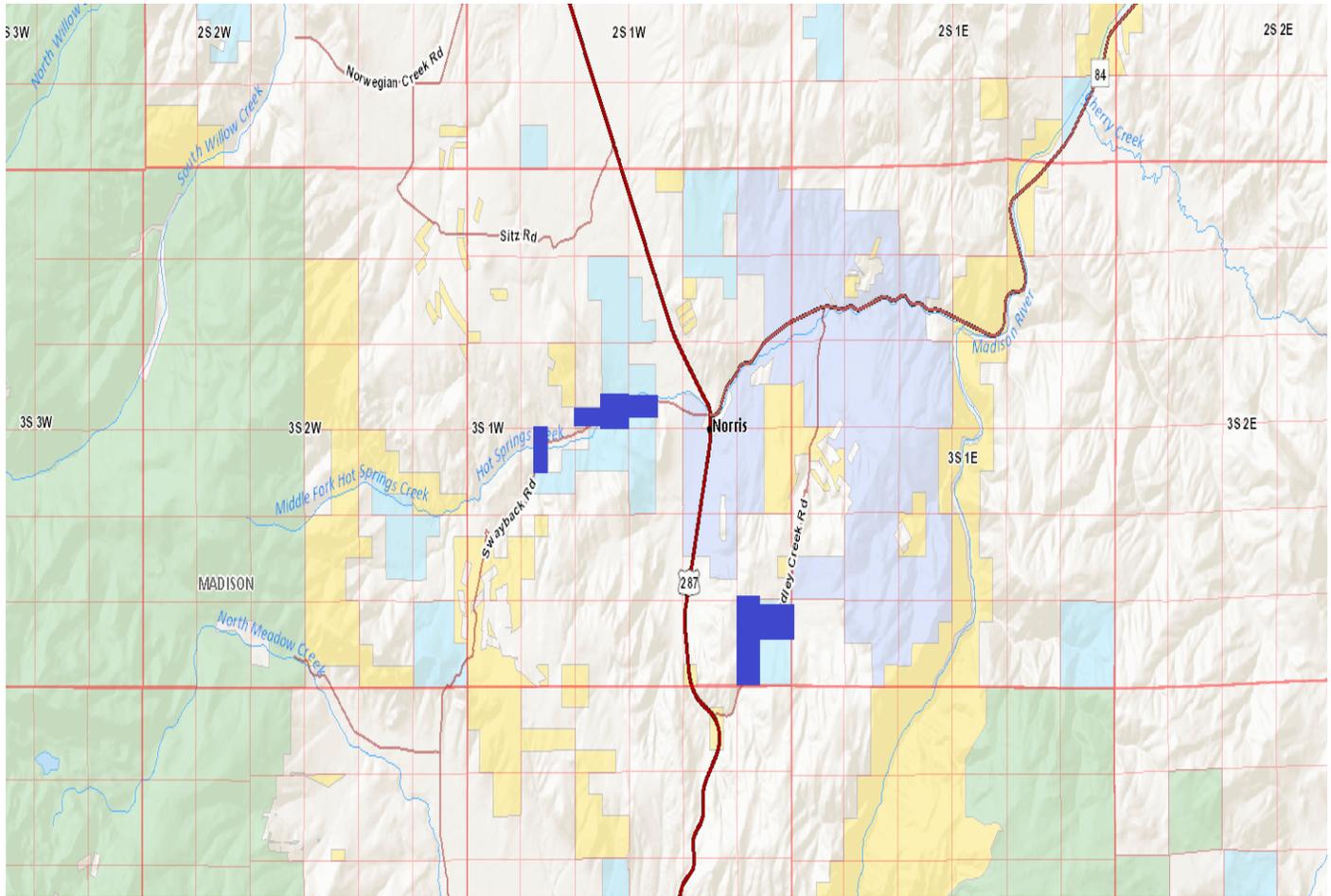
April 21, 2015



Application #'s 16977-16981

Right of Way Applications

April 21, 2015



Application #'s 8740A-16984

Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

| | |
|--------------------|--|
| Applicant: | David J. Scheschy PO Box 2169 Eureka, MT 59917 |
| Application No.: | 16983 |
| R/W Purpose: | a private access road to a single family residence and associated outbuildings and to conduct normal farming and ranching operations |
| Lessee Agreement: | N/A (Historic) |
| Acreage: | 3.74 |
| Compensation: | \$6545.00 |
| Legal Description: | 30-foot strip through E2NW4, SW4NW4, NW4NE4, Sec. 16, Twp. 34N, Rge. 26W, Lincoln County |
| Trust Beneficiary: | Common Schools |

Item Summary

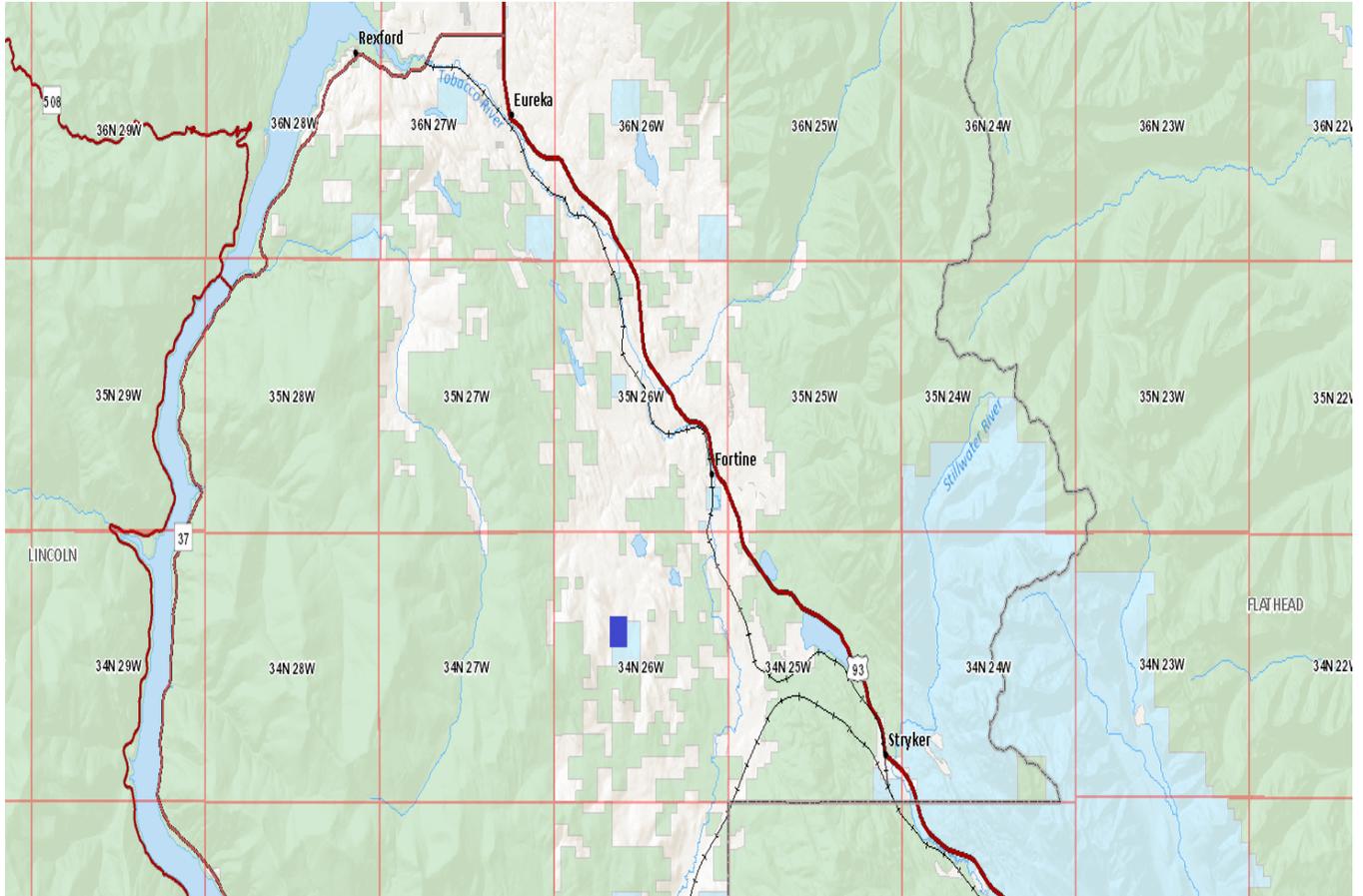
Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of access to a single family residence and associated outbuildings and conducting normal farming and ranching operations. The road has been in place for years and authorization for continued 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 private access road.

Right of Way Applications

April 21, 2015



Right of Way Applications

April 21, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Vigilante Electric Cooperative, Inc.
225 E. Bannack St.
Dillon, MT 59725

Application No.: 10998A
R/W Purpose: a 7.2kV overhead distribution line
Lessee Agreement: ok
Acreage: 2.72
Compensation: \$1624.00
Legal Description: 30-foot strip through SE4NE4, E2SE4, Sec. 18, Twp. 9N, Rge. 2E,
Broadwater County

Trust Beneficiary: Public Buildings

Item Summary

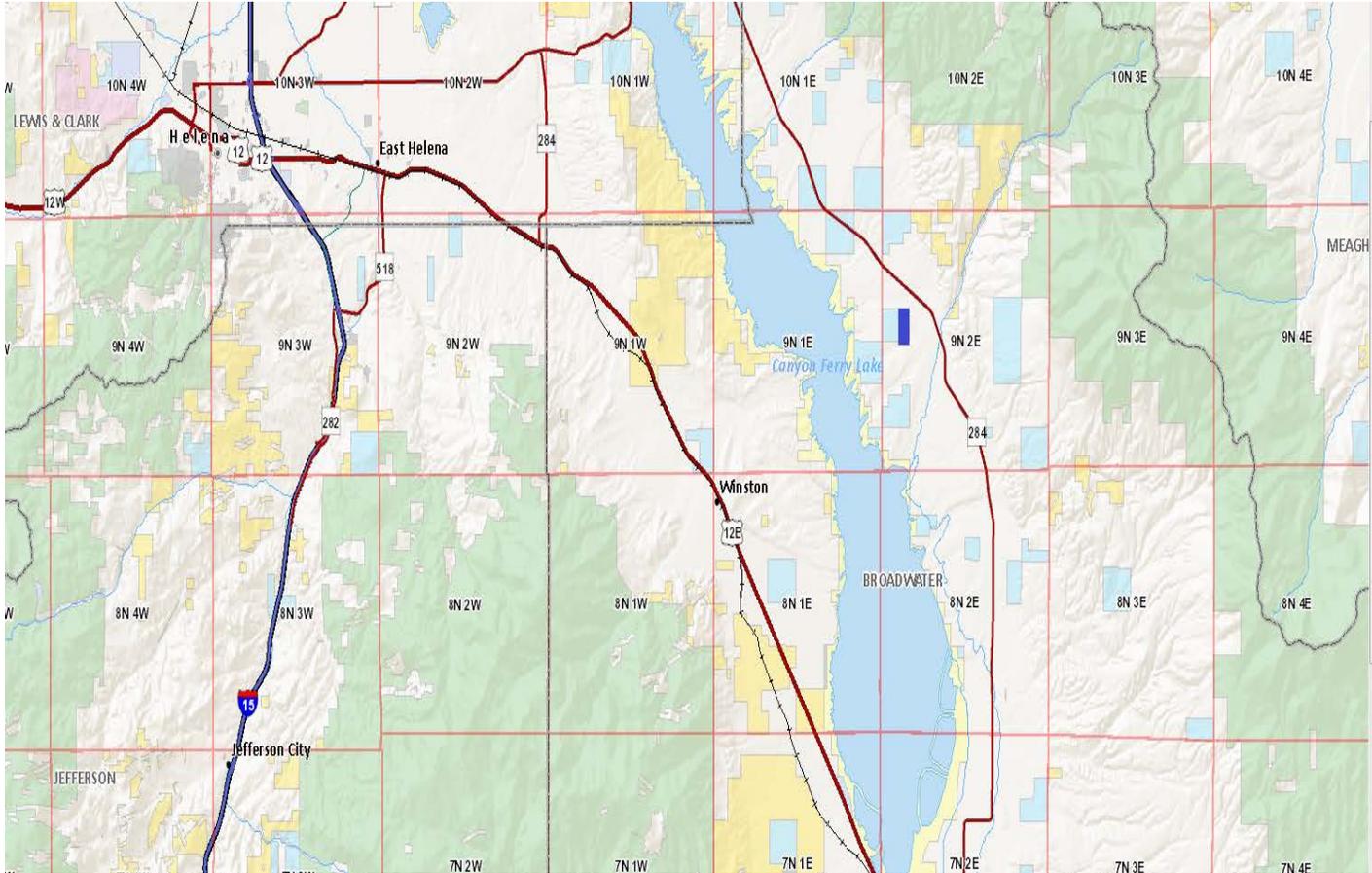
Vigilante Electric Cooperative, Inc. has made application to convert an existing buried 7.2kV distribution line to an overhead line to support a sprinkler irrigation system on private land owned by South Ranch LLC. The existing underground line has deteriorated and is no longer operable. The replacement cost of the underground line versus the overhead line is three times more expensive, therefor the application is to replace to overhead. Approximately 11 poles will be placed on state land to complete the project.

DNRC Recommendation

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

Right of Way Applications

April 21, 2015



**Land Board Agenda Item
April 21, 2015**

415-4B Lupfer Road – Flathead County Public Access

**Location: Flathead County
Sec. 35, Twp. 32N, Range 23W**

Trust Benefits: Public Buildings

Trust Revenue: \$23,932

Item Description

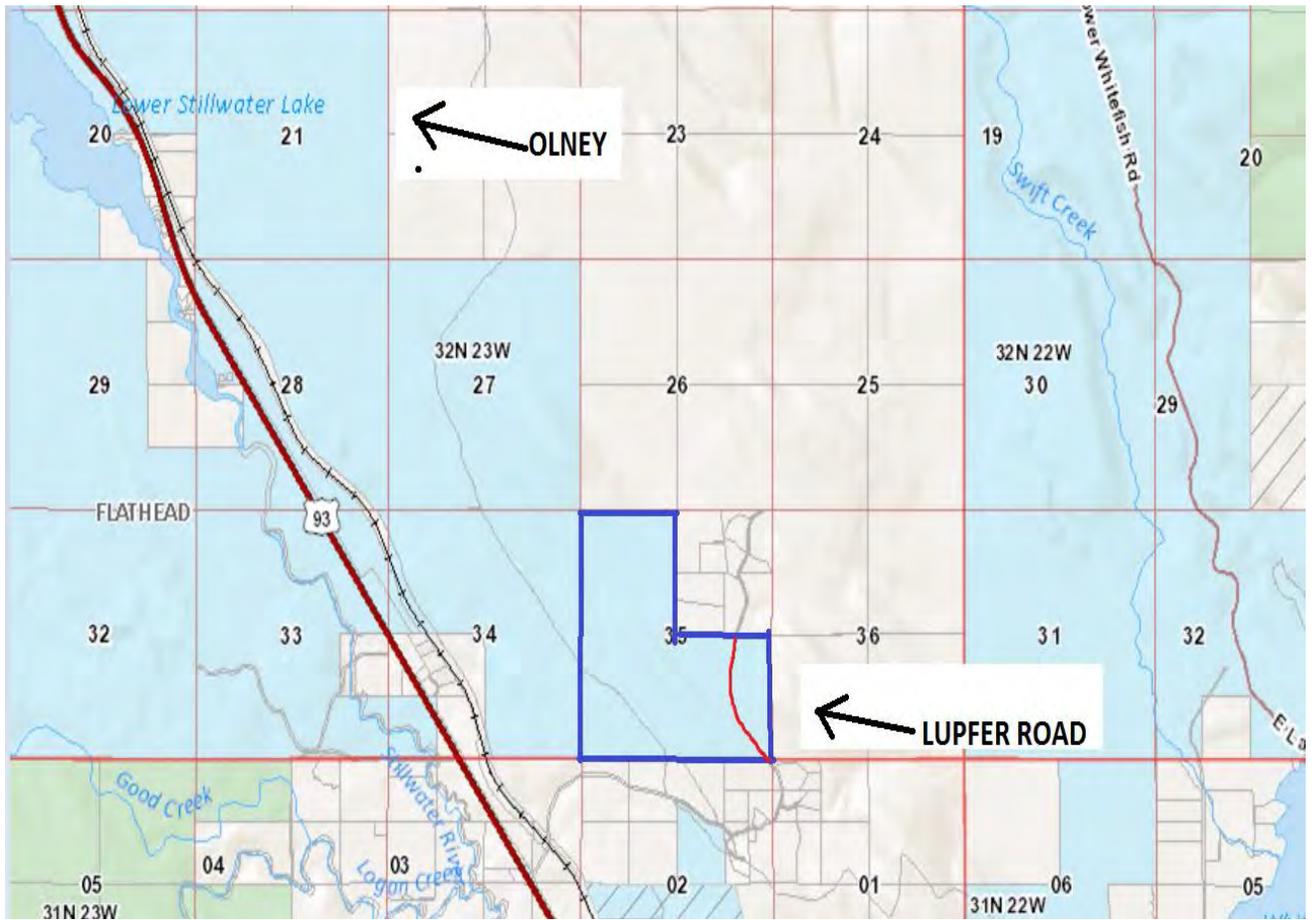
Lupfer Road is a county road located southeasterly of Olney. The road crosses a trust land section and had never been legally cited through an easement granted by the Land Board. Over the past several years it came to the attention of private landowners that their access was not legally secured and one homeowner filed a claim with their title company that had insured access. The Department of Natural Resources and Conservation (DNRC) has worked with both the title company and the Flathead County Commissioners to come to a mutual agreement that would provide a historic easement to the county for a public road. In this agreement:

- the county agreed to have an application on file with DNRC in their name and be issued an easement for the county road;
- the title company has agreed to pay the cost of the easement across the state so long as the easement is held by the county as a public road; and
- the state agrees to not use the agreement in court proceedings as a basis of compliance by Flathead County should future disputes over County roads occur between the State and Flathead County.

By granting the historic easement to the county, title issues for numerous landowners will be cleared up. DNRC will continue to work with Flathead County and other counties within the scope of the historic right of way statute for such access problems.

DNRC Recommendation

The director recommends approval of the grant of a historic easement to Flathead County for Lupfer Road.



**Land Board Agenda Item
April 21, 2015**

415-4C Reciprocal Access Agreement: Butte/Silver Bow County - Herman Gulch

Location: Silver Bow County

Trust Benefits: Common Schools

Trust Revenue: \$0

Item Summary

I. Applicant:

City and County of Butte-Silver Bow
Courthouse, Butte, MT 59701

II. Purpose of Reciprocal Access Agreement:

State land is intermingled with Butte-Silver Bow (cooperator) property. In order for both parties to gain legal access, they have proposed to exchange easements as part of this reciprocal access agreement.

The state will grant an easement to cooperator, 40 feet in width, for operation and maintenance of the Basin Creek Water Treatment Plant.

Cooperator will grant an easement to the state, 60 feet in width, for all lawful purposes, including buried utilities, for access to state lands in the Herman Gulch area. Under this Agreement, the state is acquiring non-motorized access rights in favor of the public on the Herman Gulch Road from the Basin Creek County Road to State land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 36, T2N, R8W.

III. Legal Description (R/W):

Silver Bow County:

State Land burdened - NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, T2N, R8W – (C.S.)

State Land benefited - NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, T2N, R8W – (C.S.)

Coop Land burdened - COS 988A-RW in Sec. 36, T2N, R8W

Coop Land benefited - COS 988A-RW in Sec. 36, T2N, R8W

Total R/W Acres:

State grant to Coop: 1.21 acres (40-ft)

Coop grant to State: 1.16 acres (60-ft)

Total R/W Miles:

State grant to Coop: 0.25 mile

Coop grant to State: 0.16 mile

IV. General Information:

Land Office: DNRC Southwestern Land Office (SWLO)

Unit Office: Anaconda

County: Silver Bow

Affected Trusts: Common Schools (C.S.)

Land Classification: Grazing

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 | \$ 6,190 | \$ 401 |
| Road Costs | \$ 2,561 | |
| Total Value/Costs | \$ 8,751 | \$ 401 |

NET BALANCE

| | | |
|------------|----------|--|
| Land Value | \$ 5,789 | |
| Road Costs | \$ 2,561 | |
| Subtotals | \$ 8,350 | |

TOTAL LAND AND ROAD \$ 8,350

Land values are calculated with consideration given to trusts burdened and trusts benefited by the easement granted. The net amount the state owes the cooperator is considered to be a donation to the state of Montana by the cooperator. The donation equals \$8,350.

VI. Results of MEPA Analysis:

No significant impacts are expected and no further analysis required.

VII. Benefits to State:

1. Describe the rights regarding which DNRC lands are being accessed.

- Provides full permanent access for all lawful purposes to 40.53 acres of state trust lands (Common Schools).

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

- As a result of this agreement, the state will acquire non-motorized access rights in favor of the public across Butte-Silver Bow property.

3. Describe other benefits associated with completing the agreement.

- Provides for acquisition costs to be shared and thereby reduces access acquisition costs, shared financial obligations for road maintenance, resurfacing, weed management, and road reconstruction, if need be, to current road standards.
- Provides for legal access for land management opportunities and other uses if need be.

DNRC Recommendation/Action:

After review of the documents, exhibits, and benefits to the state, the director recommends approval of this proposed reciprocal access agreement with the cooperator and further recommends waiver of the 1% conveyance fee. Cooperator's property is a small ownership that will be encumbered by the city/county water treatment plant and non-motorized public access is being granted to the adjoining state section.

