

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Monday, October 17, 2016, at 9:00 a.m.
State Capitol, Room 303
Helena, MT

ACTION ITEMS

- 1016-1 FWP: Trumbull Creek Conservation Easement**
Benefits: N/A (non-trust land)
Location: Flathead County
- 1016-2 FWP: Canyon Creek Wildlife Management Area Addition – Specimen Creek**
Benefits: N/A (non-trust land)
Location: Lewis and Clark County
- 1016-3 Cabin and Home Sites: Set Minimum Bid for Sale**
A. Flathead County - Sales 828, 829, 830, & 833
Benefits: Montana Tech, Common Schools, MSU 2nd Grant (ACB)
Location: Flathead County
B. Lincoln County – Sale 832
Benefits: Common Schools
Location: Lincoln County
C. Missoula County – Sales 834-839, 842-846, 890 & 894
Benefits: MSU 2nd Grant (ACB), Common Schools
Location: Missoula County
D. Sanders County – Sale 831
Benefits: Common Schools
Location: Sanders County
- 1016-4 Cabin and Home Sites: Final Approval for Sale**
A. Flathead County- Sales 806, 808 & 810
Benefits: Common Schools
Location: Flathead County
B. Missoula County – Sales 814 & 819
Benefits: MSU 2nd Grant (ACB)
Location: Missoula County
- 1016-5 Easements**
Benefits: Common Schools, Public Lands, Eastern College - MSU/Western Montana - UM
Location: Blaine, Flathead, Gallatin, Granite, Lake, Lincoln, Missoula, Ravalli, Toole Counties

PUBLIC COMMENT

1016-1

FWP: CONSERVATION EASEMENT

Trumbull Creek

**Land Board Agenda Item
October 17, 2016**

1016-1 Department of Fish, Wildlife & Parks: Trumbull Creek Conservation Easement

Location: Flathead County

Trust Benefits: N/A (non-trust land)

Trust Revenue: N/A

Item Summary:

The Department of Fish, Wildlife and Parks (FWP) and The Trust for Public Land (TPL) negotiated two conservation easements with F.H. Stoltze Land & Lumber Co. – Haskill Basin (3,020 acres) which closed February 16, 2016 and Trumbull Creek (7,150 acres) which we are seeking final consideration by the Board of Land Commissioners to close in early 2017. We received preliminary Commission endorsement for the Trumbull Creek project in May 2015. The appraised value of the conservation easement (approximately \$12.7 M) would be paid with \$6.5 M from the Forest Legacy Program, \$2 M from the Habitat Conservation Plan Land Acquisition Program, \$1 M in private foundation grants to TPL, and \$3.2 M in donated value by the landowner. The property provides winter range for mule deer, white-tailed deer and moose. It is rated Class 1 for terrestrial species richness and provides important habitat for a variety of Tier I species. The property includes 1.5 miles along South Canyon Creek which supports a population of genetically pure westslope cutthroat trout. Located in the back yard of Columbia Falls, and providing access to Forest Service land in the North Fork, the property receives substantial levels of public use for year-round outdoor activities. Stoltze's willingness to sell a conservation easement for this property offers a unique opportunity to conserve important fish and wildlife habitat, stop expanded development, and sustain high levels of public recreation.

FWP held public scoping meetings in 2014 for both the Haskill Basin and Trumbull Creek projects. An EA was released for public comment from October 26th to November 22nd, 2015 and included a public hearing in Whitefish on November 9th. FWP received 56 public comments from individuals and organizations. Forty four of the comments supported, and none opposed the project. Some comments identified questions, issues or concerns in 12 different categories that are addressed in the decision document.

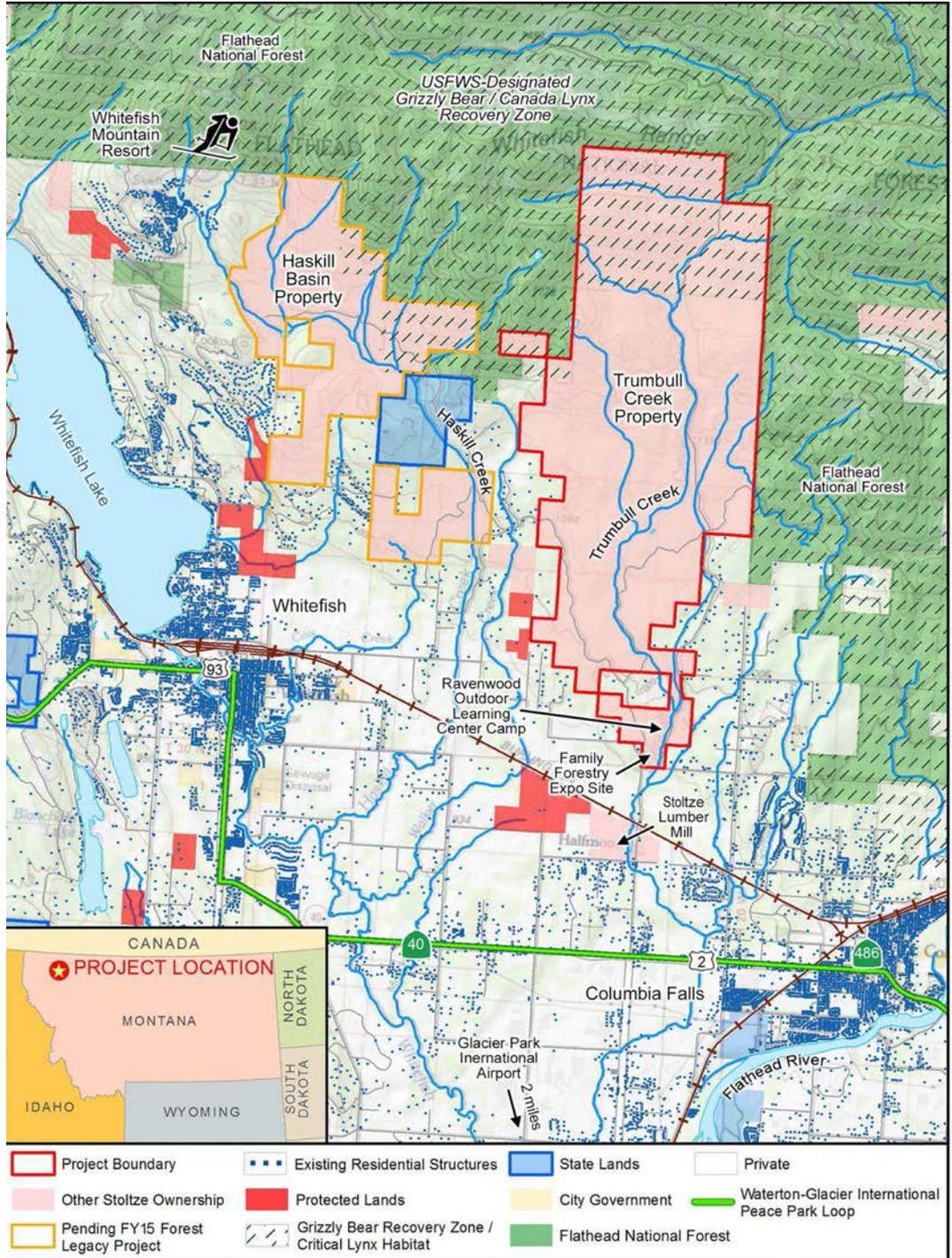
Rationale for Land Board Action:

Purchase of the Trumbull Creek Conservation Easement would maintain important wildlife habitat and public access. This project is an excellent example of collaboration between The Trust for Public Land, F.H. Stoltze Land & Lumber Co., the US Forest Service Forest Legacy Program, the US Fish and Wildlife Service Habitat Conservation Plan Program, the Montana Fish and Wildlife Conservation Trust, and FWP to produce a desirable conservation outcome that will benefit the people of Montana for generations to come.

FWP Recommendation:

FWP recommends approval by the Land Board to proceed with the purchase of the Trumbull Creek Conservation Easement from F.H. Stoltze Land & Lumber Company.

Figure 1 Vicinity and location map of the Trumbull Creek Conservation Easement.



Region 1
490 N. Meridian Road
Kalispell, MT 59901
DECISION NOTICE
and
Finding of No Significant Impact
for the
South Whitefish Range Conservation Project
November 24, 2015

Description of the Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to purchase two conservation easements (CEs) on properties owned by the F. H. Stoltze Land and Lumber Company (Stoltze) north of the communities of Whitefish and Columbia Falls, Montana. The South Whitefish Range Conservation Project includes two properties: 1) the Haskill Basin property is 3,020 acres of forested land north of the City of Whitefish, and 2) the Trumbull Creek property is 7,150 forested acres northwest of Columbia Falls. Both properties are at the south end of the Whitefish Mountains. The CEs would be purchased in two separate transactions: the Haskill Basin CE in early 2016 and the Trumbull Creek CE in late 2016, depending upon the final commitments of funding resources and other approval processes.

The primary objectives of the CEs are to:

- Protect the municipal water supply for the community of Whitefish.
- Maintain working forests and insure that they will continue to be sustainably managed.
- Conserve important fish and wildlife habitat.
- Maintain public recreation access.

Location:

The Haskill Basin property is bounded by the Flathead National Forest on the north, developments associated with Whitefish Mountain Resort and Iron Horse to the west, and private developments on the south and southeast. The Trumbull Creek property is surrounded by the Flathead National Forest on the north and a mix of private and national forest properties on the other three sides.

Public Involvement – Scoping

FWP joined the Trust for Public Land and the City of Whitefish in an open house and public meeting on June 17, 2014, that the City hosted to introduce the Haskill Basin project to community leaders and other interested parties to discuss the proposed CEs and to solicit feedback on any issues and concerns the public might have. Over 80 people attended that meeting.

Additionally, FWP visited the Columbia Falls City Council on April 6, 2015, and held an open house in Columbia Falls on April 28, 2015, to introduce the Trumbull Creek project to interested parties in that community.

FWP also participated in tours of both properties with the Forest Legacy Subcommittee, a part of the Department of Natural Resources and Conservation State Forest Stewardship Steering Committee (Haskill Basin on July 30, 2013, and Trumbull Creek on August 5, 2014) and received support from the subcommittee and the full steering committee for both projects.

Additional opportunities for public input and involvement were also provided through numerous Whitefish City Council meetings in 2014 and 2015, where the topic of the resort tax increase to partially fund the Haskill Basin CE was discussed. Some of these meetings had between 60-80 people in attendance.

Draft Environmental Assessment and Public Comments

FWP released the draft environmental assessment (EA) for public review on October 27, 2015, and asked for public comments through November 22. FWP scheduled a public hearing in Whitefish on November 9, 2015, at 6:30 p.m. FWP sent postcards announcing the public comment period to approximately 161 individuals and organizations. FWP ran legal ads that described the proposed project, the availability of the draft EA, and the public hearing information in four local newspapers. The draft EA was posted on FWP's official web site. FWP also distributed a press release to all the local and regional media outlets that described the project, availability of the draft EA, and the public comment timeline, and another release with a reminder of the date and location of the public hearing in Whitefish. The draft EA document was available at the Region One headquarters in Kalispell and was also available online for people with internet access or through internet service at public libraries.

Summary of Public Comments

Overall, FWP received 56 public comments on the project during the draft EA public comment period from individuals and organizations: 6 as testimony at the public hearing and 50 additional comments submitted in writing or email. Twenty-nine of the comments supported and none opposed the project. The remaining 27 comments, along with 15 people who expressed support for the project, identified questions, issues, or concerns that they wanted to see addressed in the final environmental assessment, which fell into 12 different categories.

FWP Responses to Public Comments

- 1. Single-track trail network on the property.** The most comments received were regarding the failure of the EA to acknowledge the off-road trail network that currently exists on the property and the level of public use that it receives by a variety of recreational users. Comments documented that the trail system has been in existence for many years, that single-track, off-road trails provide a different recreational experience than logging roads, and that this is a unique opportunity because it's so accessible for so many people. They pointed out that the conservation easement only guarantees dispersed recreation, and the management plan allows mountain biking, and asked that the conservation easement and

management plan be changed to assure this trail use continues into the future. They also identified the problems associated with an unmanaged trail system and the benefits that would result from a managed trail system. There were also several comments concerned about maintaining multiple uses and others that wanted to restrict some user groups.

Response: FWP was aware that this use was occurring on the property, but was unaware of the extent of such use. Public comment clearly demonstrated that the single-track, off-road trail on the property is extensive and heavily utilized by a wide variety of recreational users. The preliminary results from our baseline inventory, while not documenting the miles of existing off-road trail, do support the numerous comments that the trail network is substantial and heavily used. However, the Stoltze Open Lands Policy that has covered this property for the last 20-plus years clearly states that construction of trails on their property is not allowed. In addition, some comments identified that such trail use can cause erosion, impacts to fish and wildlife habitat, and social conflicts if not properly managed. Use of that trail network on private land is a privilege that Stoltze has allowed as a “neighborly accommodation.”

Based on this public comment, this decision document acknowledges the extensive use that currently exists on the trail system, its importance to the community, and problems associated with the current situation. However, we also recognize that the construction of the trail system was never authorized by Stoltze. FWP will clarify the language in the management plan, but not in the direction requested in these comments. We propose to change the management plan to make it clear that motorized and nonmotorized, mechanized use is allowed only on the existing road network, which encompasses more than 25 miles of road on both properties, and which links to additional miles on the adjoining public road networks. The management plan will be modified to secure mechanized travel, both motorized and nonmotorized, only on the existing road network. Nonmechanized, dispersed travel is allowed across the property per the terms of the open lands policy and would continue under the proposed management plan. Stoltze will retain the exclusive right to manage and limit public use on the existing single-track, off-road trails and any off-road trails proposed or created in the future. Under the conservation easement described in the EA, Stoltze retains the exclusive right to grant recreational trail easements on the conservation easement lands (Section II.B.4.g). While intensive public use may be allowed on the property in the future under the terms of the conservation easement, the impact of that use must be balanced with the other purposes of the conservation easement, namely, water quality and supply for the City of Whitefish, sustainable forest management, and fish and wildlife habitat, which many people also identified as important reasons for this proposed conservation easement.

The Liaison Committee described in the draft conservation easement would be established to deal with the problems associated with the unmanaged trail system and the potential conflicts among various user groups, that several people identified. As stated on page 50 of the EA, the purpose of the Liaison Team is to “provide a forum to review issues related to this Easement and will prepare and, as agreed upon, revise the MRMP.” Please see the issues and responses to the Liaison Team later in this document.

2. **Public access points to the conservation easement lands.** The next most common issue was regarding legal public access points to the property. People expressed concern that

users are currently parking on private property lands surrounding the Stoltze property and trespassing across private neighborhoods to recreate on the property. They were also concerned that establishment of the conservation easement would increase levels of public use. Comments suggested that access points be mapped and signed and that dedicated parking areas that are managed for public access would help with the current trespass issues. One person asked that any developed parking areas include space for horse trailers, and another requested that the county or state consider paving the Trumbull Creek Road for at least the first two miles to improve the condition of the road.

Response: Page 22 of the EA describes current access points to the property. In response to public comment, FWP has produced a map that shows the locations of these points and the availability of parking at each site, and attached it to this document. Any other access must be with the permission of neighboring landowners or it constitutes unauthorized trespass subject to civil penalties under the law. FWP does not have authority to enforce trespass laws other than those associated with hunting and fishing, but we can commit to placing signs at these legal access points, which are identified on the attached map.

Page 28 describes the proposed action as maintaining recreational opportunities, and FWP is concerned that development of additional parking may promote increased recreational use, which is not the intent of this proposal. However, we recognize that these conflicts exist and are committed to working with the landowner and local community to find solutions that work for all parties and are consistent with the proposed conservation easement and management plan.

The Trumbull Creek road is a private road owned by F.H. Stoltze Land and Lumber Company, and the conservation easement does not change the status of the road or the responsibilities of those that own or have legal rights to use that road. However, that could be an issue discussed by the Liaison Team (see page 53 of the EA) if levels of public use increased beyond existing levels because of the proposed conservation easement.

3. **Liaison Team makeup.** The next most common comment was from people who asked that the makeup of the Liaison Team described in the conservation easement be changed to include public members to better represent recreation interests, to reduce the representation of the landowner, and to have a different number of members than four. There was also a request to better describe the Liaison Team process.

Response: The purpose and makeup of the Liaison Team is described in Section II.E of the conservation easement (page 50 of the EA). This committee is comprised of two members from the landowner because the land may be sold in two separate parcels and each owner would need a place on the team. It also includes a representative of FWP and the City of Whitefish, the two co-holders of the conservation easement. As owners of the land and holders of the conservation easement, respectively, these parties have legal rights and responsibilities under the terms of the conservation easement and are legally bound as signatories of the management plan, something that does not pertain to members of the recreating public. We expect the management plan to be changed over time to better represent current knowledge and conditions on the ground (page 72 of the EA). However, such changes require the consent of all signatories to the management plan and, as a state agency, FWP is required to submit such proposals for public review as we have done with this proposed project.

The Liaison Team meets at least once each year at a location near the property to provide a forum to review issues related to this easement and will prepare and, as agreed upon, revise the management plan. FWP first used this approach on the Thompson/Fisher conservation easement in 2004 and has found it very effective. Each meeting is announced through news releases and emails to everyone that commented on the original project proposal. In the case of these two proposed conservation easements, that would include notifications to the 56 people that have commented on this project to announce a meeting that would probably alternate between Whitefish and Columbia Falls. Each of those meetings includes an opportunity for public comment on any issues pertaining to the conservation easement, management plan, or other general issues of concern.

- 4. Definition of dispersed recreation and allowable public use.** Two people asked for a clarification of our use of the term “dispersed recreation,” which is the right secured by the conservation easement and used to limit the types of organized, commercial recreation that may occur on the property under the management plan. Another commented that dispersed recreation does not include recreational use on trails.

Response: We view dispersed recreation as all the activities that may take place on the land that are not developed or managed to concentrated use. Single-track, off-road trails for mountain biking do not fit under this definition because they need to be managed to keep the trail free of brush and debris, and to reduce soil erosion. While other uses such as hiking and horseback riding may use the existing trail network, such a system of trails is not required for those activities as it is for mountain biking. Nonmechanized, dispersed travel would continue to be allowed across the property per the terms of the open lands policy included in the proposed management plan.

- 5. Importance of recreation to the tourist-based businesses that supported the resort tax increase that is helping to pay for the conservation easement.** Two people expressed concern that the commercial community was on board for raising the resort tax because of the potential for additional sales due to recreational opportunities. Another person identified that it’s a variety of recreational opportunities that bring tourists to Whitefish.

Response: Allowing Stoltze the exclusive right to regulate continued mechanized use of the single-track, off-road trail network is unlikely to change the amount of money earned from the overall tourism industry or the resort tax. It might have some impact to businesses associated with mountain biking, but even that will be substantially mitigated by the development of the new, single-track trail that will be granted to the City of Whitefish on the Haskill Basin property under the conservation easement.

- 6. Two people asked if motorized use will be allowed to continue on the property.**

Response: The Stoltze Open Lands Policy, which is incorporated into the management plan, specifically allows the use of some off-highway vehicles, but only on established road systems. However, Section II.B.2 of the conservation easement allows Stoltze the right to restrict motorized use of roads on the conservation easement lands.

- 7. One person asked for clarification for the ability of Stoltze to close the land for up to three years.**

Response: Page 23 of the EA outlined how and why Stoltze could suspend public access to the land. “Stoltze also would retain their existing right to temporarily suspend public access if either the risk of landowner liability increases or the cost of liability insurance increases beyond established market rates.” Under the terms of the proposed CEs and associated management plan, public access could remain suspended, with the exception of the nonmotorized public recreation trail corridor that would be granted to the City of Whitefish under a separate agreement, on the Haskill Basin property, until a solution could be found that would protect the landowner against increased liability or increased liability protection cost resulting from continued public recreational access and use. However, after three years the City of Whitefish and/or FWP would have the right to purchase the underlying fee ownership of the property to restore public recreational access; Stoltze would retain the right to manage and harvest timber on the property.

- 8. City of Whitefish water supply.** Several people commented on the importance of the Haskill Basin conservation easement for securing the City water supply. One person suggested that the water supply needed to be secured and wider buffers would be appropriate, while a contrasting comment emphasized the importance of actively managing the riparian buffer. Another felt the EA did not adequately assess the risk of contamination to the water supply that would result if the project was not completed and the benefits in protecting human health from completing the project.

Response: The EA did not discuss the need to secure the water supply because this conservation easement does not change the responsibility or the ability of the City of Whitefish to secure the water supply. Instead, it insures “the right of the City to inspect, repair, renovate, remove, maintain, or replace the utility improvements, including water intake and diversion structures, piping, and other ancillary structures that the City owns and maintains under separate easement agreements with Landowner” (page 45 of the EA).

Page 18 of the EA discusses the benefits of the proposed conservation easement on Haskill Basin to the City water supply. “Protection of the Haskill Basin drainage by the proposed CE would protect the City of Whitefish’s primary municipal water resource from subdivision and residential development. Such action could have negatively impacted the City’s two remaining intakes on Second and Third Creeks and forced the City to invest in a costly new water supply alternative.” The No Action Alternative only states that conversion of either property could negatively impact water resources. We agree that the risks and benefits of the proposed conservation easement were understated in the EA. The City water supply from First Creek was abandoned years ago because of bacterial contamination resulting from developments and wastewater treatment procedures above that water intake. The City of Whitefish is investing \$7.7 million to purchase the conservation easement in order to “protect the City’s municipal water quality and supply” (page 42 of the EA, Section II.A.1. of the conservation easement). If the Haskill Basin property were to be developed for residential or other incompatible uses, the risk of contamination would possibly require the City to stop using Haskill Creek as a source of drinking water or take other actions to protect the water supply. Section 4.4, Risk and Human Health/Safety, in the EA is hereby modified to acknowledge the risks described above.

The riparian management commitments outlined in the management plan in Section III.G.2 (page 68 of the EA) are more restrictive than current Montana law requires, but still allows

Stoltze to actively manage the riparian forest. This prescription was developed by Stoltze to describe their current management practices, which have proven effective at maintaining water quality for the City's municipal water supply.

- 9. Draft status of the conservation easement and management plan.** One individual expressed concern that the draft conservation easement is being presented in its final form before the EA has been completed.

Response: The conservation easement and management plan were negotiated with two other parties over the last 12 months. We can, and are willing to, discuss potential changes with the other two parties; however, FWP cannot unilaterally make changes to either of those documents without agreement from both the City of Whitefish and Stoltze. Consequently, the EA evaluates only two alternatives: purchase this proposed conservation easement and associated management plan or do not acquire the rights associated with those documents.

- 10. Easement baseline report.** One individual commented on the importance of the baseline report that will be prepared to provide an accurate representation of the physical and biological condition of the land and its physical improvements as of the date of the conservation easement, and the importance of getting someone that understands western Montana forests.

Response: FWP agrees that this is an important document and those are essential qualifications. Ecological Solutions Group in Stevensville, Montana, has been contracted to complete this work. They have done other similar reports for FWP and have consistently produced outstanding documents approved by both the landowner and FWP. The baseline report will be finalized prior to closing the conservation easement transaction and signed by Stoltze to acknowledge that they agree that it is an accurate representation of the current property.

- 11. Cost of the project.** One person expressed concern that the price being paid for this conservation easement makes timber ground unaffordable for companies or individuals interested in acquiring and managing such properties.

Response: The value of the conservation easement was determined by a qualified appraiser following standards set by the federal government. Their determination is based on a comparison of prices paid for other similar properties with and without conservation easements on them. This proposed purchase doesn't set markets, but rather is based upon current market values. In addition, both purchases are 25% below the estimated value of similar real estate transactions.

- 12. Impact on affordable housing availability in Whitefish.** One person expressed concern that eliminating 3,020 acres from future development in Haskill Basin would increase the problem of a lack of affordable housing in Whitefish.

Response: Page 16 in the EA documented that both proposed conservation easements would support multiple goals of Flathead County's Growth Policy (2012) in promoting the preservation of critical fish and wildlife habitat, preserving the area's unique outdoor amenities and quality of life, and recognizing the heritage of outdoor recreation and timber

activities that provide economic benefits to the county. In addition, Haskill Basin project is being funded and will be jointly held by the City of Whitefish.

In response to the concern over affordable housing, the Haskill Basin property is highly unlikely to ever offer any opportunity for future affordable housing if this conservation easement is not acquired, given the market value of that property. However, FWP completed additional analysis on the impact of removing 3,020 acres of land from the future base of developable land surrounding Whitefish. We used the state cadastral records to estimate the amount of undeveloped land within 2.5 miles from the Whitefish City limits, a distance that encompasses all of the proposed Haskill Basin conservation easement and represents an area of 102,000 acres. A little more than 73,000 acres of that has no structures and is available for future residential or commercial development. Thus, the proposed Haskill Basin conservation easement would reduce the availability of land for future development by only 4% (3,020 acres/73,000 acres), leaving 69,980 acres or more than 100 square miles for future development.

FWP RECOMMENDED ALTERNATIVE AND FINAL DECISION RECOMMENDATION

In reviewing all the public comment and other relevant information, and evaluating the environmental effects, I recommend that FWP pursue the completion of the South Whitefish Range Conservation Project and recommend that the FWP Commission approve the proposed purchase of the Haskill Basin conservation easement now, and the proposed Trumbull Creek conservation easement when the conservation easement and associated management plan are finalized and other due diligence completed. Both actions will also require the approval of the Montana Land Board at an upcoming meeting.

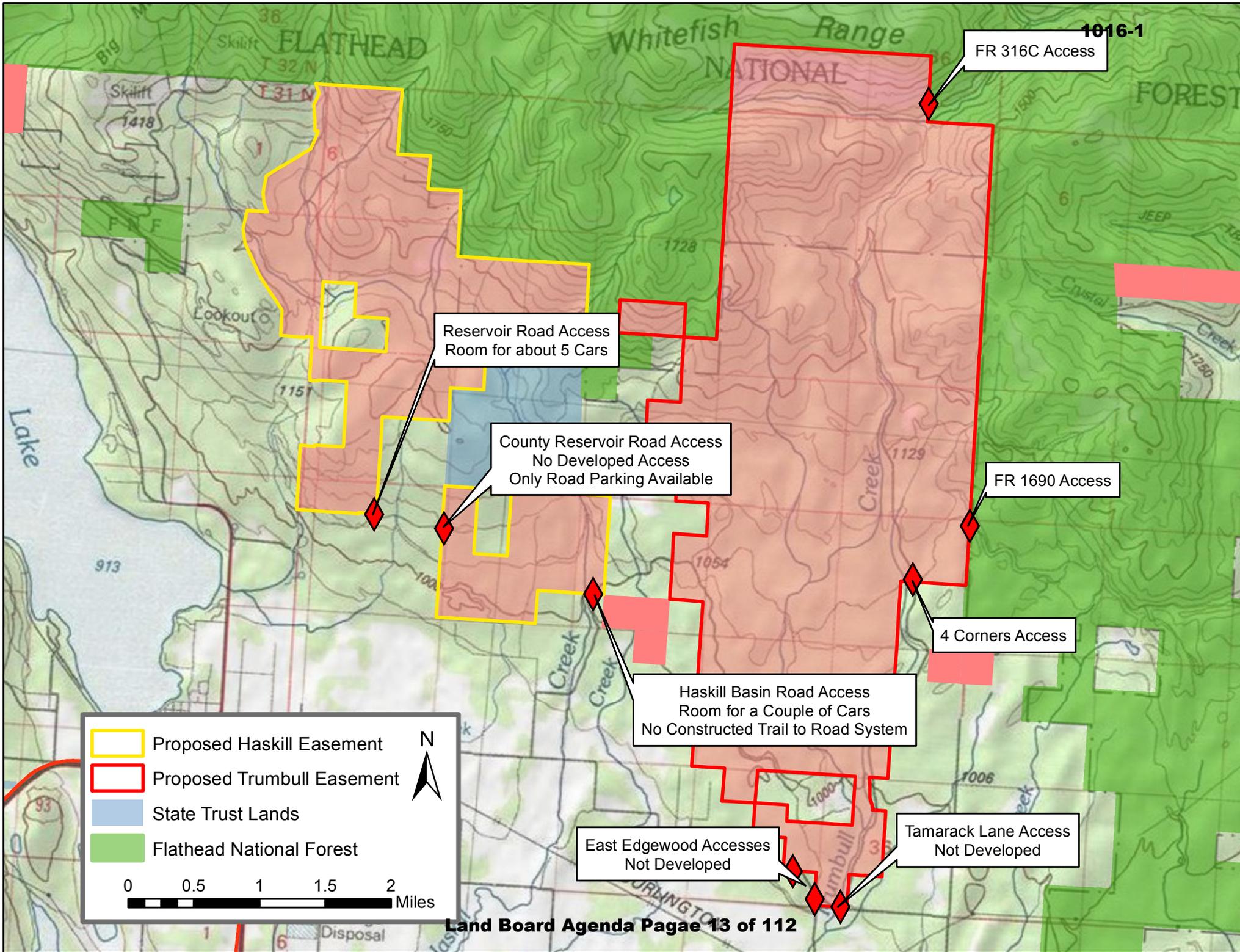
Through the MEPA process, FWP found no significant impacts on the human or physical environments associated with this proposal. Therefore, the EA is the appropriate level of analysis, and an environmental impact statement is not required.

Noting and including the changes to the draft EA and associated documents stated above, the draft EA as modified by this decision document will become the Final EA. FWP believes the completion of this project is in the best interests of providing clean water for the City of Whitefish, while also balancing the needs of working forests, fish and wildlife habitat, and public recreation opportunity.



Jim Williams
Regional Supervisor

11/24/2015
Date



1016-1
FR 316C Access

Reservoir Road Access
Room for about 5 Cars

County Reservoir Road Access
No Developed Access
Only Road Parking Available

FR 1690 Access

4 Corners Access

Haskill Basin Road Access
Room for a Couple of Cars
No Constructed Trail to Road System

East Edgewood Accesses
Not Developed

Tamarack Lane Access
Not Developed

Proposed Haskill Easement

Proposed Trumbull Easement

State Trust Lands

Flathead National Forest

N

0

0.5

1

1.5

2

Miles

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**Meeting Date:** October 13, 2016**Agenda Item:** Trumbull Creek Conservation Easement**Division:** Wildlife**Action Needed:** Final**Time Needed on Agenda for this Presentation:** 5 minutes**Background:**

FWP and The Trust for Public Land (TPL) negotiated two conservation easements with F.H. Stoltze Land & Lumber Co. – Haskill Basin (3,020 acres) which closed in February 2016 and Trumbull Creek (7,150 acres) which we are seeking final Commission approval to close in early 2017. We received preliminary Commission endorsement for the Trumbull Creek project in May 2015. The appraised value of the conservation easement (approximately \$12.7 M) would be paid with \$6.5 M from the Forest Legacy Program, \$2 M from the Habitat Conservation Plan Land Acquisition Program, \$1 M in private foundation grants to TPL, and \$3.2 M in donated value by the landowner. The property provides winter range for mule deer, white-tailed deer and moose. It is rated Class 1 for terrestrial species richness and provides important habitat for a variety of Tier I species. The property includes 1.5 miles along South Canyon Creek which supports a population of genetically pure westslope cutthroat trout. Located in the back yard of Columbia Falls, and providing access to Forest Service lands in the North Fork, the property receives substantial levels of public use for year-round outdoor activities. Stoltze's willingness to sell a conservation easement for this property offers a unique opportunity to conserve important fish and wildlife habitat, stop expanded development, and sustain high levels of public recreation.

Public Involvement Process & Results:

We held public scoping meetings in 2014 for both the Haskill Basin and Trumbull Creek projects. An EA was released for public comment from October 26th to November 22nd, 2015 and included a public hearing in Whitefish on November 9th. Two legal notices were published in four local newspapers, 161 notices were mailed to neighboring landowners and interested parties, and the EA was posted on the FWP webpage. FWP received 56 public comments from individuals and organizations; 6 as testimony at the public hearing and 50 additional comments submitted in writing or email. Twenty-nine of the comments supported, and none opposed the project. The remaining 27 comments, along with 15 people who expressed support for the project, identified questions, issues or concerns in 12 different categories that are addressed in the decision document. Most of these comments were directed toward the Haskill Basin conservation easement, but 13 specifically mentioned either Trumbull Creek or both conservation easements and of those 12 expressed strong support. The other comment asked about maintaining an existing trail and expressed concern for providing adequate parking.

Alternatives and Analysis:

Two alternatives were analyzed and considered in the EA: 1) Proposed Action: Purchase the Haskill and Trumbull Creek conservation easements and 2) No Action: Do not complete one or both proposed conservation easements. Under the Proposed Action, the properties would: continue to be sustainably managed for production of forest products; conserve important fish and wildlife habitat; maintain a diverse array of public recreational opportunity; and secure water supply for the city of Whitefish. Under the No Action Alternative, no immediate changes would be likely since the conservation easement was designed to maintain current sustainable management practices and public access. However, given the value of this land and demand for residential development, it is likely the property would ultimately be sold and developed, with subsequent impacts to wildlife, public access, and the water supply of Whitefish.

Agency Recommendation & Rationale:

FWP recommends the Commission approve the purchase of the Trumbull Creek conservation easement in order to protect important wildlife habitats and maintain public access.

Proposed Motion:

I move the Commission approve the purchase of the Trumbull Creek conservation easement from F.H. Stoltze Land & Lumber Company.

1016-2

FWP: CONSERVATION EASEMENT

Specimen Creek

**Land Board Agenda Item
October 17, 2016**

1016-2 Department of Fish, Wildlife and Parks: Canyon Creek Wildlife Management Area Addition- Specimen Creek.

Location: Lewis and Clark County

Trust Benefits: N/A

Trust Revenue: N/A

Item Summary

The Rocky Mountain Elk Foundation (RMEF) has negotiated a bargain sale purchase of the Specimen Creek Property from Stimson Lumber Company. RMEF proposes to donate the approximately 729 acres of important wildlife and fish habitat on the northern border of the Canyon Creek Wildlife Management Area to the Department of Fish, Wildlife and Parks (FWP). The goal is to expand wildlife habitat and further protect a stream corridor containing native westslope cutthroat trout, while maintaining public access to U.S. Forest Service land. The addition, like the existing Canyon Creek WMA, provides hunting opportunity for mule deer and elk, winter range for mule deer and moose, and spring, summer and fall range for all three of these big game species. In addition, the entire suite of carnivores (grizzly and black bear, wolves, Canada lynx, wolverine, and bobcat) utilize the area. The addition falls within the continental divide wildlife movement corridor between the Northern Continental Divide Ecosystem (NCDE) and areas further south.

FWP worked in concert with the Rocky Mountain Elk Foundation on this project. FWP completed both a 30-day scoping period and a 30-day public comment period on the draft EA. A public hearing was held on September 1, 2016 and was attended by four neighboring landowners, all of whom support the project. In coordination with the Rocky Mountain Elk Foundation's efforts to assemble funding for this project, additional opportunity for public participation occurred in autumn, 2015. At that time, the Montana Fish and Wildlife Conservation Trust issued a request for public comment. Public participation was also afforded in June 2016 as part of the application process for funding through the Lewis and Clark County Open Lands Program (30-day comment period followed by a public hearing). There was no opposition to FWP acquiring the property, and one individual commented without giving a clear opinion for or against the proposal.

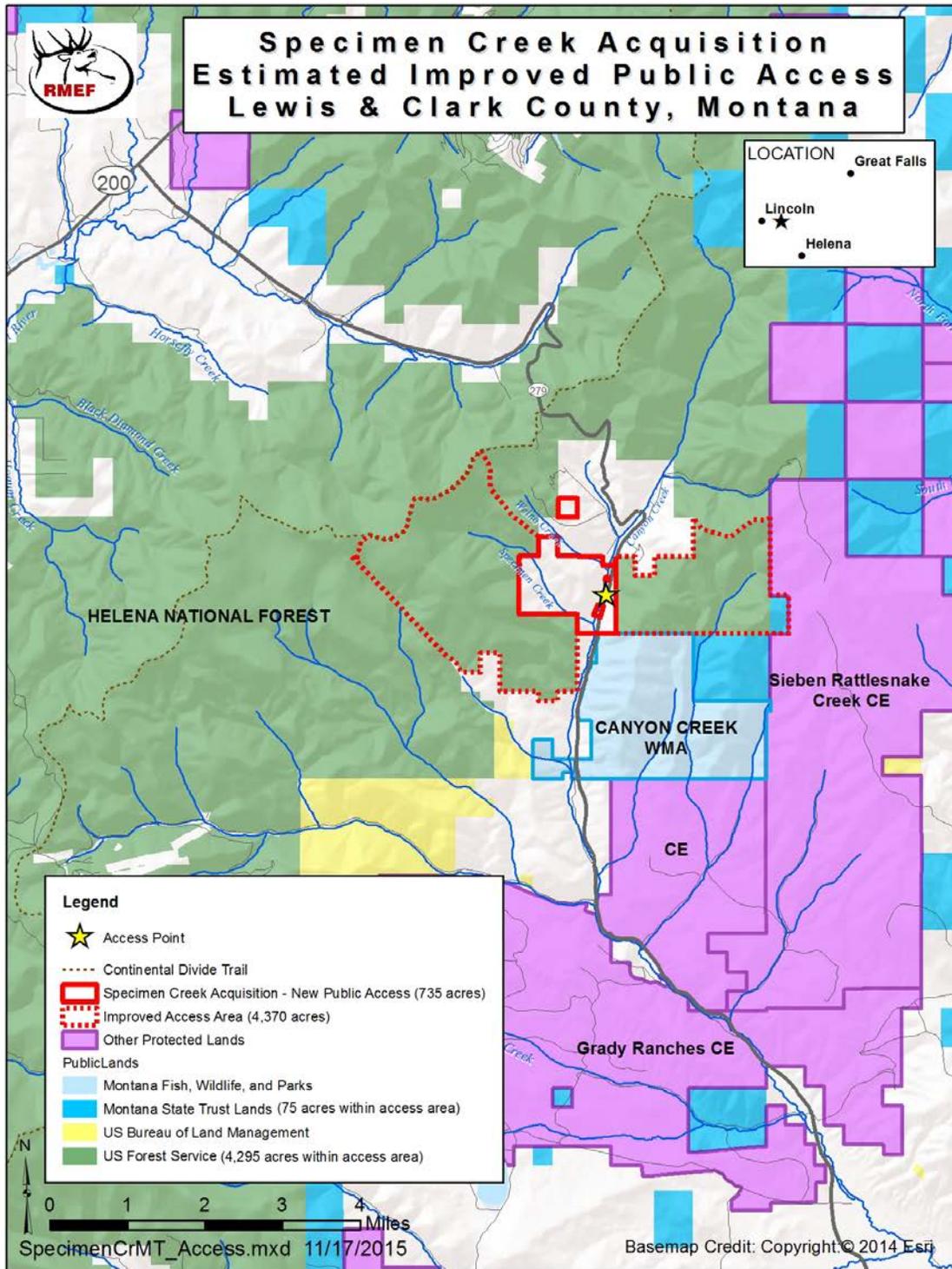
Rationale for Land Board Action

Accepting the generous donation of the Specimen Creek Addition to the Canyon Creek Wildlife Management Area would protect and maintain important fish and wildlife habitat, public recreational access, and enhance hunter opportunity on the WMA and adjacent U.S. Forest Service land. This project is an excellent example of cooperation between the Rocky Mountain Elk Foundation, the Montana Fish and Wildlife Conservation Trust, the Lewis and Clark County Open Lands Program, the Cinnabar Foundation, and FWP to produce a desirable conservation outcome that will benefit the people of Montana for generations to come.

FWP Recommendation

FWP recommends acceptance by the Land Board of the generous donation by the Rocky Mountain Elk Foundation of the Specimen Creek Addition to the Canyon Creek Wildlife Management Area.

Figure 1 Specimen Creek Addition to the Canyon Creek Wildlife Management Area.



**DECISION NOTICE
CANYON CREEK WILDLIFE MANAGEMENT AREA
- SPECIMEN CREEK ADDITION -
ENVIRONMENTAL ASSESSMENT**

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
September 2016**

Proposed Action

Montana Fish, Wildlife and Parks (FWP) proposes to acquire through donation approximately 729 acres in fee located in the Robert E. Lee Mountain Range both east and west of Hwy 279 northwest of Canyon Creek, Montana. The property includes portions of the Specimen and Weino drainages as well as the confluence of Specimen Creek and Canyon Creek. The property would be an addition to the existing ~2,361-acre Canyon Creek Wildlife Management Area (WMA) northwest of Helena.

The Canyon Creek WMA provides yearlong habitat for elk, upland game birds, small mammals, and birds and seasonal habitat for deer, moose, bear, forest carnivores, raptors, and endemic and neo-tropical migrant birds. Little Mill Creek, Big Mill Creek, and Sawmill Gulch flow through the eastern portion of the WMA and contain brook trout. These streams have been considered for westslope cutthroat trout restoration. Canyon Creek and Tar Head Creek flow through the western portion of the WMA and contain rainbow, brook, and native westslope cutthroat trout. Public recreation opportunities include hunting, wildlife viewing, hiking, horseback riding, and picnicking. Public access to adjacent public land (USFS, United States Bureau of Land Management [BLM], and Department of Natural Resources and Conservation [DNRC]) is also provided with this WMA.

The benefits of the additional property not only include increasing the amount of existing, contiguous protected wildlife habitat and further protection of a stream corridor containing native westslope cutthroat trout, but also include maintaining public access to public land in a strategic location along Hwy 279.

The following are details of the resource values FWP intends to conserve:

- Acquisition of this property would secure additional habitat and movement connectivity for wildlife across Hwy 279 between parcels of land owned by the USFS. Species of Concern (SOC) verified to occur in this vicinity include wolverine (*Gulo gulo*), Canada lynx (*Lynx Canadensis*), grizzly bear (*Ursus arctos*), pileated woodpecker (*Dryocopus pileatus*), golden eagle (*Aquila chrysaetos*), and westslope cutthroat trout (*Oncorhynchus clarki lewisi*). Unverified SOC for this area includes fisher (*Martes pennant*). No plant SOC were listed in the Natural Heritage Program database for this vicinity. This property

is within an identified high-priority wildlife linkage area along the Continental Divide. In that scope, this property is part of a larger landscape effort.

- The proposed acquisition would not only further protect the stream corridor from invasion by non-native fish species, but may also expedite FWP's efforts to enhance and extend the current distribution of westslope cutthroat. Although not currently listed as a "Conservation Population," implementation of habitat improvement projects may be simplified if the lower portion of the stream was located on public land. Habitat improvements, such as barriers to prevent immigration of non-native rainbow and brook trout, stream bed restoration, or improvements to the riparian corridor, may allow additional treatment to improve the Specimen Creek and Weino Creek cutthroat populations and elevate the species' conservation status.
- Acquisition of this property would secure more direct public access to adjacent public lands in a strategic location for fishing, hunting, and other non-motorized recreation. The proposed acquisition would also maintain another point of public access to the northeast corner of the existing WMA. Angler access would increase, and there would be additional fishing opportunity for brook trout and rainbow trout, both of which occur in Canyon Creek. At present, there are two points of public access to public land near the west side of Hwy 279 below Flesher Pass: one at the existing WMA and one at the larger parcel described in this proposal. Otherwise, public access to the Tar Head, Trout, Specimen, and Weino Creek drainages on the Helena National Forest is from above through the Stemple and Flesher Pass areas. This property would provide more direct public access to the Specimen and Weino Creek drainages from below. Finally, elk are harvested within the WMA and within the Specimen and Weino Creek drainages, and maintaining public access to this property would continue to disperse hunters across a broader area. Acquisition may also enhance FWP's ability to achieve population management objectives of wildlife (such as elk). This property would also allow hiking and wildlife viewing, and it is near the Continental Divide, which is a national scenic trail.

If the acquisition is completed, the additional 729 acres of the Canyon Creek WMA would be managed under the guidance of the *2002 Canyon Creek Wildlife Management Area Management Plan*.

Alternative Considered to the Proposed Action

No Action: FWP would not acquire the addition to Canyon Creek WMA

Under the No Action Alternative, FWP would not accept a donation of the property from the Rocky Mountain Elk Foundation. Eventually, the property would likely be sold to a private entity, and the opportunity for public access in this strategic location would be unlikely to be obtained by FWP through another property in the area.

Montana Environmental Policy Act

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments,

evaluate those impacts through an interdisciplinary approach, including public input, and make a decision whether or not to proceed with the project.

In compliance with MEPA, a draft Environmental Assessment (EA) was completed on the proposed action by FWP and released for public comment in August 2016. The public comment period was for 30 days with a deadline of 5:00 pm September 9, 2016.

Additionally, a public hearing was hosted by FWP at the FWP Headquarters building in Helena on the evening of September 1. The meeting provided an opportunity for FWP to address questions about the proposed project and its alternative and to receive public comments.

Legal notices announcing the availability of the EA were published in the *Bozeman Chronicle* and *Helena Independent Record*. In addition to the announcement, the EA was posted on FWP's webpage: <http://fwp.mt.gov> under *Public Notices*. The EA was mailed to over 70 interested groups and individuals and adjacent landowners, in addition to internal FWP distribution. Additional opportunity for public participation was possible last fall (2015), when the Montana Fish and Wildlife Conservation Trust issued a request for public comment, and public participation was also afforded in early summer 2016 as part of the application process for funding through the Lewis and Clark County Open Lands Program (30-day comment period followed by a public hearing).

Summary of Public Comments

Four people signed in at the public hearing in Helena. No one testified. All four individuals were neighboring landowners and were in support of the proposal and offered specific suggestions for FWP to consider. As no one testified, FWP did not make a digital recording of the hearing. Eight comments were received from individuals or parties via email and regular mail during the public comment period on the proposed action. A total of seven individuals and organizations indicated support for FWP to accept the donation of the property for addition to the Canyon Creek WMA. No one registered opposition to FWP acquiring the property, and one individual commented without giving a clear opinion for or against the property coming to FWP.

Public participation is a mechanism for agencies to consider substantive comments on a proposal. The following is a synopsis of the feedback received, and FWP's response to those comments and questions.

1. Comments supportive of the project
 - a. Ideal use of the property as a WMA; great addition to the WMA
 - b. Stewardship by FWP
 - c. Public ownership to protect and improve wildlife and wildlife habitat; not acquiring the land and having FWP administer it could place wildlife and wildlife habitat in jeopardy
 - d. Increase the amount of existing, contiguous protected wildlife habitat
 - e. Protection of a stream corridor/habitat for native westslope cutthroat trout
 - f. Positive benefit for other Species of Concern, game, and nongame species
 - g. Property is within a high priority linkage area

FWP Response: Under FWP ownership, minimal development of public facilities such as a parking area is planned in order to maintain the undeveloped, primitive nature of the area. The overall objectives for this project include maintaining or improving the wildlife and fisheries values of the property.

2. a. Manage for native habitat, manage wetland and riparian land in a manner that allows recreationists access but protects habitat for both fish and wildlife
- b. Protect the riparian areas

FWP Response: The overall objectives for this project include maintaining or improving the wildlife and fisheries values of the property.

Public motorized access would be limited to the parking and entrance to the parking area. There would be minimal administrative motorized access, to treat weeds for example. FWP does not plan to maintain any routes on these parcels except for the section from Hwy 287 across the bridge over Canyon Creek on the west side of the highway. The route would remain a primitive route.

No developments would be made within the property. Debris removal, parking area installation, parking area fencing, and barrier erection would be anticipated after acquisition to provide resource protection and for public safety. Fencing, gates, and barriers at highway access points to the property would be maintained. Fencing along other sections of the perimeter of the property will be maintained or installed when determined to be both necessary for resource protection and cost effective.

Additionally, groups of 10 or more and commercial use would require a permit from FWP.

3. Support acquiring mineral rights

FWP Response: As stated on page 5 of the draft EA, unless the Reserved Restrictive Easement (RRE) is extinguished before FWP acquires the property, FWP will negotiate with the holder of the RRE and mineral rights to extinguish the RRE and acquire the mineral rights, thus unifying title.

4. Do not allow cattle grazing on the property

FWP Response: FWP does not intend to allow livestock grazing on the property and would prefer to fence cattle out, and therefore the feasibility of drift fencing (partial fencing to control livestock) would be explored.

5. Treat weeds on the property

FWP Response: FWP would document compliance with 7-22-2154, MCA, on weed inspections for land acquisitions. FWP would implement noxious weed management with guidance from the FWP Statewide Integrated Noxious Weed Management Plan (June

2008) and would utilize properly prescribed chemicals on a prioritized basis. Biological agents, mowing, pulling, and/or other methods would be researched and utilized where chemical control is inappropriate. Limitations on motorized use of the property would be implemented to minimize the introduction and spread of noxious weeds. Weed-seed free feeds for pack animals would be required.

6. Comments related to trespass on neighboring property
 - a. Install fencing and signs on the southern boundary to distinguish boundary between public and private land
 - b. Sign other boundaries

FWP Response: FWP expects that hunters utilizing the WMA will do some “self-policing,” based on reports made by hunters to the FWP area wardens and wildlife biologist in the past. If FWP acquires the property, to minimize the possibility of trespass to neighboring private property we 1) plan to sign the boundary between the WMA addition and private property, following FWP boundary signing standards and 2) plan to install a sign at the parking area depicting the WMA boundary and surrounding private property and public property.

As a new acquisition, FWP area game wardens would plan to elevate patrol of this area initially, as allowable with other regional responsibilities.

Landowner permission is required for all hunting on private property in Montana (87-3-304MCA). Therefore, anyone hunting on property without permission can be cited for that violation, if the landowner chooses to pursue such. Posting of property is NOT required regarding Hunting Without Landowner Permission during established hunting seasons in order to pursue violations. Persons trespassing on private property outside of the hunting season can be charged with Criminal Trespass (45-6-203MCA). In order to prosecute for Criminal Trespass, the property is required to be posted.

7. Comments related to the parking area
 - a. Install parking area east of Specimen Creek [and west of the highway] to keep motorized vehicles from accessing the mouth of Specimen Creek and its surrounding area
 - b. Lack of visibility of the parking area from the highway could increase adverse impacts to Williams’ property
 - c. Consult with Williams on parking area development if placed west of Specimen Creek in an effort to prevent trespass of motorized vehicles beyond the parking area or onto Williams’ property

FWP Response: FWP Design and Construction staff visited the property to assess placement of a suitable public approach and parking area. It was determined that the safest approach for public use of the project property would likely be on the west side of the highway. It was determined that a public approach on the east side of the highway would be unlikely to be approved by the Montana Department of Transportation due to line-of-sight constraints and subsequent safety concerns. FWP

Design and Construction staff are in communication with Montana Department of Transportation about the approach to the property as well as establishing a parking area.

Wherever the parking area is located, parking area fencing and barrier erection would be anticipated after acquisition to provide resource protection and for public safety.

8. FWP ownership will lead to increased public use, use which will continue to increase in the future

FWP Response: The property would be open to public access, hunting, fishing, and other non-motorized recreation consistent with a wildlife management area. Public use of the property and nearby public lands (USFS and FWP) may increase slightly, due to greater visibility of the property as publicly accessible (the parcel would eventually be signed as the Canyon Creek WMA; Stimson Lumber Company has traditionally allowed public access to the property, but that is not necessarily widely known).

9. After acquisition, review and maintain roads within the WMA, including limited fuel modification work along roadsides, for emergency fire access; address this concern in any future WMA management plan

FWP Response: FWP does not plan to maintain any routes on these Specimen Creek parcels, except for the section from Hwy 287 across the bridge over Canyon Creek on the west side of the highway. The route would remain a primitive route. Management of the existing WMA is beyond the scope of this project; however, the existing road prism on both the Specimen Creek property and the existing WMA would provide a ready means for emergency access should the need arise to respond to fire. Upon completion of the acquisition, FWP intends to review the property with the Department's forester and develop a forest plan, which would include further description of roads, forest habitat objectives, and fire concerns.

10. Supportive of public ownership, use, and access

FWP Response: The overall objectives for this project include providing recreational opportunity on the property and providing strategic public access through this property to adjoining public lands.

11. Supportive of the land not being subdivided or developed long term

FWP Response: Under FWP ownership, minimal development of public facilities such as a parking area is planned in order to maintain the undeveloped, primitive nature of the area. The overall objectives for this project include maintaining or improving the wildlife and fisheries values of the property.

Final Environmental Assessment for the Canyon Creek Wildlife Management Area Addition

FWP concludes that the impacts associated with the proposed alternatives would not have a significant impact on the physical environment or human population in the area. In determining the significance of each impact, the criteria defined in the State of Montana's Administrative Rule 21.2.431 was used.

This environmental assessment is therefore the appropriate level of analysis for the proposed action and an environmental impact statement is not required.

Based on the comments received and consideration of their value to improve and clarify the assessment for this project, FWP has made some modifications to the Draft Environmental Assessment narrative as presented in this Decision Notice. This Decision Notice and attached draft Canyon Creek Wildlife Management Area Addition Environmental Assessment will be considered the Final EA. Both will be posted on FWP's website.

Decision

Based upon the Environmental Assessment and public comment, it is my decision to approve the acquisition of the Canyon Creek Wildlife Management Area Addition pending review by the FWP Commission and the Board of State Land Commissioners.



Sam B. Sheppard, Region 3 Supervisor
Montana Fish, Wildlife & Parks

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2016

Agenda Item: Canyon Creek Wildlife Management Area Addition Specimen Creek Donation (R3)

Division: Wildlife

Action Needed: Final Action

Time Needed on Agenda for this Presentation: 10 minutes

Background

FWP is seeking approval to acquire the Specimen Creek Property through donation. The addition would add approximately 729 acres of important wildlife habitat to the northern border of the Canyon Creek Wildlife Management Area. Its primary goal is to expand wildlife habitat and further protect a stream corridor containing native westslope cutthroat trout, while maintaining public access to public lands in a strategic location. This parcel, like the existing Canyon Creek WMA, provides hunting opportunity for mule deer and elk, winter range for mule deer and moose, and spring, summer and fall range for all three of these big game species. In addition, the entire suite of carnivores, grizzly and black bear, wolves, Canada lynx, wolverine, bobcat, etc., utilize the area, and this parcel falls within the continental divide wildlife movement corridor between the Northern Continental Divide Ecosystem (NCDE) and areas further south.

Public Involvement Process & Results

FWP has worked with the Rocky Mountain Elk Foundation on this proposed project. FWP has completed both a 30-day scoping period and a 30-day public comment period on the draft EA. A public hearing was held on September 1st. In coordination with the Rocky Mountain Elk Foundation's efforts to assemble funding for this project, additional opportunity for public participation occurred last fall (2015), when the Montana Fish and Wildlife Conservation Trust issued a request for public comment, and public participation was also afforded in early summer 2016 as part of the application process for funding through the Lewis and Clark County Open Lands Program (30-day comment period followed by a public hearing).

Specific to FWP's public review process, four people signed in at the public hearing in Helena. All four individuals were neighboring landowners and were in support of the proposal and offered specific suggestions for FWP to consider. Eight comments were received from individuals or parties via email and regular mail during the public comment period. A total of seven individuals and organizations indicated support for FWP to accept the donation of the property as an addition to the Canyon Creek WMA. No one registered opposition to FWP acquiring the property, and one individual commented without giving a clear opinion for or against the proposal.

Alternatives and Analysis

FWP prepared an environmental assessment (EA) to evaluate the proposed action and alternatives. The EA considered accepting the Specimen Creek addition and alternatively to not accept the property. Because of the fish and wildlife habitat values, adjacency to the WMA, threat of subdivision and development, tie to other conserved lands, and recreational values associated with the property, a Decision Notice was rendered recommending acceptance of this addition to the Canyon Creek WMA.

Agency Recommendation & Rationale

FWP recommends that the Commission approve acceptance of the Specimen Creek Addition to the Canyon Creek WMA. This property would expand and enhance important habitat for a variety of wildlife and fisheries resources and enhance hunter opportunity within the WMA and adjacent USFS properties.

Proposed Motion

I move the Fish & Wildlife Commission approve the Specimen Creek donated addition to Canyon Creek WMA.

1016-3

CABIN AND HOME SITES:

Set Minimum Bid for Sale

- A. Flathead County - Sales 828, 829, 830, & 833
- B. Lincoln County – Sale 832
- C. Missoula County – Sales 834-839, 842-846, 890 & 894
- D. Sanders County – Sales 831

**Land Board Agenda Item
October 17, 2016**

1016-3A Cabin and Home Sites: Minimum Bid for Sale - Sales - 828, 829, 830 & 833

Location: Flathead County

Trust Benefits: Montana Tech, Common Schools, MSU 2nd Grant (ACB)

Trust Revenue: \$830,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on four cabin sites nominated for sale in on Echo Lake, McGregor Lake, and a site near Olney in Flathead County. These sales were nominated by the lessees in conjunction with the Cabin and Home Site Sale Program. The sales are located approximately 10 miles North of Bigfork (828, 829, 892), 12 miles East of Marion (830) and one mile South of Olney (833), Montana.

Sale #	# of Acres	Legal	Nominator	Trust
828	0.879	Lot 24, Echo Lake, T27N-R19W Sec. 5	Susan Hutz	Montana Tech
829	1.54	Lot 34, Echo Lake, T27N-R19W Sec. 5	Ronald Gibb, et al.	Montana Tech
830	2.68	Lot 28, McGregor Lake, T26N-R25W Sec. 16	Michael & Pamela Mower	Common Schools
833	4.15	Lot in SW ¹ / ₄ NW ¹ / ₄ , T32N-R23W, Sec. 28	Neal Franson & Barbara Roberts	MSU 2 nd Grant

Sale parcels are currently leased as cabin or home sites and produce an average income for residential leases statewide.

Each parcel will be sold with the access that is currently provided to the current lessee under their lease agreement.

Economic Analysis:

Short term – The average rate of return on sale parcel 828 is 3.54%. The average rate of return on sale parcel 829 is 3.54%. The average rate of return on sale parcel 830 is 3.65%. The average rate of return on sale parcel 833 is 0.60%. These parcels would continue to receive these returns if they remain in state ownership.

Long term – The funds from the sale of these parcels 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 2.64% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

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

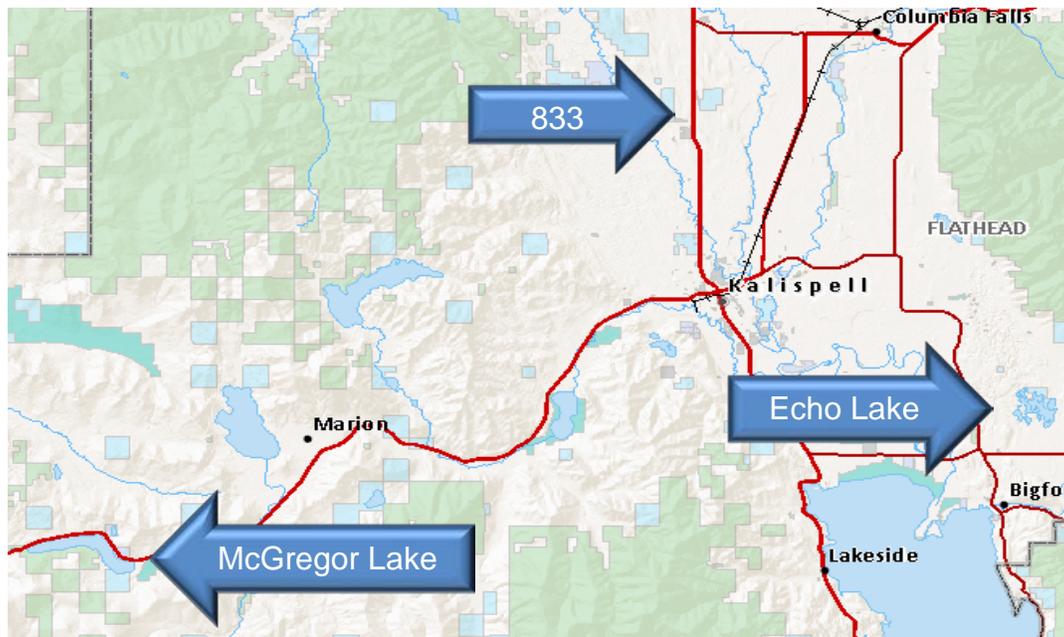
Appraised Values of Land and Improvements:

Sale #	Appraised Value of Land	Appraised Value of Improvements
828	\$160,000	\$240,000
829	\$300,000	\$80,000
830	\$220,000	\$180,000
833	\$150,000	\$230,000

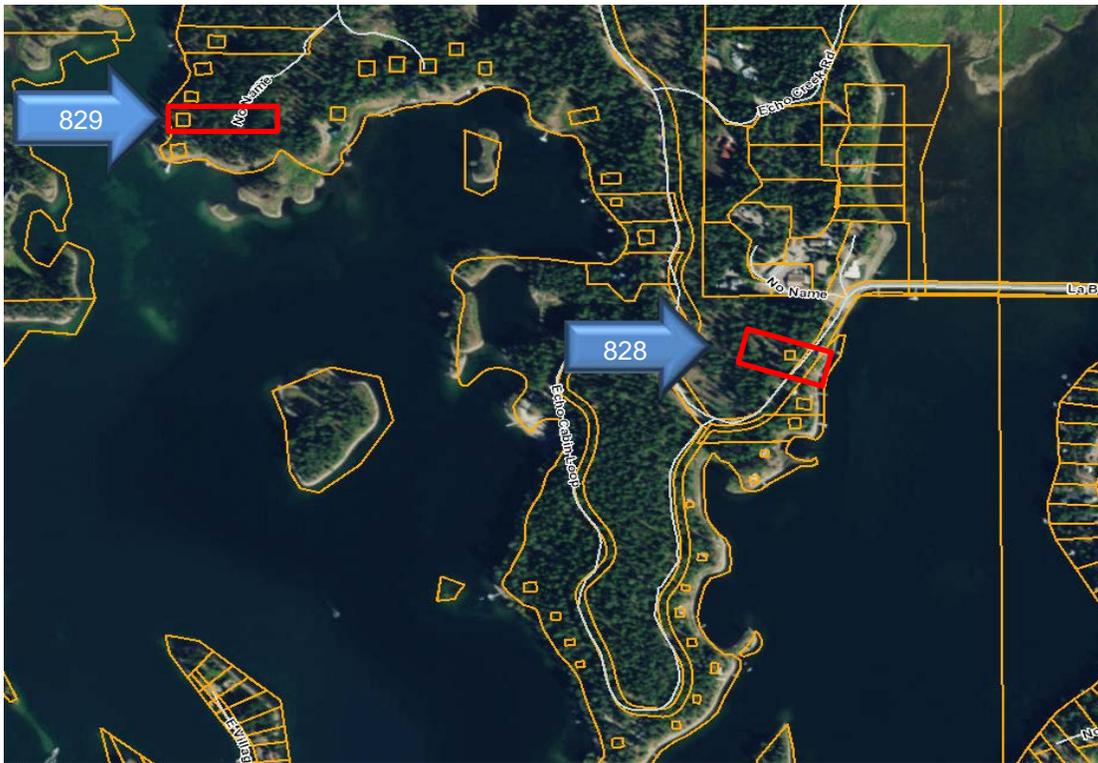
DNRC Recommendation

The director recommends that the Land Board set the minimum bid for the cabin site lots at the appraised values and the maximum value of compensation for the improvements shown above.

Flathead County Sales Location Map



Echo Lake Sales # 828 & 829
Lot 24 & 34, Echo Lake, Section 5, T27N-19W



McGregor Lake Sale # 830
Lot 28, McGregor Lake, Section 16, T26N-25W



Sale # 833
Lot in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T32N-R23W



1016-3B Cabin and Home Sites: Set Minimum Bid for Sale - 832

Location: Lincoln County

Trust Benefits: Common Schools

Trust Revenue: \$12,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one cabin site nominated for sale in Lincoln County. This sale was nominated by the lessee in conjunction with the Cabin and Home Site Sale Program. The sale is located near Stryker, Montana.

Sale #	# of Acres	Legal	Nominator	Trust
832	0.32	Lot in NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, T34N-R25W, Sec. 36	Patti Sue Stachofsky	Common Schools

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

The parcel will be sold with the access that is currently provided under the lease agreement and can be conveyed by DNRC.

Economic Analysis:

Short term – The average rate of return on sale parcel 832 is 3.25%. The parcel will continue to receive these returns 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 2.64% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

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

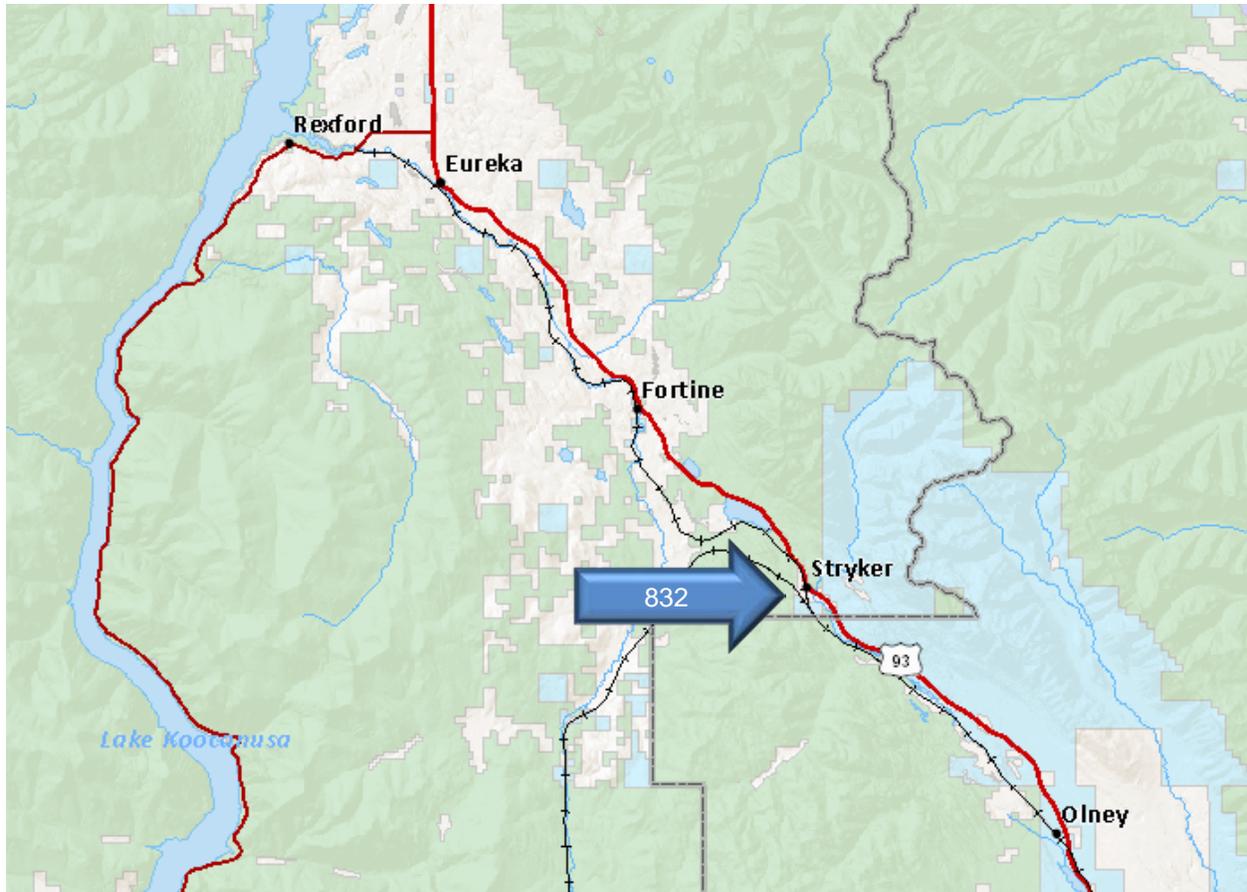
Appraised Values of Land and Improvements:

Sale #	Appraised Value of Land	Appraised Value of Improvements
832	\$12,000	\$75,000

DNRC Recommendation

The director recommends that the Land Board set the minimum bid for the cabin site lot at the appraised value and the maximum value of compensation for the improvements shown above.

Lincoln County Sale Location Map



Sale # 832



**Land Board Agenda Item
October 17, 2016**

1016-3C Cabin and Home Sites: Set Minimum Bid for Sale – Sales 834-839, 842-846, 890 & 894

Location: Missoula County

Trust Benefits: MSU 2nd Grant (ACB), Common Schools

Trust Revenue: \$570,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on thirteen cabin sites nominated for sale in Seeley Lake Development, on Seeley Lake Outlet and on Sperry Grade in Missoula County. These sales were nominated by the lessees in conjunction with the Cabin and Home Site Sale Program. The sales are located approximately 1.3 miles West of Seeley Lake (834-839, 842, 844, 890 & 894), approximately 3 miles North of Seeley Lake (843), and approximately 2.5 miles West of Clearwater (845 & 846).

Sale #	# of Acres	Legal	Nominator	Trust
834	1.25	Lot 39, Seeley Lake Devt, T16N-R15W, Sec. 4	Justin & Stacy Juelfs	MSU 2 nd Grant
835	1.363	Lot 43, Seeley Lake Devt, T16N-R15W, Sec. 4	Fred Gariepy	MSU 2 nd Grant
836	1.407	Lot 29, Seeley Lake Devt, T16N-R15W, Sec. 4	Denise Epler, et al.	MSU 2 nd Grant
837	1.682	Lot 12, Seeley Lake Devt, T16N-R15W, Sec. 4	Christopher & Debbie Slater	MSU 2 nd Grant
894	1.131	Lot 44, Seeley Lake Devt, T16N-R15W, Sec. 4	Maura Stobie	MSU 2 nd Grant
838	1.084	Lot 3, Seeley Lake Outlet E., T16N-R15W, Sec. 4	Bruce & Louise Stiegler	MSU 2 nd Grant
839	1.173	Lot 4, Seeley Lake Outlet E., T16N-R15W, Sec. 4	Ellen Spurlock	MSU 2 nd Grant
842	1.463	Lot 22, Seeley Lake Outlet E., T16N-R15W, Sec. 4	David & Margaret Yuhas	MSU 2 nd Grant
843	1.304	Lot 2, Seeley Lake Devt N., T17N-R15W, Sec. 16	Jessica Brown	Common Schools
844	1.571	Lot 24, Seeley Lake Outlet E., T16N-R15W, Sec. 4	Bruce & Peggy Graving	MSU 2 nd Grant
890	0.646	Lot 5A, Seeley lake Outlet E., T16N-R15W, Sec. 4	Robin Castle Mikkelsen, et al.	MSU 2 nd Grant
845	2.851	Lot 2, Sperry Grade, T15N-R14W, Sec. 36	Larry Risen	Common Schools
846	1.807	Lot 1, Sperry Grade, T15N-R14W, Sec. 36	Smeby Family LLC	Common Schools

The parcels are currently leased as cabin sites and produce an average income for residential leases statewide.

The parcels will be sold with the access that is currently provided under the lease agreement and can be conveyed by DNRC.

Economic Analysis:

Short term – The average rate of return on sale parcel 834 is 4.27%. The average rate of return on sale parcel 835 is 4.28%. The average rate of return on sale parcel 836 is 4.10%. The average rate of return on sale parcel 837 is 4.40%. The average rate of return on sale parcel 894 is 4.30%. The average rate of return on sale parcel 838 is 6.47% . The average rate of return on sale parcel 839 is 2.68%. The average rate of return on sale parcel 842 is 5.21%. The average rate of return on sale parcel 843 is 4.12%. The average rate of return on sale parcel 844 is 5.11%. The average rate of return on sale parcel 890 is 4.86%. The average rate of return on sale parcel 845 is 2.61%. The average rate of return on sale parcel 846 is 2.2%. These parcels would continue to receive these returns if they remain in state ownership.

Long term – The funds from the sale of these parcels 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 2.64% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

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

Appraised Values of Land and Improvements:

Sale #	Appraised Value of Land	Appraised Value of Improvements
834	\$32,000	\$100,000
835	\$32,000	\$42,000
836	\$30,000	\$52,000
837	\$32,000	\$50,000
894	\$32,000	\$46,000
838	\$75,000	\$60,000
839	\$75,000	\$70,000
842	\$75,000	\$110,000
843	\$32,000	\$25,000

844	\$80,000	\$140,000
890	\$75,000	\$130,000
845	\$135,000	\$260,000
846	\$135,000	\$145,000

DNRC Recommendation

The director recommends that the Land Board set the minimum bid for the cabin site lots at the appraised values and the maximum value of compensation for the improvements shown above.

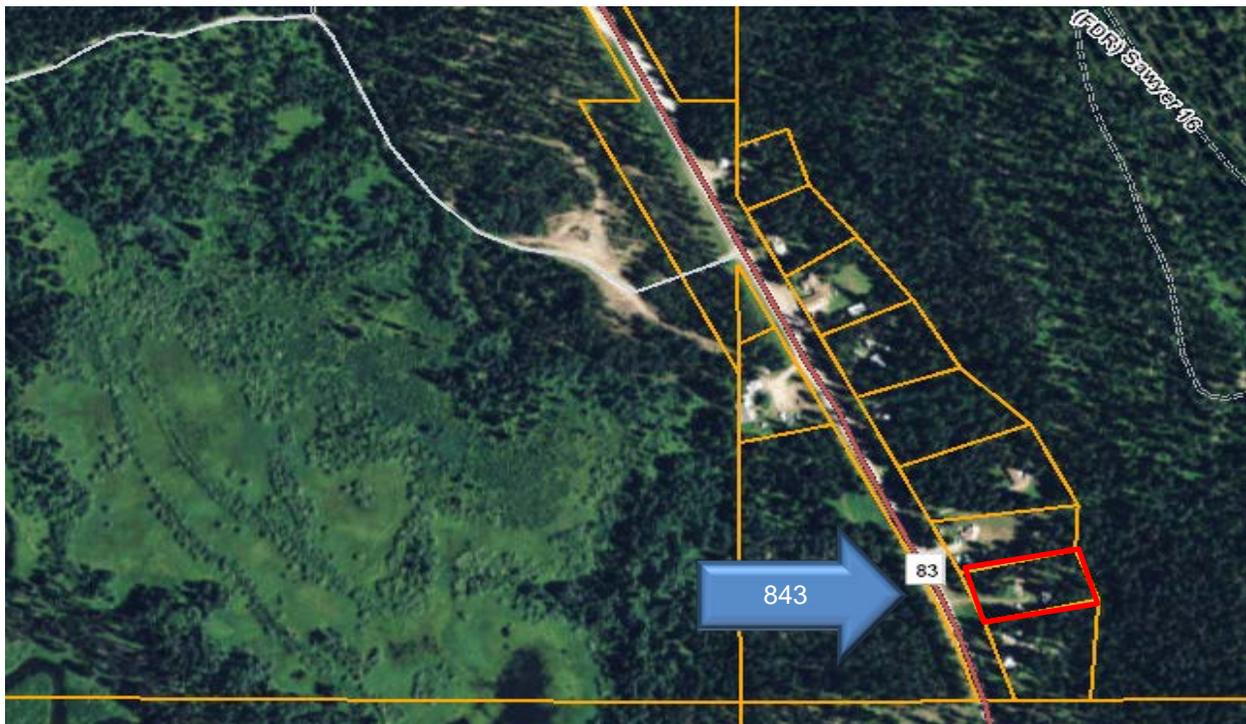
Missoula County Sales Location Map



Seeley Lake Development Sales # 834, 835, 836, 837 & 894
Lot 12, 29, 39, 43 & 44, Seeley Lake Development Section 4, T16N-15W



Seeley Lake North Sale #843
Lot 2, Seeley Lake Development North, Section 16, T17N-15W



Seeley Lake Outlet East, Sales # 838, 839, 842, 844 & 890
Lot 3, 4, 5A, 22 & 24, Seeley Lake Outlet East, Section 4, T16N-15W



Sperry Grade Sales # 845 & 846
Lot 1 & 2, Sperry Grade, Section 36, T15N-14W



1016-3D Cabin and Home Sites: Set Minimum Bid for Sale – Sale 831

Location: Sanders County

Trust Benefits: Common Schools

Trust Revenue: \$18,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one cabin site nominated for sale in Sanders County. This sale was nominated by the lessee in conjunction with the Cabin and Home Site Sale Program. The sale is located approximately 20 miles North of Plains, Montana.

Sale #	# of Acres	Legal	Nominator	Trust
831	0.7	Lot in NW ¹ / ₄ NW ¹ / ₄ , T23N-R27W, Sec. 36	John Weber	Common Schools

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

The parcel will be sold with the access that is currently provided under the lease agreement and can be conveyed by DNRC.

Economic Analysis:

Short term – The average rate of return on sale parcel 831 is 1.42%. The parcel will continue to receive these returns 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 2.64% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

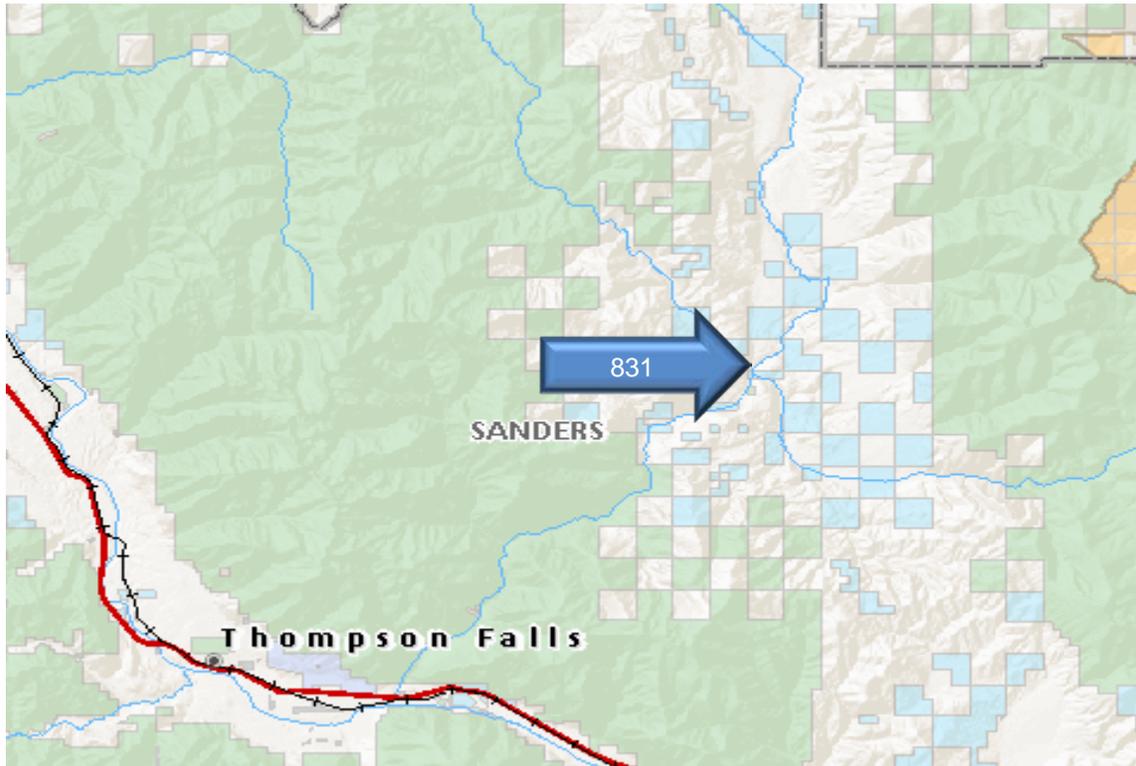
A Class I level of cultural resource inventory was conducted for the proposed sale. Home sites typically contain numerous structures and the ground surfaces within most home sites have been variously disturbed over the course of many years of occupation and development. This sale will have no effect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

Appraised Values of Land and Improvements:

Sale #	Appraised Value of Land	Appraised Value of Improvements
831	\$18,000	\$22,000

The director recommends that the Land Board set the minimum bid for the cabin site lot at the appraised value and the maximum value of compensation for the improvements shown above.

Sanders County Sale Location Map



Sale # 831

Lot in NW¼NW¼, Section 36, T23N-R27W



1016-4

CABIN AND HOME SITES:

Final Approval for Sale

A. Flathead County - Sales 806, 808 & 810

B. Lincoln County – Sales 814 & 819

Land Board Agenda Item
October 17, 2016

1016-4A Cabin and Home Sites: Final Approval for Sale – Sales 806, 808 & 810

Location: Flathead County

Trust Benefits: Common Schools

Trust Revenue: \$740,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting final approval on three cabin sites nominated for sale in Flathead County. The sales were nominated by the lessees in conjunction with the Cabin and Home Site Sale Program.

Sale #	# of Acres	Legal	Nominator	Trust
806	1.37	Lot 15, McGregor Lake, Section 16, T26N-R25W	Williams Living Trust	Common Schools
808	1.48	Lot 1, McGregor Lake, Section 16, T26N-R25W	Joseph & Renee Russell	Common Schools
810	1.18	Lot 26, McGregor Lake, Section 16, T26N-R25W	Howard Mann	Common Schools

The parcels are currently leased as cabin sites and produce an average income for residential leases statewide.

The parcels will be sold with the access that is currently provided under the lease agreement and can be conveyed by DNRC.

Economic Analysis:

Short term – The average rate of return on sale parcel 806 is 3.54%. The average rate of return on sale parcel 808 is 2.64%. The average rate of return on sale parcel 810 is 3.88%. These parcels would continue to receive these returns if they remain in state ownership.

Long term – The funds from the sale of these parcels 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 2.64% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

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

Background:

In January 2016, the board granted preliminary approval for these parcel to continue through the cabin site sale evaluation process. In July 2016, the board set the minimum bid for the land and the maximum value of compensation for the improvements at the appraised values below:

Sale #	Appraised Value of Land	Appraised Value of Improvements
806	\$220,000	\$220,000
808	\$300,000	\$110,000
810	\$220,000	\$510,000

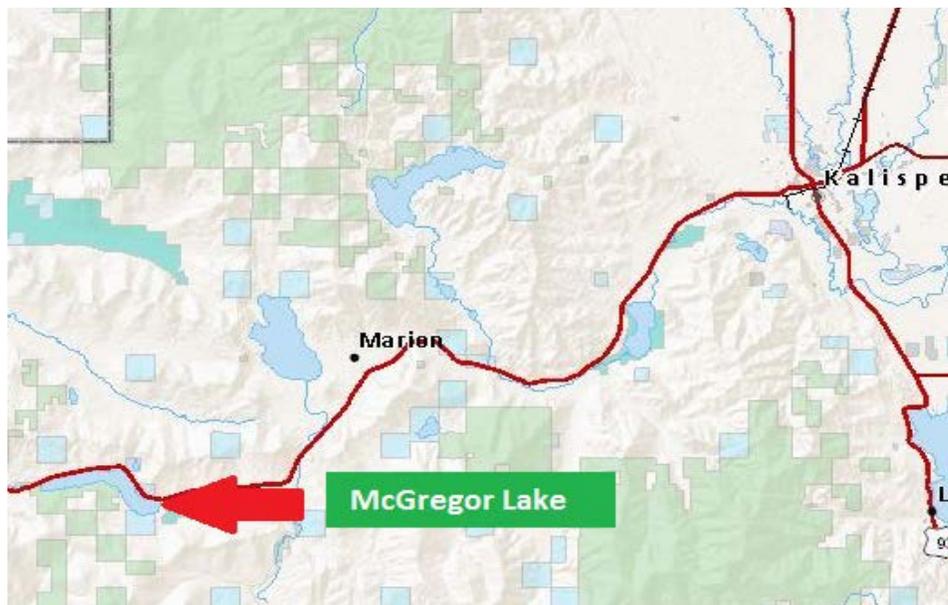
Sale Price:

The cabin sites were sold at a public auction on September 29, 2016. There was one bidder per parcel, who were the lessees. The parcels were sold for the minimum bid amounts listed above.

DNRC Recommendation

The director recommends final approval for the cabin site lots at the values shown above. The sales will be closed within 30 days of final approval by the board.

Flathead County Sales Location Map



McGregor Lake Sales #806, 808 & 810
Lots 15, 1 & 26, McGregor Lake, Section 16, T26N-R25W



**Land Board Agenda Item
October 17, 2016**

1016-4B Cabin and Home Sites: Final Approval for Sale – Sales 814 & 819

Location: Missoula County

Trust Benefits: MSU 2nd Grant (ACB)

Trust Revenue: \$310,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting final approval on two cabin sites nominated for sale in Missoula County. The sales were nominated by the lessees in conjunction with the Cabin and Home Site Sale Program.

Sale #	# of Acres	Legal	Nominator	Trust
814	0.808	Lot 2, Seeley Lake Outlet W, Section 4, T16N-R15W	George & Gail Kerscher	MSU
819	1.311	Lot 21, Seeley Lake Outlet W, Section 4, T16N-R15W	James & Kathleen Workman	MSU

The parcels are currently leased as cabin sites and produce an average income for residential leases statewide.

The parcels will be sold with the access that is currently provided under the lease agreement and can be conveyed by DNRC.

Economic Analysis:

Short term – The average rate of return on sale parcel 814 is 2.88%. The average rate of return on sale parcel 819 is 2.27%. The parcels will continue to receive these returns if they remain in state ownership.

Long term – The funds from the sale of these parcels 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 2.64% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

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

Background:

In January 2016, the board granted preliminary approval for these parcels to continue through the cabin site sale evaluation process. In July 2016, the board set the minimum bid for the land and the maximum value of compensation for the improvements at the appraised values below:

Sale #	Appraised Value of Land	Appraised Value of Improvements
814	\$150,000	\$70,000
819	\$160,000	\$80,000

Sale Price:

The cabin sites were sold at a public auction on September 29, 2016. There was one bidder per parcel, who were the lessees. The parcels were sold for the minimum bid amounts listed above.

DNRC Recommendation

The director recommends final approval for the cabin site lots at the value shown above. The sales will be closed within 30 days of final approval by the Land Board.

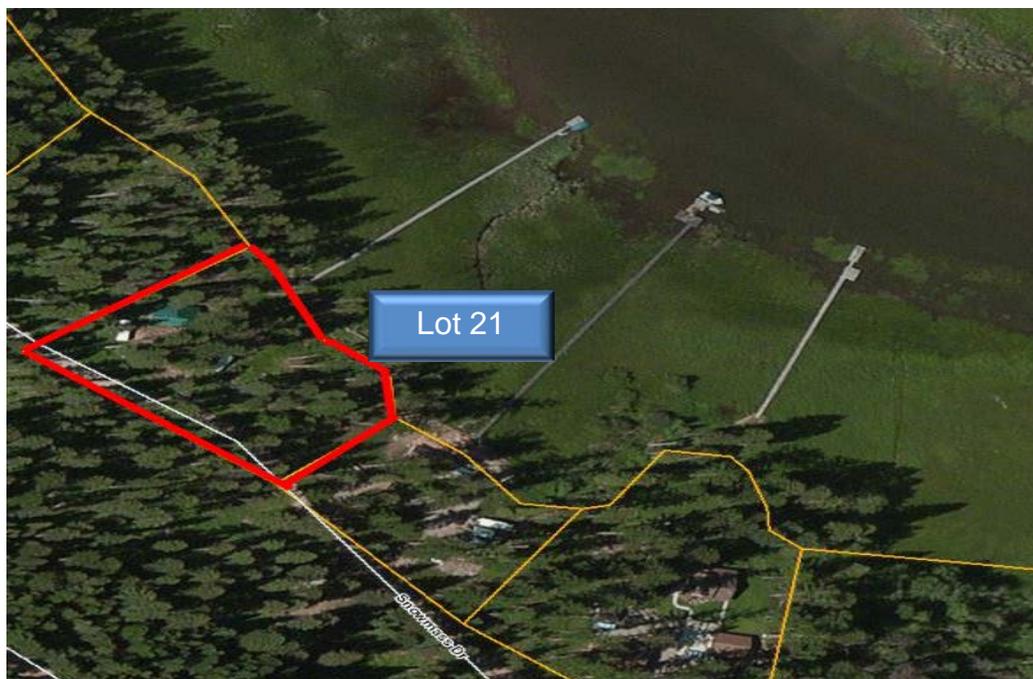
Missoula County Sales Location Map



Seeley Lake Outlet West Sale #814
Lot 2, Seeley Lake Outlet W, Section 4, T16N-R15W



Seeley Lake Outlet West Sale #819
Lot 21, Seeley Lake Outlet W, Section 4, T16N-R15W



1016-5

EASEMENTS

**Land Board Agenda Item
October 17, 2016**

1016-5 Easements

Location: Blaine, Flathead, Gallatin, Granite, Lake, Lincoln, Missoula, Ravalli, Toole Counties

Trust Benefits: Common Schools, Public Lands, Eastern College – MSU/Western Montana - UM

**Trust Revenue: Common Schools= \$14,138
Public Lands= \$36,151
State Normal School=\$2,131**

Item Table of Contents

Applicant	Right-of-Way Purpose	Term	Page(s)
Yellowstone Pipeline Company	New Oil Pipeline	30-Year Term	1-3
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Timothy Kepford Trust & Leonard Garrison Trust	Amendment of Private Access Road	Permanent	60-61

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Yellowstone Pipeline Company 2626 Lillian Billings MT 59101
Application No.:	17330
R/W Purpose:	a buried 10" oil pipeline under the Clark Fork River
Lessee Agreement:	N/A (Navigable River)
Acreage:	0.11
Compensation:	\$570.00
Legal Description:	50-foot strip through SE4NE4, Sec. 21, Twp. 11N, Rge. 15W, Granite County
Trust Beneficiary:	Public Lands

Item Summary

Yellowstone Pipeline Company has made application for two oil pipeline crossings under the Clark Fork River. The Pipeline currently has 2 crossings that were constructed in 1954 and 2005 under easements granted by the Land Board. The new applications are to replace these 2 crossings using Horizontal Directional Drilling (HDD). The existing crossings are not exposed; however have less than desirable cover. These lines will be abandoned in-place, being purged and swabbed, grouted and then capped on the ends. The replacement is a proactive measure to ensure the pipeline is placed well below anticipated scour depth, thereby minimizing the risk of potential for service disruptions, hazardous materials spills and public safety issues. Should there become two-feet or less of cover over any portion of the existing, abandoned pipeline that portion or the entire pipeline would be removed. Consistent with all oil and gas pipeline requests, a 30-year term easement is proposed. Applicant has made an offer of \$100/rod which is above the standard land valuation.

DNRC Recommendation

The director recommends approval of this 30-Year term easement for this oil pipeline.

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Yellowstone Pipeline Company 2626 Lillian Billings MT 59101
Application No.:	17331
R/W Purpose:	a buried 10" oil pipeline under the Clark Fork River
Lessee Agreement:	N/A (Navigable River)
Acreage:	0.13
Compensation:	\$886.00
Legal Description:	50-foot strip through NE4NW4, Sec. 18, Twp. 12N, Rge. 17W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

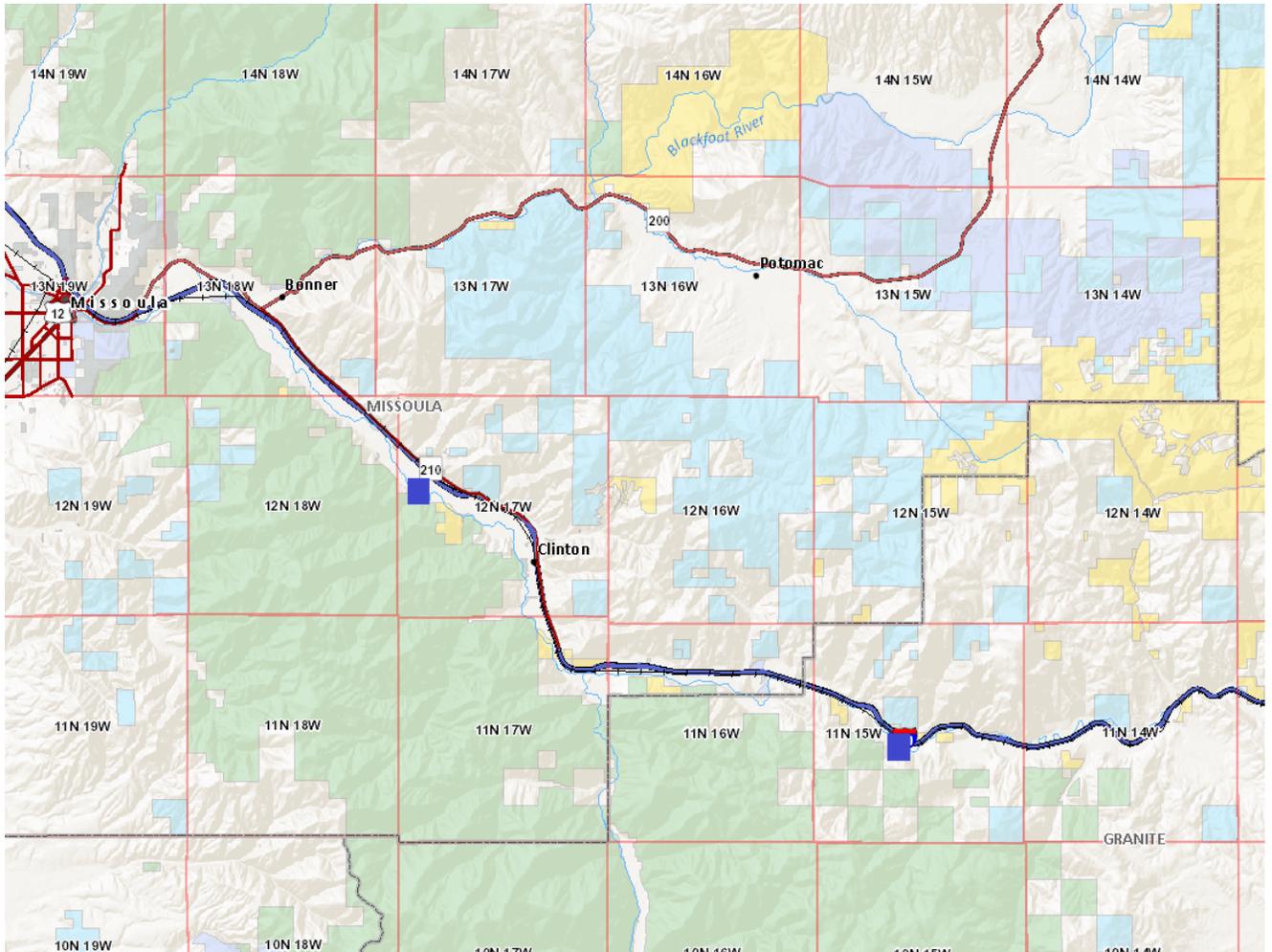
See page 1. Additionally, applicant has made an offer of \$125/rod for this crossing, which is above the standard land valuation in this area.

DNRC Recommendation

See page 1

Rights of Way Applications

October 17, 2016



Application #'s 17330 & 17331 – Yellowstone Pipeline

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17345
R/W Purpose:	a 7.2kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.02
Compensation:	\$100.00
Legal Description:	10-foot strip through SW4SE4, Sec. 29, Twp. 8N, Rge. 20W, Ravalli County
Trust Beneficiary:	Public Lands

Item Summary

Northwestern Energy has made application for multiple overhead electric distribution and transmission lines and natural gas pipelines that were constructed on state lands many years ago without proper authorization from the Land Board. Pursuant to §77-1-130, MCA Northwestern Energy is requesting recognition of these overhead electric distribution and transmission lines and natural gas pipelines as historic rights of ways.

DNRC Recommendation

The director recommends approval of this historic right of way for Northwestern Energy.

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
 11 East Park
 Butte MT 59701

Application No.: 17347
 R/W Purpose: a 7.2kV overhead electric distribution line across the Bitterroot River

Lessee Agreement: N/A (Historic)
 Acreage: 0.05
 Compensation: \$150.00
 Legal Description: 10-foot strip through SE4NW4, Sec. 11, Twp. 4N, Rge. 21W, Ravalli County

Trust Beneficiary: Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17348
R/W Purpose:	a 7.2kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.05
Compensation:	\$138.00
Legal Description:	10-foot strip through NE4NW4, Sec. 6, Twp. 6N, Rge. 20W, Ravalli County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
 11 East Park
 Butte MT 59701

Application No.: 17349
 R/W Purpose: a 7.2kV overhead electric distribution line across the Bitterroot River

Lessee Agreement: N/A (Historic)
 Acreage: 0.07
 Compensation: \$210.00
 Legal Description: 10-foot strip through NW4SE4, Sec. 2, Twp. 3N, Rge. 21W, Ravalli County

Trust Beneficiary: Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17350
R/W Purpose:	a 7.2kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.08
Compensation:	\$240.00
Legal Description:	10-foot strip through SE4NW4, Sec. 11, Twp. 3N, Rge. 21W, Ravalli County
Trust Beneficiary:	Public Lands

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17351
R/W Purpose:	a 7.2kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.05
Compensation:	\$150.00
Legal Description:	10-foot strip through NW4NW4, Sec. 23, Twp. 4N, Rge. 21W, Ravalli County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17354
R/W Purpose:	a 7.2kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.03
Compensation:	\$100.00
Legal Description:	10-foot strip through SE4SE4, Sec. 26, Twp. 6N, Rge. 21W, Ravalli County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17355
R/W Purpose:	a 7.2kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.11
Compensation:	\$165.00
Legal Description:	10-foot strip through SE4SW4, Sec. 10, Twp. 9N, Rge. 20W, Ravalli County
Trust Beneficiary:	Public Lands

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
 11 East Park
 Butte MT 59701

Application No.: 17357
 R/W Purpose: a 7.2kV overhead electric distribution line across the Bitterroot River

Lessee Agreement: N/A (Historic)
 Acreage: 0.05
 Compensation: \$100.00
 Legal Description: 10-foot strip through SW4SW4, Sec. 29, Twp. 8N, Rge. 20W, Ravalli County

Trust Beneficiary: Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17358
R/W Purpose:	a 7.2kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.02
Compensation:	\$100.00
Legal Description:	10-foot strip through SE4SW4, Sec. 29, Twp. 8N, Rge. 20W, Ravalli County
Trust Beneficiary:	Public Lands

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
 11 East Park
 Butte MT 59701

Application No.: 17359
 R/W Purpose: a 3" buried natural gas pipeline across the Bitterroot River
 Lessee Agreement: N/A (Historic)
 Acreage: 0.07
 Compensation: \$210.00
 Legal Description: 20-foot strip through SW4SW4, Sec. 24 & NW4NW4, Sec. 25,
 Twp. 6N, Rge. 21W,
 Ravalli County

Trust Beneficiary: Public Lands

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17360
R/W Purpose:	a 4" buried natural gas pipeline across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.14
Compensation:	\$210.00
Legal Description:	20-foot strip through NW4NE4, Sec. 1, Twp. 12N, Rge. 20W, Missoula County
Trust Beneficiary:	Public Lands

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17363
R/W Purpose:	a 69kV overhead electric transmission line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.11
Compensation:	\$303.00
Legal Description:	30-foot strip through SW4NW4, Sec. 13, Twp. 5N, Rge. 21W, Ravalli County
Trust Beneficiary:	Public Lands

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17365
R/W Purpose:	a 69kV overhead electric transmission line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.09
Compensation:	\$270.00
Legal Description:	30-foot strip through SW4NE4, Sec. 14, Twp. 3N, Rge. 21W, Ravalli County
Trust Beneficiary:	Public Lands

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17366
R/W Purpose:	a 69kV overhead electric transmission line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.08
Compensation:	\$240.00
Legal Description:	30-foot strip through SW4SE4, Sec. 23, Twp. 4N, Rge. 21W, Ravalli County
Trust Beneficiary:	Public Lands

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17367
R/W Purpose:	a 69kV overhead electric transmission line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.44
Compensation:	\$1320.00
Legal Description:	30-foot strip through NW4NE4, Sec. 26, Twp. 4N, Rge. 21W, Ravalli County
Trust Beneficiary:	Public Lands

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17368
R/W Purpose:	a 230kV overhead electric transmission line across the Clearwater River
Lessee Agreement:	N/A (Historic)
Acreage:	0.08
Compensation:	\$100.00
Legal Description:	30-foot strip through SW4NE4, Sec. 17, Twp. 15N, Rge. 14W, Missoula County
Trust Beneficiary:	Public Lands

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17385
R/W Purpose:	a 7.2kV overhead electric distribution line across Lolo Creek
Lessee Agreement:	N/A (Historic)
Acreage:	0.01
Compensation:	\$100.00
Legal Description:	10-foot strip through SW4SW4, Sec. 35, Twp. 12N, Rge. 20W, Missoula County
Trust Beneficiary:	Public Lands

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17386
R/W Purpose:	a 7.2kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.06
Compensation:	\$100.00
Legal Description:	10-foot strip through NE4NW4, Sec. 11, Twp. 12N, Rge. 20W, Missoula County
Trust Beneficiary:	Public Lands

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
 11 East Park
 Butte MT 59701

Application No.: 17389
 R/W Purpose: a 7.2 kV overhead electric distribution line across the Clark Fork River

Lessee Agreement: N/A (Historic)
 Acreage: 0.1
 Compensation: \$571.00
 Legal Description: 10-foot strip through SE4SE4, Sec. 22 & SW4SW4, Sec. 23, Twp. 13N, Rge. 19W, Missoula County

Trust Beneficiary: Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17396
R/W Purpose:	a 100kV overhead electric transmission line across the Clark Fork River
Lessee Agreement:	N/A (Historic)
Acreage:	0.2
Compensation:	\$1142.00
Legal Description:	30-foot strip through NW4SW4, Sec. 22, Twp. 13N, Rge. 19W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 East Park
Butte MT 59701

Application No.: 17398
R/W Purpose: a 100kV overhead electric transmission line across the Clark Fork River

Lessee Agreement: N/A (Historic)
Acreage: 0.2
Compensation: \$1142.00
Legal Description: 30-foot strip through W2SW4, Sec. 22, Twp. 13N, Rge. 19W, Missoula County

Trust Beneficiary: Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17399
R/W Purpose:	a 100kV overhead electric transmission line across the Clark Fork River
Lessee Agreement:	N/A (Historic)
Acreage:	0.23
Compensation:	\$1313.00
Legal Description:	30-foot strip through NW4SW4, Sec. 22, Twp. 13N, Rge. 19W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17402
R/W Purpose:	a 69kV overhead electric transmission line with a 12.47kV underbuilt distribution line across Lolo Creek
Lessee Agreement:	N/A (Historic)
Acreage:	0.03
Compensation:	\$100.00
Legal Description:	30-foot strip through SE4SW4, Sec. 35, Twp. 12N, Rge. 20W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17403
R/W Purpose:	a 100kV overhead electric transmission line with a 12.47kv underbuilt distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.09
Compensation:	\$135.00
Legal Description:	30-foot strip through NW4NE4, Sec. 1, Twp. 12N, Rge. 20W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17404
R/W Purpose:	a 69kV overhead electric transmission line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.12
Compensation:	\$180.00
Legal Description:	30-foot strip through SW4SE4, Sec. 23, Twp. 12N,Rge. 20W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17405
R/W Purpose:	a 161kV overhead electric transmission line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.18
Compensation:	\$270.00
Legal Description:	30-foot strip through NE4SE4, Sec. 2, Twp. 12N, Rge. 20W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17406
R/W Purpose:	a 4" buried natural gas pipeline across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.12
Compensation:	\$180.00
Legal Description:	20-foot strip through SE4SW4, Sec. 2, Twp. 12N, Rge. 20W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

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DNRC Recommendation

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17407
R/W Purpose:	a 8" buried natural gas pipeline across the Clark Fork River
Lessee Agreement:	N/A (Historic)
Acreage:	0.11
Compensation:	\$628.00
Legal Description:	30-foot strip through SW4SE4, Sec. 22, Twp. 13N, Rge. 29W, Missoula County
Trust Beneficiary:	Public Lands

Item Summary

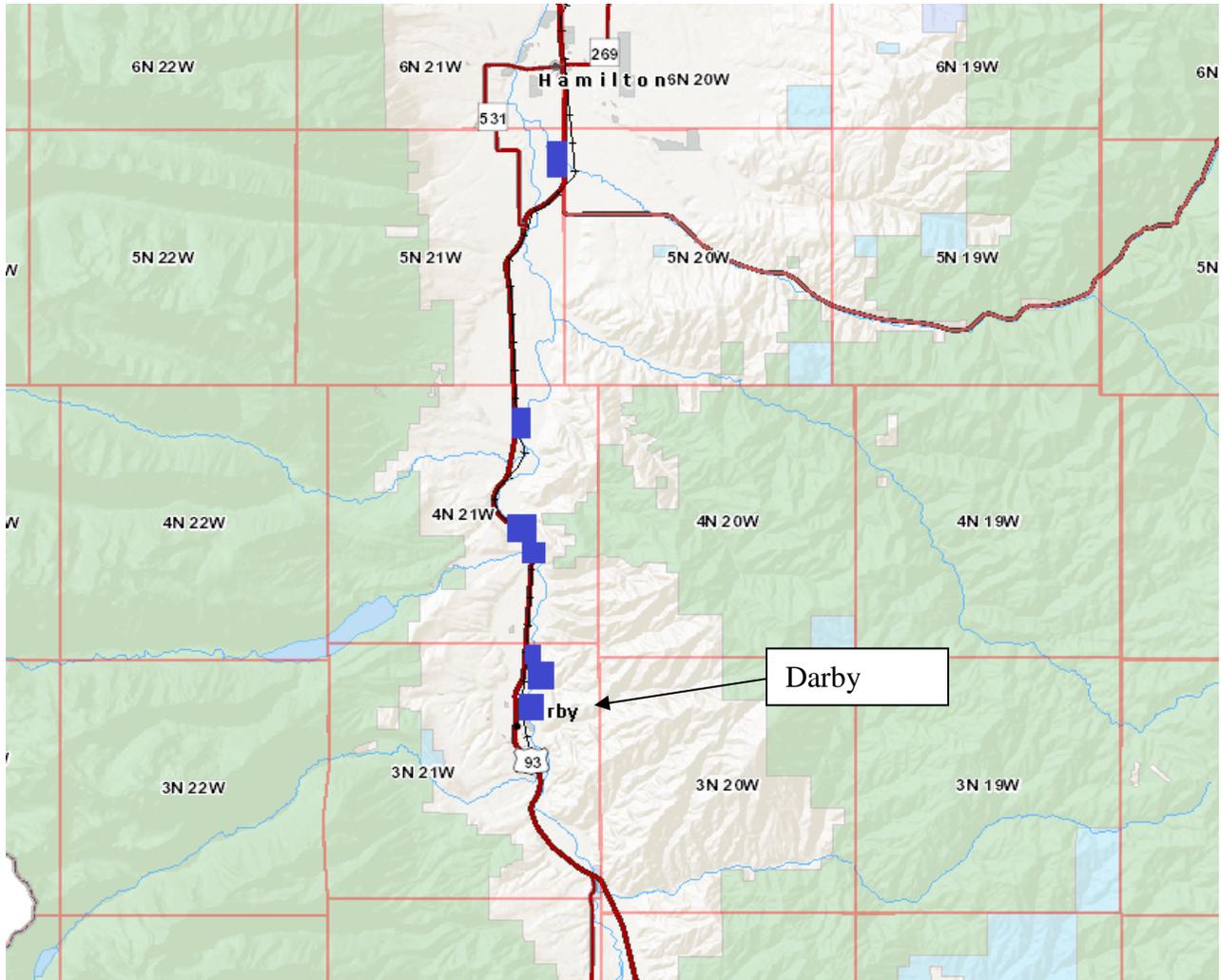
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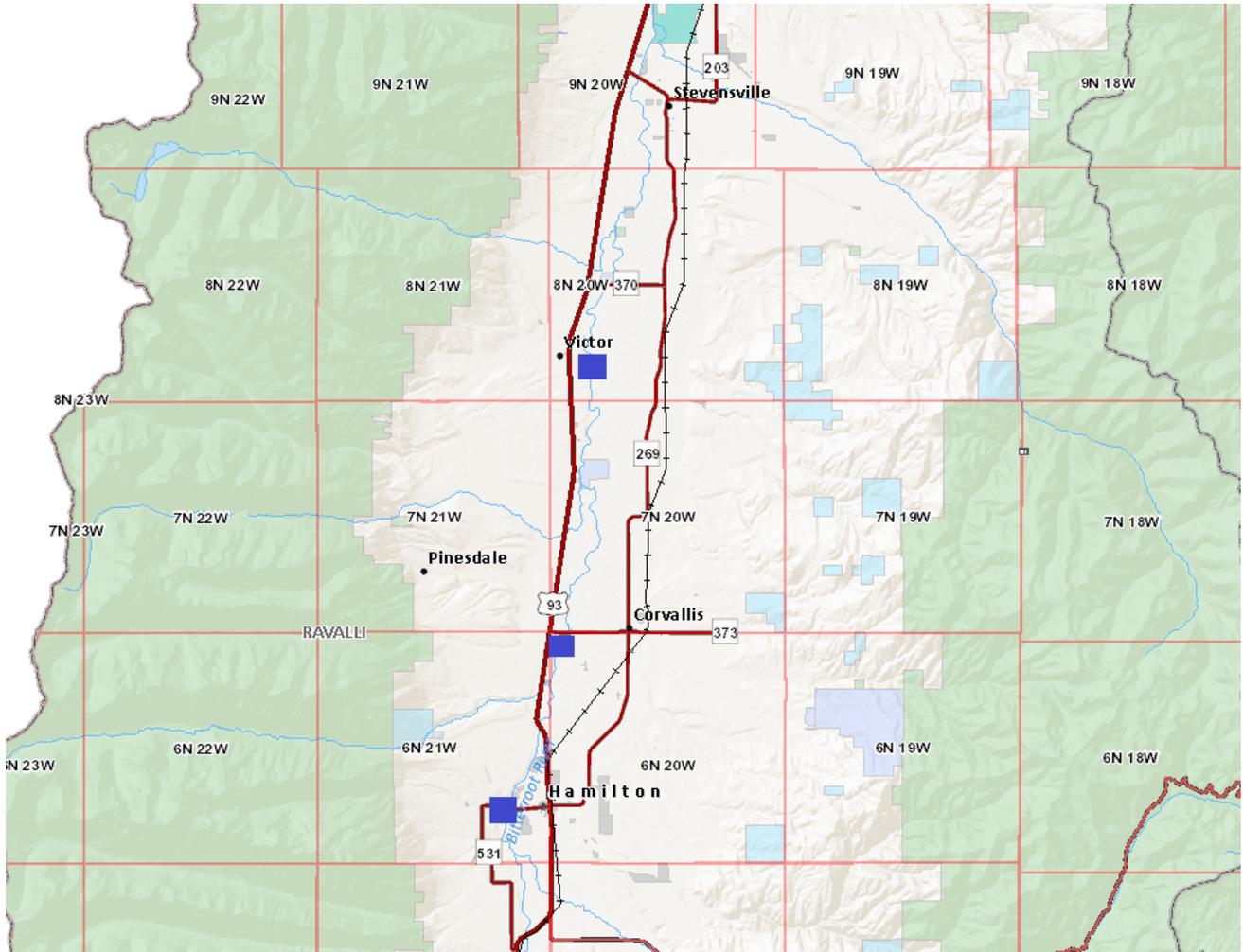
October 17, 2016



Application #'s 17347, 17349, 17350, 17351, 17363, 17365, 17366, 17367 - NWE

Rights of Way Applications

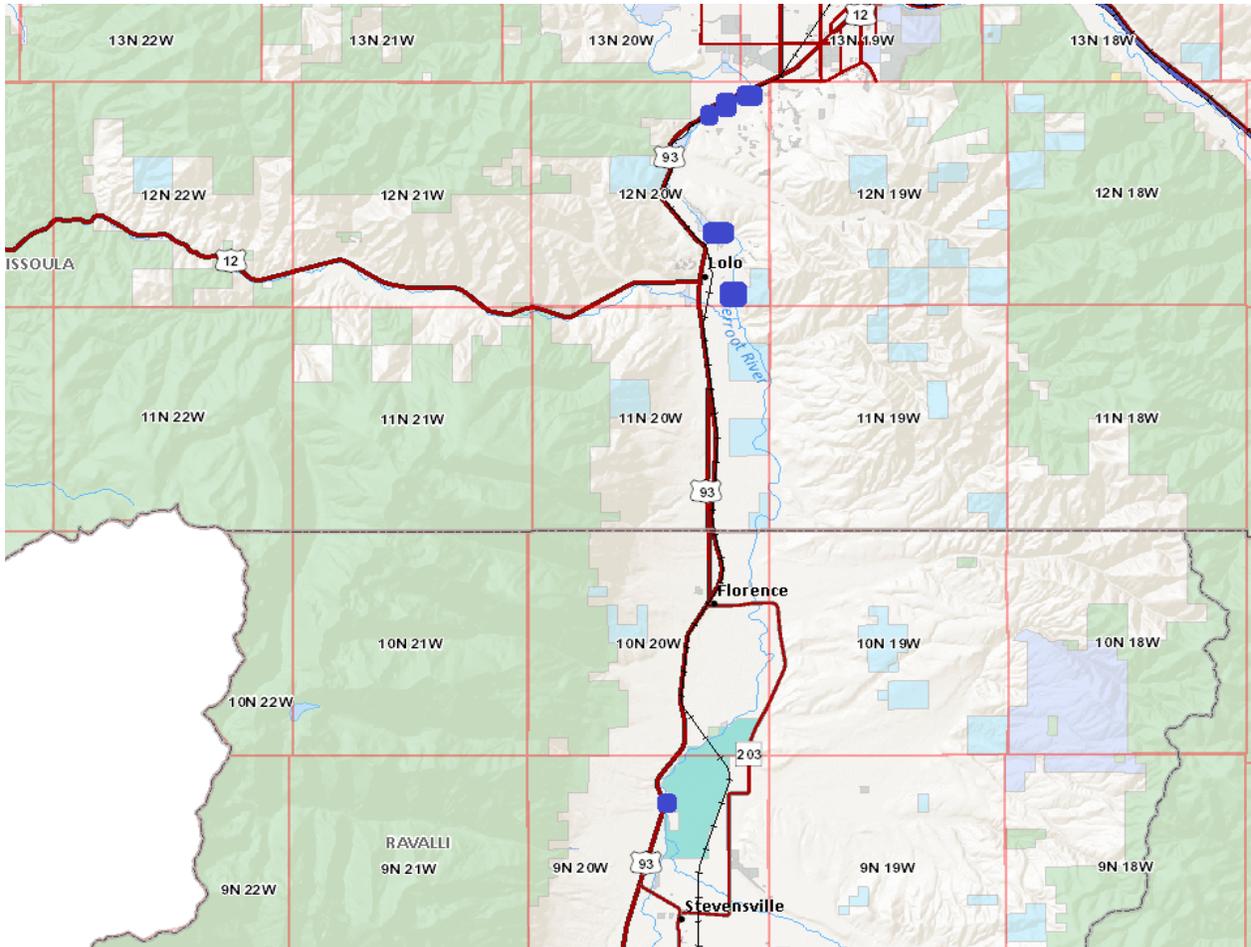
October 17, 2016



Application #'s 17348, 17354, 17345, 17357, 17358 – NEW

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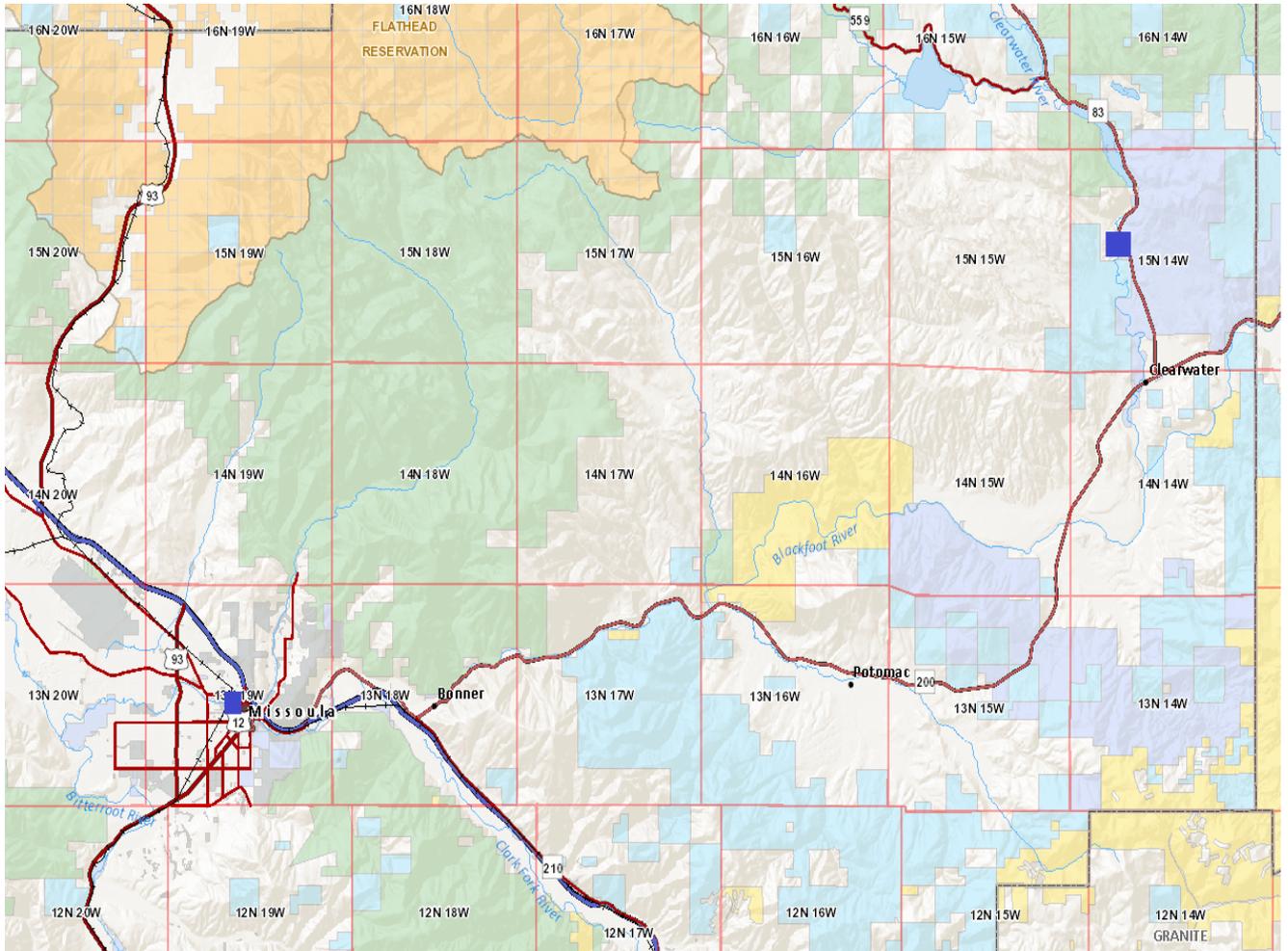
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Application #'s 17355, 17360, 17385, 17386, 17402, 17403, 17404, 17405, 17406 – NWE

Rights of Way Applications

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Application #'s 17368, 17389, 17396, 17398, 17399, 17407 – NWE

Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17442
R/W Purpose:	a public county road known as Frenchy Road
Lessee Agreement:	N/A (Historic)
Acreage:	2.24
Compensation:	\$505.00
Legal Description:	30-foot strip through SW4SW4, Sec. 16, Twp. 36N, Rge. 21E & 60-foot strip through SE4SE4, Sec. 16, Twp. 36N, Rge. 22E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary

Blaine 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 Blaine County.

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17443
R/W Purpose:	a public county road known as Hogeland Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$1274.00
Legal Description:	30-foot strip through N2N2, Sec. 36, Twp. 36N, Rge. 24E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary

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Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17444
R/W Purpose:	a public county road known as Loring Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$1274.00
Legal Description:	30-foot strip through S2S2, Sec. 36, Twp. 36N, Rge. 26E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary

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Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17446
R/W Purpose:	a public county road known as Poland Road
Lessee Agreement:	N/A (Historic)
Acreage:	1.34
Compensation:	\$469.00
Legal Description:	30-foot strip through S2SW4, Sec. 36, Twp. 37N, Rge. 23E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary

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DNRC Recommendation

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Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17447
R/W Purpose:	a public county road known as Rocky Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$1274.00
Legal Description:	30-foot strip through W2W2, Sec. 36, Twp. 36N, Rge. 23E, Blaine County
Trust Beneficiary:	Common Schools

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17448
R/W Purpose:	a public county road known as Sage Road
Lessee Agreement:	N/A (Historic)
Acreage:	8.35
Compensation:	\$1879.00
Legal Description:	45-foot strip through E2E2, Sec. 36, Twp. 36N, Rge. 18E & 30-foot strip through S2S2, Sec. 36, Twp. 37N, Rge. 19E, Blaine County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17449
R/W Purpose:	a public county road known as SIDS Road
Lessee Agreement:	N/A (Historic)
Acreage:	4.9
Compensation:	\$1103.00
Legal Description:	60-foot strip through SE4SW4, S2SE4, Sec. 36, Twp. 37N, Rge. 25E, Blaine County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17450
R/W Purpose:	a public county road known as Silverbow Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$1274.00
Legal Description:	30-foot strip through E2E2, Sec. 16, Twp. 36N, Rge. 23E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary

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Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17451
R/W Purpose:	a public county road known as Snider Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$819.00
Legal Description:	30-foot strip through W2W2, Sec. 16, Twp. 36N, Rge. 22E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary

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Rights of Way Applications

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17452
R/W Purpose:	a public county road known as Summit Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$1274.00
Legal Description:	30-foot strip through N2N2, Sec. 36, Twp. 36N, Rge. 22E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17453
R/W Purpose:	a public county road known as Warren Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$1274.00
Legal Description:	30-foot strip through N2N2, Sec. 16, Twp. 36N, Rge. 25E, Blaine County
Trust Beneficiary:	Common Schools

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Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Blaine County
 PO Box 278
 Chinook MT 59523

Application No.: 17455
 R/W Purpose: a public county road known as Wolery Road
 Lessee Agreement: N/A (Historic)
 Acreage: 3.64
 Compensation: \$819.00
 Legal Description: 30-foot strip through S2S2, Sec. 16, Twp. 36N, Rge. 26E,
 Blaine County
 Trust Beneficiary: Common Schools

Item Summary

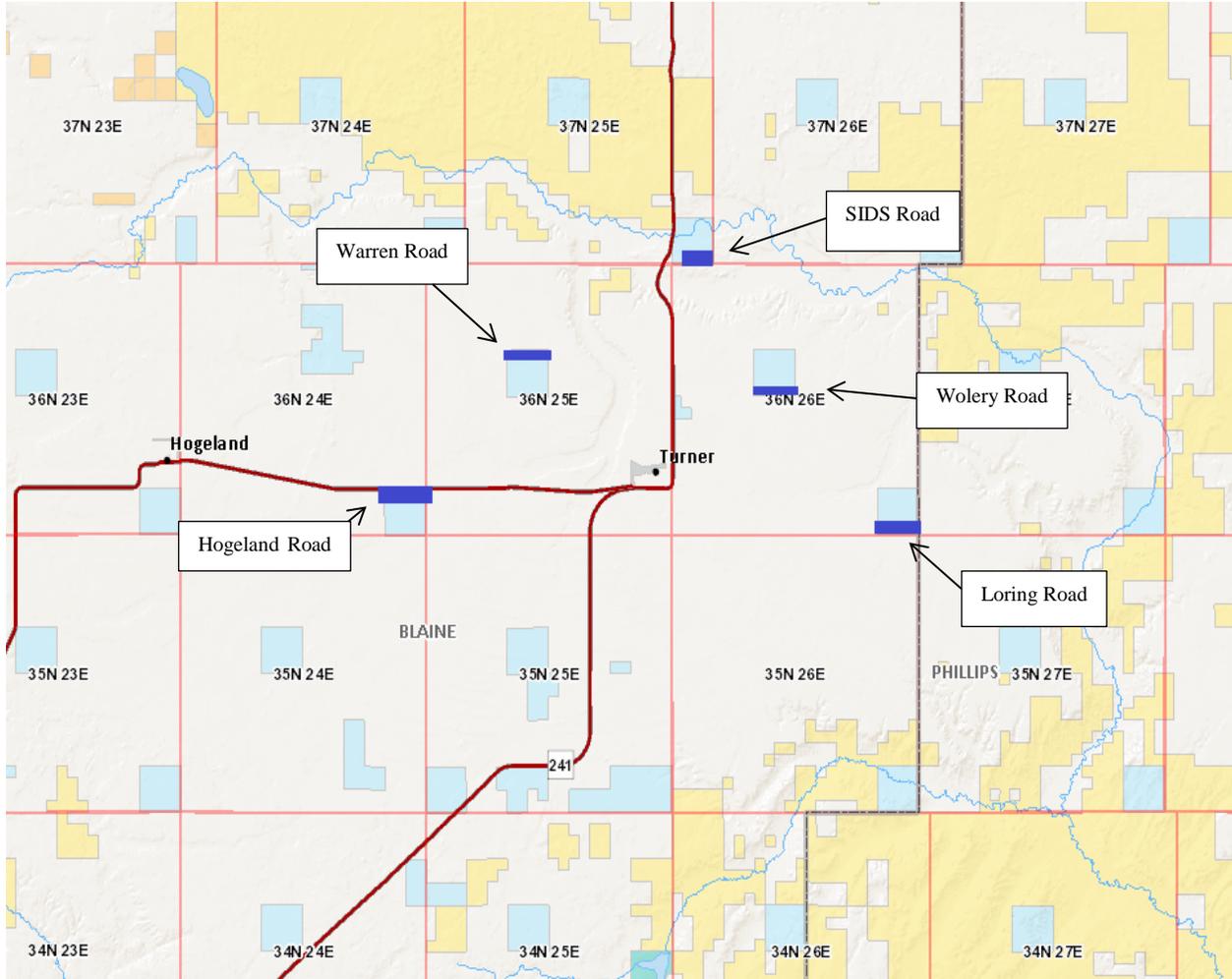
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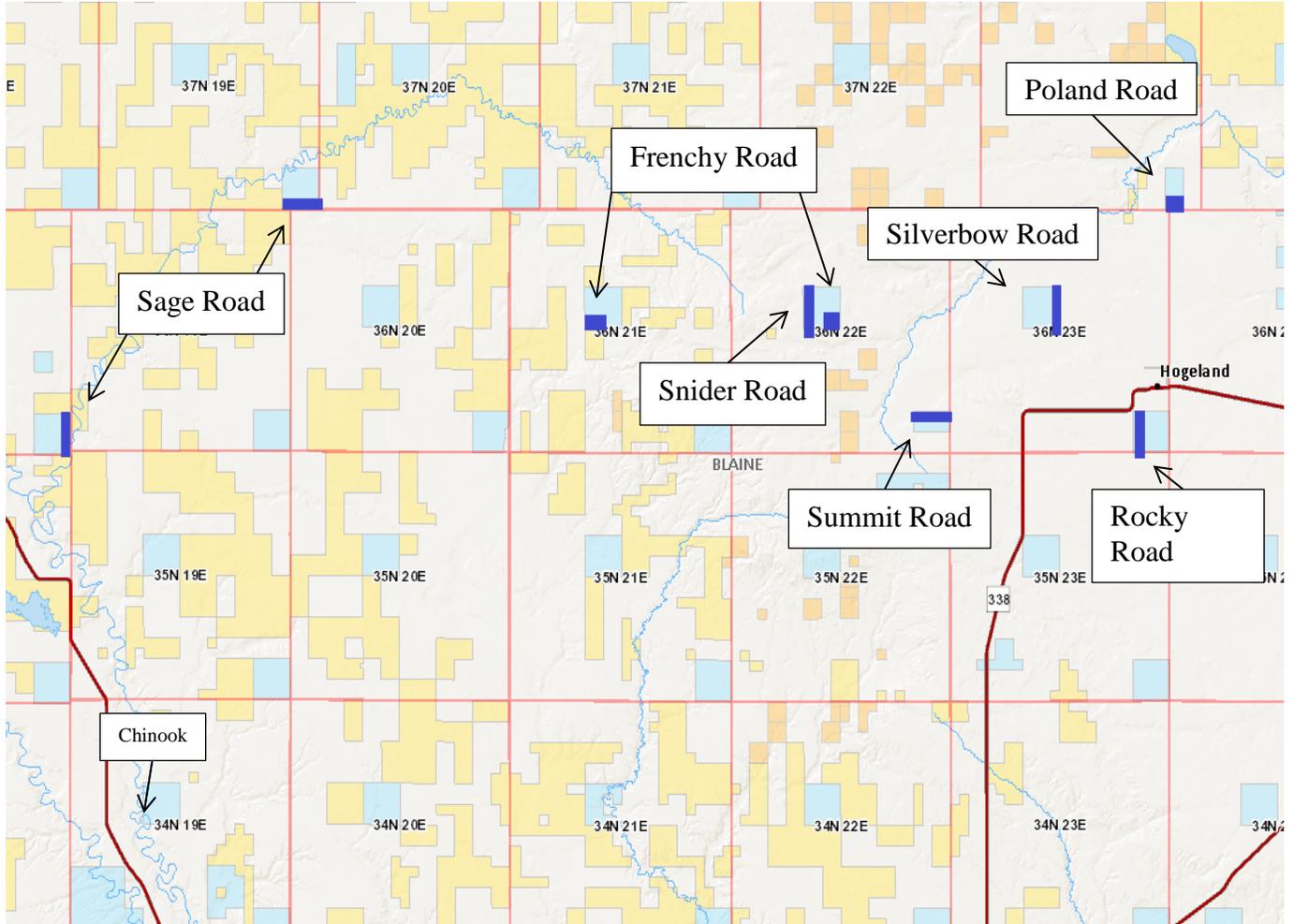
October 17, 2016



Application #'s 17443, 17444, 17449, 17453, 17455 – Blaine County

Rights of Way Applications

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Application #'s 17442, 17446, 17447, 17448, 17451, 17450, 17452 – Blaine County

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Department of Transportation PO Box 201001 Helena MT 59620
Application No.:	17473
R/W Purpose:	highway bridge construction and maintenance including occupancy by public utilities
Lessee Agreement:	N/A (Navigable River)
Acreage:	0.47
Compensation:	\$24,728.00
Legal Description:	tract of land across the Swan River in Government Lots 10 & 11, Sec. 35, Twp. 27N, Rge. 19W; Government Lots 3 & 4, Sec. 2, Twp. 26N, Rge. 19W, Flathead & Lake Counties
Trust Beneficiary:	Public Lands

Item Summary

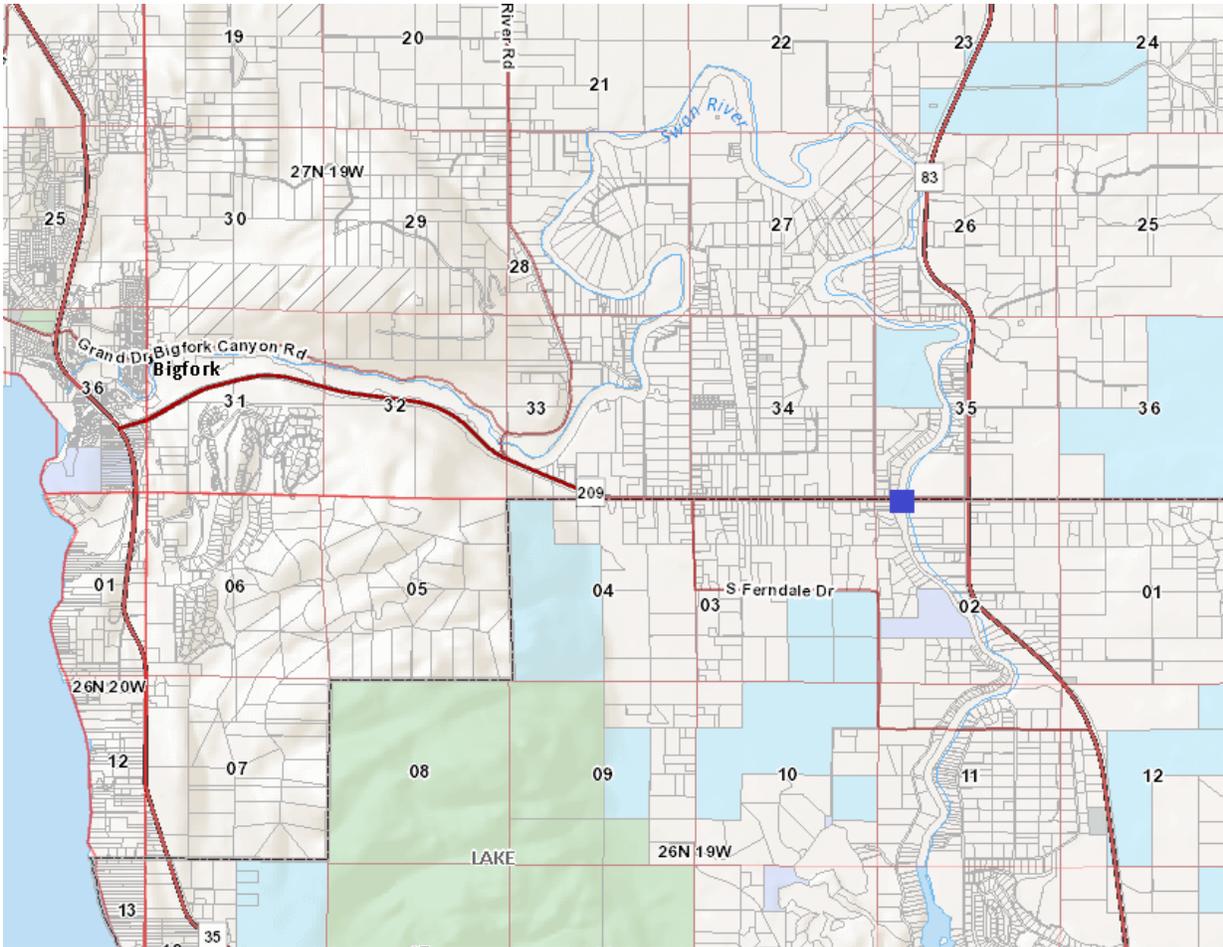
The Department of Transportation has made application for a highway bridge reconstruction project known as Swan River – East of Bigfork. The scope of the project is to widen the deficient bridge over the Swan River. The work will correct the deck structural deficiency, improve the geometric and seismic performance, along with extending the overall service life of the bridge.

DNRC Recommendation

The director recommends approval of this reconstruction project.

Rights of Way Applications

October 17, 2016



Application # 17473 – Department of Transportation

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Francis J. III & Joanne Mannell Noel 3586 Bear Canyon Road Bozeman MT 59715
Application No.:	17474
R/W Purpose:	a private access road for the purpose of one single family residence and associated outbuildings due to encroachment
Lessee Agreement:	ok
Acreage:	0.55
Compensation:	\$2131.00
Legal Description:	tract of land in Government Lot 1, SE4NE4, Sec. 1, Twp. 3S, Rge. 6E, Gallatin County
Trust Beneficiary:	State Normal School

Item Summary

Francis & Joanne Noel have made application for access and existing improvement encroachments. The Noels purchased their private property in 1970 with the understanding that the boundaries of their property reflected those in a survey recorded in 1954. In 1998 a survey was conducted which established different boundaries. At this time the Noels were notified that their well, garage and the SW corner of their house were encroaching on State Land. The portion of this encroachment has been under a Land Use License which has now expired. Pursuant to statutory authority under §77-2-101, MCA the Noels are requesting a permanent easement for these structures. The private property to be accessed is described as:

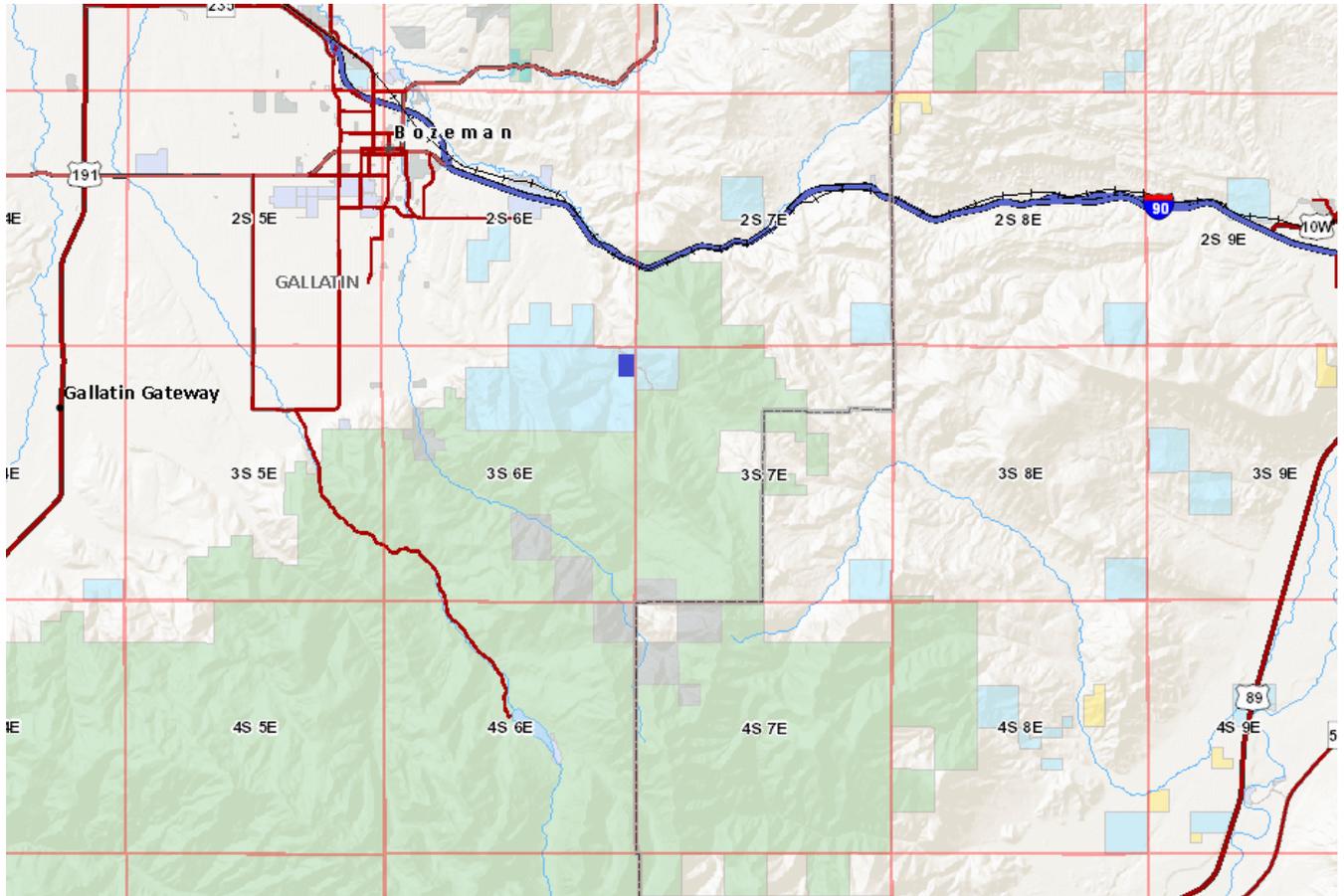
- COS 2279, Parcel 3, Sec. 1, Twp. 3S, Rge. 6E

DNRC Recommendation

The director recommends approval of this encroachment easement application.

Rights of Way Applications

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Application # 17474 – Francis & Joanne Noel

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Homestead Development 376 St. Johns Golf Drive St. Augustine FL 32092
Application No.:	6361A
R/W Purpose:	a private access road for the purpose of access to one single family residence and associated outbuildings
Lessee Agreement:	ok
Acreage:	1.75
Compensation:	\$668.00
Legal Description:	80-foot strip through SW4NW4, Sec. 36, Twp. 32N, Rge. 2W, Toole County
Trust Beneficiary:	Common Schools

Item Summary

Homestead Development has made application to amend their existing access easement. The existing approach is being relocated as part of a Department of Transportation safety and widening project of Highway 2. The new approach will now be located 300 feet to the east of the current approach. As a result, the existing access easement requires amendment to coincide with the new highway approach. The private property to be accessed is described as:

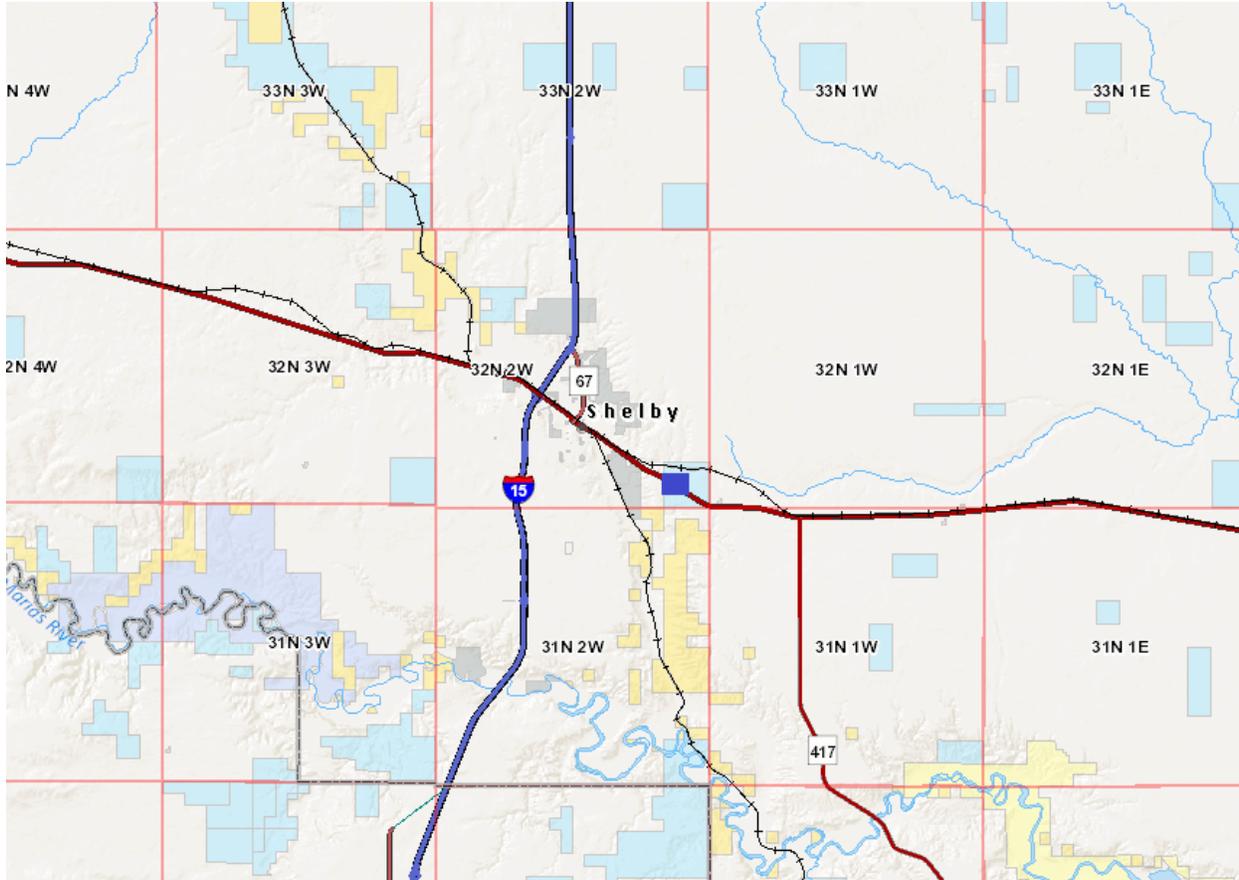
- Tract 2 in SE4NE4, COS 2013-10, Sec. 35, Twp. 32N, Rge. 2W.

DNRC Recommendation

The director recommends approval of this access amendment.

Rights of Way Applications

October 17, 2016



Application # 6361A – Homestead Development

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	City of Troy PO Box 823 Troy MT 59935
Application No.:	6392A
R/W Purpose:	buried 7.2kV electric distribution line
Lessee Agreement:	ok
Acreage:	0.4
Compensation:	\$0
Legal Description:	20-foot strip through SE4NW4, Sec. 36, Twp. 31N, Rge. 34W, Lincoln County
Trust Beneficiary:	Common Schools

Item Summary

The City of Troy has made application to amend an existing easement that was originally issued as an overhead electric line. The original easement was issued in the name of The Montana Light and Power Company and was assigned to the City of Troy decades ago. The City proposes to change the line to a buried distribution line that will remain in the existing easement corridor. The location of the line is at times a troubled spot for power outages. Changing the line to a buried line will eliminate this issue.

DNRC Recommendation

The director recommends approval of this amendment from an overhead line to a buried distribution line.

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	City of Troy PO Box 823 Troy MT 59935
Application No.:	7569A
R/W Purpose:	buried 7.2kV electric distribution line
Lessee Agreement:	ok
Acreage:	0.62
Compensation:	\$0
Legal Description:	20-foot strip through N2NW4, Sec. 36, Twp. 31N, Rge. 34W, Lincoln County
Trust Beneficiary:	Common Schools

Item Summary

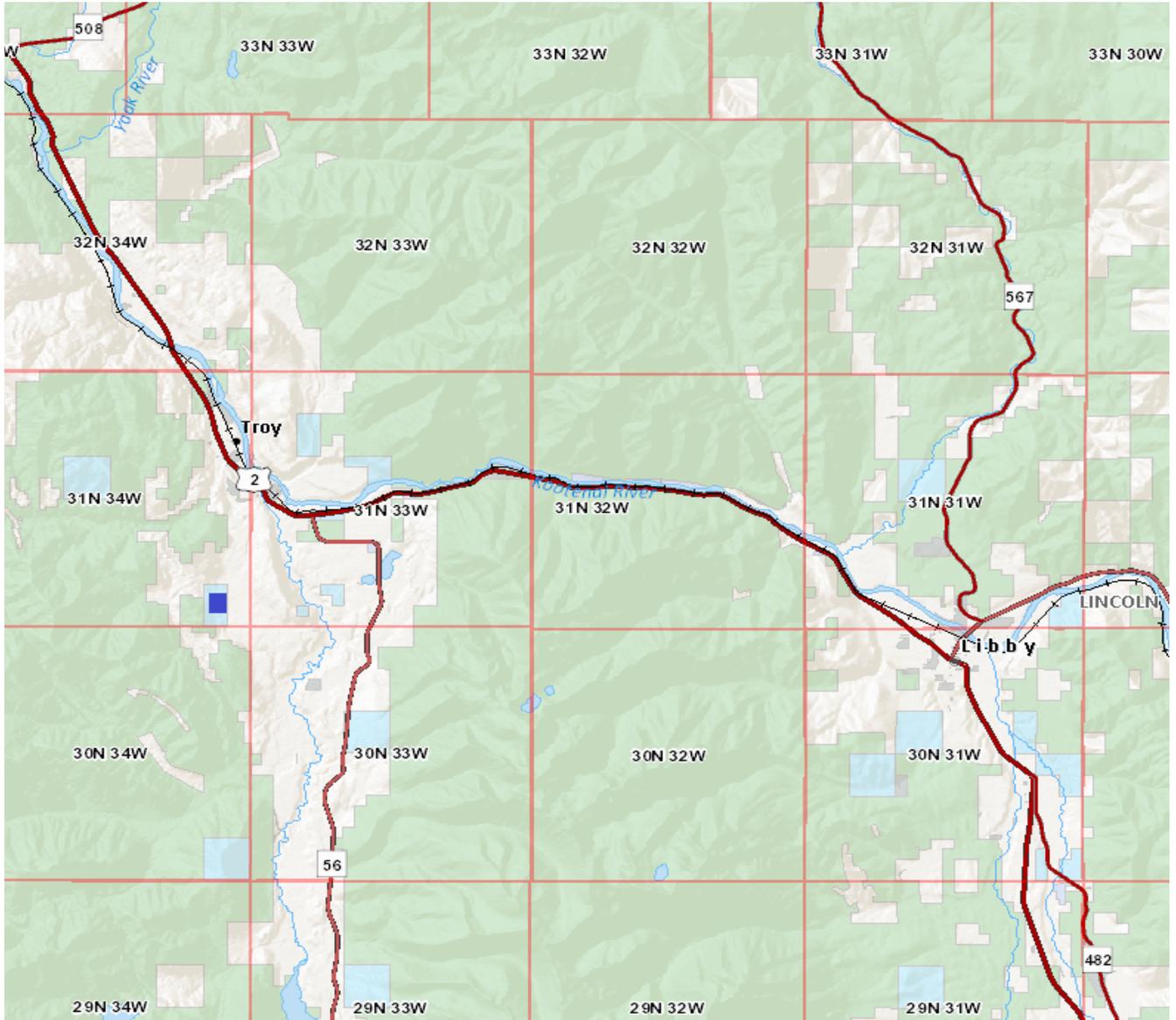
The City of Troy has made application to correct an existing easement. The original easement was issued for an overhead electric distribution line in the name of The Montana Light and Power Company which was later assigned to the City of Troy. However, the facility was actually buried within the easement corridor. The correction document is request to accurately reflect the appropriate use as a buried electric line.

DNRC Recommendation

The director recommends approval of this amendment from an overhead line to a buried distribution line.

Rights of Way Applications

October 17, 2016



Application # 6392A & 7569A – City of Troy

Rights of Way Applications

October 17, 2016

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Timothy J. Kepford Living Trust and Leonard R. Garrison
 Revocable Trust
 PO Box 22
 Wise River MT 59762

Application No.: 10140A
 R/W Purpose: a private access road for the purpose of access to 2 single family residences

Lessee Agreement: ok
 Acreage: 0.51
 Compensation: \$232.00
 Legal Description: 30-foot strip through W2SE4, Sec. 36, Twp. 1N, Rge. 11W, Silver Bow County

Trust Beneficiary: Common Schools

Item Summary

Timothy J. Kepford Living Trust has made application to amend this existing private access easement to add an additional residence. Currently the access is for one single family residence to Mr. Garrison's property. Mr. Kepford has been accessing his property through a Land Use License that has expired. It was recommended by DNRC for Mr. Kepford to apply for permanent easement for this use by amending the existing easement on this road. The private property to be accessed is described as:

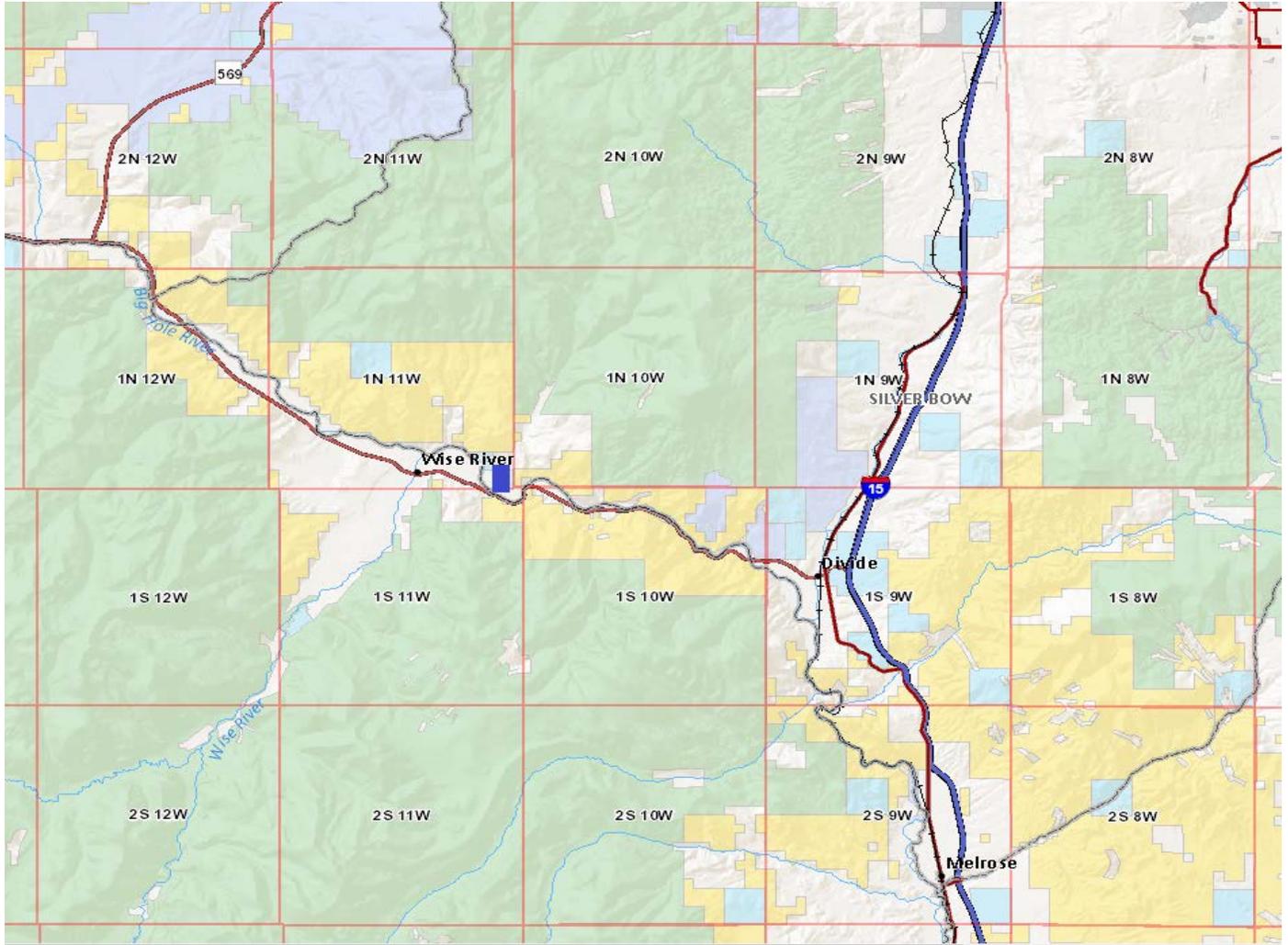
- COS 436B, POR SW4NW4, N2SW4, Sec. 36, Twp. 1N, Rge. 11W
- POR SW4, Sec. 36, Twp. 1N, Rge. 11W

DNRC Recommendation

The director recommends approval of this amendment for this private access road.

Rights of Way Applications

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Application # 10140A - Kepford