

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS**  
April 17, 2017 at 9:00 a.m.  
Supreme Court Chambers, Joseph P. Mazurek Bldg  
215 North Sanders, 4<sup>th</sup> floor  
Helena, MT

**ACTION ITEMS**

**0417-1 FWP: Grant Marsh Wildlife Management Area Addition**

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

*Location: Big Horn County*

**Approved 5-0**

**0417-2 Timber Sales**

**A. Blowout Creek Limited Access**

*Benefits: Common Schools*

*Location: Carter*

**B. Corley Gulch**

*Benefits: Common Schools*

*Location: Ravalli*

**Approved 5-0**

**0417-3 Communitization Agreements:**

**A. Ardelle HSL Well**

*Benefits: Common Schools*

*Location: Richland County*

**B. Conway 1-19H Well**

*Benefits: Common Schools*

*Location: Richland County*

**C. Shannon 2-35 1H Well**

*Benefits: Common Schools*

*Location: Richland County*

**Approved 5-0**

**0417-4 Sale of Cabin and Home Site: Set Minimum Bid for Sale – Sale 892**

*Benefits: Montana Tech*

*Location: Flathead County*

**Postponed**

**0417-5 Sale of Cabin and Home Site: Final Approval for Sale – Sales 818 & 820**

*Benefits: Montana State University*

*Location: Missoula County*

**Approved 5-0**

**0417-6 Easements**

*Benefits: Common Schools, Public Buildings, Public Land Trust*

*Location: Carbon, Fallon, Golden Valley, Lewis & Clark, McCone, Powder River, Rosebud, Stillwater, Teton, Toole, Yellowstone Counties*

**Approved 5-0**

**PUBLIC COMMENT**

# 0417-1

FWP: Grant Marsh Wildlife Management  
Area Addition

**Land Board Agenda Item  
April 17, 2017**

**0417-1 FWP: Grant Marsh Wildlife Management Area Addition**

**Location: Big Horn County, Montana**

**Trust Benefits: n/a**

**Trust Revenue: n/a**

**Item Summary**

Montana Fish, Wildlife and Parks (FWP) proposes to acquire approximately 425 acres as an addition to the Grant Marsh Wildlife Management Area. Approximately 50 of these acres are covered by a Montana Department of Transportation wetland conservation easement. The property is located north of Harding in Big Horn County, Montana (map attached). The primary purpose of this acquisition is to conserve one of the largest blocks of intact riparian habitat remaining in the Bighorn River Valley while broadening the conservation footprint of the existing Grant Marsh Wildlife Management Area. A productive complement of wildlife habitat including mature cottonwood galleries and native shrub thickets exist on the property, as well as nearly two miles of river frontage. The addition of this property would expand public hunting opportunity and facilitate fishing, birdwatching, boating and other outdoor recreational activities in perpetuity.

The appraised value of the proposed acquisition is \$1,572,000. Approximately 25% of the funding for this project would be derived from the 2013 Habitat Montana spending authorization, which allows for fee title and other types of acquisition. U.S. Fish and Wildlife Service Pittman-Robertson dollars and other partner contributions would contribute toward the remaining approximately 75% of this proposed purchase.

FWP released a Draft Environmental Assessment for public comment from January 24 to February 24, 2017 and included public hearings in Billings and Hardin February 13<sup>th</sup> & 16<sup>th</sup>, respectively. FWP received 49 written public comments from individuals and organizations. Twenty oral comments were received at public meetings and one oral comment was received via a telephone call. Of these 70 public comments 65 were in support of the acquisition, two were neutral and three were opposed. The three opposing comments identified questions, issues or concerns that are addressed in the Decision Notice and Final EA.

FWP Commission approval is pending. The proposal will be presented to the Fish and Wildlife Commission at the April 13 meeting.

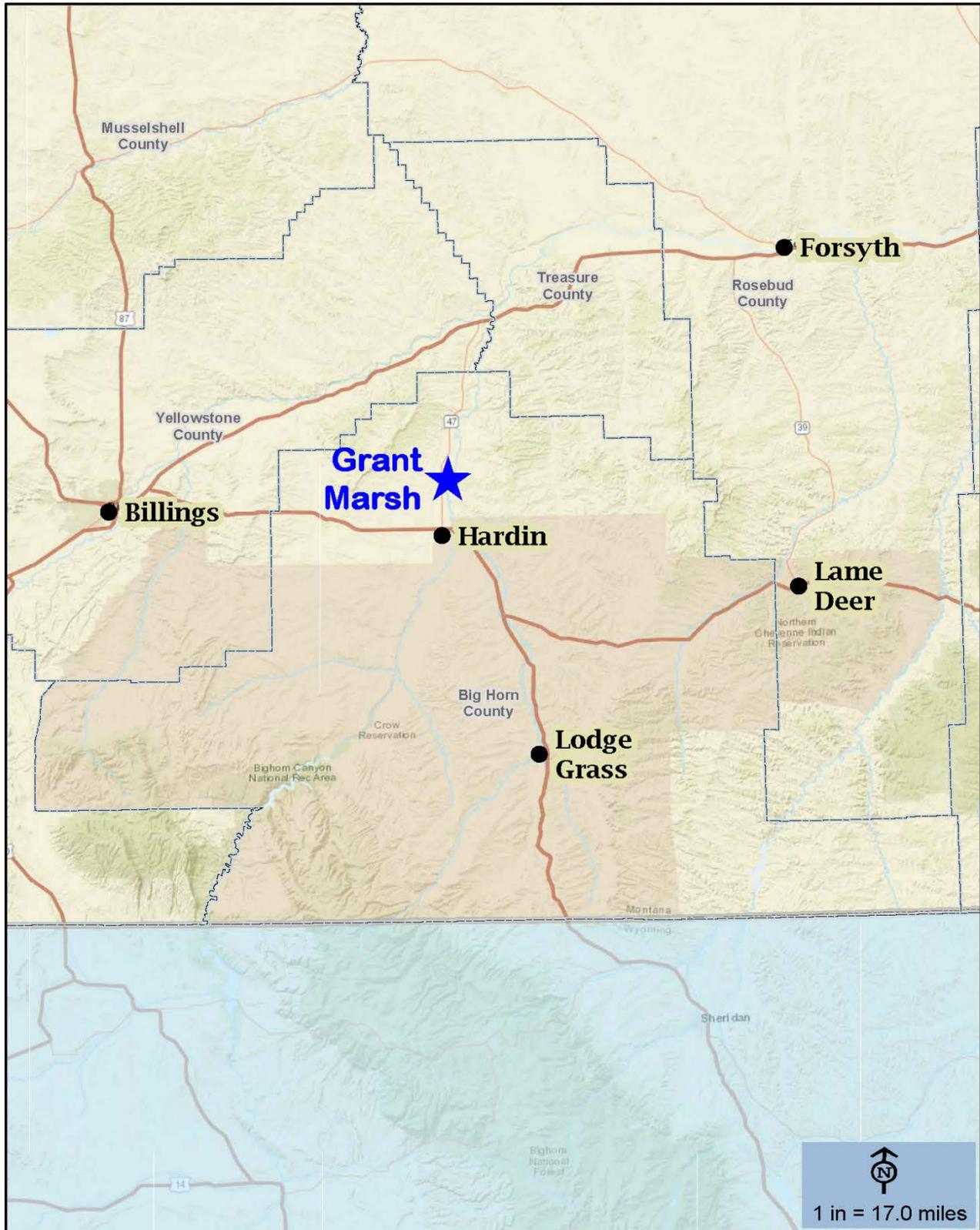
**Rationale for Land Board Action**

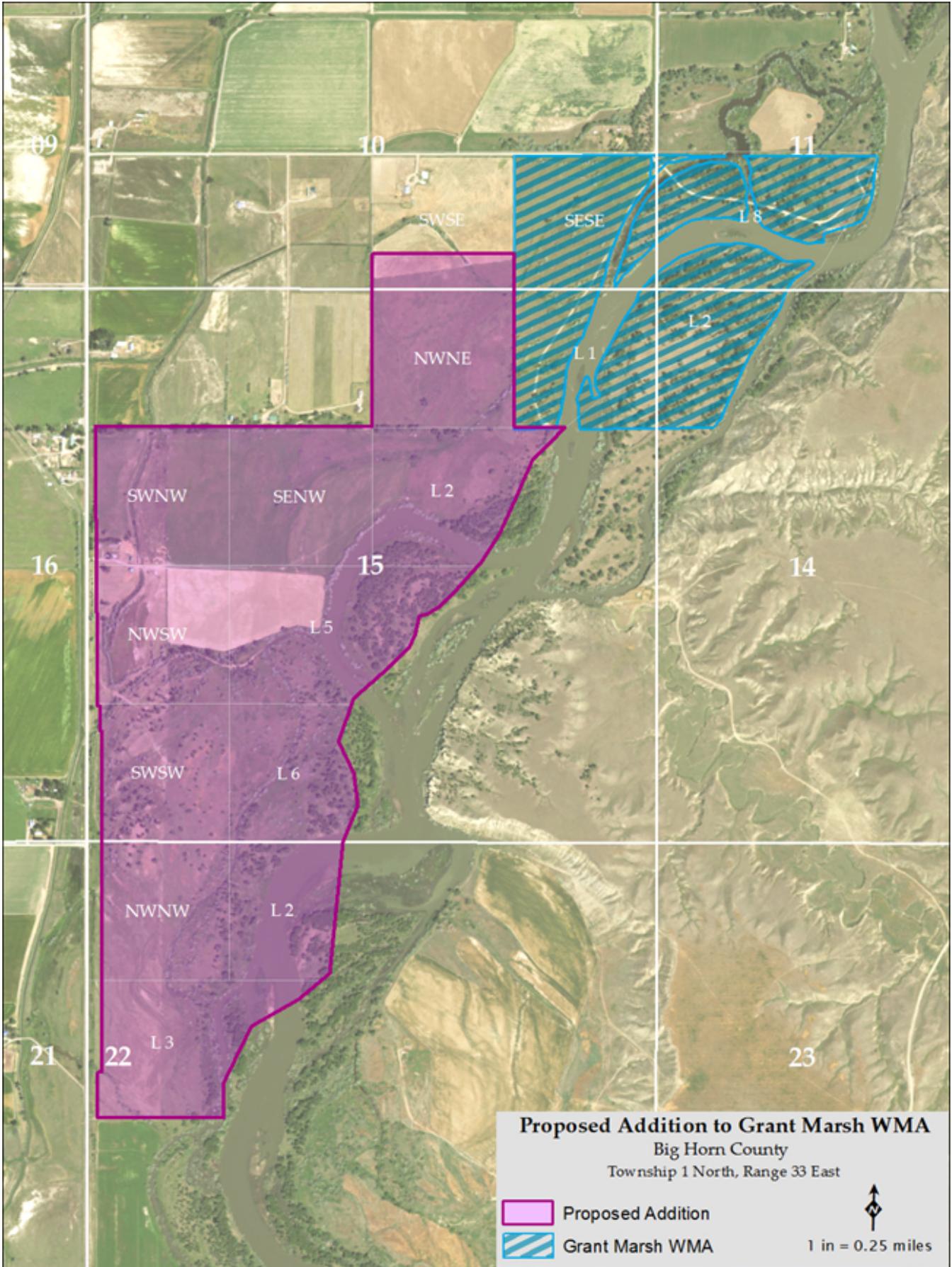
This proposed Grant Marsh Wildlife Management Area Addition will protect, enhance, and preserve high value wildlife habitats and provide public access for a variety of outdoor recreational activities in perpetuity. This addition will provide wildlife habitat and recreational benefits to the people of Montana for generations to come.

**FWP Recommendation**

FWP recommends the approval by the Land Board to proceed with the purchase of the approximately 425 acre addition to Grant Marsh WMA.

### Grant Marsh WMA Proposed Addition - Site Location





# 0417-2

## **TIMBR SALES**

A. Blowout Creek Limited Access

B. Corley Gulch

Land Board Agenda Item  
April 17, 2017

**0417-2A**    **Timber Sale: Blowout Creek Limited Access**

**Location:** Carter County  
Section 16, T8S, R55E

**Trust Benefits:** Common Schools

**Trust Revenue:** \$13,500 (Negotiated Rate for Limited Access Sale)

**Item Summary**

**Location:** The Blowout Creek Limited Access Timber Sale is located approximately 7 miles southwest of Hammond, MT.

**Size and Scope:** The sale includes one harvest unit (225 acres) of tractor logging.

**Volume:** The estimated harvest volume is 3,375 tons (450 MBF) of sawlogs.

**Estimated Return:** The negotiated sawlog rate is \$4.00 per ton, which would generate approximately \$13,500 for the Common School Trust and \$911 in Forest Improvement fees.

**Prescription:** This sale has a harvest prescription of selection harvest. This treatment is designed to reduce stocking levels and promote regeneration of ponderosa pine.

**Road Construction/Maintenance:** Department of Natural Resources and Conservation (DNRC) is proposing 1-3 miles of temporary road construction.

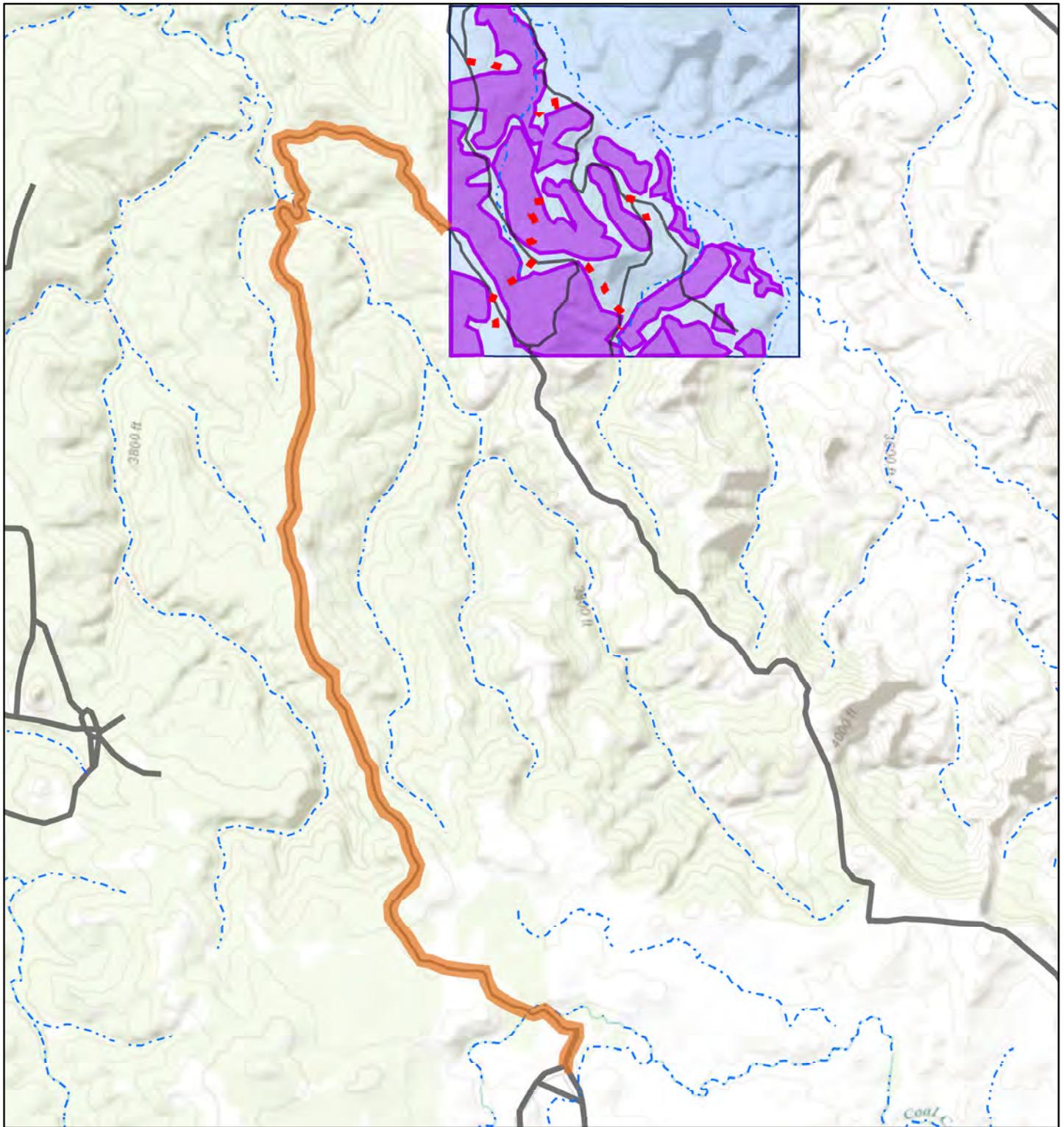
**Access:** Access has been obtained via temporary road use permit with a landowner who controls existing access roads to this isolated state parcel.

**Public Comments:** One comment was received from the Northern Cheyenne Tribe asking that if any archaeological materials or human remains are found that the State Historic Preservation Office and applicable tribes be notified. If cultural resources are found, operation would be stopped and the DNRC archaeologist would be notified.

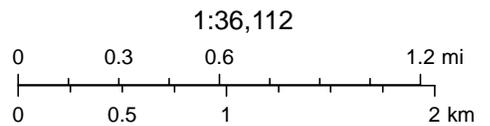
**DNRC Recommendation**

The director recommends the Land Board direct DNRC to sell the Blowout Creek Limited Access Timber Sale.

# Blowout Creek Limited Access Timber Sale Haul Route Map



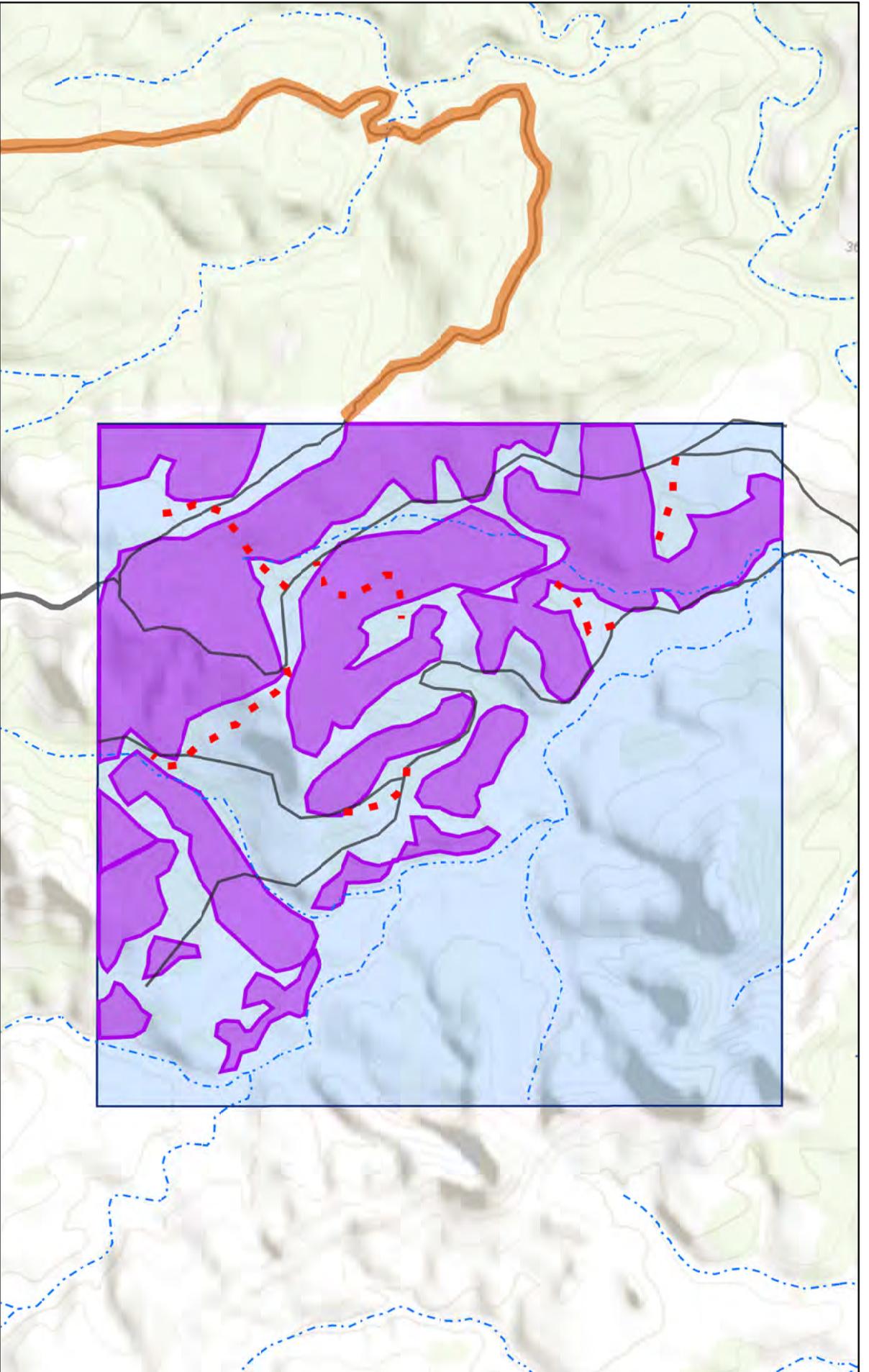
- Existing Road
- New Road
- Temporary Road
- Haul Route
- Perennial Stream
- Intermittent Stream
- Proposed Harvest Units
- DNRC Surface Tracts



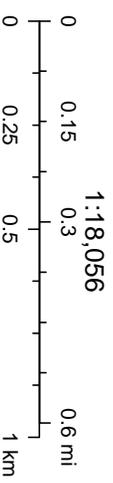
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

# Blowout Creek Limited Access Timber Sale Map

0417-2A



- Existing Road
- New Road
- Temporary Road
- Haul Route
- Perennial Stream
- Intermittent Stream
- Proposed Harvest Units
- DNRC Surface Tracts



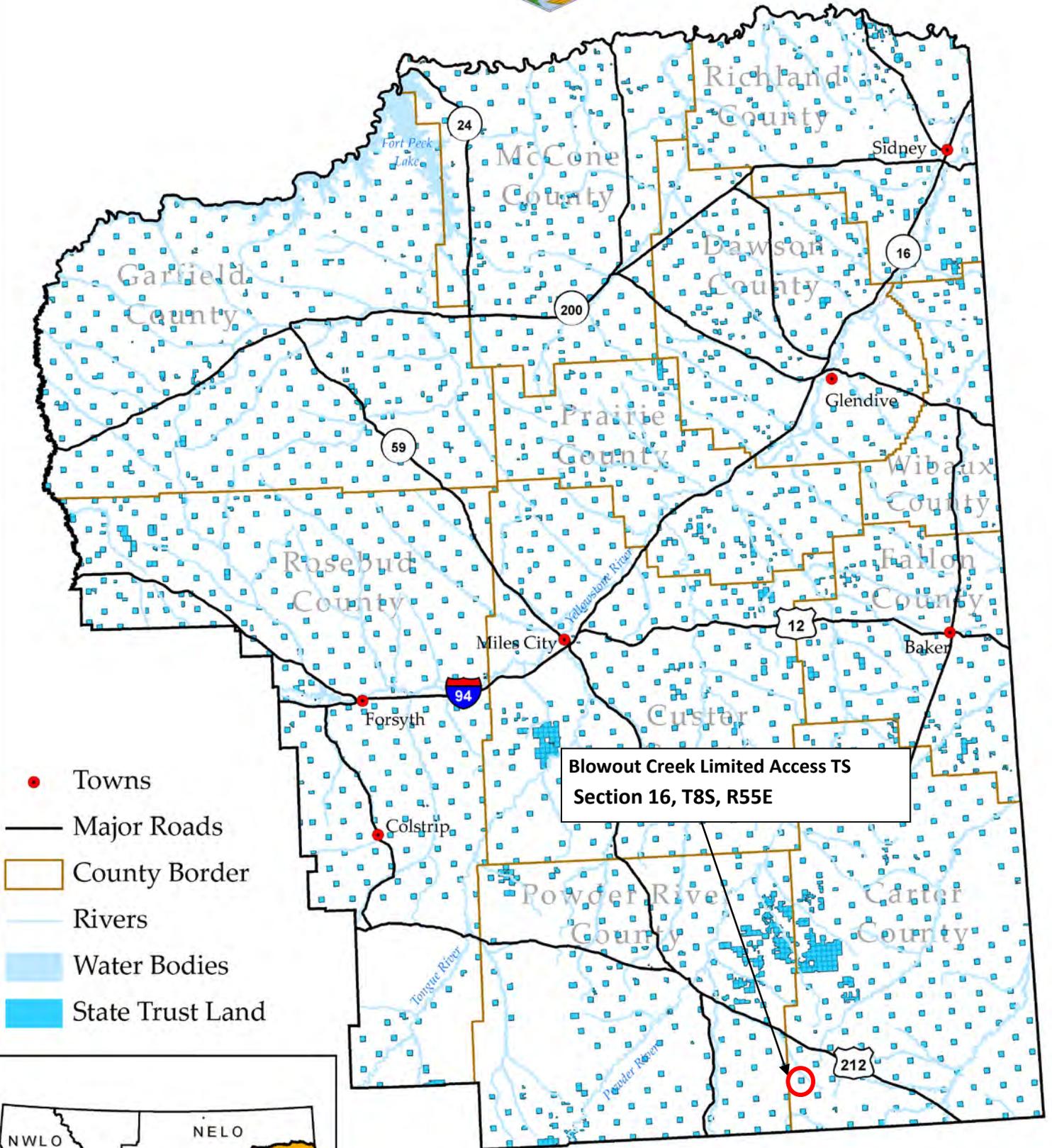
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METNUSA, EPA, USDA

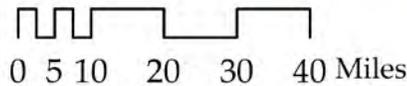
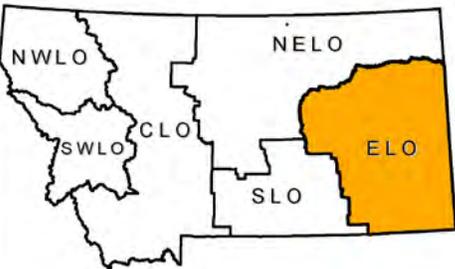
# BLOWOUT CREEK LIMITED ACCESS TIMBER SALE

0417-2A

## EASTERN LAND OFFICE



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



**Land Board Agenda Item  
April 17, 2017**

**0417-2B Timber Sale: Corley Gulch**

**Location: Ravalli County  
Section 36, T8N, R19W**

**Trust Beneficiaries: Common Schools**

**Trust Revenue: \$17,835 (estimated, minimum bid)**

**Item Summary**

**Location:** The Corley Gulch Timber Sale is located approximately 10 miles east of Victor, MT.

**Size and Scope:** The sale includes 7 harvest units (*315 acres*) of skyline and tractor logging.

**Volume:** The estimated harvest volume is 7,962 tons (*1,095 MBF*) of sawlogs.

**Estimated Return:** The minimum bid is \$2.24 per ton, which would generate approximately \$17,835 for the Common Schools Trust and approximately \$22,532 in Forest Improvement fees.

**Prescription:** This sale has a combination of salvage and sanitation harvest with a lesser amount of shelterwood and seed tree harvest prescriptions. These treatments are designed to reduce insect and disease issues and promote forest health.

**Road Construction/Maintenance:** Department of Natural Resources and Conservation (DNRC) is proposing 3.6 miles of road maintenance and 0.7 miles of new permanent road construction.

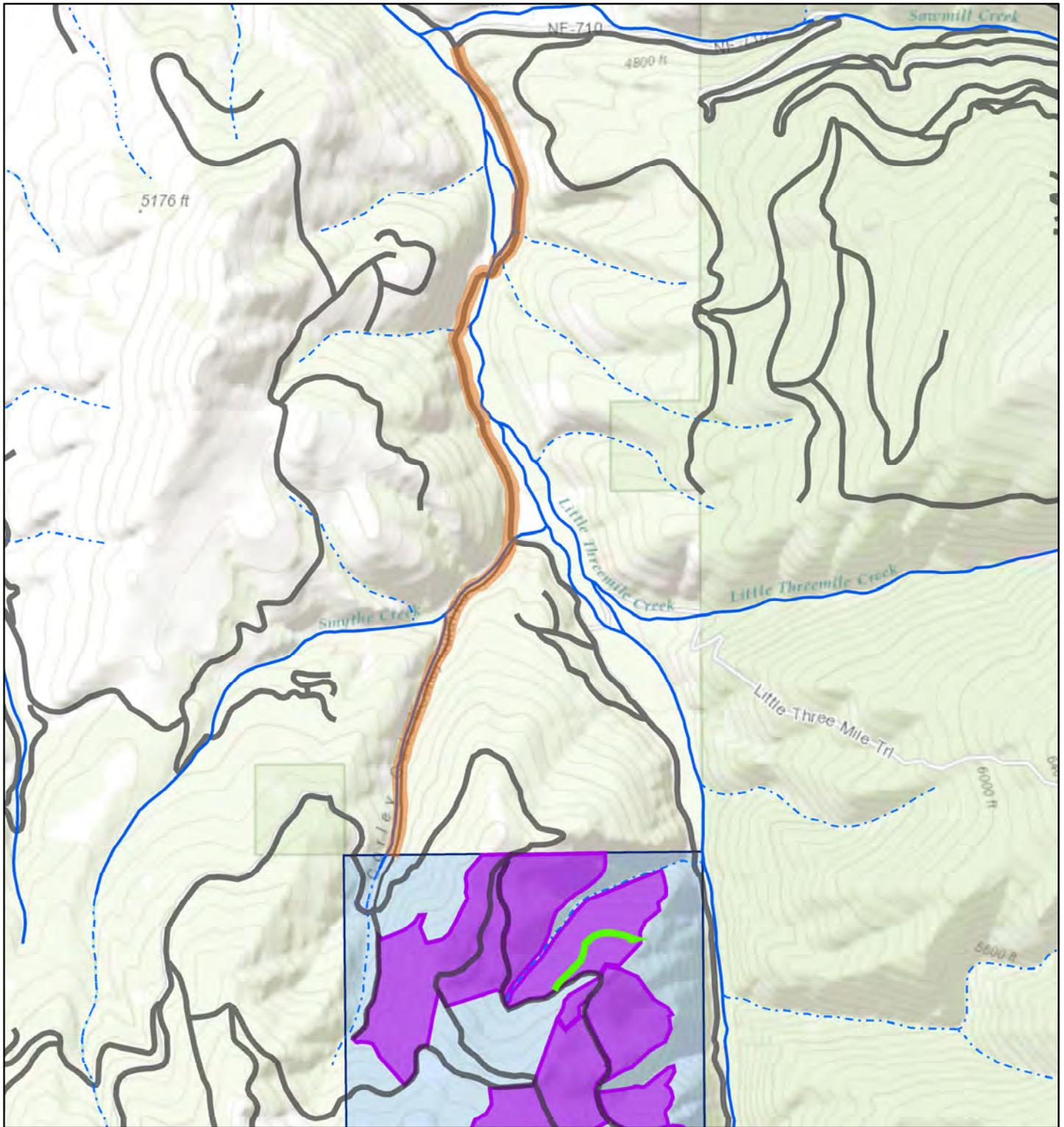
**Access:** DNRC has obtained a temporary road use permit from a private landowner to use Burnt Fork Road #312. DNRC has an easement across private lands to access the project area from road #312.

**Public Comments:** One comment was received from the Crow Nation's Tribal Historic Preservation Office indicating that they are unaware of any cultural sites in project area.

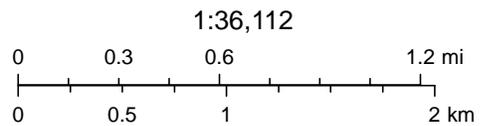
**DNRC Recommendation**

The director recommends the Land Board direct DNRC to sell the Corley Gulch Timber Sale.

# Corley Gulch Timber Sale Haul Route Map 0417-2B



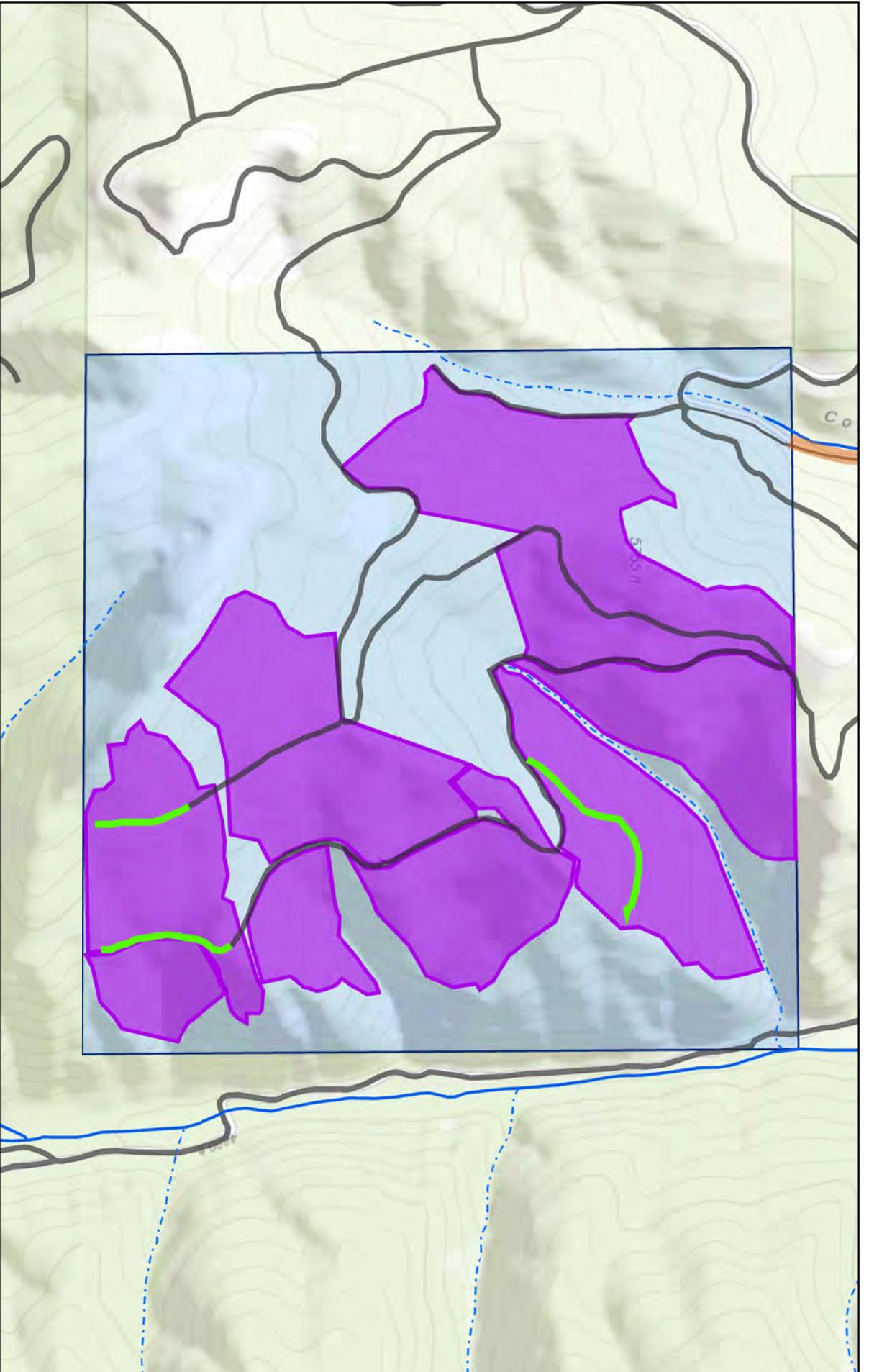
- |   |  |
|---|--|
|  Existing Road  |  Perennial Stream       |
|  New Road       |  Intermittent Stream    |
|  Temporary Road |  Proposed Harvest Units |
|  Haul Route     |  DNRC Surface Tracts    |



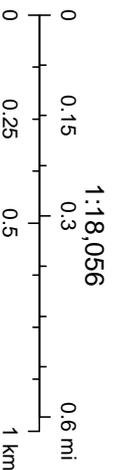
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

# Corley Gulch Timber Sale Map

0417-2B



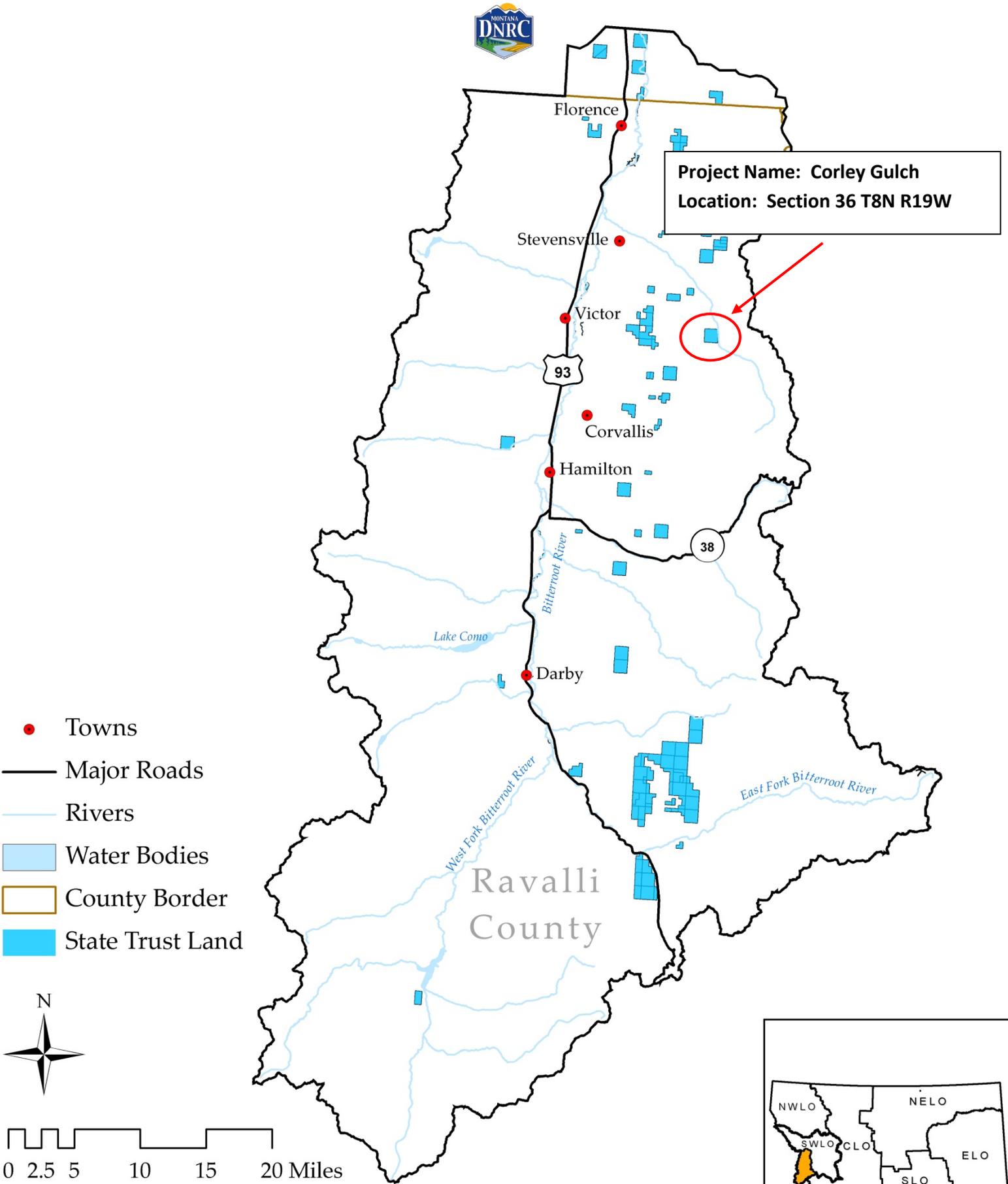
- Existing Road
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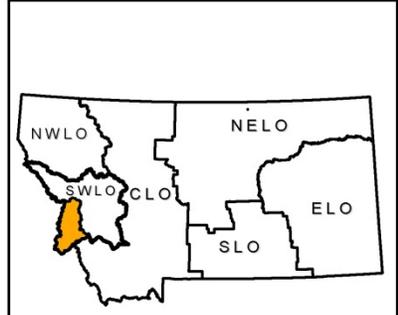
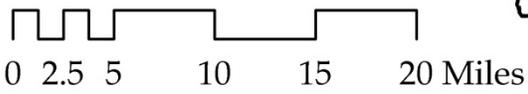
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

# CORLEY GULCH TIMBER SALE VICINITY MAP

0417-2B  
HAMILTON UNIT



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



# 0417-3

## **COMMUNITIZATION AGREEMENTS:**

- A. Ardelle HSL Well
- B. Conway 1-19H Well
- C. Shannon 2-35 1H Well

**Land Board Agenda Item  
April 17, 2017**

**0417-3A Communitization Agreement: Ardelle HSL Well**

**Location: Richland County  
T23N R55E Sections 9, 10, 15 & 16**

**Trust Benefits: Common Schools**

**Trust Revenue: Unknown**

**Item Summary**

Continental Resources, Inc. has filed a request with the Department of Natural Resources and Conservation (DNRC) for the approval of a communitization agreement to communitize state owned acreage in conformity with Montana Board of Oil and Gas Conservation Commission (BOGC) regulations.

A communitization agreement brings together small tracts of land within a spacing unit for the distribution of production revenues. The agreement allows the state to receive its proper royalty share of production revenues from the spacing unit.

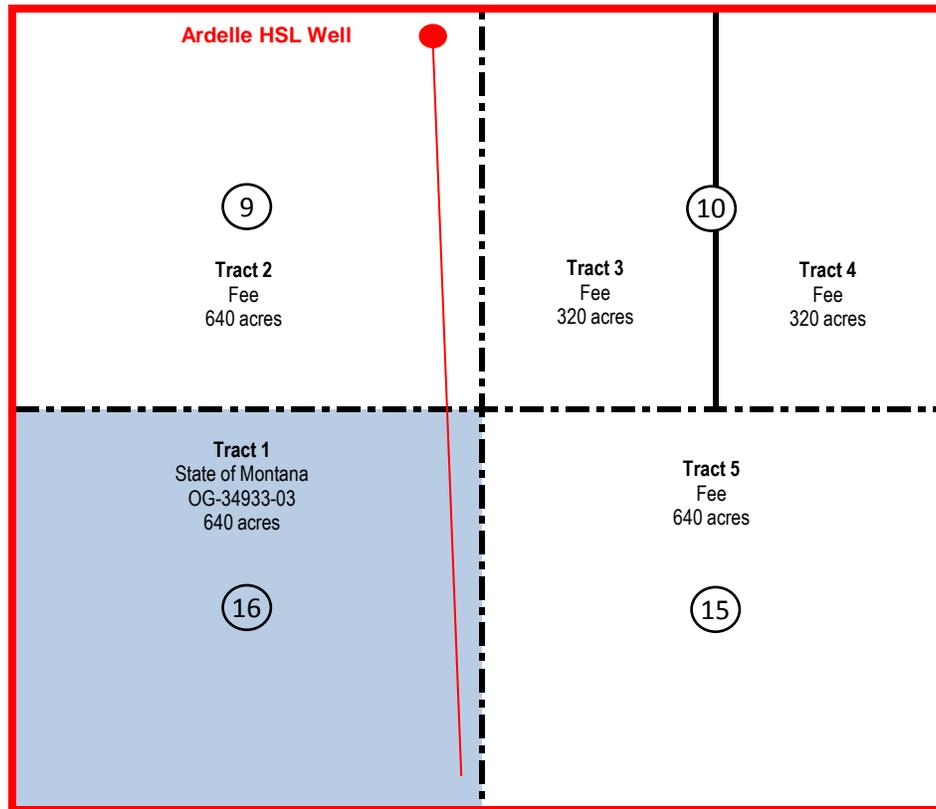
The Ardelle HSL well is a horizontal Bakken/Three Forks formation oil well. The well is located approximately 24 miles west of Sidney, and was drilled into private land in Section 9. DNRC owns 640.00 acres of the 2560.00 mineral acres in the permanent spacing unit that will be communitized. The Agreement encompasses production from the Bakken/Three Forks Formation from the Ardelle HSL well in the spacing unit comprised of Sections 9, 10, 15 & 16 of T23N R55E.

The DNRC tract comprises 25.00% of the communitized area. DNRC will consequently receive 3.25% of all oil production (13.00% royalty rate x 25.00% tract participation).

**DNRC Recommendation**

The director recommends the Land Board approve this Communitization Agreement.

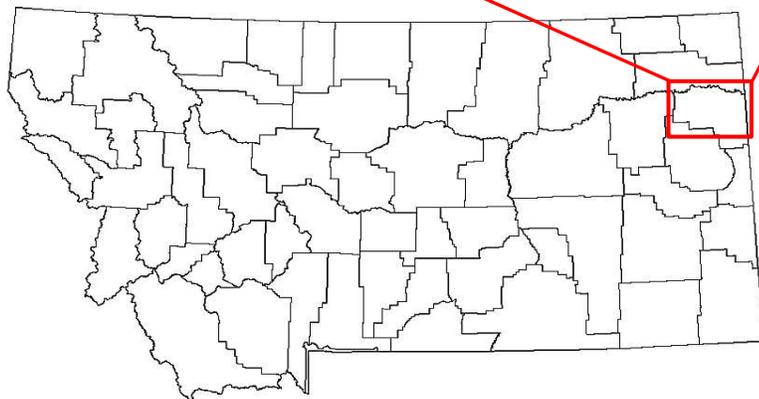
## Township 23 North Range 55 East Sections 9, 10, 15 & 16



Tract No.	Type	Acres	Tract Participation	Royalty %	Owner's Interest
1	State of Montana OG-34933-03	640.00	25.000000%	13.00%	3.250000%
2	Fee	640.00	25.000000%	12.50%	3.125000%
3	Fee	320.00	12.500000%	12.50%	1.562500%
4	Fee	320.00	12.500000%	18.75%	2.343750%
5	Fee	640.00	25.000000%	15.00%	3.750000%
Total		2,560.00	100.000000%		

\* The Operator of the Communitized Area is Continental Resources, Inc.

# Vicinity Map Ardelle HSL Well



**Land Board Agenda Item  
April 17, 2017**

**0417-3B Communitization Agreement: Conaway 1-19H Well**

**Location: Richland County  
T25N R57E Sections 18 & 19**

**Trust Benefits: Common Schools**

**Trust Revenue: Unknown**

**Item Summary**

Continental Resources, Inc. has filed a request with the Department of Natural Resources and Conservation (DNRC) for the approval of a communitization agreement to communitize state owned acreage in conformity with Montana Board of Oil and Gas Conservation Commission (BOGC) regulations.

A communitization agreement brings together small tracts of land within a spacing unit for the distribution of production revenues. The agreement allows the state to receive its proper royalty share of production revenues from the spacing unit.

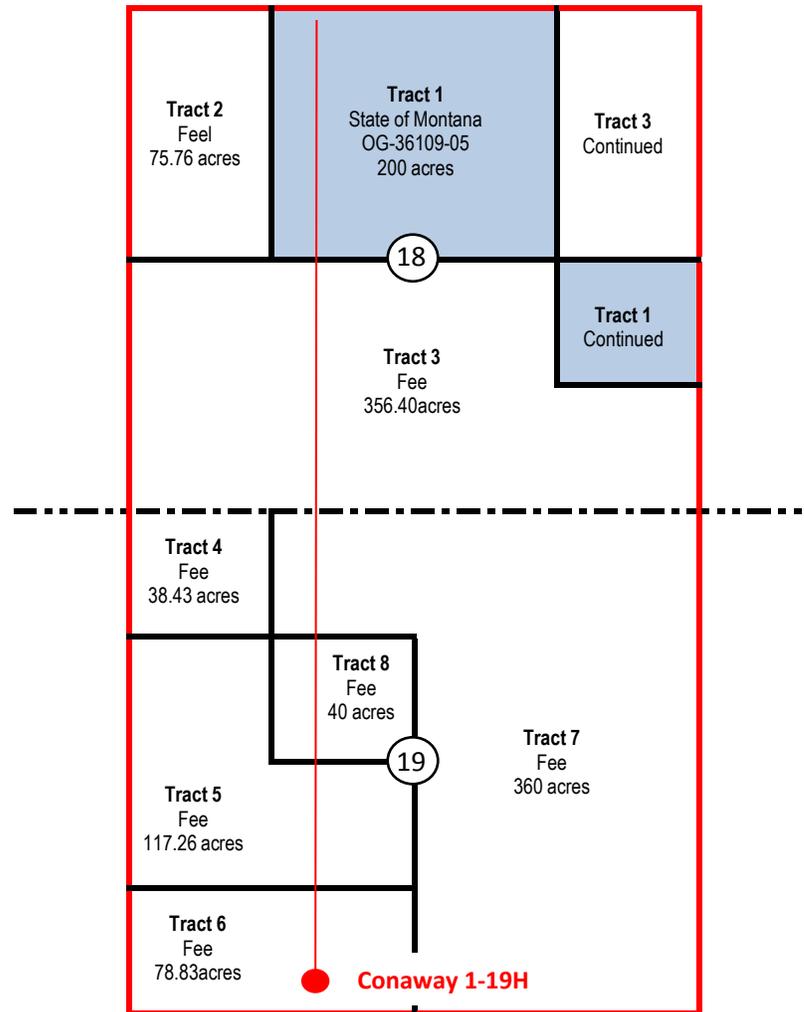
The Conaway 1-19H well is a horizontal Bakken/Three Forks formation oil well. The well is located approximately 17 miles south of Culbertson, and was drilled into private land in Section 19. DNRC owns 200.00 acres of the 1266.68 mineral acres in the permanent spacing unit that will be communitized. The Agreement encompasses any wells producing from the Bakken/Three Forks Formation in the spacing unit comprised of Sections 18 & 19 of T25N R57E.

The DNRC tract comprises 15.789307% of the communitized area. DNRC will consequently receive 2.632078% of all oil production (16.67% royalty rate x 15.789307% tract participation).

**DNRC Recommendation**

The director recommends the Land Board approve this Communitization Agreement.

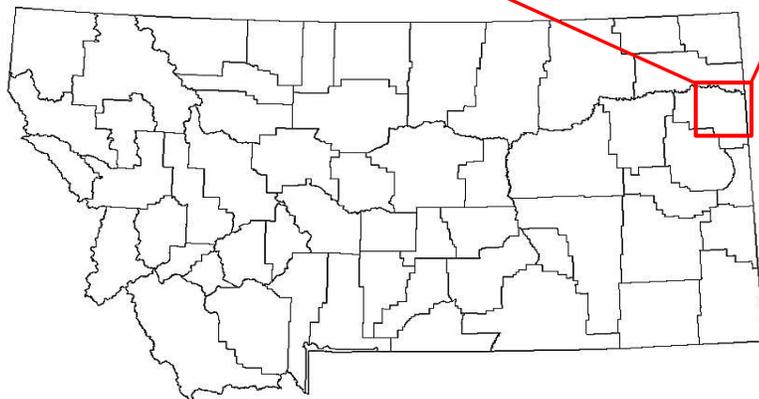
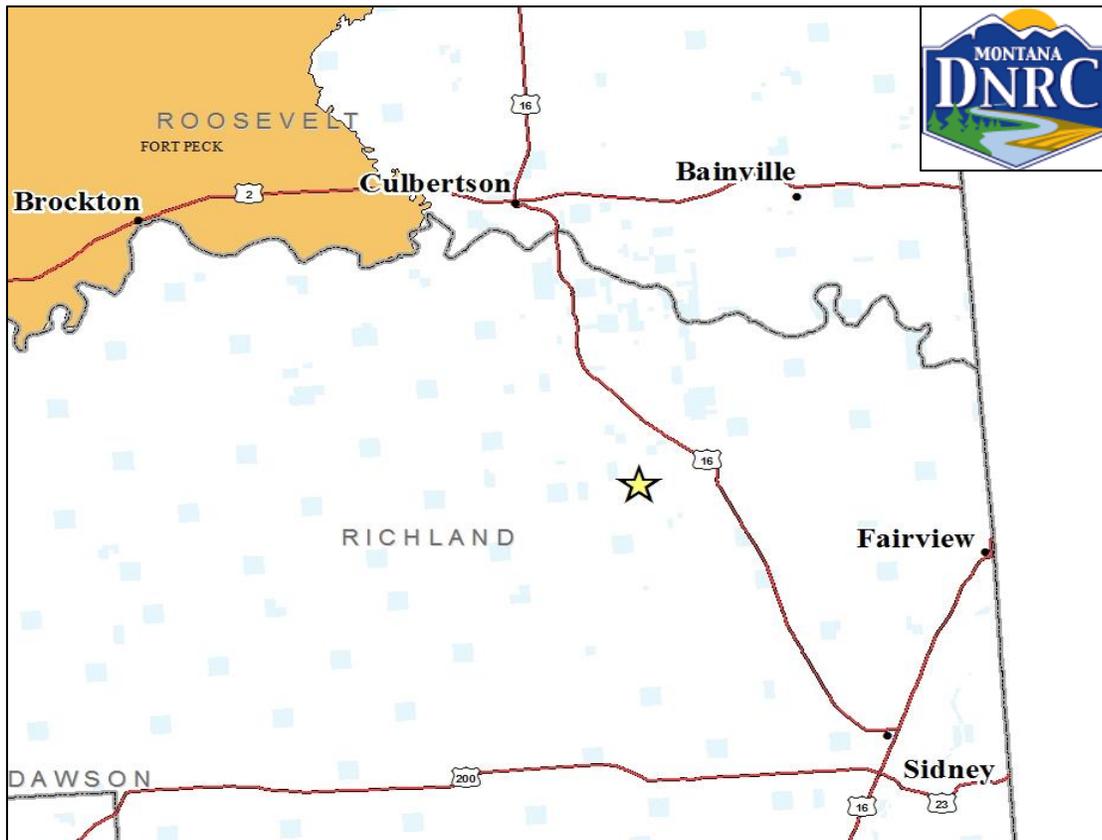
## Township 25 North Range 57 East Sections 18 & 19



Tract No.	Type	Acres	Tract Participation	Royalty %	Net Owner's Interest
1	State of Montana OG-36109-05	200.00	15.789307%	16.67%	2.632078%
2	Fee	75.76	5.980990%	various	
3	Fee	356.40	28.136546%	18.75%	5.275602%
4	Fee	38.43	3.033915%	20.00%	0.606783%
5	Fee	117.26	9.257271%	various	
6	Fee	78.83	6.223356%	18.75%	1.166879%
7	Fee	360.00	28.420753%	various	
8	Fee	40.00	3.157861%	N/A	
Total		1,266.68	100.000000%		

\* The Operator of the Communitized Area is Continental Resources, Inc.

# Vicinity Map Conaway 1-19H Well



**Land Board Agenda Item  
March 20, 2017**

**0417-3C Communitization Agreement: Shannon 2-35 1H Well**

**Location: Richland County  
T25N R59E Sections 1 & 2  
T26N R59E Sections 35 & 36**

**Trust Benefits: Common Schools**

**Trust Revenue: Unknown**

**Item Summary**

Statoil Oil & Gas LP has filed a request with the Department of Natural Resources and Conservation (DNRC) for the approval of a communitization agreement to communitize state owned acreage in conformity with Montana Board of Oil and Gas Conservation Commission (BOGC) regulations.

A communitization agreement brings together small tracts of land within a spacing unit for the distribution of production revenues. The agreement allows the state to receive its proper royalty share of production revenues from the spacing unit.

The Shannon 2-35 1H well is a horizontal Bakken formation oil well. The well is located approximately 6 miles north of Fairview, and was drilled into private land in Section 2. DNRC owns 271.80 acres of the 1827.59 mineral acres in the permanent spacing unit that will be communitized. The Agreement encompasses any wells producing from the Bakken Formation in the spacing unit comprised of Sections 1 & 2 of T25N R59E and Sections 35 & 36 of T26N R59E.

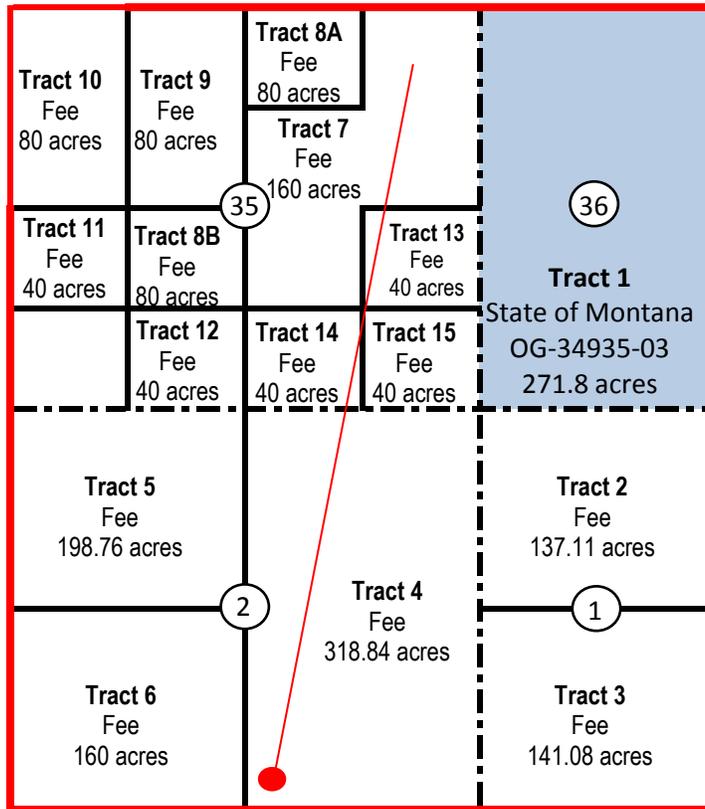
The DNRC tract comprises 14.872045% of the communitized area. DNRC will consequently receive 1.933366% of all oil production (13.00% royalty rate x 14.872045% tract participation).

**DNRC Recommendation**

The director recommends the Land Board approve this Communitization Agreement.

**Township 26 North Range 59 East**  
Sections 35 & 36

**Township 25 North Range 59 East**  
Sections 1 & 2

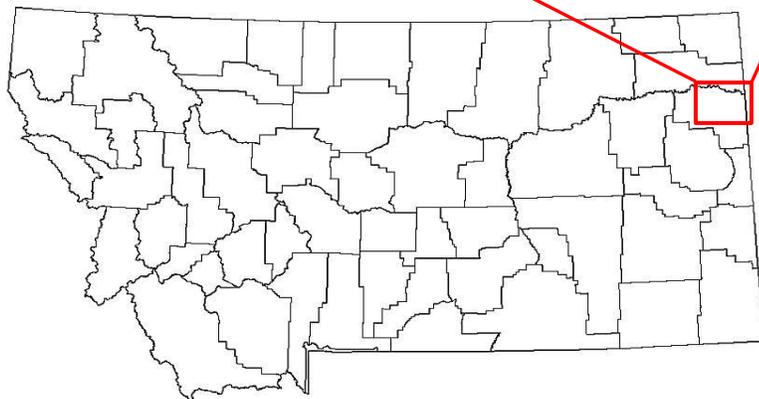
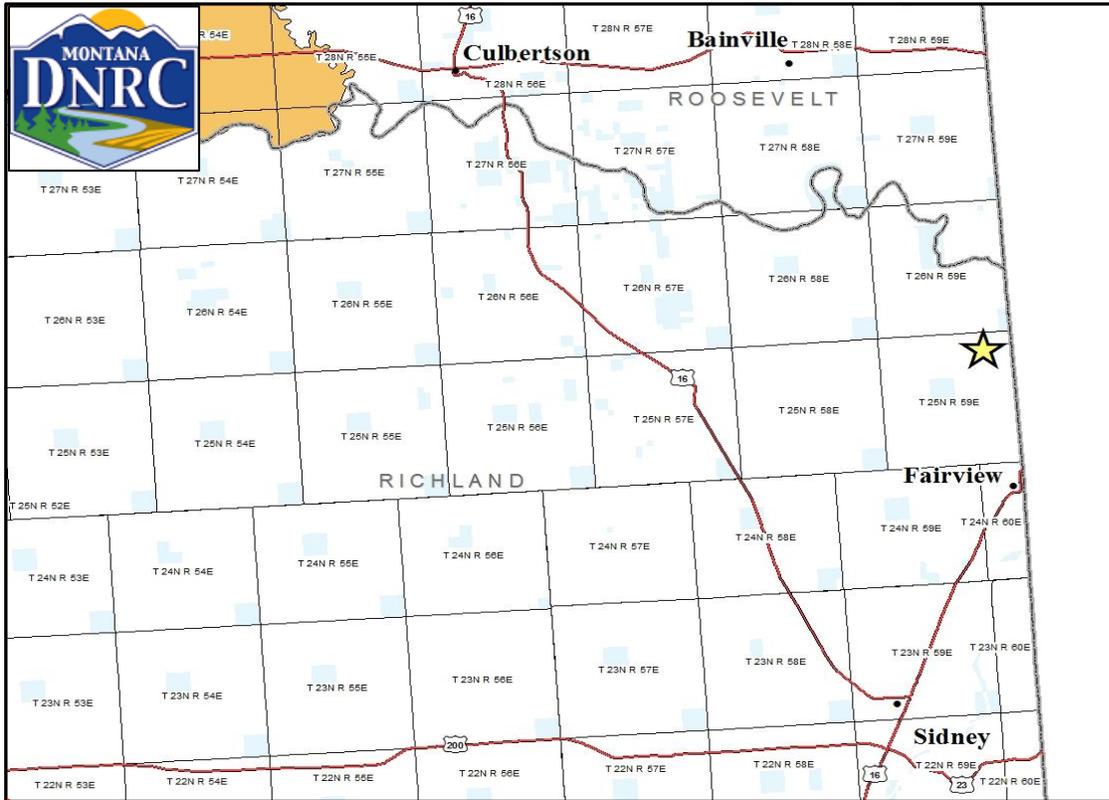


**Shannon 2-35 1H**

Tract No.	Type	Acres	Tract Participation	Royalty %	Owner's Interest
1	State of Montana OG-34935-03	271.80	14.872045%	13.00%	1.933366%
2	Fee	137.11	7.502230%	various	
3	Fee	141.08	7.719456%	various	
4	Fee	318.84	17.445926%	various	
5	Fee	198.76	10.875525%	20.00%	2.175105%
6	Fee	160.00	8.754699%	15.00%	1.313205%
7	Fee	160.00	8.754699%	20.00%	1.750940%
8	Fee	80.00	4.377349%	12.50%	0.547169%
9	Fee	80.00	4.377349%	12.50%	0.547169%
10	Fee	80.00	4.377349%	12.50%	0.547169%
11	Fee	40.00	2.188675%	12.50%	0.273584%
12	Fee	40.00	2.188675%	12.50%	0.273584%
13	Fee	40.00	2.188675%	12.50%	0.273584%
14	Fee	40.00	2.188675%	12.50%	0.273584%
15	Fee	40.00	2.188675%	12.50%	0.273584%
Total		1,827.59	100.000000%		

\* The Operator of the Communitized Area is Statoil Oil & Gas LP.

# Vicinity Map Shannon 2-35 1H Well



# 0417-4

## **SALE OF CABIN AND HOMESITE: Set Minimum Bid for Sale**

Sale 892

**Postponed**

**Land Board Agenda Item  
March 20, 2017**

**0417-4 Sale of Cabin and Home Sites: Set Minimum Bid for Sale – Sale 892**

**Location: Flathead County**

**Trust Benefits: Montana Tech**

**Trust Revenue: \$471,000**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one cabin site nominated for sale on Echo Lake in Flathead County. This sale was nominated by the lessees in conjunction with the Cabin and Home Site Sale Program.

Sale #	# of Acres	Legal	Nominator	Trust
892	1.999	Lot 33, Echo Lake, Section 5, T27N-R19W	Robert Farren et al.	MT Tech

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 is 2.5%. The parcel will continue to receive This return if it remains in state ownership.

Long term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through the department's Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 2.72% 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:**

Sale #	Hearings Examiner's Recommendation of Value of Land	Appraised Value of Improvements
892	\$471,000	\$130,000

Pursuant to Mont. Code Ann. §77-2-317 and ARM 36.25.705 the Department contracted with a Montana Certified General Appraiser who determined the value of Lot 33, located on Echo Lake, to be \$560,000. Petitioners requested a Hearing and presented a residential appraisal prepared by a licensed residential appraiser who valued the land at \$471,000. The Hearings Examiner determined that both appraisals were properly performed. The Hearings Examiner recommended that the Land Board set the minimum bid at \$471,000.

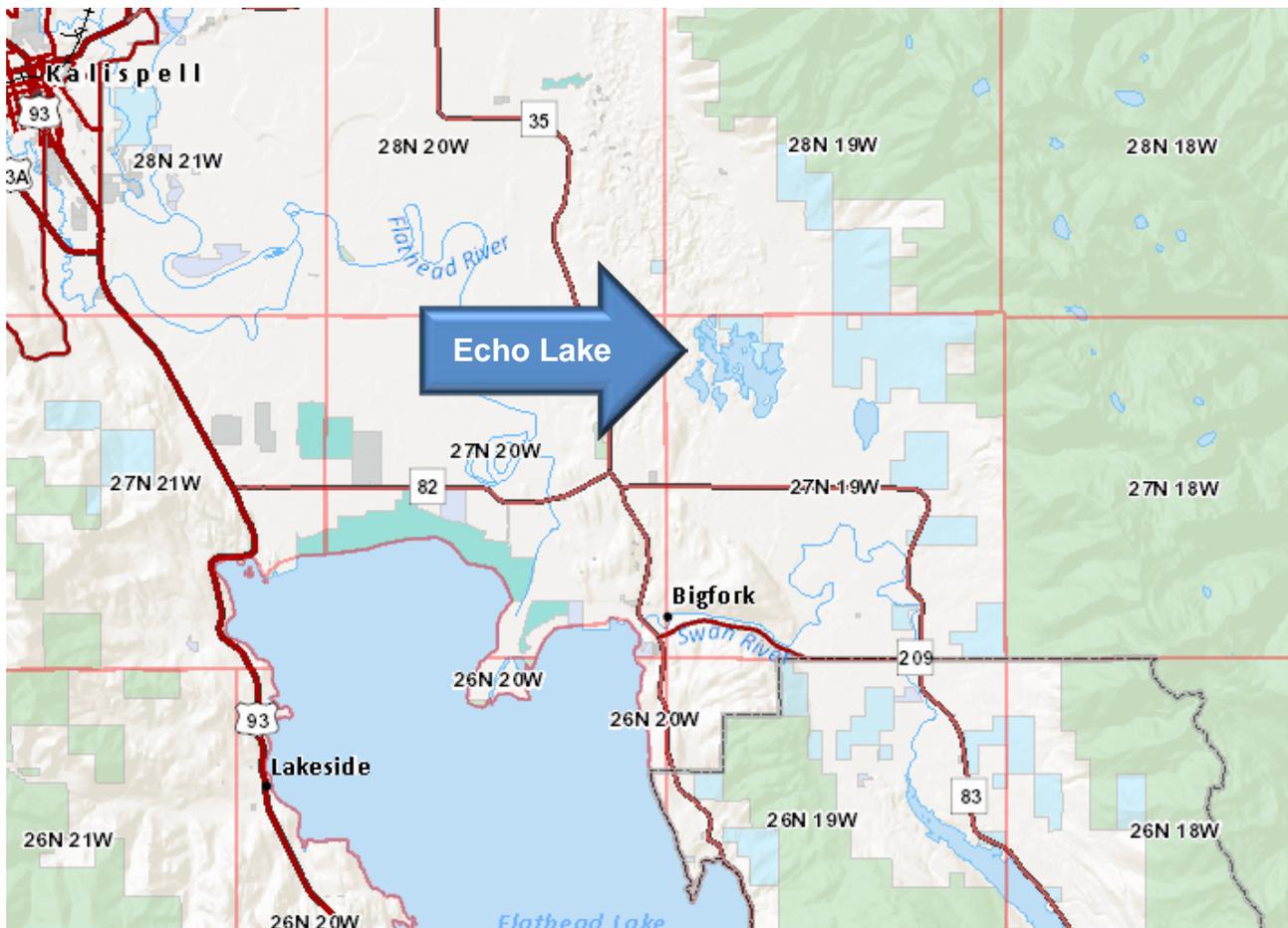
Concerns have been raised regarding factual and legal issues with this determination, including:

1. Mont. Cost. Art. X §11 requires the State to obtain the “Full market value of the estate or interest disposed of” prior to the sale of any State School Trust Land. The two appraisals differ by \$89,000.
2. The Petitioner’s appraisal was not performed to the Department’s standards.

### **DNRC Recommendation**

The Department is following the process and recommends that the Land Board adopt the Hearings Examiner’s determination. However, the Land Board gets the final say in this matter and could determine here, today, to reject the Hearing Examiner’s findings and adopt the higher appraisal.

## **Flathead County Sale Location Map**



Echo Lake, Sale # 892



# 0417-5

## **SALE OF CABIN AND HOMESITE: Final Approval for Sale**

Sales 818 & 820

**Land Board Agenda Item  
April 17, 2017**

**0417-5 Sale of Cabin and Home Sites: Final Approval for Sale – Sales 818 & 820**

**Location: Missoula County**

**Trust Benefits: Montana State University**

**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
818	1.325	Lot 4, Seeley Lake Outlet West, T16N-R15W, Section 4	Joseph & Gina Bollinger	MSU
820	1.237	Lot 3, Seeley Lake Outlet West, T16N-R15W, Section 4	David & Julie Lapham	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 agreements and can be conveyed by DNRC.

**Economic Analysis:**

Short term – The average rate of return on sale parcel 818 is 3.06%. The average rate of return on sale parcel 820 is 3.15%. 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 2.72% 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.

In January 2016, the board granted preliminary approval for these parcels to continue through the cabin site sale evaluation process. In January 2017, the board set the minimum bid for the land and the maximum value of compensation for the improvements at the values below:

<b>Sale #</b>	<b>Appraised Value of Land</b>	<b>Hearings Examiners Recommendation of Value of Improvements</b>
818	\$160,000	\$92,413.50
820	\$150,000	\$140,000

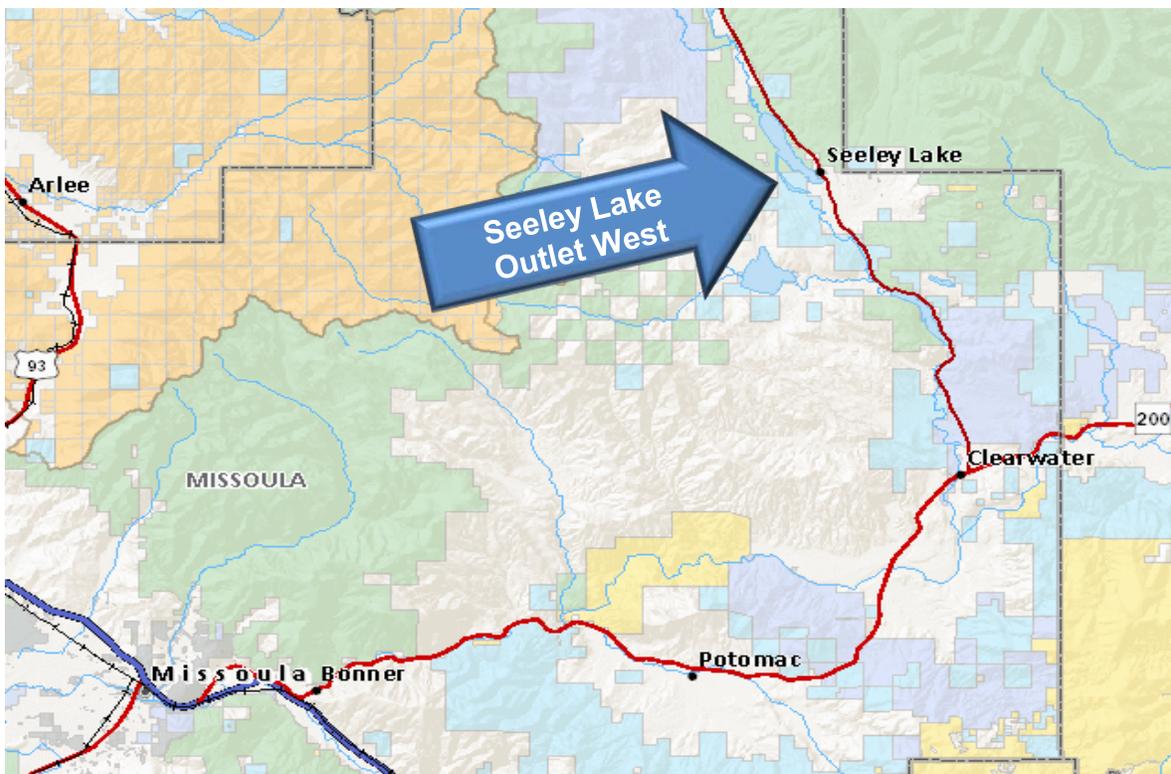
At the request of the lessees and in accordance with 77-2-317(1)(c), informal administrative hearings were held in August 2016 to contest the valuations of the land and/or improvements under consideration for sale. The Hearing Examiner concluded that the appraisal valuations for the land were reasonable and unbiased estimates of current fair market value. The Hearing Examiner recommended that the value of the improvements for sale 818 be adjusted upwards from the appraised value to reflect the value of additional work completed since the appraisal date. The Hearing Examiner also recommended that the value of the improvements for sale 820 be adjusted upwards from the appraised value to reflect the value of an indoor bathroom. The Hearing Examiner recommended that the Land Board set the minimum bid for the land and the maximum amount to be compensated for the improvements set at the values stated above.

**Sale Price:**

The cabin sites were sold at a public auction on March 21, 2017. There was one bidder for each sale, who were the lessees. These parcels were sold for the minimum bid amount listed above.

**DNRC Recommendation**

The director recommends final approval for the cabin sites lots at the values shown above. The sales will be closed within 60 days of final approval by the board.



Seeley Lake Outlet West



# 0417-6

## EASEMENTS

**Land Board Agenda Item  
April 17, 2017**

**0417-6 Easements**

**Location:** Carbon, Fallon, Golden Valley, Lewis & Clark, McCone, Powder River, Rosebud, Stillwater, Teton, Toole, Yellowstone

**Trust Benefits:** Common Schools, Public Buildings, Public Land Trust

**Trust Revenue:** Common Schools= \$7973  
Public Buildings= \$2703  
Public Land Trust=\$13,625

**Item Table of Contents**

<b>Applicant</b>	<b>Right-of-Way Purpose</b>	<b>Term</b>	<b>Page(s)</b>
John P. Moore	Historic Private Access Road	Permanent	1-2
Triangle Telephone Coop., Assn., Inc.	New Buried Telecommunications Utility	Permanent	3-9
Montana-Dakota Utilities Co.	New Buried Electric Utility	Permanent	10-13
3 Rivers Telephone Coop., Inc.	New Buried Telecommunications Utility	Permanent	14-15
Range Telephone	New Buried Telecommunications Utility	Permanent	16-17
Project Telephone Co.	New Buried Telecommunications Utility	Permanent	18-19
Steen Alme	Historic Private Access Road	Permanent	20-21
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Yellowstone Pipe Line Company	Amendment Natural Gas Pipeline	30-Year Term	24-25

# Rights of Way Applications

## April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	John P. Moore 2037 Ruby Gulch Road Lewistown MT 59457
Application No.:	17851
R/W Purpose:	a private access road for conducting normal farming and ranching operations and timber management
Lessee Agreement:	N/A (Historic)
Acreage:	1.63
Compensation:	\$2445.00
Legal Description:	30-foot strip through NE4SE4, Sec. 6, Twp. 14N, Rge. 8W, Lewis & Clark County
Trust Beneficiary:	Public Buildings

#### Item Summary

John P. Moore has made application for the use of an existing road for conducting normal farming and ranching operations and timber management. The road has been in place for years and authorization for continued use is being requested pursuant to §77-1-130, MCA, which allows for recognition of such historic access. The private property to be accessed is described as:

- Sec. 6, Twp. 14N, Rge. 8W – E2NE4NE4

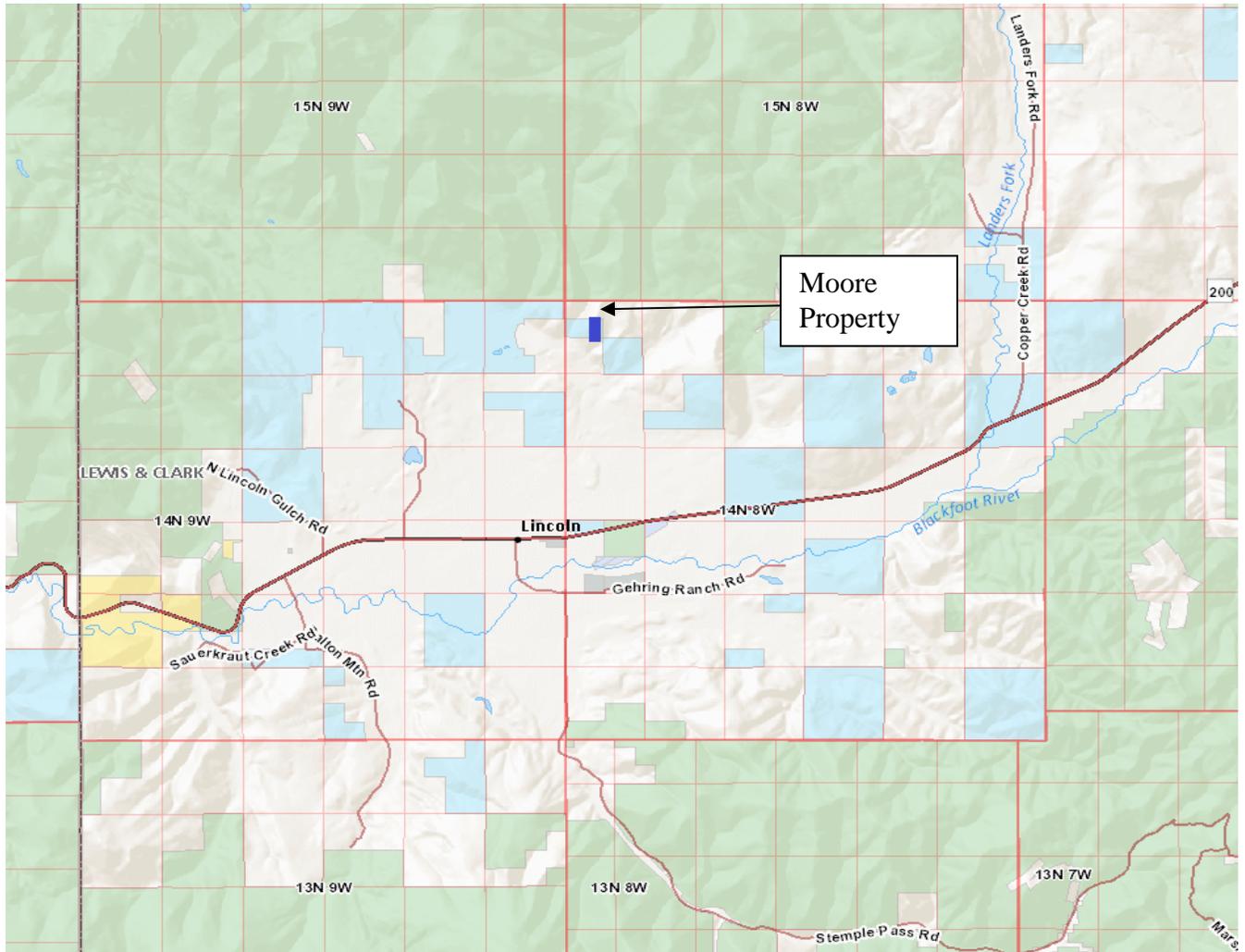
#### DNRC Recommendation

The director recommends approval of this historic private access road.

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# Rights of Way Applications

April 17, 2017



Application # 17851 – John P. Moore

# Rights of Way Applications

## April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Triangle Telephone Cooperative, Assn., Inc. PO Box 1220 Havre MT 59501
Application No.:	17791
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	2.22
Compensation:	\$1631.00
Legal Description:	20-foot strip through W2W2, Sec. 16, Twp. 5N, Rge. 22E, Golden Valley County
Trust Beneficiary:	Common Schools

### Item Summary

Triangle Telephone has made application for a buried telecommunications cable to provide state of the art facilities and services to the Broadview Exchange service area. The proposed route is the most direct route, while providing access to existing and future network considerations. This route will provide accessibility for construction and maintenance since it is located primarily along existing roadways. Portions of the proposed route are within sage grouse general habitat. Pursuant to *Sage Grouse Executive Order No. 12-2015* special stipulations will be placed in the easement documents to address mitigation measures, such as restrictions related to construction time periods. This project, identified as Project No.'s 1479319822698 & 1466439644992, has been approved by the Montana Sage Grouse Habitat Conservation Program.

### DNRC Recommendation

The director recommends approval of this buried telecommunications cable.

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# Rights of Way Applications

## April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Triangle Telephone Cooperative, Assn., Inc. PO Box 1220 Havre MT 59501
Application No.:	17792
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	0.05
Compensation:	\$555.00
Legal Description:	20-foot strip through SW4SW4, Sec. 9, Twp. 5N, Rge. 22E, Golden Valley County
Trust Beneficiary:	Common Schools

#### Item Summary

See page 3

#### DNRC Recommendation

See page 3

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# Rights of Way Applications

## April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

---

Applicant:	Triangle Telephone Cooperative, Assn., Inc. PO Box 1220 Havre MT 59501
Application No.:	17853
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	0.91
Compensation:	\$455.00
Legal Description:	20-foot strip through E2SE4, Sec. 36, Twp. 4N, Rge. 21E, Stillwater County
Trust Beneficiary:	Common Schools

#### Item Summary

See page 3

#### DNRC Recommendation

See page 3

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## Rights of Way Applications

April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Triangle Telephone Cooperative, Assn., Inc. PO Box 1220 Havre MT 59501
Application No.:	17854
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	2.5
Compensation:	\$1250.00
Legal Description:	20-foot strip through W2W2, Sec. 16, Twp. 3N, Rge. 23E, Yellowstone County
Trust Beneficiary:	Common Schools

#### Item Summary

See page 3

#### DNRC Recommendation

See page 3

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# Rights of Way Applications

## April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Triangle Telephone Cooperative, Assn., Inc. PO Box 1220 Havre MT 59501
Application No.:	17855
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	0.06
Compensation:	\$100.00
Legal Description:	20-foot strip through NW4SW4, Sec. 16, Twp. 4N, Rge. 23E, Yellowstone County
Trust Beneficiary:	Common Schools

#### Item Summary

See page 3

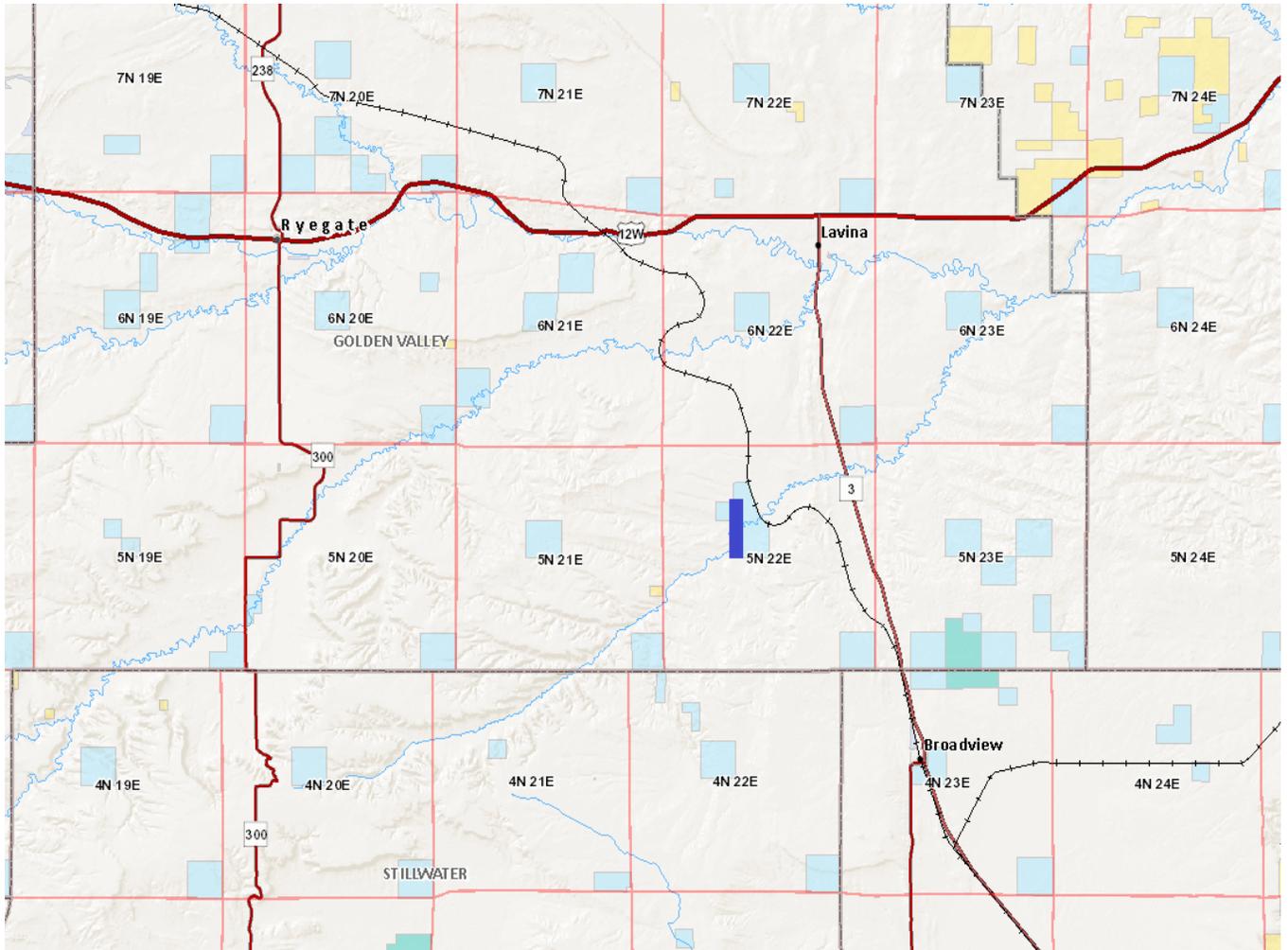
#### DNRC Recommendation

See page 3

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# Rights of Way Applications

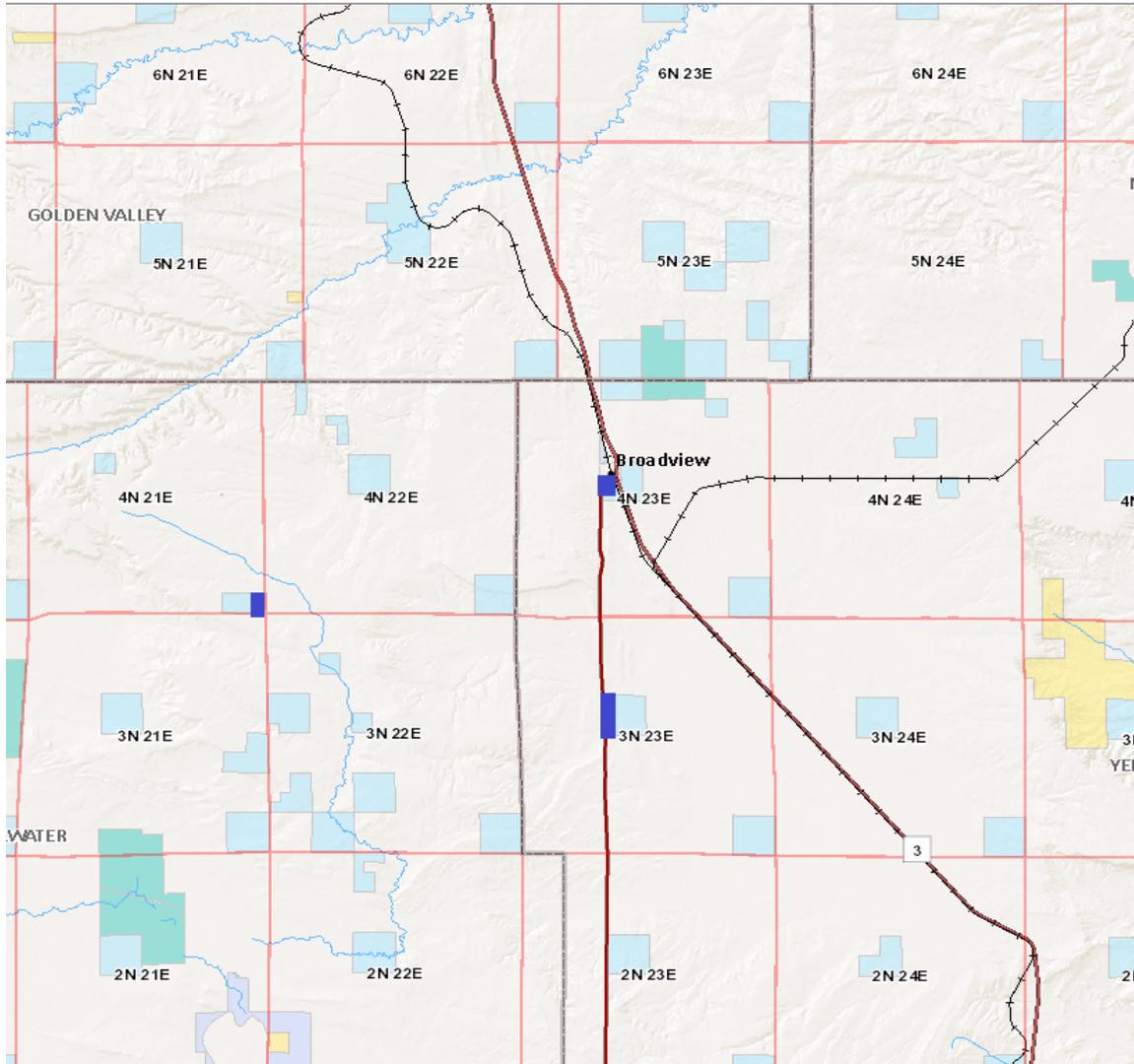
April 17, 2017



Application #'s 17791 & 17792 – Triangle Telephone

# Rights of Way Applications

April 17, 2017



Application #'s 17853 - 17855

## Rights of Way Applications

April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Montana-Dakota Utilities Co. 1133 West Broadway Dickinson ND 58601
Application No.:	17856
R/W Purpose:	a 7.2kV buried electric distribution line
Lessee Agreement:	ok
Acreage:	2.34
Compensation:	\$1170.00
Legal Description:	20-foot strips through Government Lots 4 & 5, N2SW4, S2SW4, Sec. 12, Twp. 6N, Rge. 41E, Rosebud County
Trust Beneficiary:	Common Schools

### Item Summary

Montana-Dakota Utilities Co. has made application to install a 7.2kV buried electric distribution service line to BNSF signal house at MP#117.10. This route was chosen based on the location of MDU's facilities and the accessibility to the BNSF signal house. The single phase line will be buried by trenching adjacent and parallel to the established roadway crossing private and state property ending at the BNSF signal house. The proposed route is within sage grouse general habitat. Pursuant to *Sage Grouse Executive Order No. 12-2015* special stipulations will be placed in the easement documents to address mitigation measures, such as restrictions related to construction time periods. This project, identified as Project No.1467726370728, has been approved by the Montana Sage Grouse Habitat Conservation Program.

### DNRC Recommendation

The director recommends approval of this electric distribution line.

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# Rights of Way Applications

## April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Montana-Dakota Utilities Co. 1133 West Broadway Dickinson ND 58601
Application No.:	17861
R/W Purpose:	a buried 7.2kV electric distribution line
Lessee Agreement:	ok
Acreage:	0.09
Compensation:	\$100.00
Legal Description:	25-foot strip through NE4NE4, Sec. 36, Twp. 8N, Rge. 57E, Fallon County
Trust Beneficiary:	Common Schools

### Item Summary

Montana-Dakota Utilities Co. has made application to install a 7.2kV buried electric distribution service line to BNSF signal house at MP#1033.50. This route was chosen based on the location of MDU's facilities and the accessibility to the BNSF signal house. The single phase line will be buried by trenching with little impact to the state parcel. The proposed route is within sage grouse general habitat. Pursuant to *Sage Grouse Executive Order No. 12-2015* special stipulations will be placed in the easement documents to address mitigation measures, such as restrictions related to construction time periods. This project, identified as Project No.1474399516452, has been approved by the Montana Sage Grouse Habitat Conservation Program.

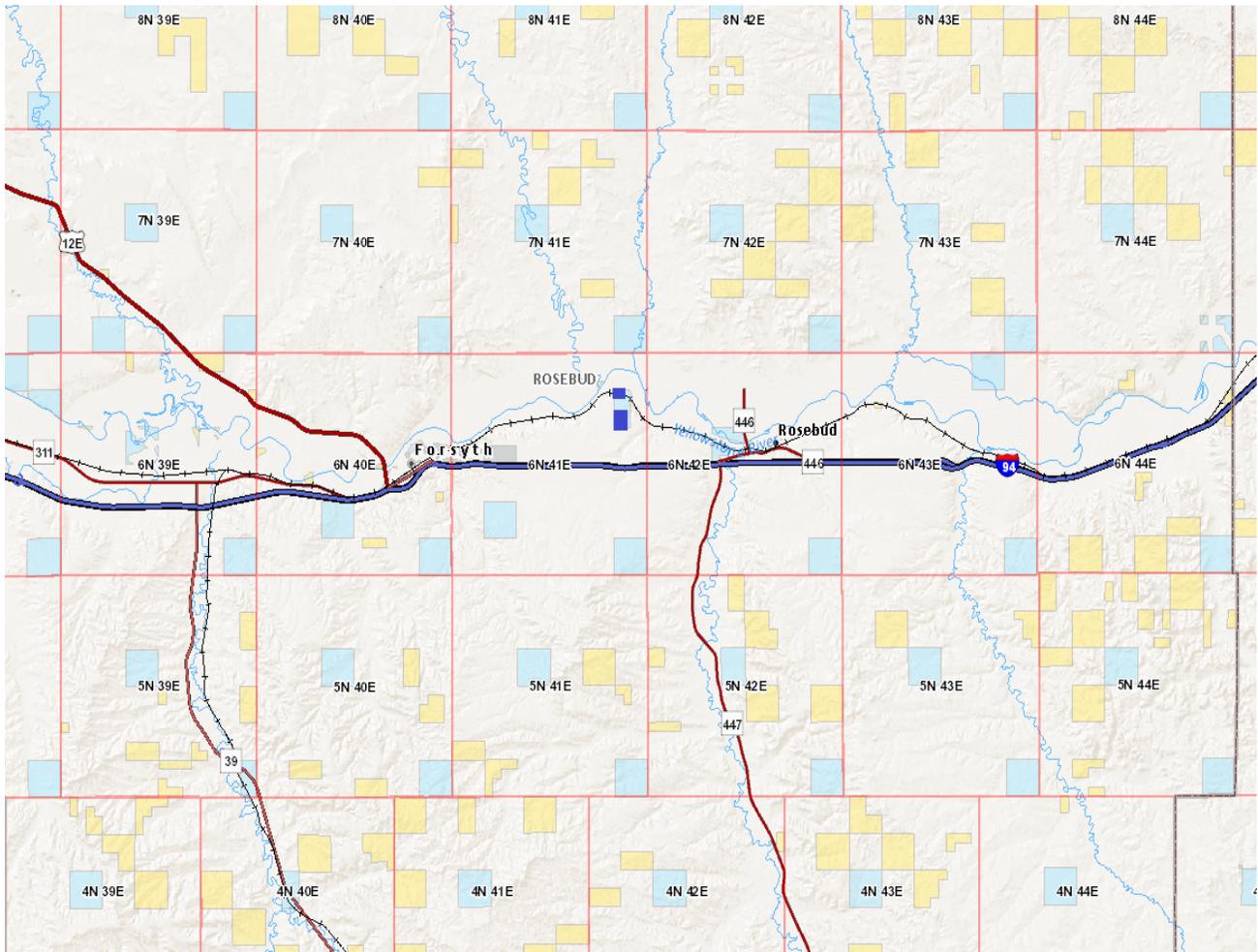
### DNRC Recommendation

The director recommends approval of this electric distribution line.

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# Rights of Way Applications

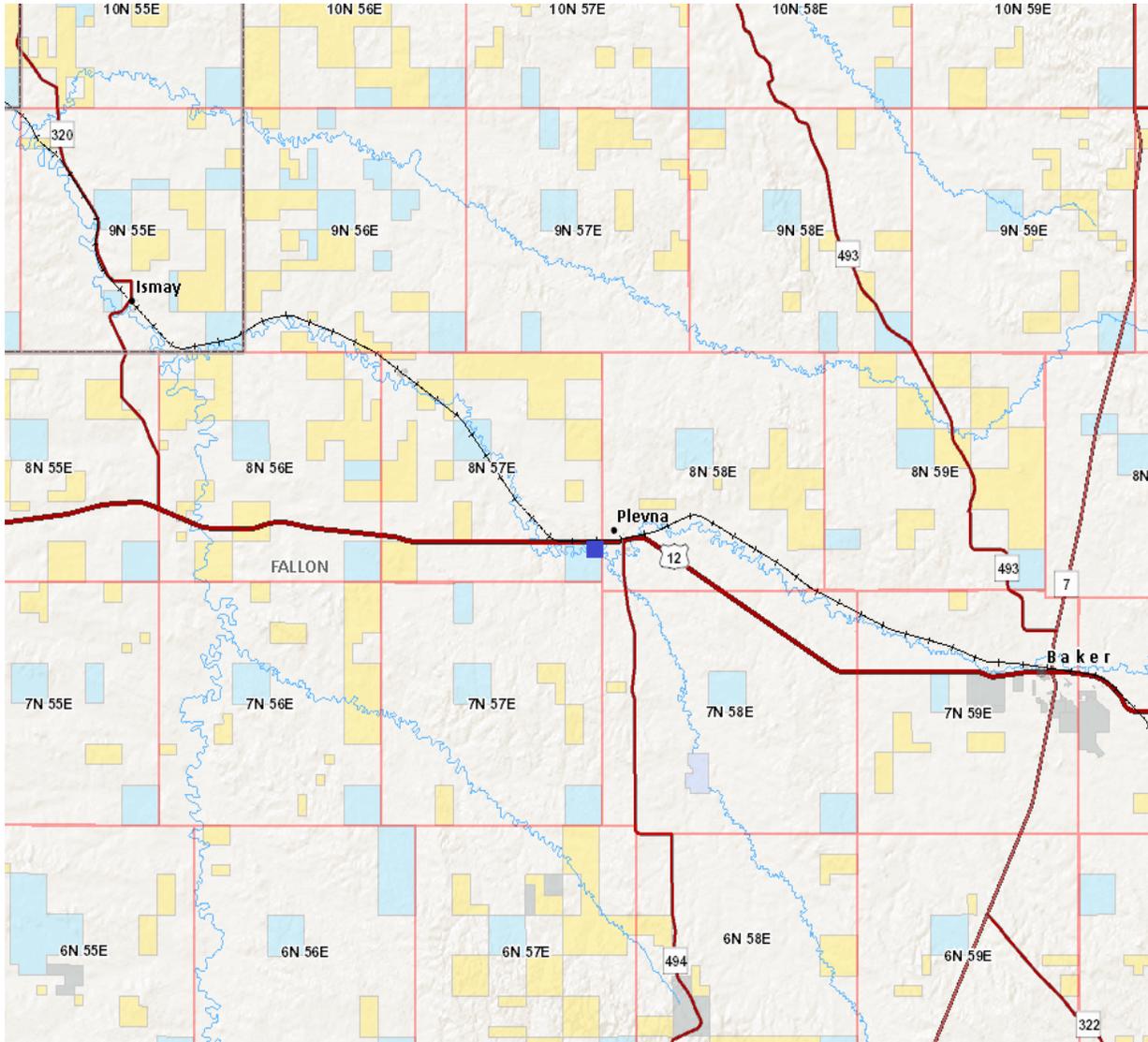
April 17, 2017



Application # 17856 - MDU

# Rights of Way Applications

April 17, 2017



Application # 17861 – Montana Dakota Utilities

## Rights of Way Applications

**April 17, 2017**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	3 Rivers Telephone Coop., Inc. PO Box 429 Fairfield MT 59436
Application No.:	17857
R/W Purpose:	a buried fiber optic communications cable
Lessee Agreement:	ok
Acreage:	0.43
Compensation:	\$258.00
Legal Description:	20-foot strip through SE4SW4, Sec. 34, Twp. 23N, Rge. 5W, Teton County
Trust Beneficiary:	Public Buildings

### Item Summary

3 Rivers Telephone has made application to upgrade facilities in the Choteau exchange area. Currently, this service area is served by ageing copper cables that have reached capacity and a useful life limit. This has prevented 3 Rivers from being able to fulfill new service requests, including deployment of DSL services. The proposed new facilities will provide high speed data and broadband services to all rural customers. The upgrade comprises approximately 250 miles of new fiber optic cable in Teton County. Placement of the cable will mostly be within existing corridors along highway or county roadways and will be trenched to a depth of 36" to 42".

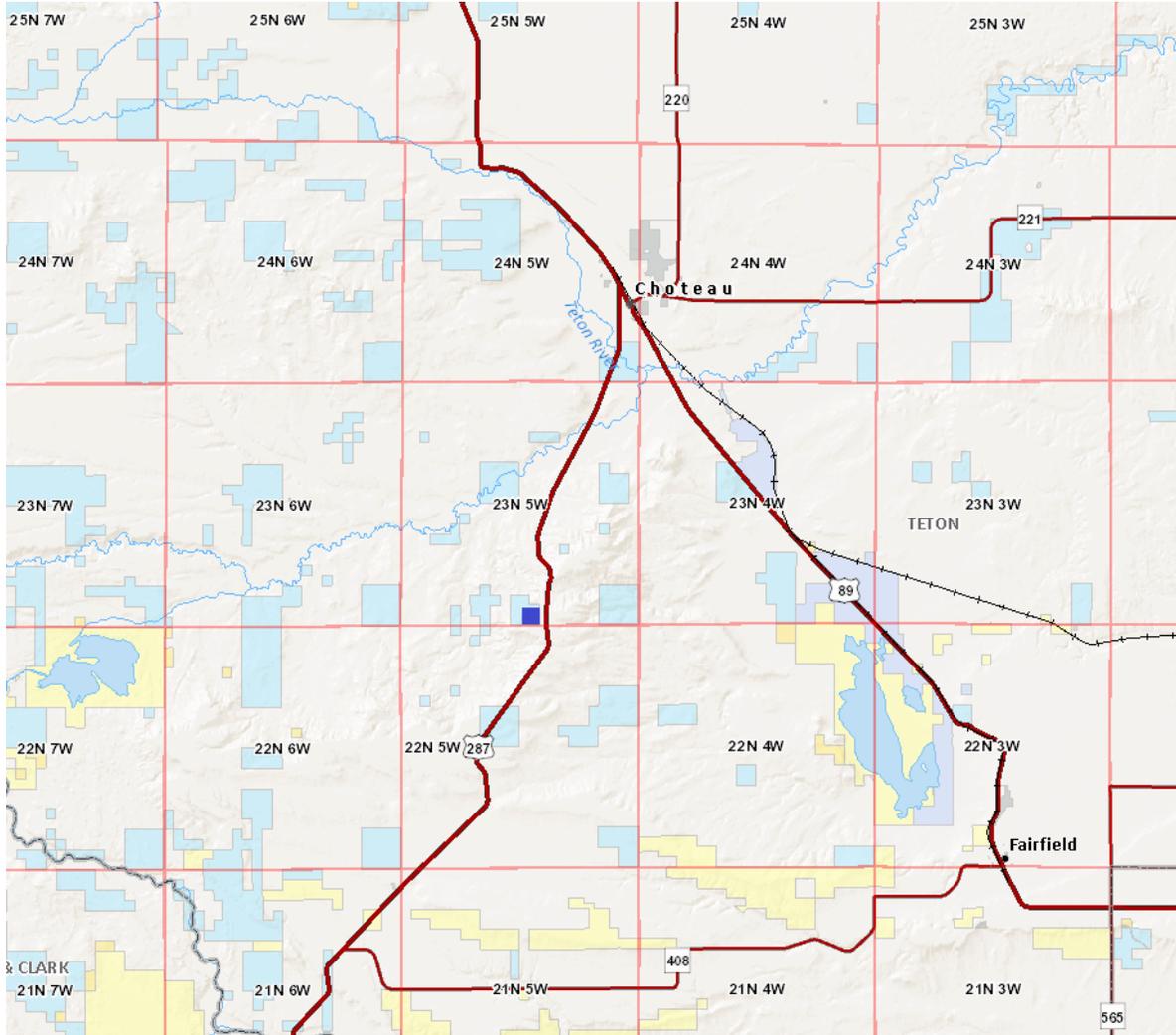
### DNRC Recommendation

The director recommends approval of this buried fiber optic communications request.

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# Rights of Way Applications

April 17, 2017



Application # 17857 – 3 Rivers

# Rights of Way Applications

## April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Range Telephone Cooperative, Inc. Box 127 Forsyth MT 59327
Application No.:	17858
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	3.15
Compensation:	\$1575.00
Legal Description:	20-foot strips through W2SW4, SW4NW4, E2NW4, NW4NE4, Sec. 16, Twp. 1S, Rge. 48E, Powder River County
Trust Beneficiary:	Common Schools

### Item Summary

Range Telephone has made application to upgrade their telecommunications internet service and provide broadband capabilities to subscribers along the East Fork of Otter Creek-Stacey Road and Little Pumpkin Creek Road located northeast of Ashland. The existing copper lines have outlived their life expectancy and need constant maintenance and upkeep. The chosen corridor follows an existing telecommunications route so as to limit impact to the environment. The cable will be buried within previously disturbed terrain, running parallel with Little Pumpkin Road. The proposed route is within sage grouse general habitat. Pursuant to *Sage Grouse Executive Order No. 12-2015* special stipulations will be placed in the easement documents to address mitigation measures, such as restrictions related to construction time periods. This project, identified as Project No.1484850773910, has been approved by the Montana Sage Grouse Habitat Conservation Program.

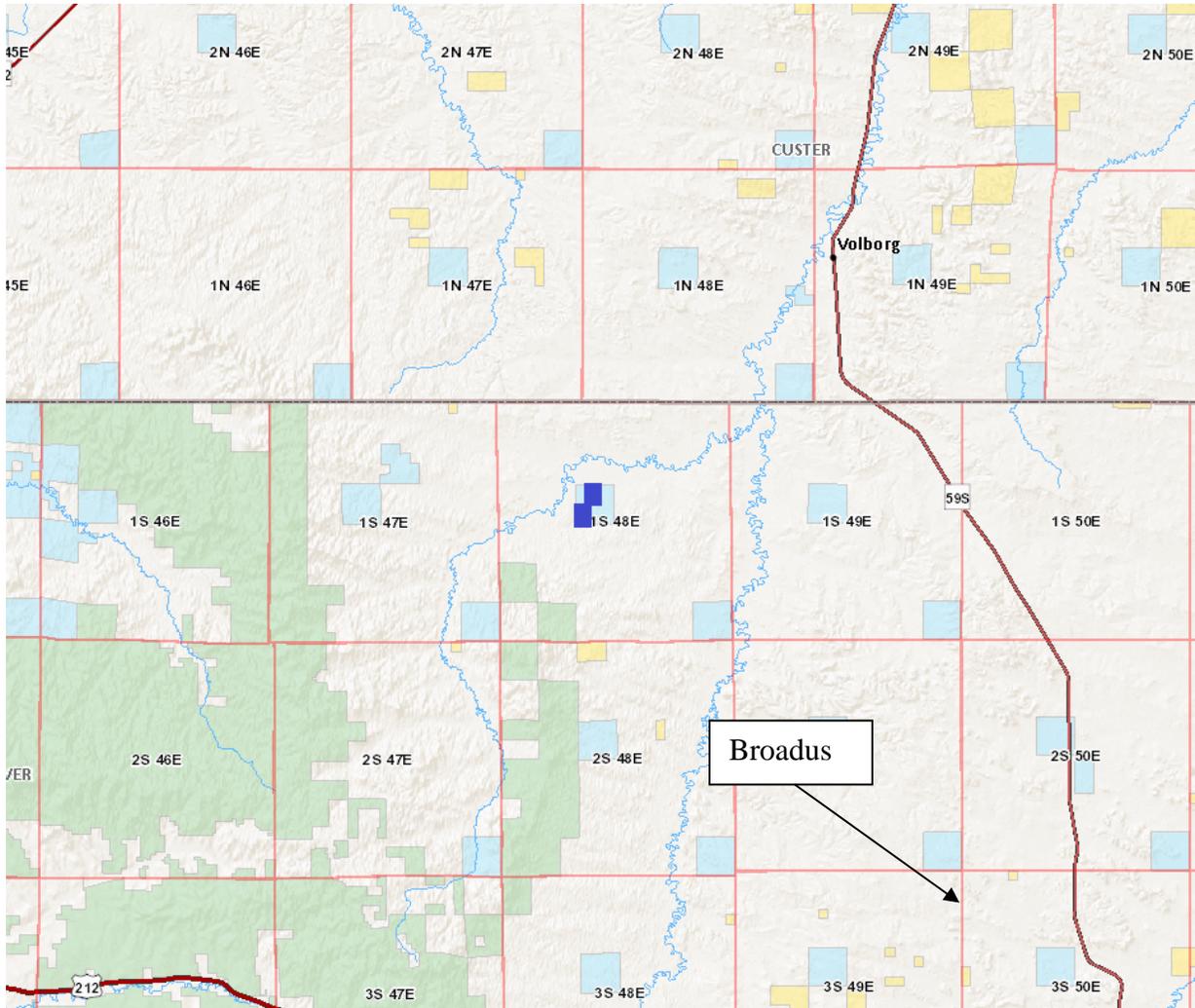
### DNRC Recommendation

The director recommends approval of this buried telecommunications cable request.

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# Rights of Way Applications

April 17, 2017



Application # 17858 – Range Telephone

## Rights of Way Applications

**April 17, 2017**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Project Telephone Co. PO Box 8 Worden MT 59088
Application No.:	17859
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	0.64
Compensation:	\$352.00
Legal Description:	20-foot strip through NW4NW4, Sec. 36, Twp. 4S, Rge. 24E, Carbon County
Trust Beneficiary:	Common Schools

### Item Summary

Project Telephone has made application to upgrade capability to their Belfry, MT and Clark, WY exchanges enabling their customers to receive high speed internet. The proposed easement will lie within a previously disturbed area in or adjacent to the borrow ditch for the county road and will run parallel to the county road. The new cable will be a 72 fiber line which will run from their existing facilities in Pryor to Bridger. The proposed route is within sage grouse general habitat. Pursuant to *Sage Grouse Executive Order No. 12-2015* special stipulations will be placed in the easement documents to address mitigation measures, such as restrictions related to construction time periods. This project, identified as Project No. 1485279284376, has been approved by the Montana Sage Grouse Habitat Conservation Program.

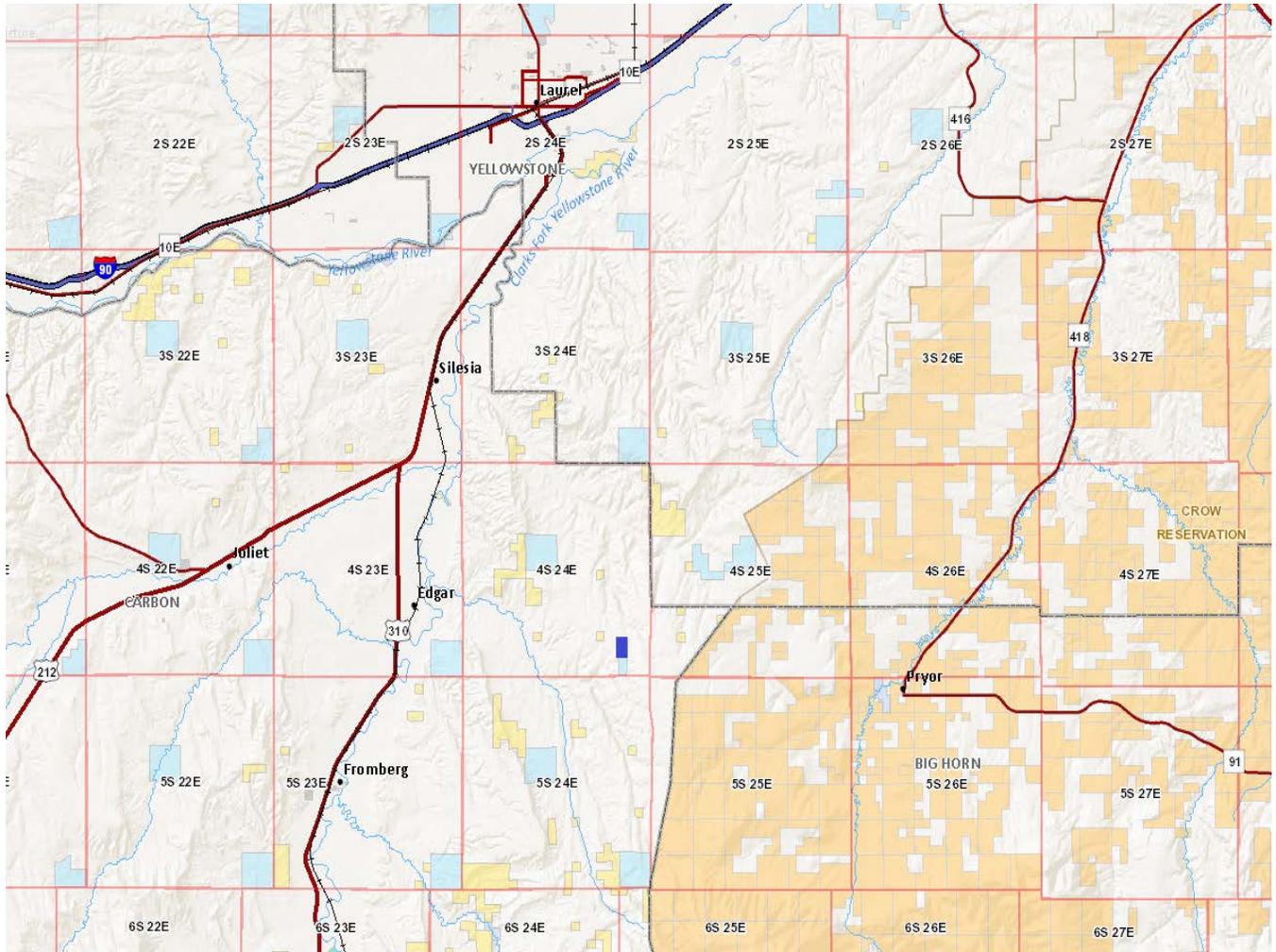
### DNRC Recommendation

The director recommends approval of this buried fiber optic request.

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# Rights of Way Applications

## April 17, 2017



Application # 17859 – Project Telephone

## Rights of Way Applications

**April 17, 2017**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Steen Alme PO Box 486 Shelby MT 59474
Application No.:	17860
R/W Purpose:	a private access road for conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	1.21
Compensation:	\$665.00
Legal Description:	20-foot strip through Government Lot 1, NE4NW4, Sec. 7, Twp. 34N, Rge. 1W, Toole County
Trust Beneficiary:	Common Schools

### Item Summary

Steen Alme has made application for the use of an existing road for the purpose of access for conducting normal farming and ranching operations. The road has been in place for years and authorization for continued use is being requested pursuant to §77-1-130, MCA, which allows for recognition of such historic access. The private property to be accessed is described as:

- Sec. 6, Twp. 34N, Rge. 1W – S2NE4, SE4

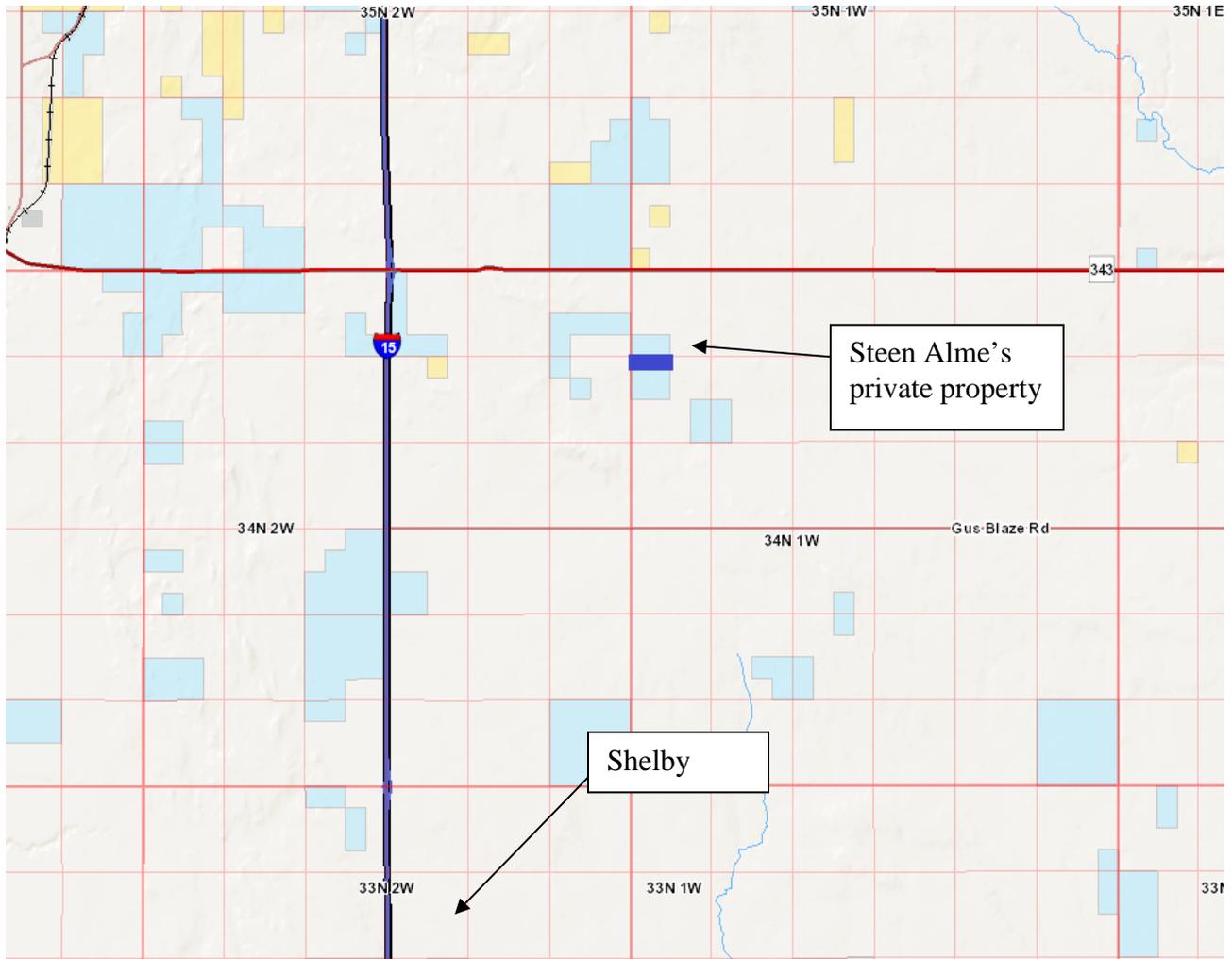
### DNRC Recommendation

The director recommends approval of this historic private access road.

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# Rights of Way Applications

April 17, 2017



Application # 17860 – Steen Alme

## Rights of Way Applications

**April 17, 2017**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Mid-Rivers Telephone Cooperative PO Box 280 Circle MT 59215
Application No.:	17862
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	0.3
Compensation:	\$120.00
Legal Description:	16-foot strips through NW4NW4, Sec. 16, Twp. 19N, Rge. 48E, McCone County
Trust Beneficiary:	Common Schools

### Item Summary

Mid-Rivers Telephone has made application for a buried fiber optic cable. The alignment for the route was chosen to follow existing communication utilities along the existing traveled way, Mayberry Road. Other routes were considered and eliminated for topographical, environmental and economic reasons. This line will provide more effective telecommunications and internet services to the local community near Circle.

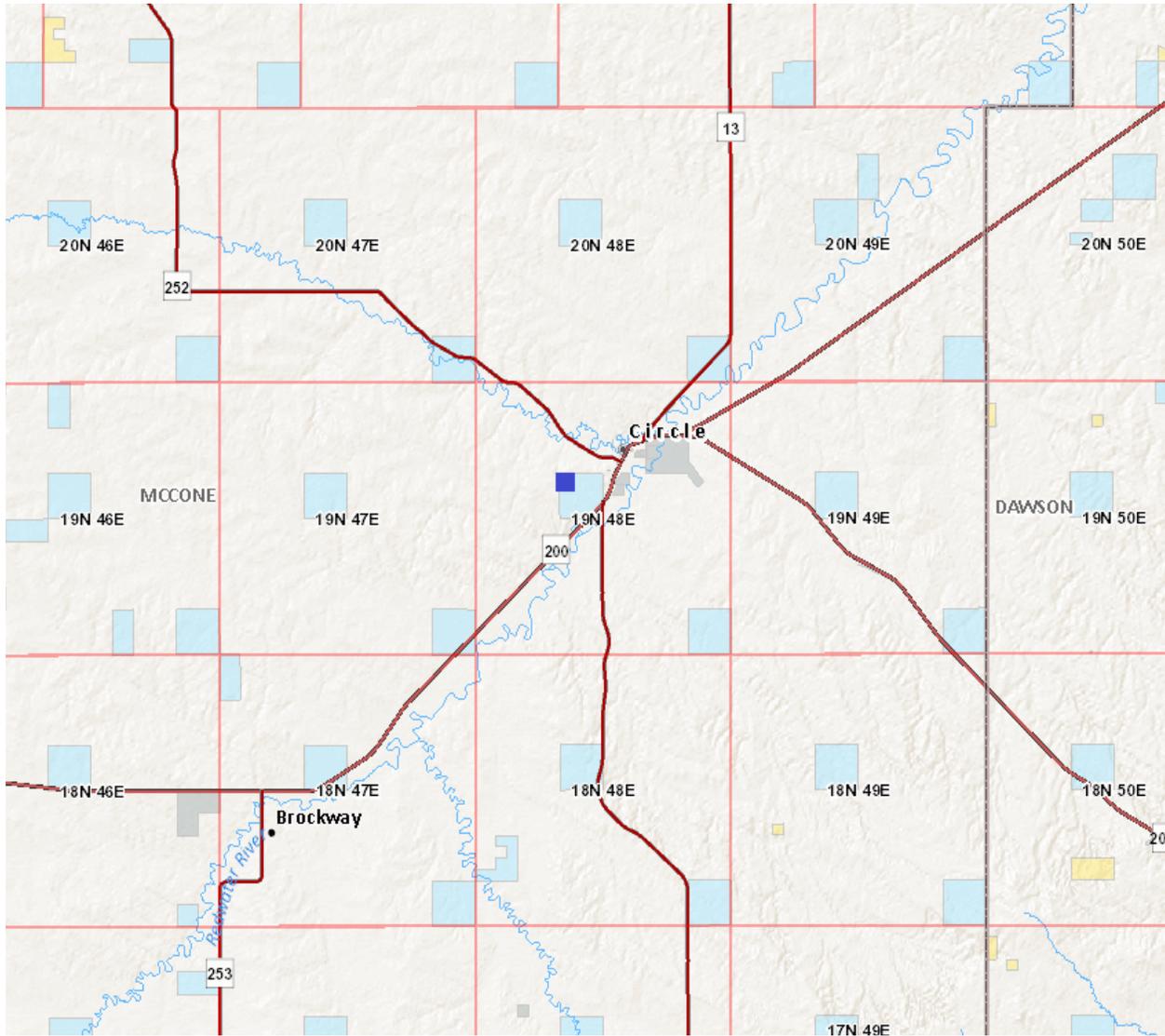
### DNRC Recommendation

The director recommends approval of this buried fiber optic cable.

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# Rights of Way Applications

April 17, 2017



Application # 17862- Mid-Rivers

# Rights of Way Applications

## April 17, 2017

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Yellowstone Pipe Line Company 2626 Lillian Ave Billings MT 59101
Application No.:	10532A
R/W Purpose:	one active and one inert 6" natural gas pipelines across the Missouri River (Hauser Lake)
Lessee Agreement:	N/A (Navigable River)
Acreage:	2.06
Compensation:	\$13,625.00
Legal Description:	50-foot strip through NW4, Sec. 9, Twp. 11N, Rge. 2W, Lewis & Clark County
Trust Beneficiary:	Public Land Trust

### Item Summary

Yellowstone Pipe Line Company has made application to amend an existing easement for a 6" natural gas pipeline in Hauser Lake. The easement area will include one active and one inert 6" gas line. The existing easement was installed in the 1960's with an easement granted by the Land Board in 1994 for a 100-foot width on the lake bed. Over time the pipeline has become partially exposed and grout bags were deployed in 1998, 2008 and 2016 to provide support of the pipeline laying on the lake bed. The amendment request is to replace the existing pipeline with a new 6" line and temporary leave the existing 6" line in place in an inert state. The new pipeline will be horizontally drilled to a depth of 90' below the lake bed. The decommissioned pipeline will remain covered by grout bags so as to not create a hazard for the recreating public and will be completely removed from the existing corridor by December, 2019. The new easement width will be reduced to 50-foot wide and stipulations will be placed within the easement document that after removal of the decommissioned pipeline the easement will revert to a single pipeline corridor. Trust compensation was established through an offer by the applicant of \$125/rod for the amended easement.

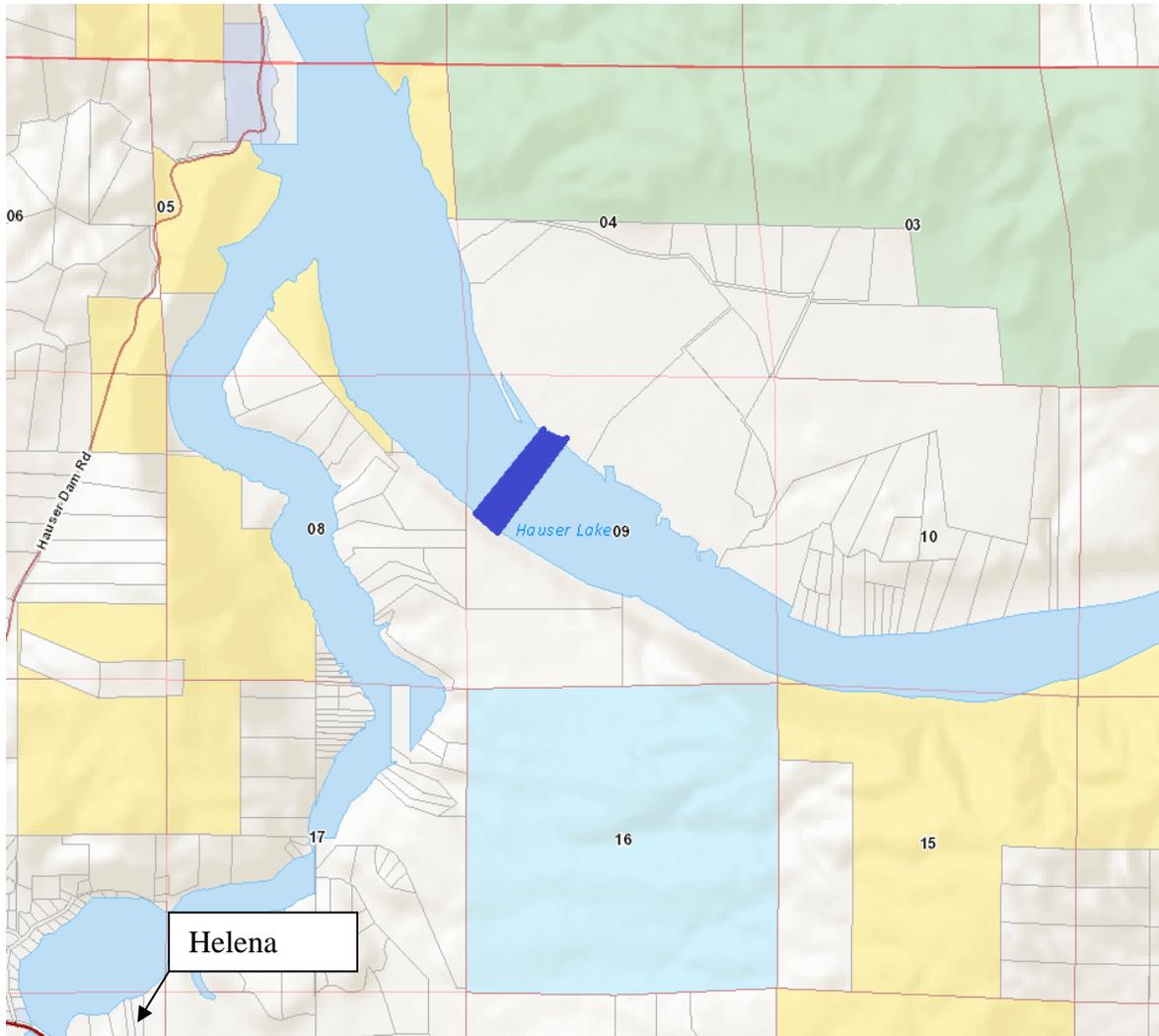
### DNRC Recommendation

The director recommends approval of this 30-Year term amendment request.

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# Rights of Way Applications

April 17, 2017



Application # 10532A – Yellowstone Pipe Line Co.