

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Monday, November 19, 2018 at 9:00 am
State Capitol, Room 303
Helena, MT

ACTION ITEMS

- 1118-1 **FWP: WMA Addition/Fee Acquisition:**
A: Canyon Creek WMA Additions/Fee Acquisition
Benefits: N/A (non-trust land)
Location: Lewis & Clark County
B: Dome Mountain WMA Additions/Fee Acquisition
Benefits: N/A (non-trust land)
Location: Park County
APPROVED 5-0
- 1118-2 **Timber Sales**
Cripple Horse Timber Sale
Benefits: Public Buildings
Location: Lincoln County
APPROVED 5-0
- 1118-3 **Land Banking Parcels: Preliminary Approval for Sale #1048**
Benefits: Public Buildings
Location: Flathead County
APPROVED 5-0
- 1118-4 **Land Banking Parcels: Set Minimum Bid for Sale, Galen**
Benefits: Common Schools
Location: Deer Lodge County
APPROVED 5-0
- 1118-5 **Land Exchange: Final Approval for the Vermiculite Mountain Land Exchange**
Benefits: Common Schools
Location: Lincoln County
APPROVED 5-0
- 1118-6 **Cabin Site Sales: Final Approval for Sale**
A. Flathead County
Benefits: Common Schools and Montana Tech
Location: Flathead County
B. Missoula County
Benefits: MSU 2nd
Location: Missoula County
APPROVED 5-0
- 1118-7 **Easements**
Benefits: Common Schools, Public Land Trust-Nav. Rivers
Location: Big Horn, Daniels, Liberty, Madison, McCone, Meagher, Sweet Grass, Valley and Yellowstone Counties
APPROVED 5-0
- 1118-8 **INFORMATIONAL ITEM: 2018 State Trust Lands Report**
Benefits: N/A
Location: statewide

PUBLIC COMMENT

1118-1

FWP: WMA Addition/Fee Acquisition:

A: Canyon Creek WMA Additions/Fee Acquisition

B: Dome Mountain WMA Additions/Fee Acquisition

**Land Board Agenda Item
November 19, 2018**

1118-1A FWP: Canyon Creek WMA Additions/Fee Acquisition**Location: Lewis & Clark County, Montana****Trust Benefits: n/a****Trust Revenue: n/a**

Item Summary Fish Wildlife and Parks (FWP) is seeking Land Board approval to acquire two additions to the Canyon Creek Wildlife Management Area (WMA): 1) the Cartan addition would add approximately 229 acres of important wildlife habitat to the WMA (+/- 59-acres between the Mill Creek Unit and Hwy 279 and +/- 170 acres 1.25 miles south of the WMA, total appraised value of \$470,000); and 2) the Palmquist addition would add approximately 6 acres between the Mill Creek Unit and the highway (appraised value of \$7,857/acre, actual acreage to be surveyed). The primary goal of both projects is to ensure the ecological integrity of the WMA while conserving wildlife habitats that extend beyond the bounds of the WMA. Two of the three parcels under consideration would establish a new WMA boundary against the Lincoln Road (Highway 279), avoiding potential development that could otherwise directly impact the WMA's habitat and recreation values. These parcels, like the existing Canyon Creek WMA, would provide 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., use the area. Acquisition would further protect a stream corridor while also providing increased angler access, providing additional fishing opportunity for brook trout and rainbow trout in Canyon Creek.

The properties are located within the focus area of the Montana Fish and Wildlife Conservation Trust, which applies funds – originally derived from the sale of Canyon Ferry cabin-site leases – to land conservation and public access, with an emphasis on projects in the upper Missouri River drainage. MFWCT would be the primary funding source for the projects.

FWP completed a 30-day public comment period on the draft EAs. A public hearing was held on September 20. Two individuals who commented during the hearing also provided written comments. A total of nine individuals and organizations indicated support for FWP to acquire the Cartan parcels. One individual registered opposition to FWP acquiring the 178-acre Cartan parcel. A total of eight individuals and organizations indicated support for FWP to acquire the Palmquist property; no opposition was expressed for this particular acquisition.

FWP Commission approval was received October 17, 2018.

FWP Recommendation

FWP recommends the members of the Land Board approve FWP's acquisition of the 3 parcels totaling approximately 235 acres for additions to the Canyon Creek WMA.

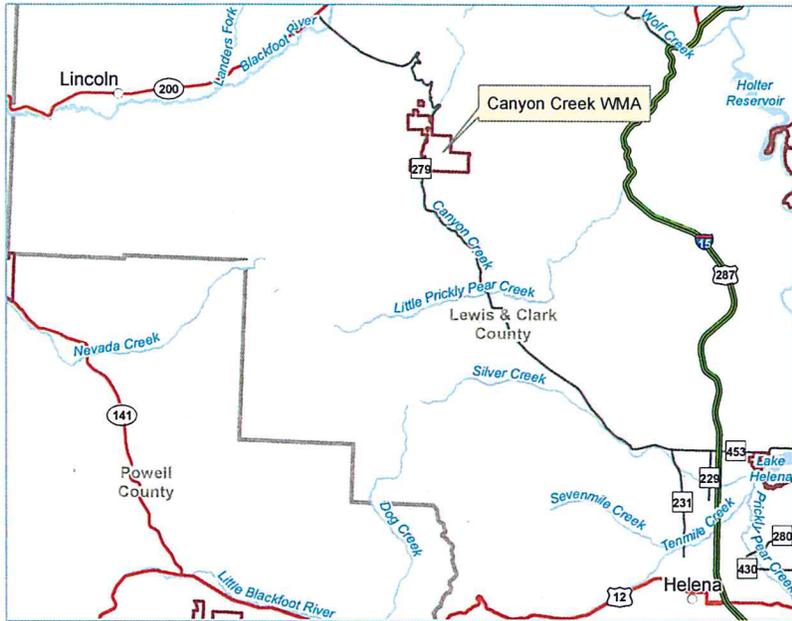


Figure 1. Location of Canyon Creek WMA, approximately 26 miles northwest of Helena, along the Lincoln Road (Highway 279), Lewis and Clark County.

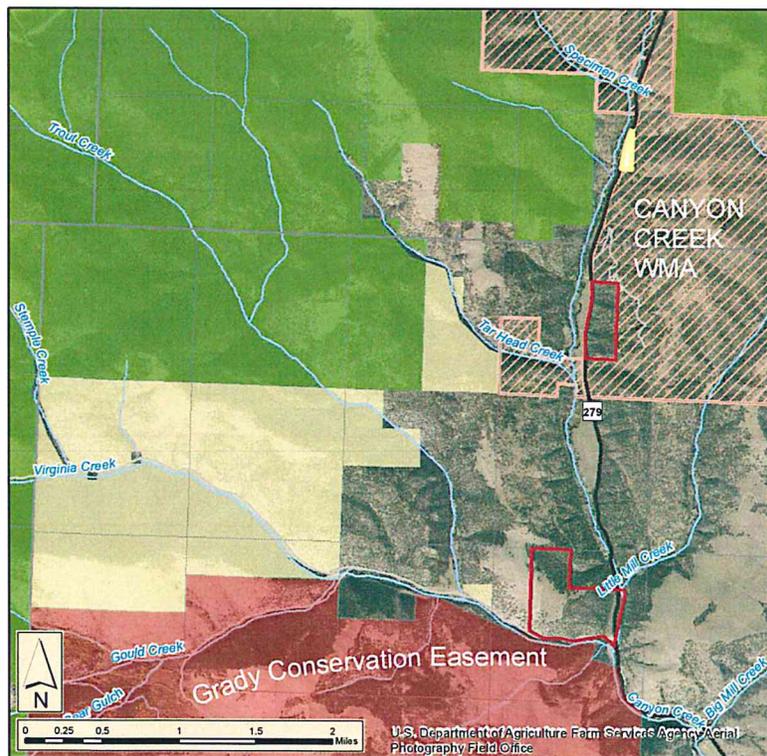
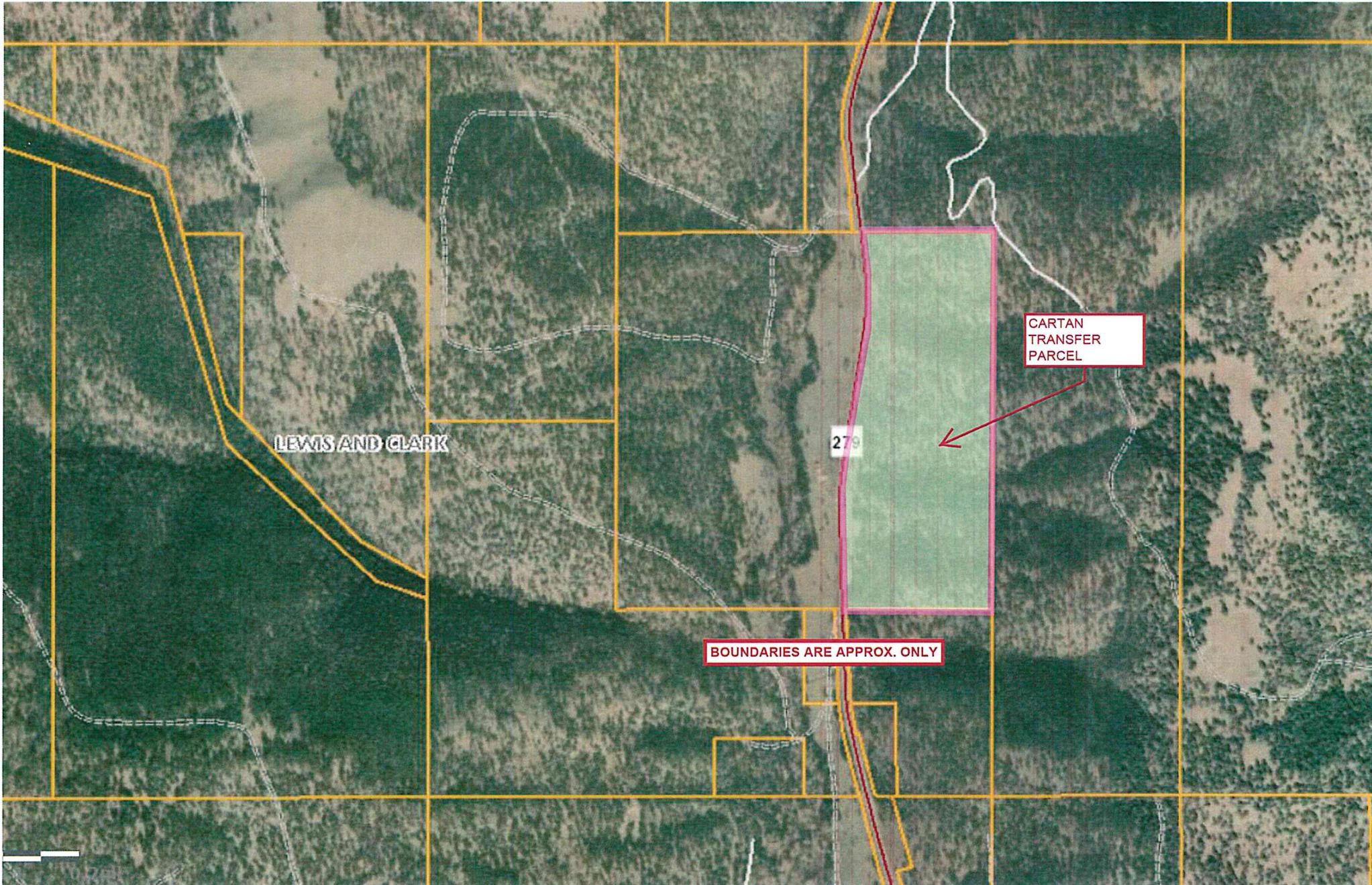
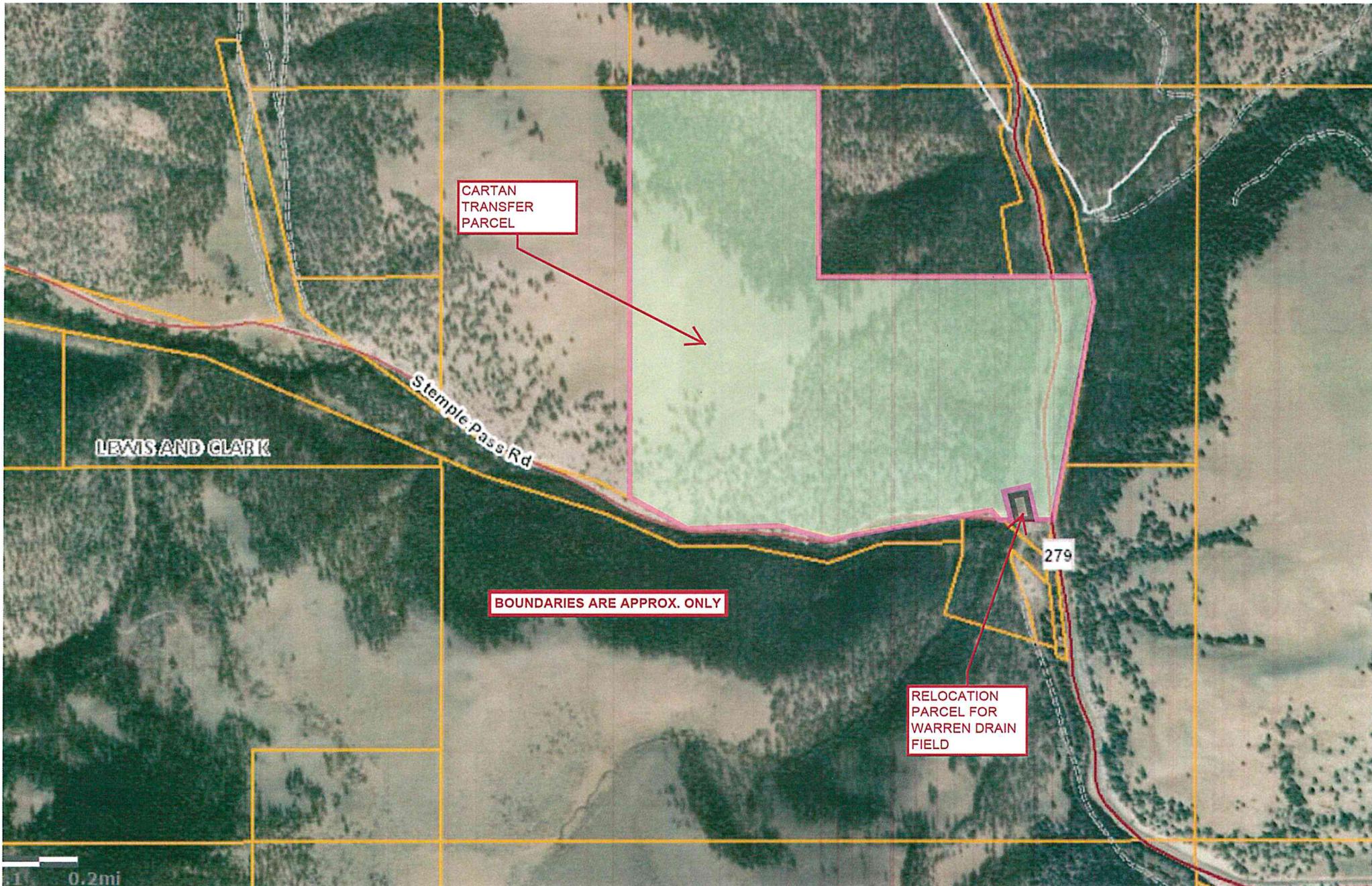


Figure 2. Proposed additions to Canyon Creek WMA totaling approximately 229 acres (Cartan – Red Polygons) and 4-7 acres, subject to final acreage survey (Palmquist – Yellow Polygon).







DECISION NOTICE
CANYON CREEK WILDLIFE MANAGEMENT AREA
- CARTAN ADDITION -
ENVIRONMENTAL ASSESSMENT
Montana Fish, Wildlife & Parks
Region Three, Bozeman
September 2018

Proposed Action

Montana Fish, Wildlife and Parks (FWP) proposes to acquire approximately 237 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 a portion of the Canyon Creek drainage. The property would be an addition to the existing ~3090-acre Canyon Creek Wildlife Management Area (WMA) northwest of Helena.

FWP is concurrently proposing to acquire approximately six acres from the Palmquist Family in the same area. The Palmquist Family property would also be an addition to the Canyon Creek WMA. This proposed addition was evaluated in a separate EA with a separate Decision Notice.

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, and the fish species composition is likely similar to tributaries on the western portion of the WMA. Canyon Creek, Weino, Specimen, and Tar Head Creeks flow through the western portion of the WMA and contain mottled sculpin and rainbow, brown, brook, and native westslope cutthroat trout. Public recreation opportunities include hunting, fishing, wildlife viewing, hiking, horseback riding, and picnicking. Public access to adjacent public land (United States Forest Service, United States Bureau of Land Management, and Department of Natural Resources and Conservation) is also provided with this WMA.

The benefits of acquiring the additional property include increasing the amount of existing, contiguous protected wildlife habitat and further protection of a stream corridor containing native westslope cutthroat trout. 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. 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. A complete list of those species that are predicted to be present in the vicinity is included in Appendix A. 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.

- Acquisition of this property may be important for future westslope cutthroat trout (WCT) population expansion, restoration, and habitat improvement projects as WCT inhabit Tar Head Creek and other nearby Canyon Creek tributaries. In addition, recreational fishing opportunities for rainbow, brown, and brook trout would increase throughout the Canyon Creek stream corridor.
- Acquisition of this property would avoid potential development that could otherwise directly impact the WMA's habitat and recreation values. Hunter use is expected to exceed 500 hunter days annually. Angler access would increase on Canyon Creek with additional fishing opportunities for rainbow, brown and brook trout. 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.

If the acquisition is completed, the additional 237 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 acquire the property from the Cartan Family. Eventually, the property would likely be sold and developed, leaving open the potential for possible conflicts on adjacent WMA lands.

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 2018. The public comment period was for 30 days with a deadline of 5:00 pm September 25, 2018.

Additionally, a public hearing was hosted by FWP at the FWP Headquarters building in Helena on the evening of September 20. 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 or emailed to over 30 interested groups and individuals and adjacent landowners, in addition to internal FWP

distribution. Additional opportunity for public participation was possible this past spring (2018), when the Montana Fish and Wildlife Conservation Trust issued a request for public comment.

Summary of Public Comments

A public hearing was held for this proposal and the Palmquist proposal. Eight people signed in at the public hearing in Helena. Seven individuals testified and offered comment: six individuals were in support of one or both proposals (4 both, 1 Cartan, 1 Palmquist) and offered specific suggestions for FWP to consider. One individual opposed the acquisition of the 178-acre Cartan parcel. Two individuals who commented at the hearing also provided written comment. Six comment letters were received from individuals or organizations via mail and regular mail during the comment period on the proposed action.

A total of nine individuals and organizations indicated support for FWP to acquire the Cartan property for addition to the Canyon Creek WMA. One individual registered opposition to FWP acquiring the 178-acre parcel.

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. Another spot for the public to enjoy the outdoors; use plan looks great; shouldn't cost much to maintain the added acres
 - b. Public access is a critical aspect to public support for projects such as this one
 - c. Public access to adjacent public land is provided with this WMA
 - d. Protects and improves fish, wildlife, and water quality resource values important to residents of the state
 - e. Canyon Creek WMA is important resource for citizens of Lewis and Clark County and the state
 - f. These additions make sense from both wildlife habitat and public access perspectives
 - g. The Canyon Creek WMA represents high quality big game habitat
 - h. These additions will add important habitat
 - i. These additions will improve public access to the WMA; many of our BHA Helena-area members hunt this 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 as well as providing recreational opportunity on the property.

2. Comments related to weeds on the property
 - a. Weed problem is a big concern; FWP did take care of weeds on Tar Head Creek Unit at time of purchase but FWP said there were not enough funds to continue with weed management on existing WMA

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.

Management of the existing WMA is outside the scope of this project; however, FWP has funds to continue weed management, has continued to treat weeds across all units of the WMA, and has documented such work. Weed management is a priority on this WMA.

3. Comments related to fencing, signing, and human trespass on neighboring property
 - a. Lack of boundary fence on the north side between 178-acre Cartan parcel and Leite property; no boundary for hunters; install a fence on this boundary
 - b. FWP said there were not enough funds to continue maintaining fence on existing WMA
 - c. Hunters have entered Leite's property and caused many problems; torn down gates, driven on property, cut fence, twisted wires open; two lost hunters came through Leite's fence and down onto Leite's property at the back of the house
 - d. FWP put up signs but not along the full length of the property line between Leite's and the southern boundary of Tar Head Creek unit

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.

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.

Management of the existing WMA is outside the scope of this project; however:

- *FWP has continued to maintain fence and to remove downed trees on shared boundaries with both public and private land. FWP has also installed or replaced fencing across the WMA, where determined to be necessary for resource protection and cost effective.*

- *The boundary of the Tar Head Creek unit was signed along both public and private land boundaries after it was acquired, and additional signs were added in subsequent years, including in 2017 during fencing repair and replacement. Signing follows FWP's boundary signing standards, which does not include "No Trespassing" signs.*

4. If FWP does not want livestock grazing on the proposed acreage, the property boundaries must be addressed

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) may be explored. 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.

5. a. Target shooting on WMA for the past two years; one time with a semi-automatic rifle
 b. Fear that visitors to Leite property could be shot by overly zealous hunter or stray bullet

FWP Response: Weapons discharge would only be allowed for lawful hunting purposes. Target practice and clay bird shooting would be prohibited at this WMA. Additional laws would apply and may be found on FWP's website, www.fwp.mt.gov (by authority of MCA codes: 87-1-303, 87-6-201, and 87-5-402). FWP encourages lawful and ethical hunting practices. FWP would recommend that unlawful activity be reported to 1-800-TIP-MONT.

6. Note that Stemple Pass Rd is a county road in the draft EA and that FWP will need to work with the Lewis and Clark County Commissioners and Public Works Department regarding any future access permitting requirements, public signage, etc. when constructing a day-use parking area

FWP Response: FWP's Design and Construction staff would visit the property to assess placement of a suitable public approach and parking area. Depending on where the safest approach for public use of the project property would likely be, FWP Design and Construction staff would be in communication with Montana Department of Transportation (Hwy 279) or Lewis and Clark County (Stemple Pass Rd) 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.

7. Comment related to existing infrastructure
 a. Work with the Cartan family to consider removing the old, decayed buildings, corrals, and other worn out structures on the 178-acre parcel
 b. Identify the existing septic drain field and electric power meter and box in the draft EA and explain how they will be managed in the future

FWP Response: The structures would be left "as is," and FWP would not plan to maintain the existing structures on the parcel. The drain field area would be surveyed out of the property being acquired, along with the house on the corner south of Stemple Pass Rd, and

FWP would not acquire either the drain field or the house. FWP would plan to have the electric meter and box disconnected.

8. Not notified about this project until postcard dated August 29, 2018 received

FWP Response: In compliance with MEPA, a draft Environmental Assessment (EA) was completed on the proposed action by FWP and released for public comment in August 2018. The public comment period was for 30 days from the date the EA was posted on the FWP website, with a deadline of 5:00 pm September 25, 2018.

9. Given recent and future discussions and legal opinions about approval of land acquisitions and easements, this project should be supported and approved by the Fish and Wildlife Commission and the Land Board

FWP Response: The project will be reviewed by the Fish and Wildlife Commission and, if endorsed, would subsequently be reviewed by the Board of Land Commissioners.

10. Preserve history of the Cartan Property

FWP Response: When the revision of the Canyon Creek WMA Management Plan is completed, the history presented in the One-Room Schoolhouse story would be summarized in the History section of that document, along with other historical information learned during development of this project.

11. Comment related to management plans

- a. Short and long-term management of the project properties and existing WMA needs to follow the statement in the draft EA: "Per state law, 87-1-201(9) MCA, FWP is required to implement programs that address fire mitigation, pine beetle infestation, and wildlife habitat enhancement..."; short and long-term management plans for the entire WMA should address fire mitigation, noxious weed concerns, hunter education regarding no target shooting, trespass, law enforcement issues (drug activity, etc), long term effects of mountain pine beetle and spruce bud worm infestations, drought, insects, and disease
- b. FWP staff should have a clear understanding of existing dead to live forested timber stands within the proposed acreage and long-term fire mitigation of managing and identifying the existing trails and road systems that can be maintained for emergency response vehicles for wild land fire prevention, mitigation, and fire suppression

FWP Response: The overall objectives for this project include maintaining or improving the wildlife and fisheries values of the property. Current and future revisions of the Canyon Creek WMA Management Plan would address some of these issues: wildfire control, noxious weed management, public unfamiliarity with regulations, and boundaries. Laws and other FWP management plans would also apply to management of this property.

FWP would develop and implement forest management plans for this property to comply with this statute, 87-1-201(9) MCA, and FWP would implement noxious weed management

with guidance from the FWP Statewide Integrated Noxious Weed Management Plan (June 2008).

Weapons discharge would only be allowed for lawful hunting purposes. Target practice and clay bird shooting would be prohibited. Additional laws would apply and may be found on FWP's website, www.fwp.mt.gov (by authority of MCA codes: 87-1-303, 87-6-201, and 87-5-402).

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.

FWP area game wardens would plan to respond to unlawful activities and would plan to patrol this area, as allowable with other regional responsibilities. They would also work with other law enforcement agencies as necessary.

Public motorized access would be limited to the parking area 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, and to date has only located one route, a short two-track on the lower portion of the 178-acre parcel.

Management of the existing WMA is beyond the scope of this project; however, the existing road prism on Specimen Creek, Tar Head Creek, and the Mill Creek unit would provide a ready means for emergency access should the need arise to respond to fire. After 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.

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 Fish and Wildlife Commission and the Board of State Land Commissioners.

A handwritten signature in black ink, appearing to read "Mark Deleray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Deleray, Region 3 Supervisor
Montana Fish, Wildlife & Parks

September 28, 2018

**Land Board Agenda Item
November 19, 2018**

1118-1B FWP: Dome Mountain WMA Addition/Fee Acquisition

Location: Park County, Montana

Trust Benefits: n/a

Trust Revenue: n/a

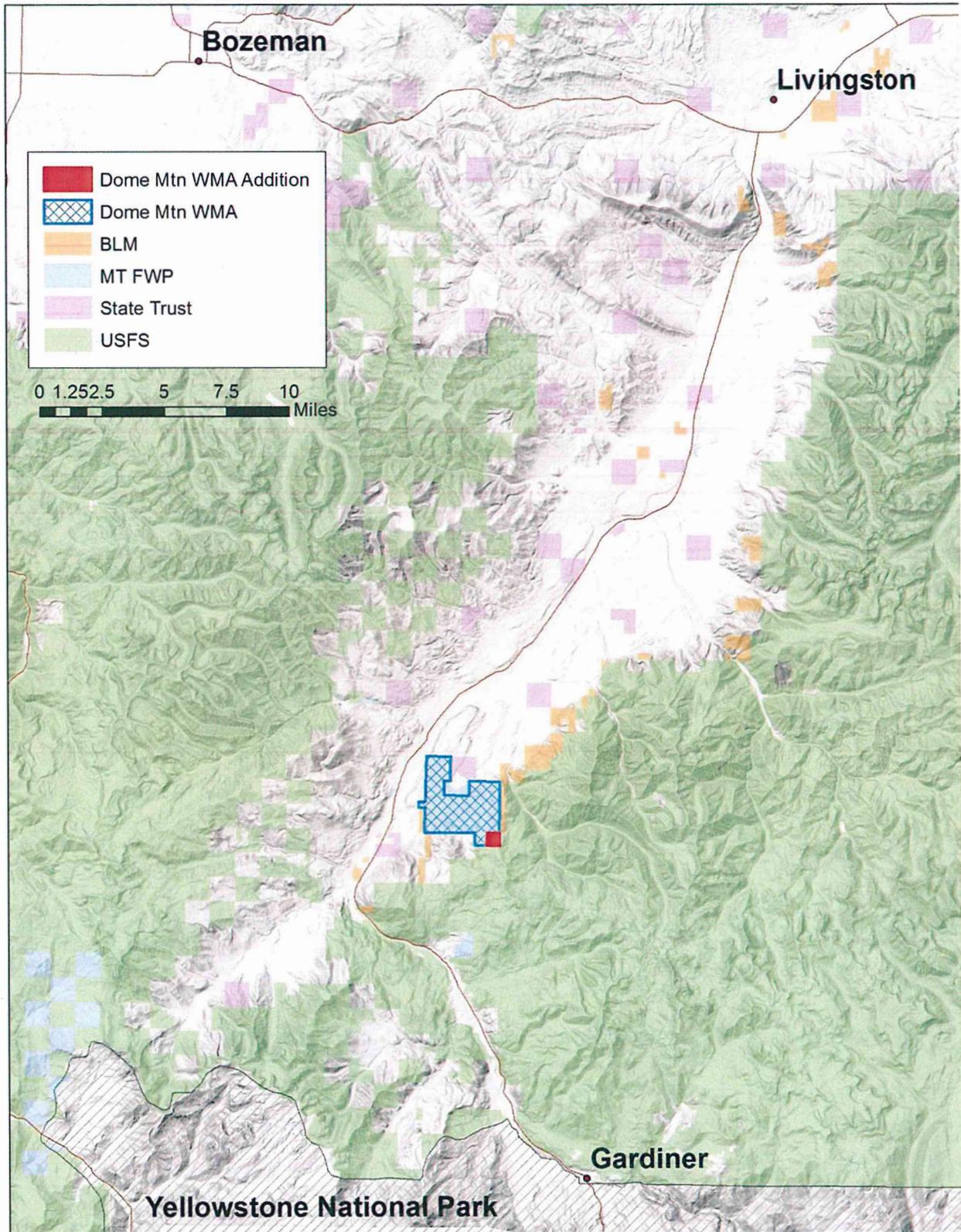
Item Summary Fish Wildlife and Parks (FWP) proposes to acquire a private, 161-acre inholding within an expanse of public land including the Dome Mountain Wildlife Management Area (WMA) and adjacent to Custer-Gallatin National Forest. The department further proposes as part of this final action to assign the conservation easement on this inholding, currently held by FWP, to the Rocky Mountain Elk Foundation. Acquiring this inholding, that also includes a year-round road- access easement across the WMA, is critical to maintaining the functional integrity of the WMA and surrounding public lands near the divide between Paradise Valley and Gardiner Basin. The property lies within important bull elk winter range and is adjacent to an important migratory corridor for elk. The area is important for connectivity between winter and summer ranges for the migratory northern Yellowstone elk herd, as well as population connectivity and dispersal corridors for many species of wildlife including grizzly bears. This parcel is a small but important addition to the WMA and to an expanse of native habitat that provides wildlife and recreational connectivity between Yellowstone Park and areas to the north in Montana. The parcel was purchased by The Conservation Fund, subject to an option agreement, to help FWP bridge this acquisition. The value of the inholding was appraised at \$1.37 million. TCF intends to sell the parcel to FWP as a bargain sale for \$550,775. The parcel would be a strategic addition to the WMA, helping retain the area's high resource and recreational values.

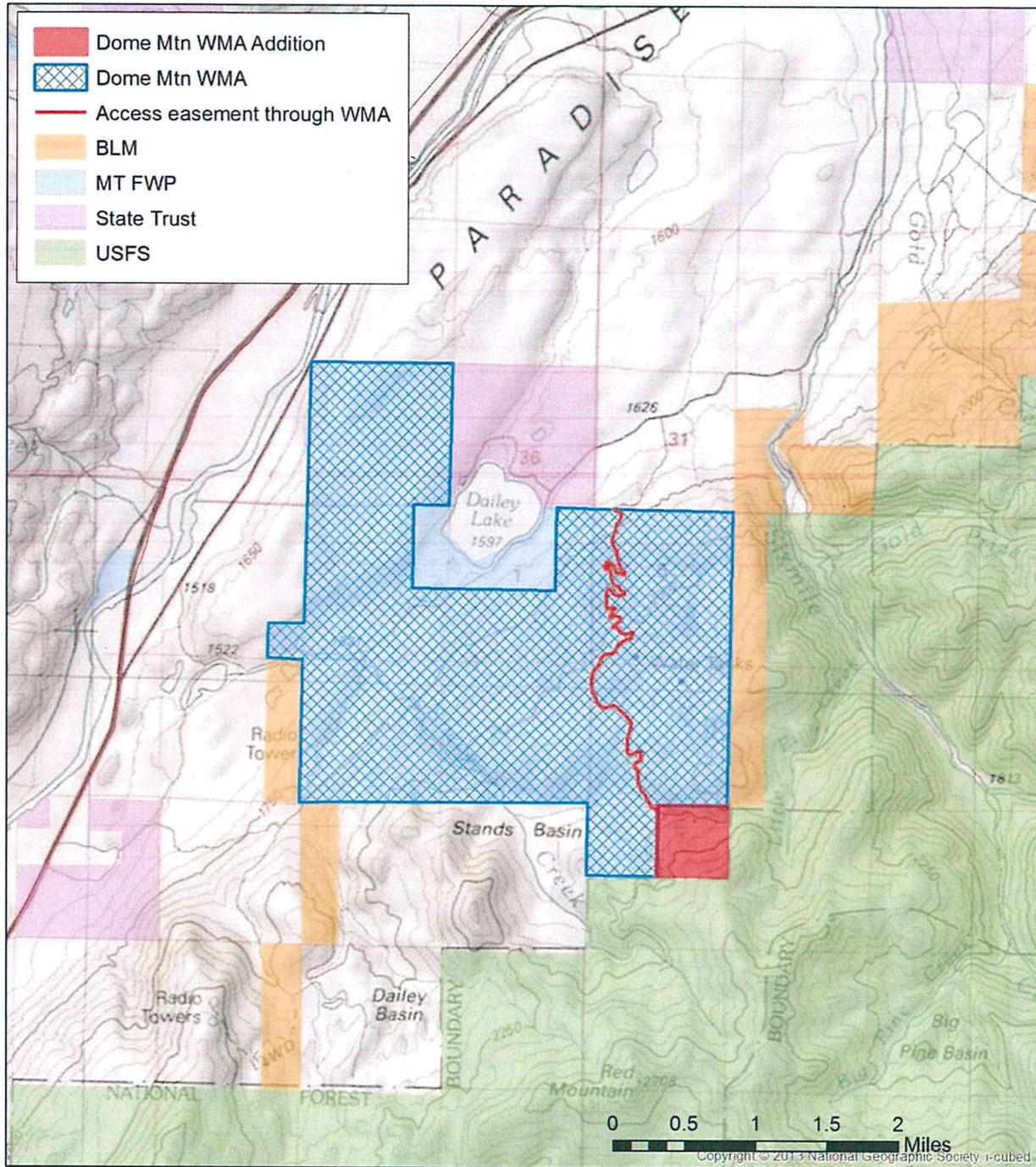
FWP released a draft environmental assessment seeking public review of the proposed acquisition on May 5, 2018; it was available for public comment for 30 days. A legal notice of the proposal and availability of the draft EA was published in two newspapers, and notification of the EA's availability was emailed to a Livingston area distribution list of over 100 interested persons held by the Livingston biologist. FWP received a total of 14 comments, including 10 from private individuals and four from organizations. One individual submitted a comment in opposition to the proposed acquisition; all others were in support.

FWP Commission approval was received October 17, 2018.

FWP Recommendation

FWP recommends the members of the Land Board approve FWP's acquisition of the 161-acre addition to the Dome Mountain.







Environmental Assessment Decision Notice
Dome Mountain Wildlife Management Area Addition
Montana Fish, Wildlife & Parks
Region 3, Bozeman
August 2018

Proposed Action and Need

The enclosed Decision notice has been prepared for the proposed acquisition of a 161-acre addition to the Dome Mountain Wildlife Management Area (DMWMA) through purchase from a private landowner.

This acquisition will be a small but important addition to DMWMA and to an expanse of native habitat currently conserved as public land providing wildlife and recreational connectivity between Yellowstone Park and areas to the north in Montana. The proposed acquisition would result in the parcel and adjacent larger landscape being managed consistently for wildlife conservation and public recreation, with high potential for positive impacts for wildlife, habitat, and public opportunity.

Corrections to Draft Environmental Assessment

The Environmental assessment incorrectly stated that the dwelling on the parcel was built 70 years ago and is considered to be of cultural significance. During due diligence, the status of the dwelling on the parcel was clarified to have been built in the late 1980's. Structures that are 50 years or older may be considered culturally significant by the State Historic Preservation Office. Since this dwelling was built approximately 30 years ago, it is not considered a cultural resource. FWP intends to remove the dwelling in order to restore native habitat for fish and wildlife in the meadow and riparian area where the dwelling and its outbuildings are located.

Public Process and Comments

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environments. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on May 5, 2018. The public was notified that the EA was available for review and comment as follows:

- o Public notices in The Bozeman Chronicle and The Livingston Enterprise
- o Public notice on the Fish, Wildlife and Parks web page: fwp.mt.gov
- o Interested parties were notified by email

Public comments on the proposed action were taken for 30 days (through June 3, 2018).

A total of 10 individuals and 4 organizations commented on the proposed acquisition. One individual was opposed, all others were in support, and some management suggestions were included. FWP's response to comments are in bold in Table 1.

FWP thanks all parties that took time to provide comments on the proposal.

Table 1. Summary of comments received regarding the proposed Dome Mountain WMA Addition:

PARTY	FROM	SUPPORT OR OPPOSE	COMMENTS
9 Individuals	Park and Gallatin Counties	Support	Nine letters or emails of support without management suggestions or additional comments were received. Letters were supportive of acquisition for the purpose of conserving habitat for fish and wildlife and for providing recreational opportunities. FWP response: Thank you for your comments
1 Individual	Gardiner, MT	Oppose	The FWP cannot even control the weeds in their fishing access sites, how on earth will they control them in such a remote location. Absolutely against the sale of this parcel FWP response: Thank you for your comment. The parcel has a weed infestation in the area surrounding the home site. FWP will treat those weeds using chemical treatment and mechanical removal in order to conserve native vegetation.
Montana Audubon		Support	We would like FWP, as much as possible, to manage the newly acquired Dome Mountain WMA parcel for its native vegetation. It is especially important for FWP to manage its wetland and riparian lands in a way that allows recreationists to access the area, but also protect this important habitat for both fish and wildlife habitat. FWP response: Thank you for your comment. FWP agrees with these comments and intends to manage for native vegetation including pursuing opportunities for habitat projects to enhance and maintain the riparian/wetland area on this parcel.
Montana Sportsmen Alliance, Park County Rod & Gun Club, Gallatin Wildlife Association		Support	Email comments were received from these three organizations expressing support for the acquisition, without offering any additional comments or management suggestions. FWP response: Thank you for your comments

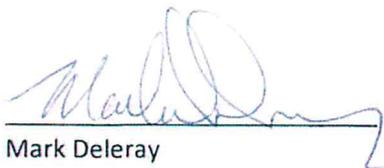
Final Environmental Assessment

The Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment and public comment, it is my decision to approve the proposed action to acquire the 161-acre parcel for addition to the Dome Mountain Wildlife Management Area, pending Fish and Wildlife Commission approval.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



Mark Deleray
Region 3 Supervisor
Montana Fish Wildlife and Parks

Environmental Assessment

Dome Mountain Wildlife Management Area Addition



August 2018



**Montana Fish,
Wildlife & Parks**

PART I. PROPOSED ACTION DESCRIPTION

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on this proposal to acquire a 161-acre addition to its Dome Mountain Wildlife Management Area (DMWMA) through the purchase from a private landowner. FWP’s purpose for purchasing the land is to remove a private inholding in order to better manage DMWMA for wildlife values and recreational opportunity.

Agency authority for the proposed action: Montana Fish, Wildlife and Parks (FWP) has the authority under state law (§ 87-1-201, Montana Code Annotated (MCA) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future, and to acquire land for this purpose (§ 87-1-209, MCA). In 1987, the Montana Legislature passed HB526 which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee-title acquisition (§ 87-1-241 and 242, MCA). The Habitat Montana Program, developed as a result of this legislation, provides direction for all FWP’s wildlife habitat acquisition programs.

Anticipated Schedule: Purchase is proposed to be completed by July 2018

Location affected by proposed action: (See Maps 1 & 2 below) This property is adjacent to the southeast corner of the Dome Mountain Wildlife Management Area (WMA), located 31 miles south-southwest of Livingston and 14 miles north-northwest of Gardiner and Yellowstone Park in FWP’s Region 3 in the upper Paradise Valley in Park County, legally defined as the northeast ¼ of Section 18 in Township 7 South, Range 8 East.

Project size -- estimate the number of acres that would be directly affected that are currently:

<u>Acres</u>	<u>Acres</u>
(a) Developed:	(d) Floodplain <u>0</u>
Residential <u>1</u>	
Industrial <u>0</u>	(e) Productive:
(existing shop area)	Irrigated cropland <u>0</u>
(b) Open Space/	Dry cropland <u>0</u>
Woodlands/Recreation <u>0</u>	Forestry <u>82</u>
(c) Wetlands/Riparian <u>5</u>	Rangeland <u>73</u>
Areas	Other <u>0</u>

Permits, Funding & Overlapping Jurisdiction:

- a) Proposed funding:
FWP (Habitat Montana and Pitman-Robertson Funds) estimated \$400,000 – \$600,000
- b) No permits required
- c) No overlapping jurisdictions

Narrative summary of the proposed action:

FWP proposes to acquire a private inholding of 161 acres as an addition to the Dome Mountain Wildlife Management Area (DMWMA). The parcel is strategically located within an expanse of native intact habitat near the divide between Gardiner Basin and Paradise Valley, adjacent to DMWMA and the Custer-Gallatin National Forest.

The WMA and surrounding area supports elk, mule deer, white-tailed deer, bighorn sheep, black and grizzly bears, wolves, mountain lions, antelope, a suite of nongame wildlife, and provides abundant opportunity for hunting and recreation. This parcel would be incorporated into the WMA and managed for the same objectives of wildlife, conservation and public opportunity.

The parcel was retained as a private inholding that also includes a yearlong travel easement through DMWMA to the parcel, both negotiated as terms when the property was sold to establish the Wildlife Management Area. A purchase option and right of first refusal was assigned from Rocky Mountain Elk Foundation to FWP in 1990, allowing the department to purchase the inholding at 32% of today's appraised value. The Conservation Fund has partnered with FWP to assist with this acquisition; it will purchase and hold the parcel to meet the time-line for the Right of First Refusal, thereby allowing FWP sufficient time to conduct public process.

This property includes grassland/shrub-grassland habitat and Douglas fir forest, with a stream, riparian area, and aspen. The area lies within important bull wintering range and is near an important migratory corridor. It is used by mixed groups of elk occasionally through winter and more heavily as they stage and begin their spring migration. The area is occupied by grizzly bears and represents important habitat for dispersal and connectivity for grizzlies as well as other widely ranging wildlife species. It contains a mix of several priority habitats and is connected to larger expanses of these habitats on adjacent public lands. This parcel would be a small but important addition to an expanse of native habitat that is conserved as public land and provides connectivity between Yellowstone Park and areas to the north in Montana.

Hunting and fishing opportunities are abundant on the DMWMA with significant opportunity for elk hunting as a minimum of 2,500-3,000 elk migrate into the area each fall. There is also hunting opportunity for mule deer, white-tailed deer, bighorn sheep, wolves, black bear and mountain lion. Other recreational opportunities include hiking, horse-back riding, wildlife watching, photography and bird-watching. Acquisition of this parcel would enhance the existing opportunity and provide better connectivity between the DMWMA and USFS lands. If acquired and added to the current Dome Mountain WMA, the property would be open for public hunting and recreation except for seasonal closures to protect elk winter range December 1 – May 15.

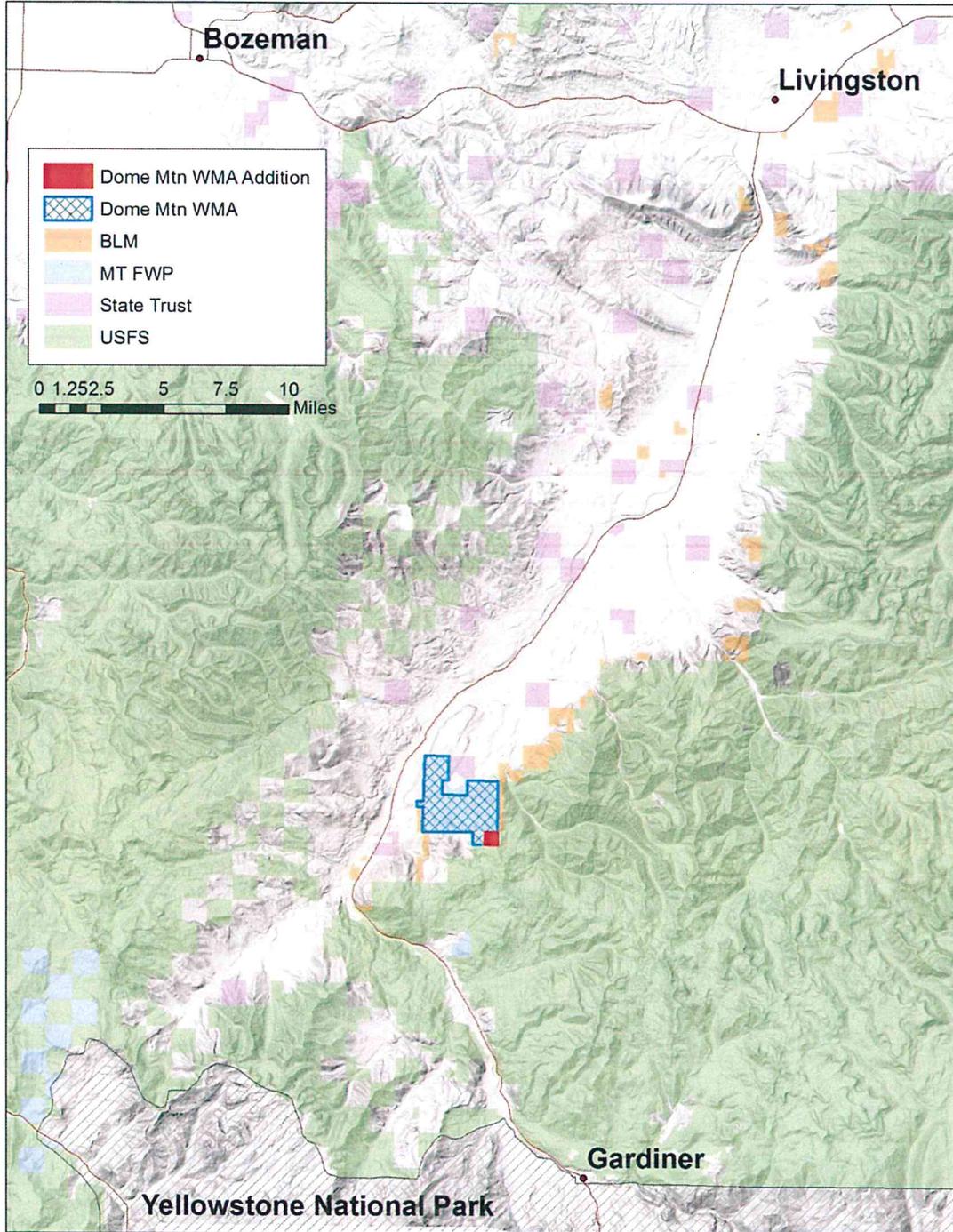
If FWP does not acquire the parcel it will likely be subject to disturbance from a future private owner. FWP holds a conservation easement on the parcel that would restrict the extent of development that could occur on the parcel, however a future owner would be free to engage in a variety of activities that could result in disturbance to wildlife and deterioration of habitat. The future of this inholding and the associated travel easement has the potential to directly impact habitat integrity and recreational values of DMWMA. Acquiring this land as an addition to the WMA would ensure protection of the department's existing landholding interests.

Description and analysis of reasonable alternatives:

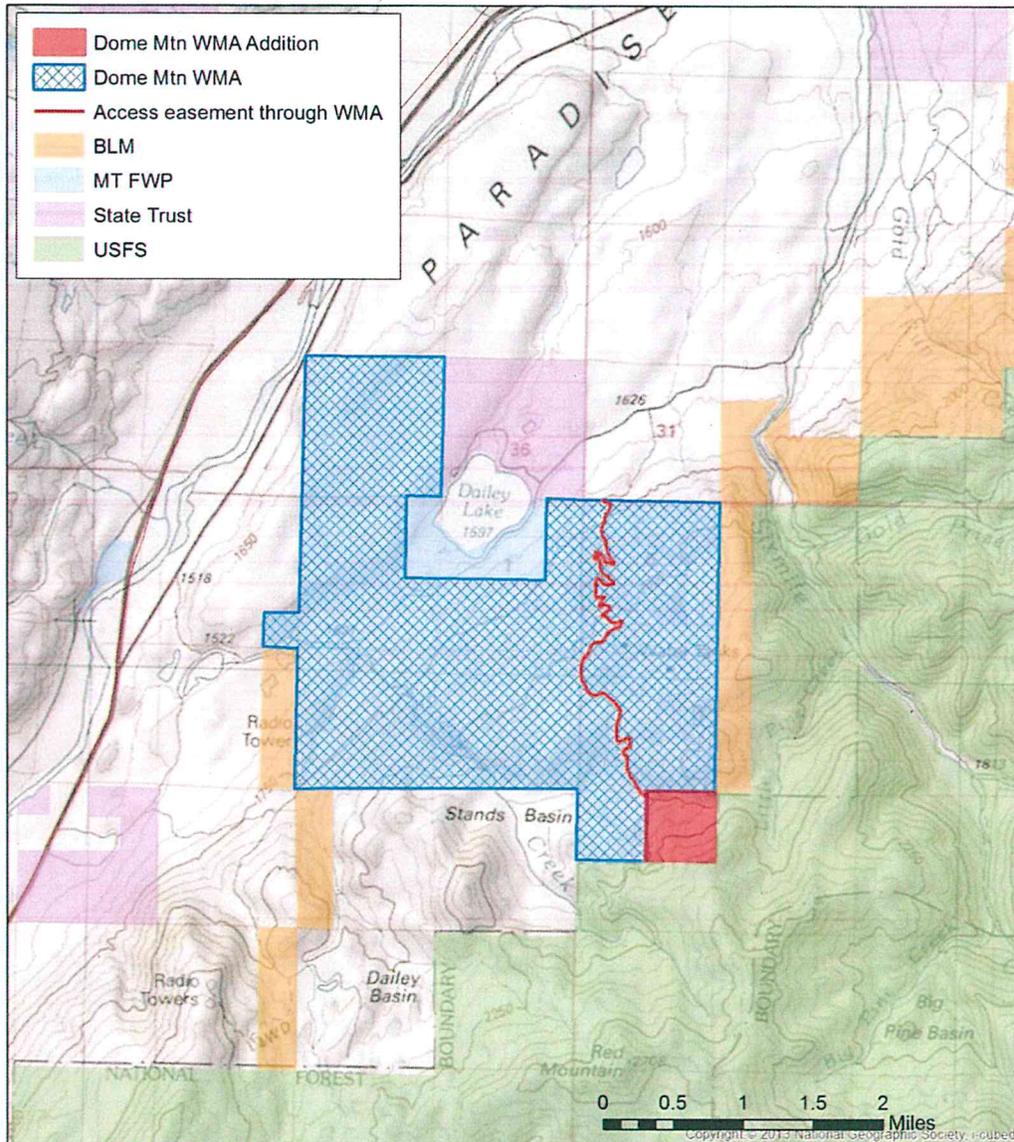
Alternative A: No Action: The proposed land acquisition would not occur, and no change would be made to the boundaries of the Dome Mountain WMA.

Alternative B: Proposed Action: FWP would purchase (fee title) 161 acres as an addition to the Dome Mountain WMA and the property would be managed for wildlife, conservation and public recreation.

Map 1. General location of Dome Mountain WMA and proposed WMA Addition



Map 2. Dome Mountain WMA and proposed WMA Addition and surrounding public land ownership. Access easement through WMA to parcel is shown.



PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the **Proposed Action** including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. <u>For P-R/D-J projects</u> , will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				

3. <u>WATER</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			1
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				2
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:		X				

1. The proposed action is expected to have a positive impact on existing native vegetation under FWP management with treatment of noxious weed infestations. Additionally, FWP will assess need for riparian habitat enhancement projects, and management of forest to support forest health and wildlife values.
2. Noxious weeds are already established in this area, especially adjacent to roads. A weed inspection survey will be conducted on the property prior to or shortly after acquisition, and FWP will treat weeds using chemical, mechanical or biological methods. Habitat improvement is expected with consistent weed treatments.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				3
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X			4
h. <u>For P-R/D-J</u> , will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				
i. <u>For P-R/D-J</u> , will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

3. The proposed acquisition would have a positive impact by maintaining/improving habitat integrity on the parcel and expanding protection of habitat.
4. With the addition of this parcel to the WMA the land will be open to public recreation and hunting during May 15 – Nov 30. This increased opportunity will likely result in harvest within the legally defined hunting seasons as well as disturbance to wildlife due to other recreational activities. Very limited public access has been allowed on this parcel in recent years, however there has been a full-time resident. Public access to the parcel associated with this acquisition would represent a potential increase in disturbance during the May 15 – December 1 time period, however the acquisition would result in reduced disturbance during critical winter months that would adversely impact wildlife. The WMA is closed to all public activities from December 1 until May 15 to protect wintering elk.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				5
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

5. The proposed acquisition would not increase noise above levels currently experienced in the area. Public access to the property would be walk-in only.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				6
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

6. The property is not currently managed for any specific land use. FWP would manage the property for the benefit of fish and wildlife species while providing opportunities for public recreation, with the potential to improve the productivity of the area by weed treatment and possible habitat projects.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		X	7
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		X	7

7. If acquired, FWP would implement management of existing or new noxious weeds on the parcel and adjacent areas. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe application techniques.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				8
b. Will the proposed action have an effect upon the local or state tax base and revenues?			X			9
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources*		X				
f. Define projected maintenance costs.*			X			10

8. The proposed action will likely reduce public service needs as there will no longer be a private residence in a very remote location. FWP will be responsible for maintaining the property, and FWP enforcement staff will include the acquired parcel in their routine patrols of the DMWMA.
9. This purchase is not expected to reduce the tax revenues that Park County collects on this property. FWP is required by Montana Code 87-1-603 to pay "to the county a sum equal to the amount of taxes which would be payable on county assessment of the property were it taxable to a private citizen." The most recent taxes for 2017 on this property was \$528.00 per year based on the most recent assessment.
10. Maintenance costs will include weed treatment and fence maintenance, which will be done alongside routine weed and fence maintenance on the WMA. The addition would represent a 3.4% increase in the size of the WMA; the additional staff time required to treat weeds and maintain fences on this parcel would be minor initially, and is expected to be negligible in the long-term.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X			11
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		n/a				

11. The acquisition will result in an increase in public access and recreational opportunity by expanding the number of acres available to hunters and other public recreationalists for non-motorized recreation, and with improved connectivity between DMWMA and adjacent Forest Service lands.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12

12. The State Historic Preservation Office defines buildings of potential historic or cultural significance as those constructed more than 50 years ago. A dwelling was constructed on the property approximately 30 years ago and is not considered a historic or cultural resource. FWP intends to remove the dwelling and outbuildings and restore native habitat at the home site.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. For P-R/D-J, list any federal or state permits required.		X				

13. The proposed acquisition is expected to have no significant cumulative effects. By acquiring the parcel and incorporating it into the DMWMA, FWP expects to improve the integrity of the DMWMA as well as protect the habitat values of the parcel itself.

PART III. NARRATIVE EVALUATION AND COMMENT

No significant impacts were identified in the Environmental Analysis. Identified minor impacts were:

- 1) Potential increased disturbance to wildlife on the parcel due to increased public access during spring, summer and fall. This impact will be mitigated by decreased disturbance during critical winter and early spring months when the WMA is closed to the public (Dec 1 – May 15).
- 2) Use of chemicals to treat noxious weeds. This potential impact is mitigated by following application guidelines and utilizing staff or contractors trained in safe application techniques. This minor potential impact is also offset by the benefit to habitat in reducing/eliminating noxious weeds.

The proposed acquisition would result in the parcel and adjacent larger landscape being managed consistently for wildlife and public recreation, with high potential for positive impacts for wildlife, habitat, and public opportunity. If FWP does not acquire the parcel it will likely be subject to unknown disturbance from a future private owner. FWP holds a conservation easement on the parcel that would restrict the extent of development that could occur on the parcel, however a future owner would be free to engage in a variety of activities that could result in disturbance to wildlife and deterioration of habitat. If the proposed acquisition does not occur, the proposed expanded protection and conservation of the parcel will not occur, and likewise the opportunity to improve the overall habitat effectiveness of the DMWMA will be lost.

PART IV. PUBLIC PARTICIPATION**1. Public involvement:**

The public will be notified in the following manners to comment on this EA, the proposed action and alternatives:

- Two public notices, one in the Livingston Enterprise and one in the Bozeman Chronicle
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of this environmental assessment will be distributed to interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope having limited impacts.

2. Duration of comment period:

The public comment period will extend for (30) days following publication on FWP's website. Comments will be accepted until Sunday June 3, 2018 at 5pm by mail or email at the addresses listed below (Part V, 2).

PART V. EA PREPARATION

**1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)? NO
If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

The proposed action will not have a significant adverse impact on the local environment; it represents a small addition (161 acres) to an existing and much larger (4,800 acres) habitat conservation area that has proven beneficial for wildlife habitat and agriculture for the past 29 years. This EA is the appropriate level of analysis for the proposed action.

2. Person(s) responsible for preparing the EA:

Karen Loveless
Livingston Area Wildlife Biologist
1400 South 19th Avenue
Bozeman, MT 59718
406-333-4211
kloveless@mt.gov

3. List of agencies or offices consulted during preparation of the EA:

Montana Fish Wildlife & Parks Wildlife Division

1118-2

Timber Sale:

Cripple Horse Timber Sale

**Land Board Agenda Item
November 19, 2018**

1118-2 Timber Sale: Cripple Horse

**Location: Lincoln County
Section 2, T31N, R29W**

Trust Benefits: Public Buildings

Trust Revenue: \$177,463 (estimated, minimum bid)

Item Summary

Location: The Cripple Horse Timber Sale is located approximately 23 miles northeast of Libby, MT in Lincoln county.

Size and Scope: The sale includes 1 harvest unit (148 acres) of tractor logging.

Volume: The estimated harvest volume is 8,030 tons (1.178 MMBF) of sawlogs.

Estimated Return: The minimum bid is \$22.10 per ton, which would generate approximately \$177,463 for the Public Buildings Trust and approximately \$14,293 in Forest Improvement fees.

Prescription: This sale has a harvest prescription of commercial thinning treatment that will perpetuate the desired future condition while reducing future fuel loads.

Road Construction/Maintenance: DNRC is proposing 0.38 miles of new permanent road construction and 0.22 miles of road maintenance.

Access: Access has been obtained through the Cripple Horse Cost Share with the United States Forest Service.

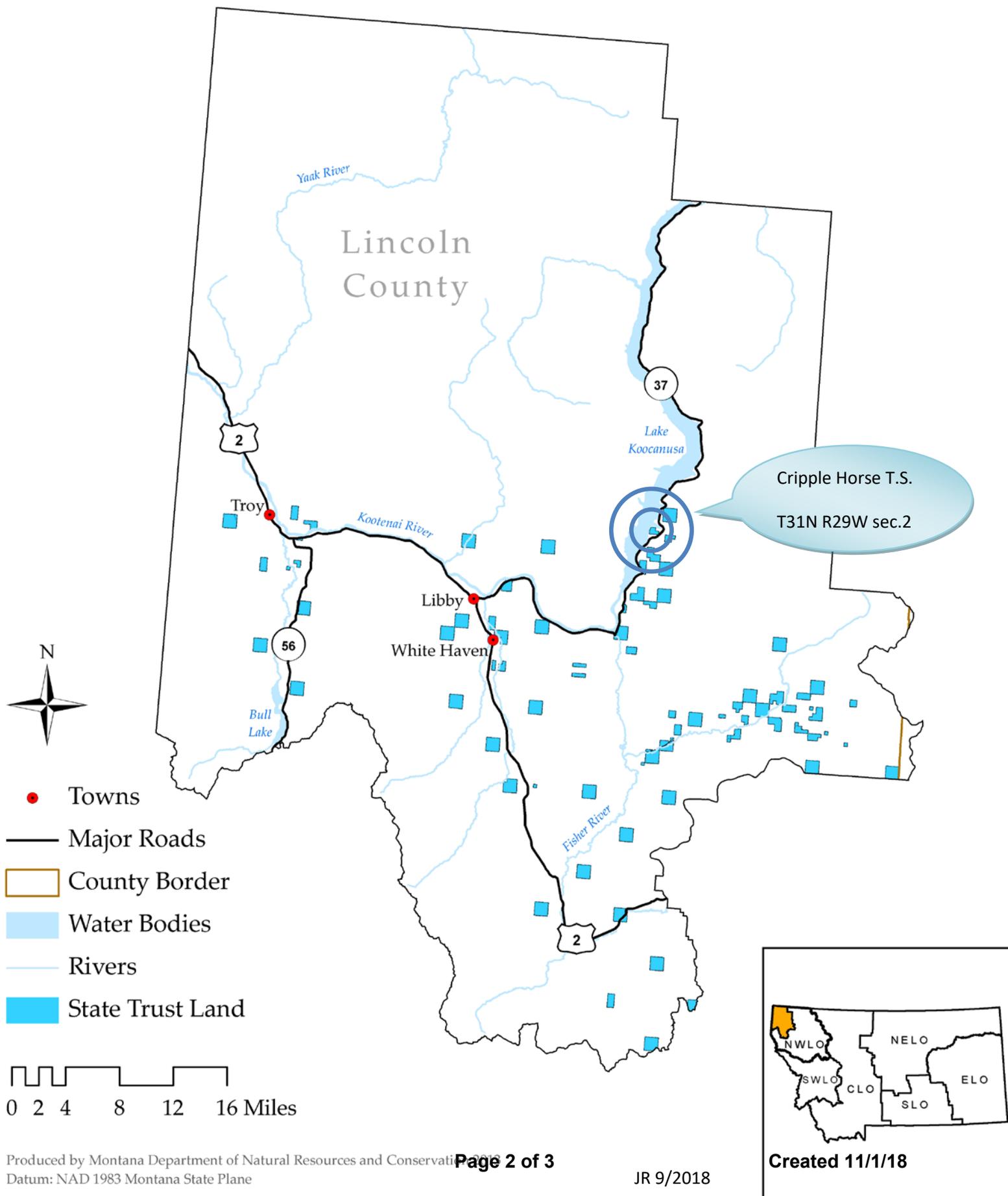
Public Comments: Five comments in total were received on the timber sale. Three members of the public and the USFS district ranger supported the timber sale. The Northern Cheyenne Tribe THPO requested notification should any archeological discovery be made.

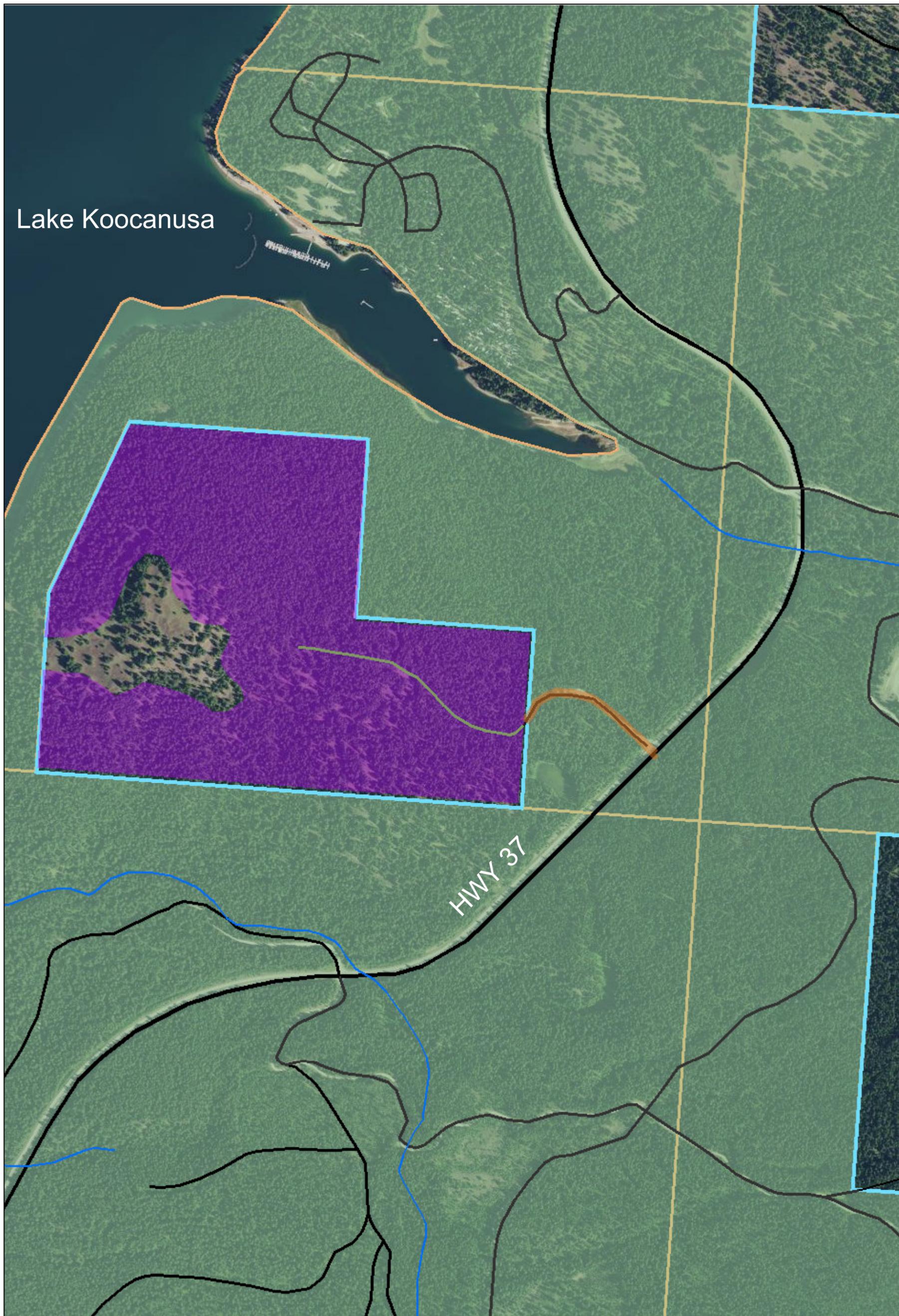
DNRC Recommendation

The director recommends the Land Board direct DNRC to sell the Cripple Horse Timber Sale.

CRIPPLE HORSE Timber Sale LIBBY UNIT

1118-2





Lake Koocanusa

HWY 37

- | | | |
|---------------------|------------------------|------------|
| Existing Road | Perennial Stream | USFS Land |
| New Road | Intermittent Stream | USFWS Land |
| Road Reconstruction | Proposed Harvest Units | BLM Land |
| Haul Route | DNRC Surface Tracts | MT FWP |



1118-3

**Land Banking Parcels:
Preliminary Approval for Sale**

Sale #1048

**Land Board Agenda Item
November 19, 2018**

1118-3 Land Banking Parcel: Preliminary Approval for Sale #1048

Location: Flathead County

Trust Benefits: Public Buildings

Trust Revenue: Appraisal to be completed after preliminary approval

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting preliminary approval to sell one parcel totaling approximately .043 acre with a commercial building improvement nominated for sale in Flathead County. The sale was nominated by the DNRC NWLO/Kalispell Unit and is located at 140 Lupfer Avenue, Whitefish, Montana.

Sale #	# of Acres	Legal	Nominator	Trust
1048	.043±	Lot 1 of Lupfer Townhouses T31N-R22W, Sec. 36	DNRC/NWLO Kalispell Unit	Public Buildings

The sale parcel is a commercial townhouse which was received as a part of a larger land exchange in 2009. That exchange included provisions that the proponent guarantees the State Trust Lands a net revenue of \$30,000 annually for ten years. The ten-year guarantee which augments the rental income is set to expire in April of 2019. The prior guaranteed rental revenue far exceeds the current market rental rates. In addition to loss of the guaranteed rental income are concerns of vacancy cost and future repairs and improvements.

The sale parcel is within a platted commercial zone in the city of Whitefish. The sale of this parcel would not restrict or eliminate access to adjacent private land.

MEPA scoping is ongoing, and no potentially negative issues related to the sale of this parcel have been identified.

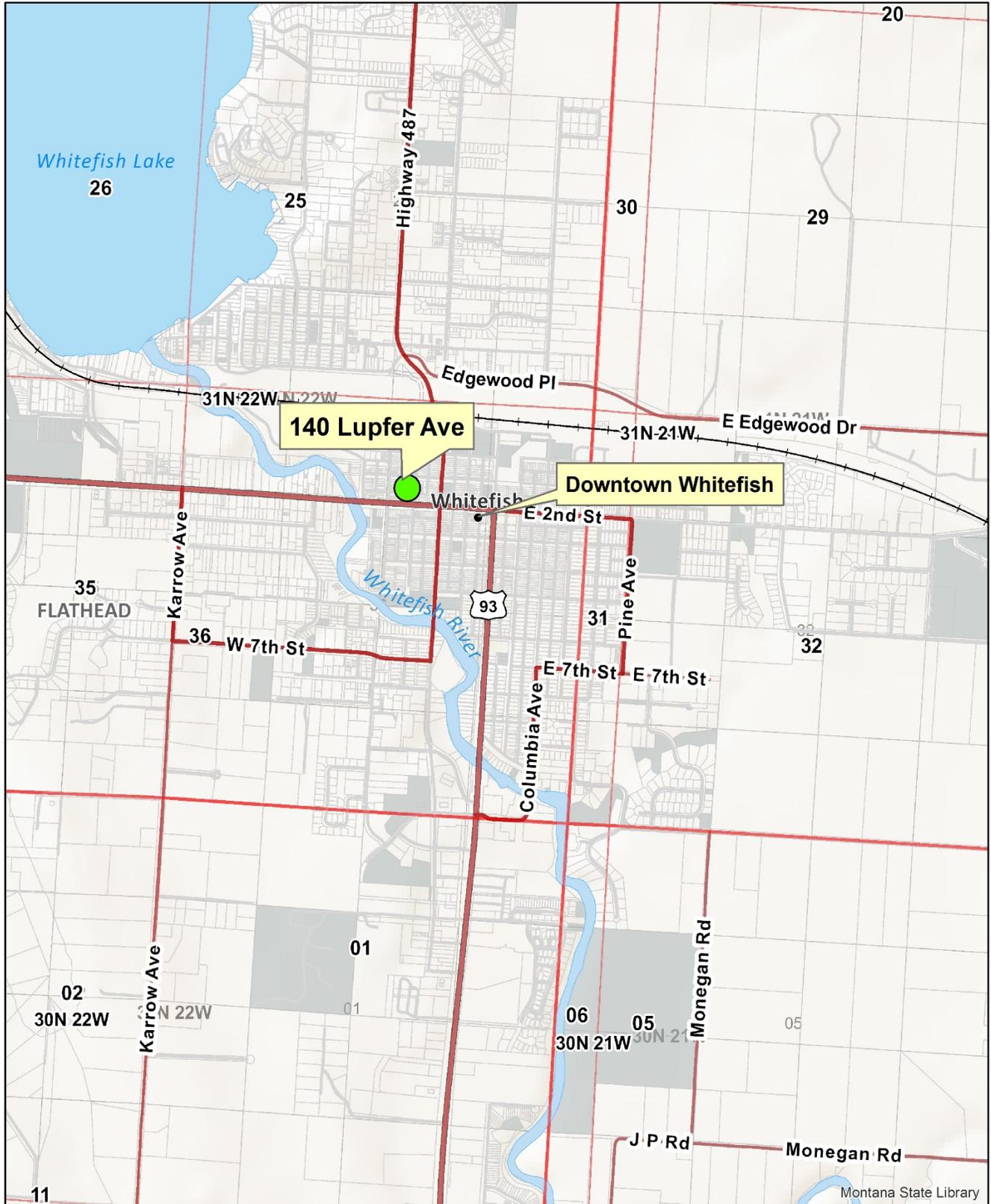
With the Land Board's preliminary approval to sell this parcel, DNRC can continue the due diligence necessary to fully evaluate and process the parcel for sale.

DNRC Recommendation

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



LOT #1 LUPFER TOWNHOUSE



Location: 140 Lupfer Ave, Whitefish, MT
 County: Flathead
 Date: October 30, 2018
 Prepared by: REMB Staff



1118-4

**Land Banking Parcels:
Set Minimum Bid for Sale**

**Land Board Agenda Item
November 19, 2018**

1118-4 Land Banking Parcel: Set the Minimum for Sale

Location: Deer Lodge County

Trust Benefits: Common Schools

Trust Revenue: \$149,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid to sell one parcel totaling approximately 40 acres nominated for sale in Deer Lodge County. The sale was nominated by the lessee and the parcel is located approximately 12 miles south of Deer Lodge, Montana.

Sale #	# of Acres	Legal	Nominator	Trust
919	40±	NE4NE4 T6N-R10W Sec. 36	Peggy Beck	Common Schools

The land is adjacent to the Galen Tuberculosis Sanitarium, which was established in 1912 and closed in 1993. The acreage nominated for sale comprised the dairy farm for the sanitarium. The buildings on the nominated parcel have deteriorated considerably. The primary purpose of the potential sale of this parcel is to remove the liability to the State of Montana. Due to lack of funding and ability to maintain the buildings, the DNRC has determined it is in the best interest of the trustee to sell the land through the land banking process. The buildings will be conveyed with the land and without the obligation to restore or maintain the buildings. These buildings are on the State Historic Preservation Office's register. The department has consulted with the SHPO and met all requirements of the state Antiquities Act.

The sale parcel has been used primarily for livestock grazing purposes.

The sale parcel is legally accessible by the public. The state will reserve a 40' wide non-exclusive road easement for all lawful ingress and egress in the SE corner of the 40-acre parcel.

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

Economic Analysis:

Short-term – The rate of return on the sale parcel is 2.13%. The parcel would continue to receive this return if it remains in state ownership.

Long-term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through the department's Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 2.78% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

The DNRC conducted a Class III cultural and paleontological resources inventory of the area of potential effect (APE). During the course of inventory, a series of barns, sheds, and irrigation features were identified and documented. The features are all considered part of the Galen State Hospital (24DL289)— a cultural resource that has been determined eligible for listing in the National Register of Historic Places. All of these features are in poor to fair condition because of abandonment and a lack of maintenance. A detailed site form update has been prepared by the DNRC and is on file with both the DNRC and the SHPO.

Through consultation with the Montana State Historic Preservation Officer (SHPO), it was agreed that sale of the subject farm buildings would constitute an Adverse Effect to Heritage Properties by removing these features from state ownership. However, because of a lack of state resources, the buildings will continue to deteriorate if left in State ownership. It was also agreed that the only realistic (but not guaranteed) possibility to preserve one or more of the Galan Farm buildings to their original historical appearance is under private ownership.

Background:

In May 2018, the Board granted preliminary approval for this parcel to continue through the Land Banking sale evaluation process.

Appraised value of sale parcel:

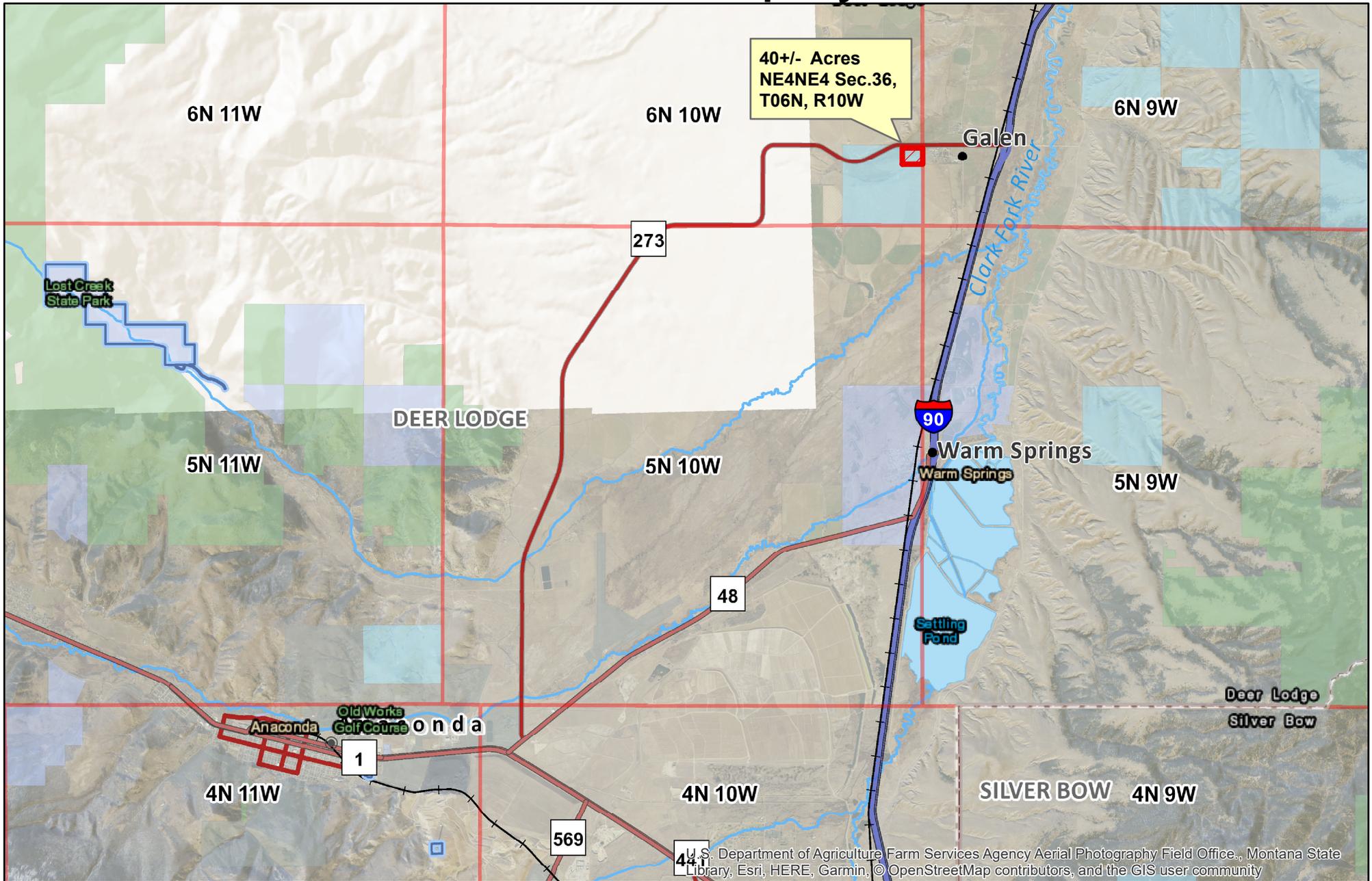
Sale #	Appraised Value With Access	Appraised Value per acre	Recommended Minimum Bid	Appraised Value of Improvements
919	\$149,000	\$3725	\$149,000	\$0

DNRC Recommendation

The director recommends that the Board set the minimum bid at the value shown above.

Galen Road Property

1118-4



40+/- Acres
NE4NE4 Sec.36,
T06N, R10W



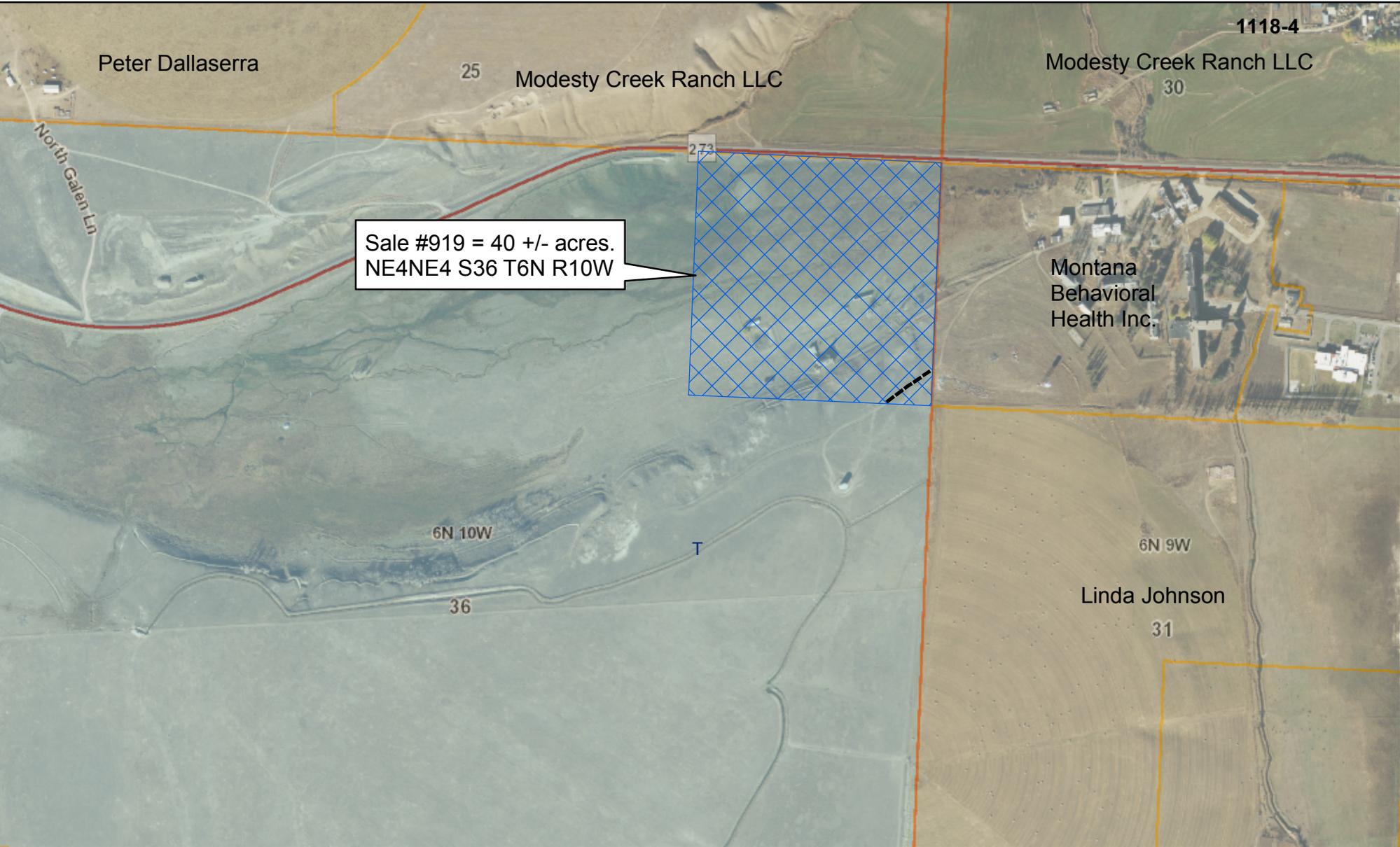
Located:
Deer Lodge County
Prepared by: MH
October 25, 2018

State Trust Land
Sale # 919 
Page 3 of 4



Created 11/1/18

U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office., Montana State Library, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community



Sale #919 = 40 +/- acres.
NE4NE4 S36 T6N R10W



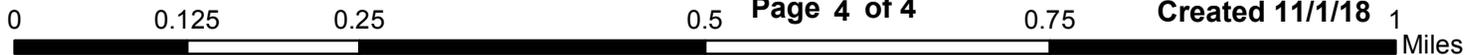
Located In:
Deer Lodge County, MT
Prepared by: REMB
October 29, 2018

Galen Property

----- Reserved for access

 Sale #919

 Montana State Trust Land



1118-5

Land Exchange: Final Approval

Vermiculite Mountain

**Land Board Agenda Item
November 19, 2018**

1118-5 Land Exchange: Final Approval for The Vermiculite Mountain Land Exchange

Location: Lincoln County

Trust Benefits: Common Schools

Trust Revenue: N/A

Item Summary

The Department of Natural Resources and Conservation (DNRC) requests final approval of a land exchange proposal with Kootenai Development Company. This land exchange involves 640 acres of Common Schools trust lands located adjacent to the Libby Vermiculite mine, within the EPA Superfund Site (OU3), for 1239.43 acres of deeded private land. All lands proposed in this exchange are located in Lincoln County.

Acres:

State Trust Land (DNRC)			
County	Legal Description	Trust	Acres
Lincoln	Sec. 16, T31N, R30W	Common Schools	640
Total acres			640

Kootenai Development Company Land		
County	Legal Description	Acres
Lincoln	Sec. 7 T29N, R27W	640
Lincoln	Gov't Lots 1, 2, 3, 5, 6 and 7; SWNE; W2SE; E2SW; SENW Sec. 1 T29N, R28W	442.41
Lincoln	Gov't Lot 4; SWNW; W2SW Sec. 1 T29N, R28W	157.02
Total acres		1239.43

Location: Lincoln County

Beneficiaries: Common Schools

PUBLIC INVOLVEMENT PROCESS AND RESULTS

The Vermiculite Mountain Land Exchange was nominated by representatives of the WR Grace and Company under the Land Exchange Policy.

The preliminary scoping process of the exchange was completed in Lincoln County with direct mailings to seventy-eight interested parties, agencies and adjacent landowners. Public notice was published in the local newspaper. The Lincoln County Commissioners and the Kootenai National Forest representatives expressed support for the proposed exchange. The Land Board voted 5-0 in favor of preliminary approval of The Vermiculite Mountain Land Exchange.

Upon completion of the Cultural and Environmental Assessments the draft EA was posted for public review and a public hearing was held in Lincoln County with legal notice published in the local newspaper. One letter of support was received from the District Ranger, Canoe Gulch Ranger Station, Kootenai National Forest for this proposal.

EXCHANGE CRITERIA ANALYSIS

The following review documents how the land exchange meets or exceeds the land exchange criteria and accrues benefits to the Common Schools Trust Beneficiaries.

1. EQUAL OR GREATER VALUE

The proposed land exchange for 640 acres of State Land located within the Libby Superfund Site Operable Unit 3 (OU3) for Kootenai Development Company's 1239.43 acres of deeded private land.

The state land and private land were appraised with an effective date of June 21, 2018. The state land to be exchanged appraised fair market value is **\$900,000***. The private lands to be exchanged appraised fair market value is **\$1,740,000**. The appraised values of lands are a net gain to the state of **\$840,000**.

*The State Land was appraised under the hypothetical condition that it has not been contaminated by asbestos, and with the extraordinary assumption that it has legal access. The appraisal assignment included the instructions to value the State Land with a discount applied for no legal access. The State Land value with a discount applied for no legal access is estimated at \$225,000.

Based on variable acreage proposed to be exchanged to the state, the proposed land exchange would meet the land exchange criteria of equal or greater value.

Meets criteria.

2. STATE LAND BORDERING ON NAVIGABLE LAKES AND STREAMS

N/A - There are no navigable lakes or streams bordering on either the trust land or the exchange parcels.

Meets criteria.

3. EQUAL OR GREATER INCOME TO THE TRUST

The State Land does not generate revenue due to the DNRC being unable to manage the timberland located within the superfund site. The private land offered in the exchange contains a total of 1239.43 acres of industrial forest land. The projected annual income from the private lands is \$9,436 with a .49% rate of return.

Based on anticipated productivity of the lands amortized over a 60-year period, and no income generated from state land within the superfund site, the proposed land exchange would meet the land exchange criteria of equal or greater income.

Meets criteria.

4. EQUAL OR GREATER ACREAGE

The land exchange proposes to exchange **1239.43** acres of private deeded land for **640** acres of state trust land. A net gain for the state of **599.43** acres.

Meets criteria.

5. CONSOLIDATION OF STATE LAND

The proposed land exchange would exchange away an isolated section of trust land surrounded on three sides by U.S.F.S. lands and the remainder of the lands bordering the parcel are owned by the Kootenai Development Company formerly known as the W.R. Grace Vermiculite mine.

The private land proposed to be exchanged to the state is an area of “checkerboard” State Trust Land and Weyerhaeuser lands. The exchange would consolidate trust lands ownership.

Five isolated state trust parcels would become one consolidated block of trust lands totaling 2,945.54 acres.

This land exchange proposal would result in consolidation of state land parcels.

Meets criteria.

6. POTENTIAL FOR LONG-TERM APPRECIATION

The current State Trust Land parcel’s potential for long-term appreciation is unknown due to its inclusion within the Libby Superfund Site. When the Superfund Site cleanup is complete, and the Superfund designation is removed there may remain long-term management restrictions in effect.

The private land to be acquired by the state will provide potential for long term appreciation with the consolidation of state land, a road system and improved forest land management.

Meets criteria.

7. ACCESS

The State Trust Land parcel does not have legal road access of record. Legal public walk-in access is through adjacent Forest Service lands. The trust land parcel’s inclusion within the Libby Superfund site will continue to preclude public access for the foreseeable future.

The proposed acquisition parcels are currently private production timber lands with existing road systems that provide access for trust lands, USFS lands and Weyerhaeuser lands. Conversion to trust lands from private land would permanently secure public access rights consistent with General Recreational Use law.

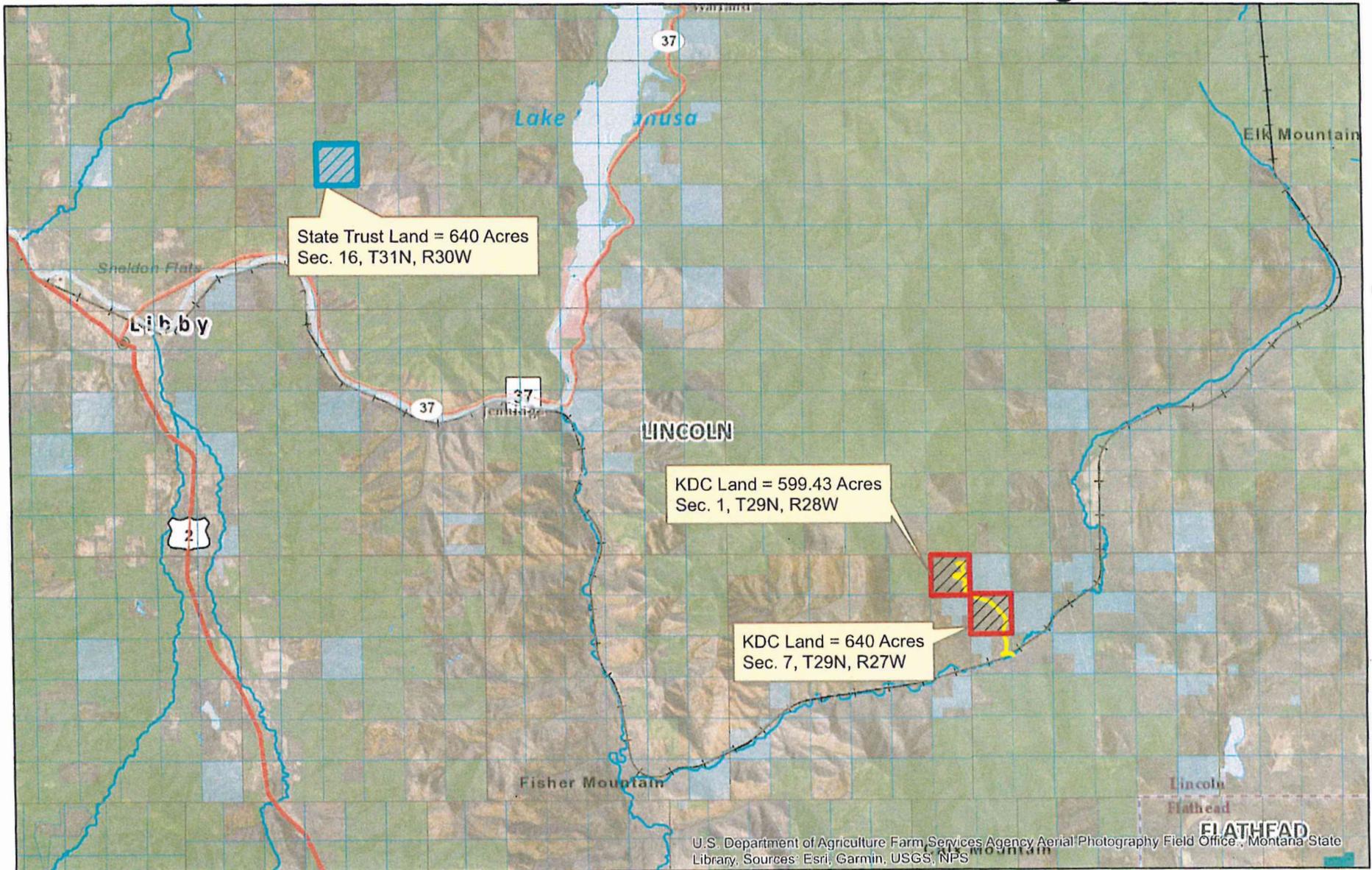
Meets criteria.

AGENCY RECOMMENDATIONS

The director recommends approval of this exchange due to the opportunity to gain manageable forest lands outside of the EPA Superfund site while consolidating state trust lands and increasing public access.

The Vermiculite Mountain Land Exchange

1118-5



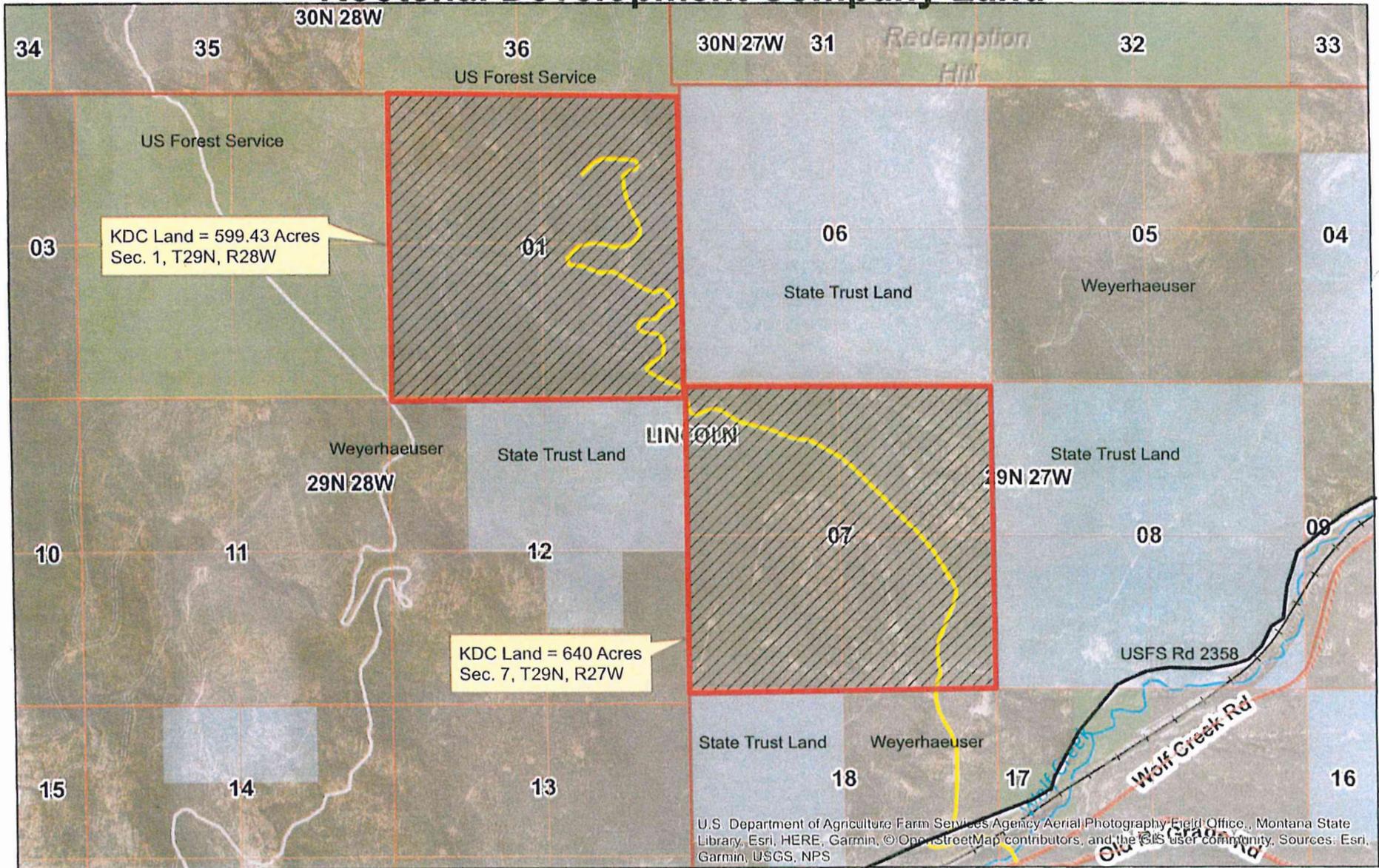
Located:
Lincoln County, MT
Prepared by: MH
October 18, 2018

State Trust Land 

Kootenai Development Company Land 



Kootenai Development Company Land



Located:
Lincoln County, MT
Prepared by: MH
October 18, 2018

Kootenai Development Company Land



0.5 0.25 0 0.5 1 1.5 2 Miles

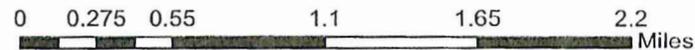


State Land on Vermiculite Mountain



Located: S16, T31N, R30W
Lincoln County, MT
Prepared by: MH
September 27, 2018

State Land 



1118-6

Cabin Site Sale: Final Approval for Sale

- A. Flathead County
- B. Missoula County

**Land Board Agenda Item
November 19, 2018**

**1118-6 Cabin and Home Sites: Final Approval for Sale
A. Flathead County**

Location: Flathead County
Trust Benefits: Common Schools, Montana Tech
Trust Revenue: \$1,151,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting final approval for sale of 4 cabin sites nominated for sale in Flathead County. These sales were nominated by the lessees and DNRC in conjunction with the Cabin and Home Site Sale Program.

Sale No.	Acres	Legal Description	Nominator	Trust
921	1.411±	Lot 3, McGregor Lake, COS 19909, Section 16, T26N-R25W	Karol K. Stack	Common Schools
923	1.365±	Lot 12, McGregor Lake, COS 19909, Section 16, T26N-R25W	Donald & Claudia Dennison	Common Schools
930	0.646±	Lot 23, Echo Lake, COS 18885, Section 5, T27N-R19W	Floyd R. & Helen M. Cook	Montana Tech
931	0.965±	Lot 40, Echo Lake, COS 18885, Section 5, T27N-R19W	Brian & Cari Schlauch	Montana Tech

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 their lease agreements and can be conveyed by DNRC.

Economic Analysis:

Short term – The average rates of return on these sale parcels are as follows. The parcels will continue to receive these returns if they remain in state ownership.

Sale No.	Rate of Return	Sale No.	Rate of Return
921	2.860%	930	2.348%
923	2.718%	931	3.168%

Long term – The funds from the sale of these parcels would be combined with other sale funds to purchase replacement lands through DNRC's Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 2.8% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

A Class I level of cultural resource inventory was conducted for each of 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:

These sales were granted preliminary approval in March 2018 to proceed through the Cabin and Home Site Sale Program. In September 2018, the Land Board set the minimum bid for the land and the maximum value of compensation for the improvements at the appraised values below:

Sale Nos.	Appraised Land Value	Appraised Improvements Value
921	\$317,000	\$176,000
923	\$323,000	\$277,000
930	\$199,000	\$55,000
931	\$312,000	\$82,000

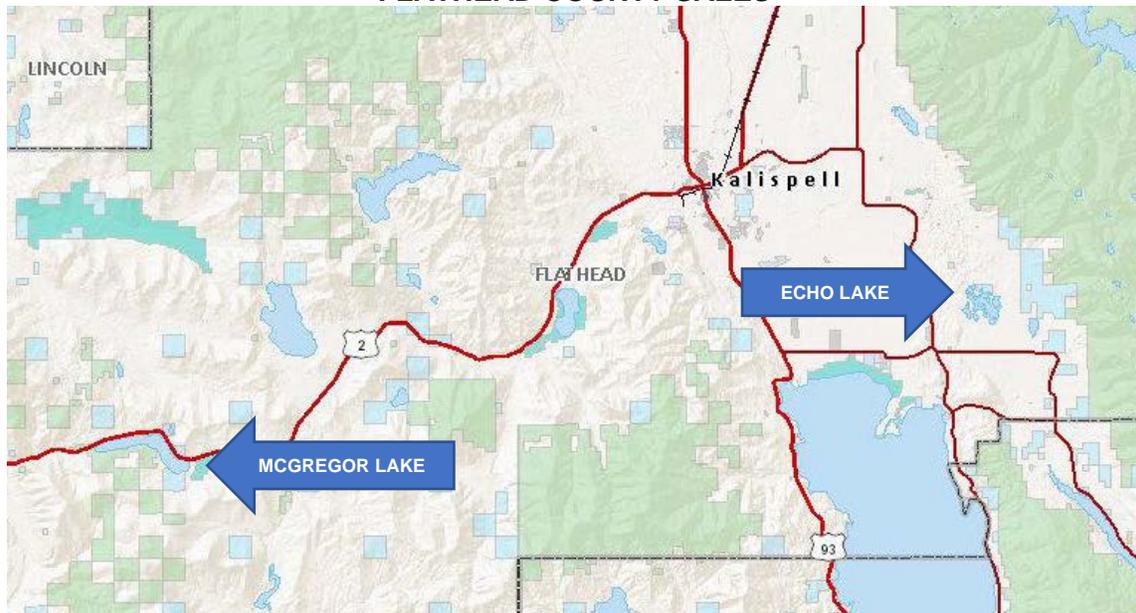
Sale Price:

These sales sold at public auction on October 30, 2018. There was one bidder per sale, and bidders for all sales were the current lessees. All parcels were sold for the minimum bid amounts listed above.

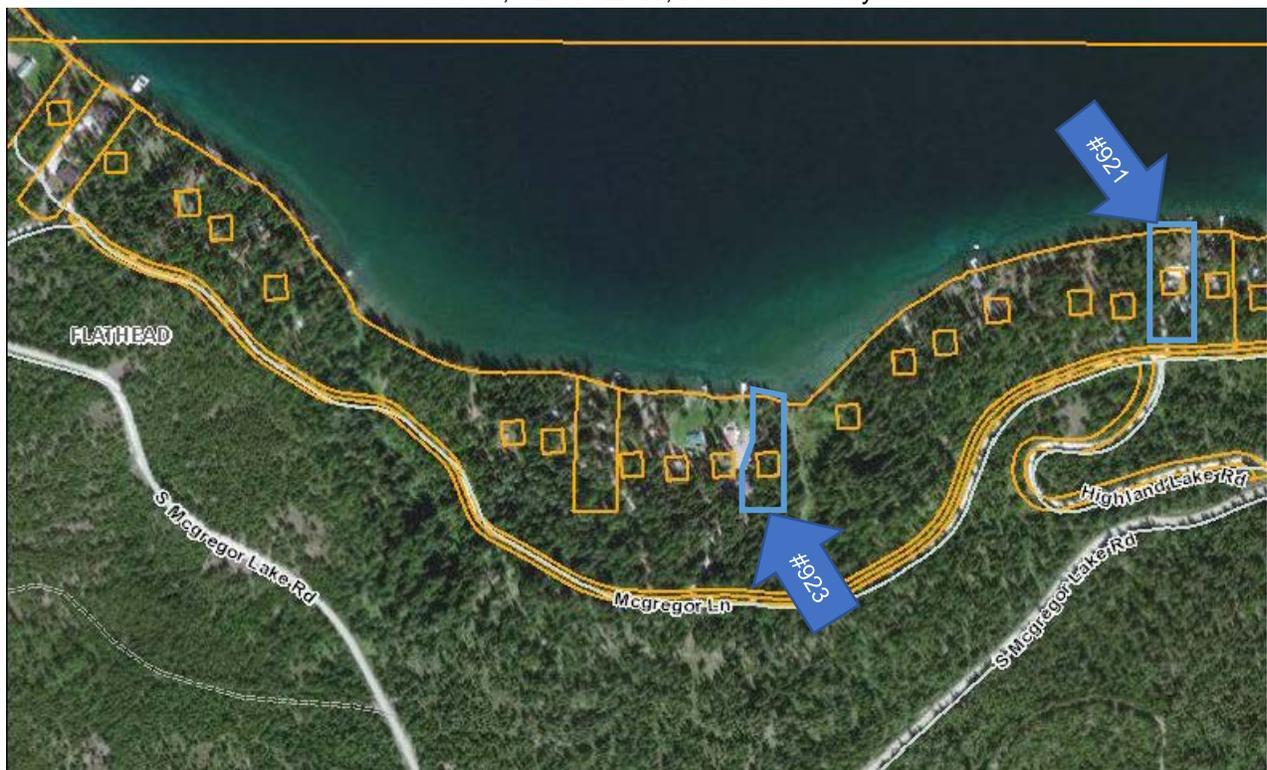
DNRC Recommendation

The director recommends the Land Board grant final approval for the sale of these cabin sites at the values shown above. The sales will close within 30 days of final approval by the Land Board.

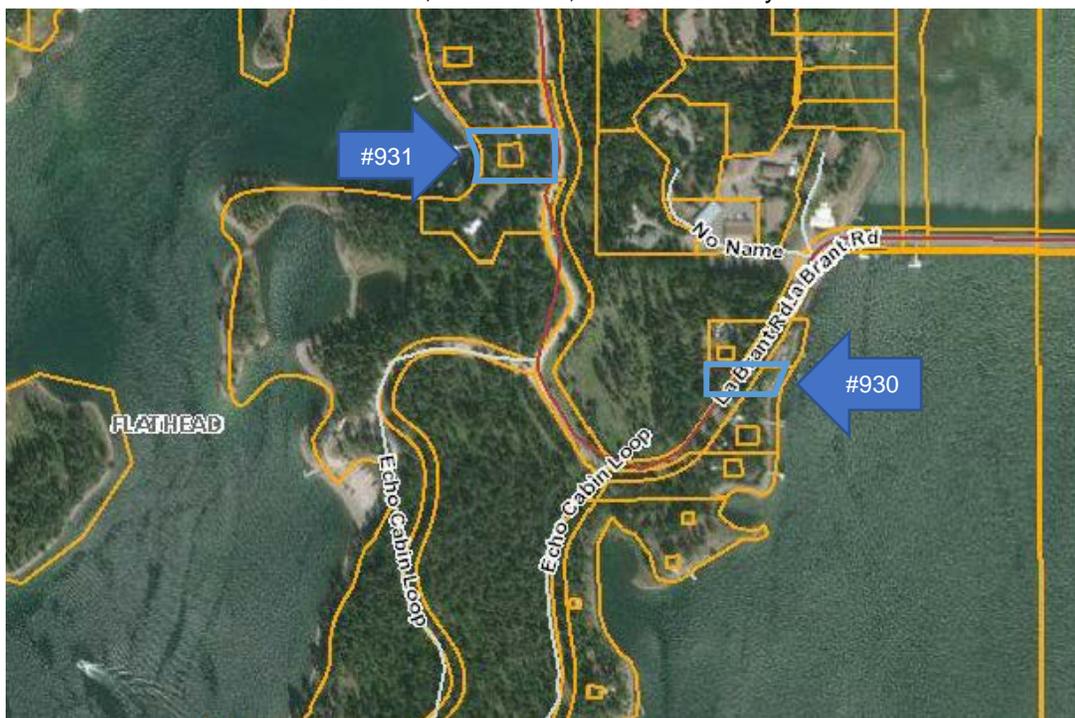
FLATHEAD COUNTY SALES



McGregor Lake
Section 16, T26N-R25W, Flathead County



Echo Lake
Section 5, T27N-19W, Flathead County



**Land Board Agenda Item
November 19, 2018**

**1118-6 Cabin and Home Sites: Final Approval for Sale
B. Missoula County**

Location: Missoula County
Trust Benefits: MSU 2nd
Trust Revenue: \$210,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting final approval for sale of 7 cabin sites nominated for sale in Missoula County. These sales were nominated by the lessees in conjunction with the Cabin and Home Site Sale Program.

Sale No.	Acres	Legal Description	Nominator	Trust
938	1.449±	Lot 17, Seeley Lake Development, COS 5840, Section 4, T16N-R15W	Olive Sol & Patricia Ann Doty	MSU 2 nd
1036	1.639±	Lot 19, Seeley Lake Development, COS 5840, Section 4, T16N-R15W	Brian & Nadine Pedersen	MSU 2 nd
939	1.217±	Lot 20, Seeley Lake Development, COS 5840, Section 4, T16N-R15W	Richard & Elizabeth Meyn	MSU 2 nd
940	3.148±	Lot 27, Seeley Lake Development, COS 5840, Section 4, T16N-R15W	Brian Bertsch	MSU 2 nd
941	2.189±	Lot 31, Seeley Lake Development, COS 5840, Section 4, T16N-R15W	J & E Contracting	MSU 2 nd
942	1.293±	Lot 38, Seeley Lake Development, COS 5840, Section 4, T16N-R15W	Marvin & Lynn Job, Bryce & Marcey Campbell	MSU 2 nd
943	1.291±	Lot 40, Seeley Lake Development, COS 5840, Section 4, T16N-R15W	David & Connie Murray	MSU 2 nd

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 their lease agreements and can be conveyed by DNRC.

Economic Analysis:

Short term – The average rates of return on these sale parcels are as follows. The parcels will continue to receive these returns if they remain in state ownership.

Sale No.	Rate of Return	Sale No.	Rate of Return
938	5.528%	941	5.147%
1036	5.571%	942	4.998%
939	5.359%	943	5.333%
940	5.323%		

Long term – The funds from the sale of these parcels would be combined with other sale funds to purchase replacement lands through DNRC’s Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 2.8% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources:

A Class I level of cultural resource inventory was conducted for each of 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:

These sales were granted preliminary approval in March 2018 to proceed through the Cabin and Home Site Sale Program. In September 2018, the Land Board set the minimum bid for the land and the maximum value of compensation for the improvements at the appraised values below:

Sale Nos.	Appraised Land Value	Appraised Improvements Value
938	\$30,000	\$103,000
1036	\$30,000	\$119,000
939	\$30,000	\$104,000
940	\$30,000	\$182,000
941	\$30,000	\$2,000
942	\$30,000	\$127,000
943	\$30,000	\$59,000

Sale Price:

These sales sold at public auction on October 31, 2018. There was one bidder per sale, and bidders for all sales were the current lessees. All parcels were sold for the minimum bid amounts listed above.

DNRC Recommendation

The director recommends the Land Board grant final approval for the sale of these cabin sites at the values shown above. The sales will close within 30 days of final approval by the Land Board.

MISSOULA COUNTY SALES



Seeley Lake Development
T16N-R15W, Sec. 4, Missoula County



1118-7

Easements

**Land Board Agenda Item
November 19, 2018**

1118-7 Easements

Location: Big Horn, Daniels, Liberty, Madison, McCone, Meagher, Sweet Grass, Valley, Yellowstone

Trust Benefits: Common Schools, Public Land Trust – Nav. Rivers

Trust Revenue: Common Schools = \$ 41,683
Public Land Trust = \$ 83,704

Item Table of Contents

Applicant	Right-of-Way Purpose	Term	Page(s)
Lazy T3 Red Angus Inc./Errol Fritz	Historic Access Road	Permanent	1-2
Northwestern Energy	Buried & Overhead Electric Lines & Pipelines	Permanent	3-56
NorVal Electric Coop. Inc	Buried Electric Line	Permanent	57-62
Montana Dept. Transportation	Bridge R/W Easement	Permanent	63-64

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Lazy T3 Red Angus Inc & Errol Fritz
1465 Whitlash Rd.
Chester, MT 59522

Application No.: 18122

R/W Purpose: a private access road for the purpose of conducting normal farming and ranching operations

Lessee Agreement: N/A (Historic)

Acreage: 0.88

Compensation: \$440.00

Legal Description: 20-foot strip through the NE4NE4, SW4NE4, Sec. 16, Twp. 35N, Rge. 4E, Liberty County

Trust Beneficiary: Common Schools

Item Summary

Lazy T3 Red Angus Inc and Errol Fritz have made application for the use of an existing road for access to one single-family residence and associated outbuildings, along with 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. State Land affected by this access road is legally accessible via MT Hwy 409, also known as Whitlash Road. The private property to be accessed is described as:

Lazy T3 Red Angus Inc

- Sec. 9-T35N-R4E – NENE, N2S2SENE, N2S2S2SENE, SENW, E2SW, S2S2S2NESE, S2SE, N2SENE
- Sec. 4-T35N-R4E – NE4, E2SE4
- Sec. 3-T35N-R4E – W2NW4
- Sec. 33-T36N-R4E – E2E2, W2SE4, SW4NE4
- Sec. 34-T36N-R4E – W2NW4, SE4SW4, W2SW4

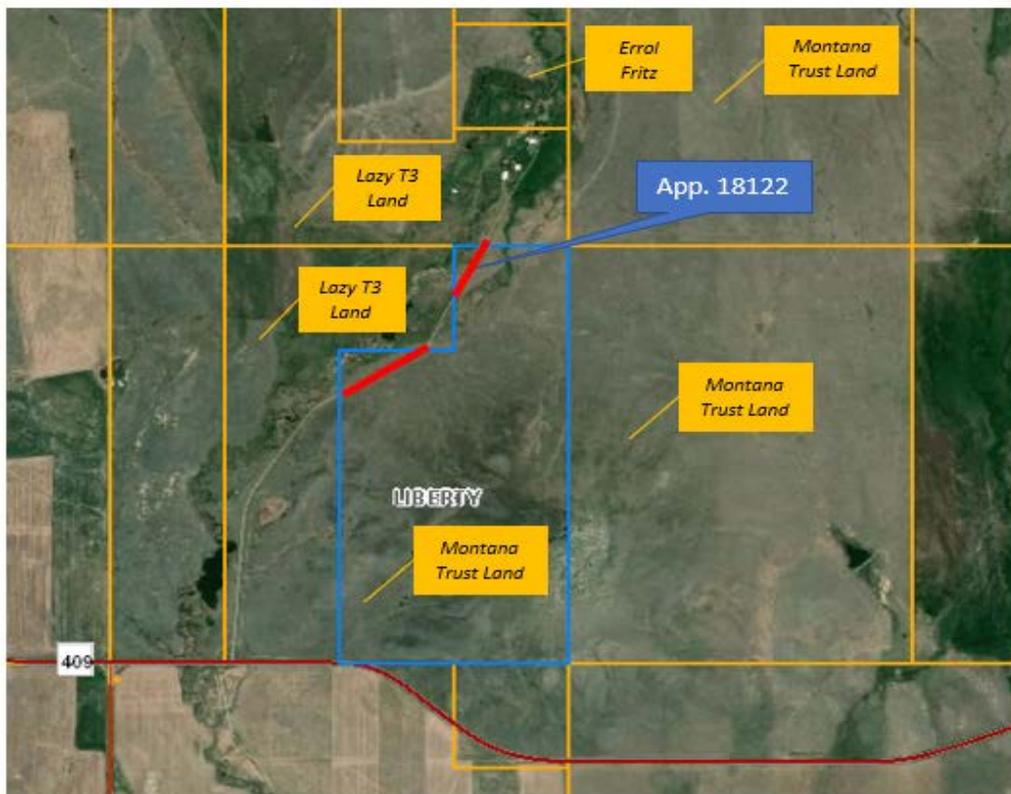
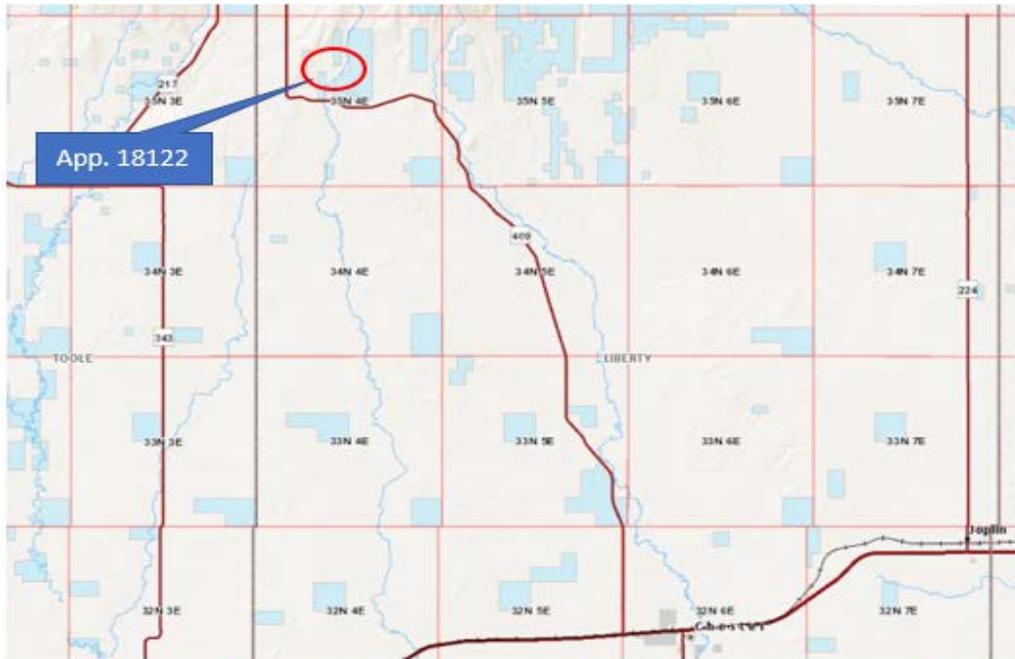
Errol Fritz

- Sec. 9-T35N-R4E – S2S2S2SENE, N2NESE, N2S2NESE, N2S2S2NESE

DNRC Recommendation

The director recommends approval of this historic private access road application.

R/W Application 18122



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 E. Park Butte, MT 59701
Application No.:	18323
R/W Purpose:	a buried 10" natural gas pipeline
Lessee Agreement:	N/A (Historic)
Acreage:	0.24
Compensation:	\$1,440.00
Legal Description:	50-foot strip across the Boulder River in NW4SE4, Sec. 23, Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary:	Public Land Trust

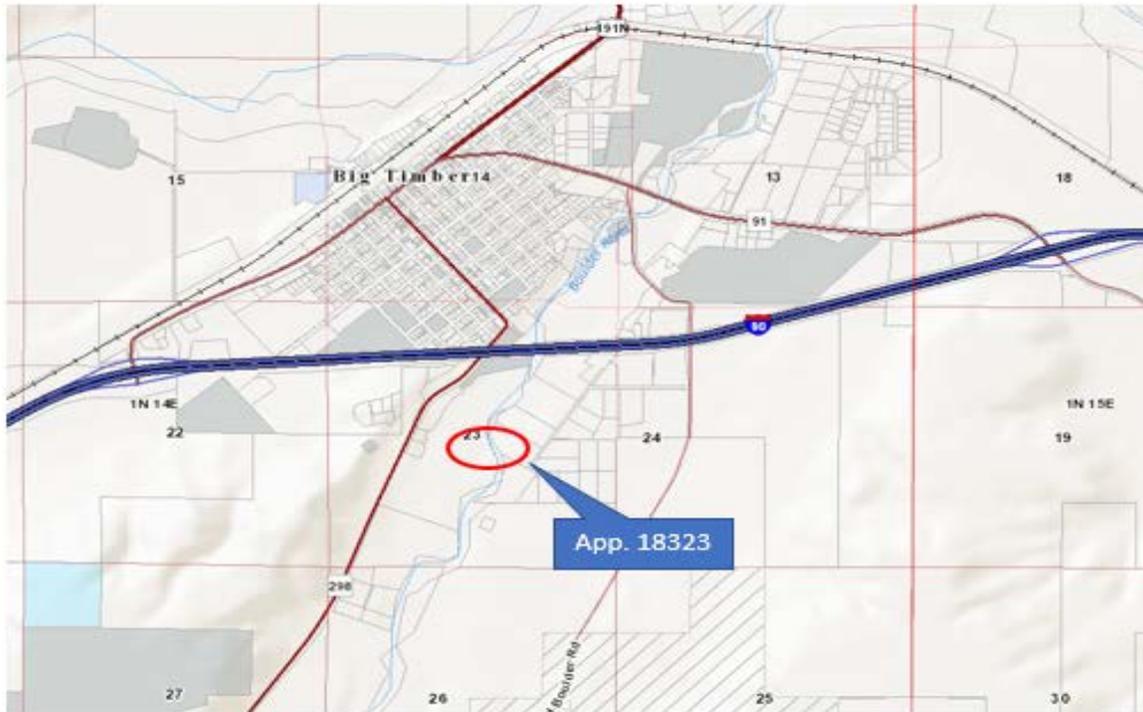
Item Summary

Northwestern Energy has made application for multiple overhead electric distribution, 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 as historic rights of ways.

DNRC Recommendation

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

R/W Application 18323



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 E. Park Butte, MT 59701
Application No.:	18326
R/W Purpose:	an overhead 50 kV electric transmission line with a 24.94 kV distribution line underbuild
Lessee Agreement:	N/A (Historic)
Acreage:	0.04
Compensation:	\$1,350.00
Legal Description:	30-foot strip across the Boulder River in SE4SW4, SW4SE4, Sec. 12 and NE4NW4, Sec. 13, Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary:	Public Land Trust

Item Summary

See page 1 for summary

DNRC Recommendation

See page 1 for recommendation

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18327
R/W Purpose: an overhead 24.94 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.10
Compensation: \$200.00
Legal Description: 10-foot strip across the Yellowstone River in W2SW4, Sec. 12,
Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary: Public Land Trust

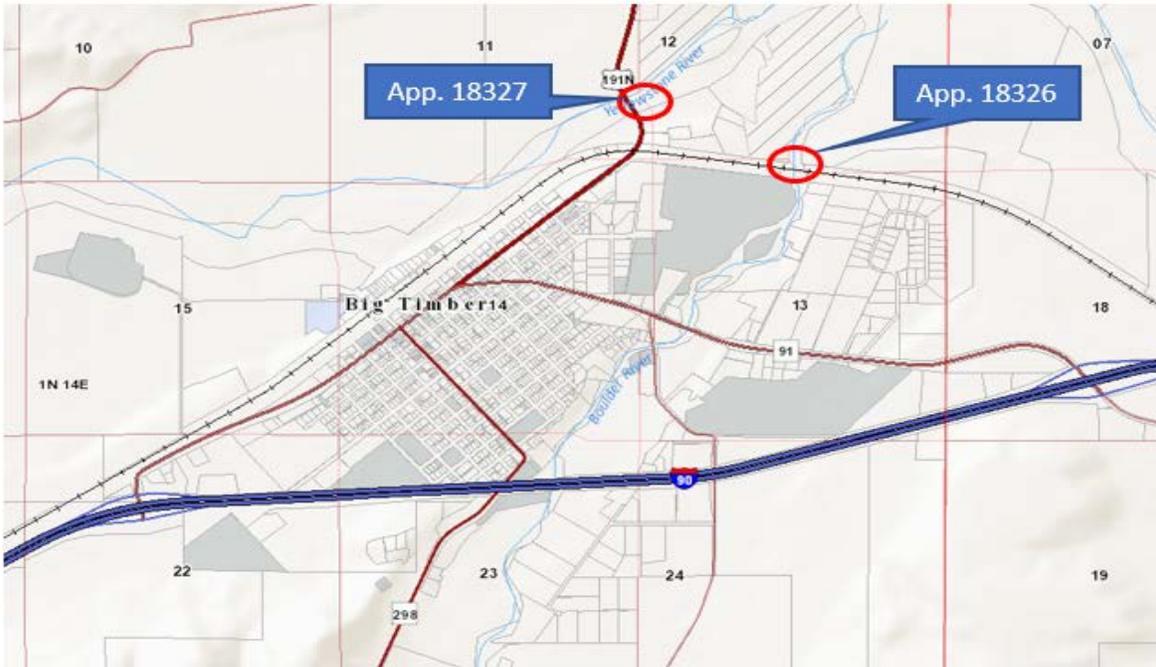
Item Summary

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DNRC Recommendation

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R/W Application 18326 & 18327



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18332
R/W Purpose: an overhead 4.16 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.02
Compensation: \$120.00
Legal Description: 10-foot strip across the Boulder River in N2NE4, Sec. 23,
Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary: Public Land Trust

Item Summary

See page 1 for summary

DNRC Recommendation

See page 1 for recommendation

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18333
R/W Purpose: an overhead 4.16 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.10
Compensation: \$525.00
Legal Description: 10-foot strip across the Boulder River in S2NW4, Sec. 13,
Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary: Public Land Trust

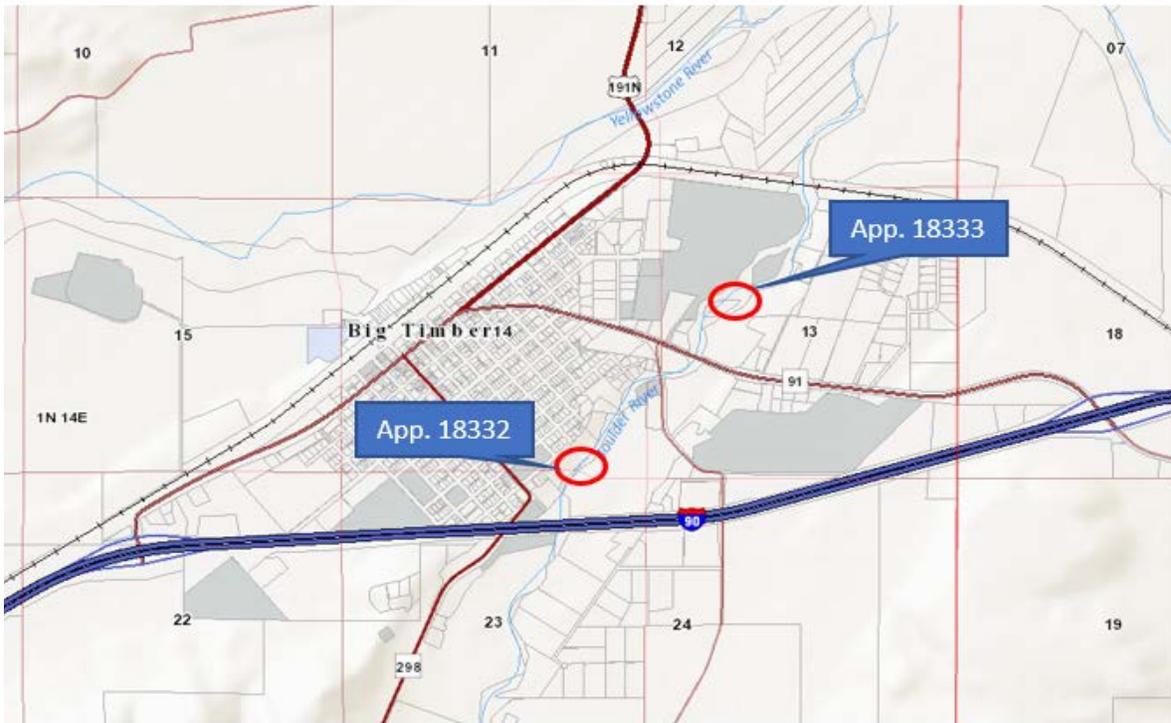
Item Summary

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DNRC Recommendation

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R/W Application 18332 & 18333



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 E. Park Butte, MT 59701
Application No.:	18334
R/W Purpose:	an overhead 4.16 kV electric distribution line
Lessee Agreement:	N/A (Historic)
Acreage:	0.07
Compensation:	\$350.00
Legal Description:	10-foot strip across the Yellowstone River in SW4SE4, Sec. 11 and NW4NE4, Sec. 14, Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary:	Public Land Trust

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18335
R/W Purpose: an overhead 4.16 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.03
Compensation: \$150.00
Legal Description: 10-foot strip across the Boulder River in NW4SW4, Sec. 13 and
NW4SE4, Sec. 14, Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary: Public Land Trust

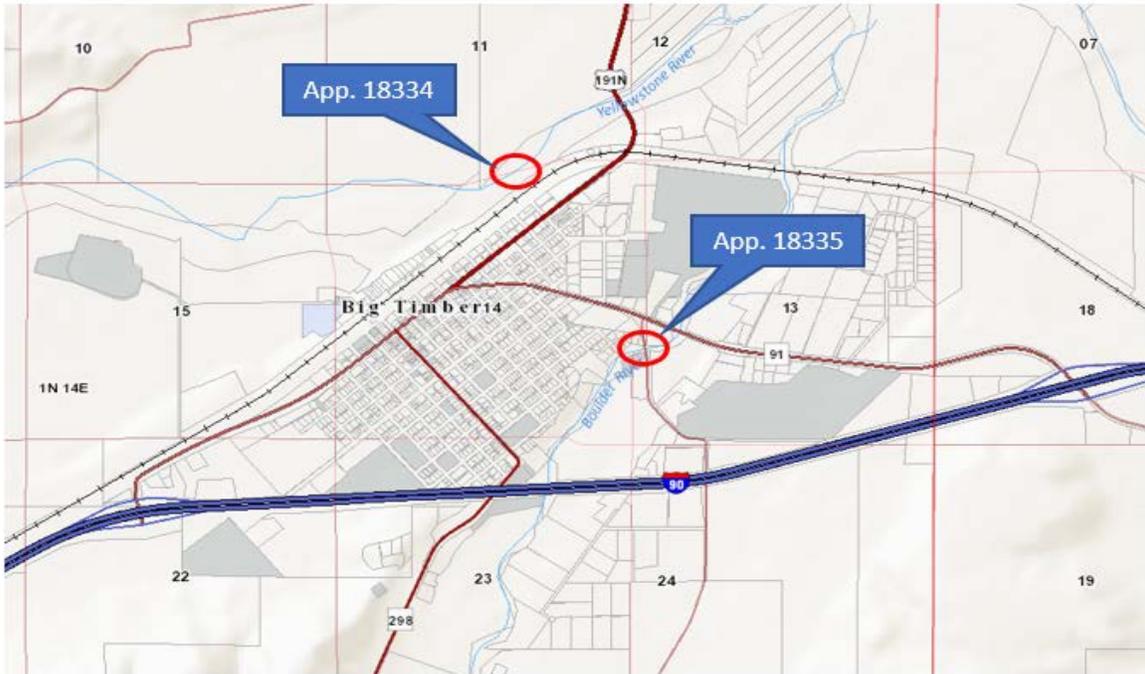
Item Summary

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DNRC Recommendation

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R/W Application 18334 & 18335



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18336
R/W Purpose: an overhead 4.16 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.04
Compensation: \$270.00
Legal Description: 10-foot strip across the Boulder River in NE4NW4, Sec. 26,
Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary: Public Land Trust

Item Summary

See page 1 for summary

DNRC Recommendation

See page 1 for recommendation

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18337
R/W Purpose: an overhead 4.16 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.04
Compensation: \$240.00
Legal Description: 10-foot strip across the Boulder River in SE4SW4, Sec. 23,
Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary: Public Land Trust

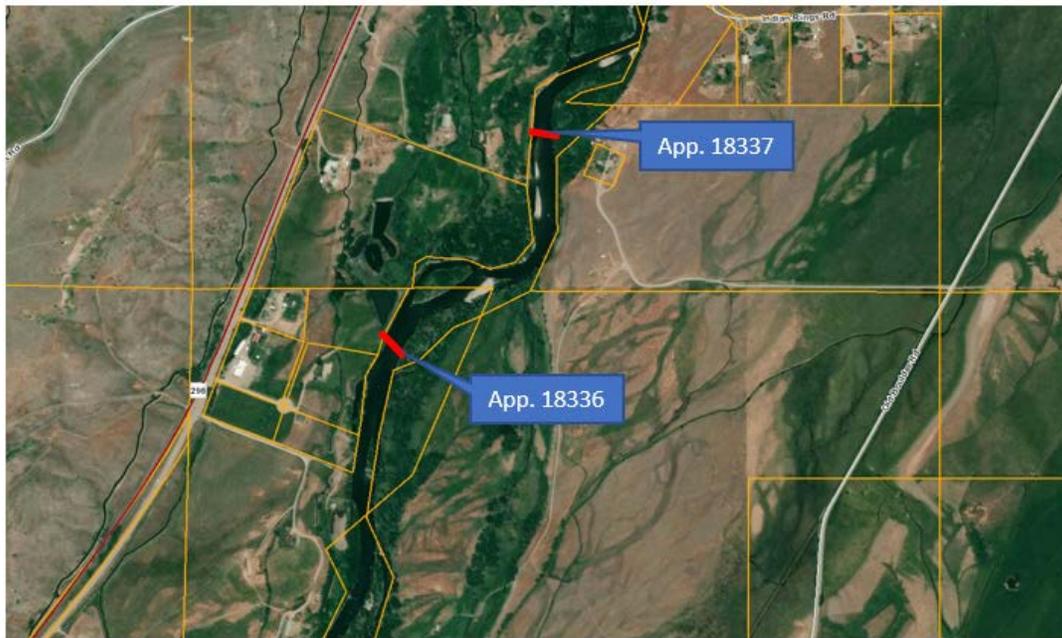
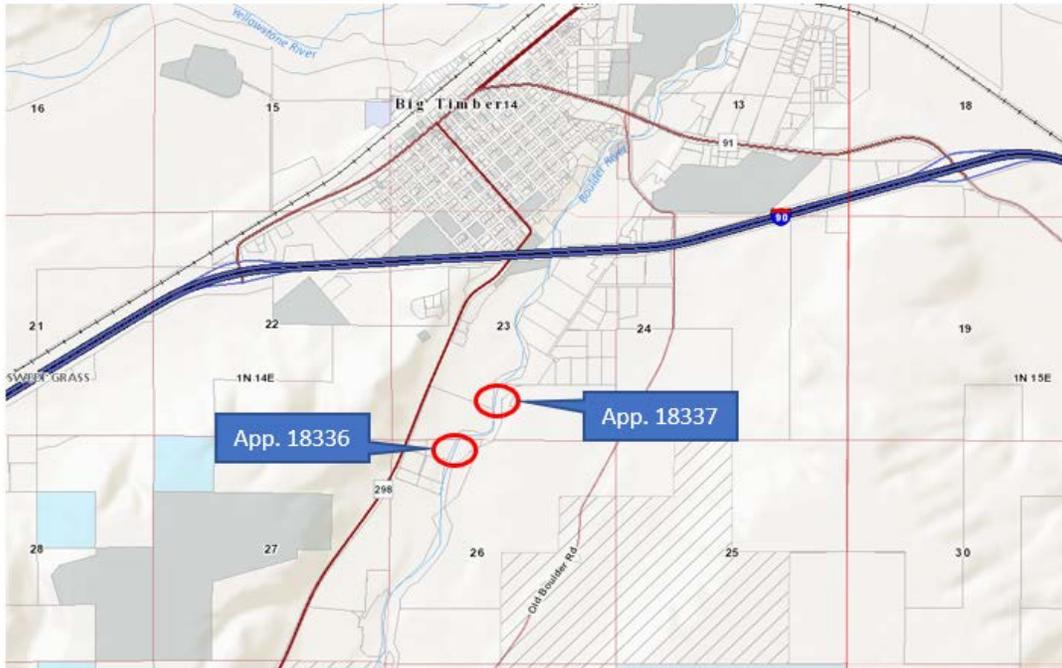
Item Summary

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DNRC Recommendation

See page 1 for recommendation

R/W Application 18336 & 18337



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18369
R/W Purpose: a buried 2" natural gas pipeline
Lessee Agreement: N/A (Historic)
Acreage: 0.68
Compensation: \$1,020.00
Legal Description: 20-foot strip through the SW4SE4, Sec. 29 Twp. 1N, Rge. 15E,
Sweet Grass County
Trust Beneficiary: Common Schools

Item Summary

See page 1 for summary

DNRC Recommendation

See page 1 for recommendation

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18372
R/W Purpose: a buried 10" natural gas pipeline
Lessee Agreement: N/A (Historic)
Acreage: 2.52
Compensation: \$3,780.00
Legal Description: 50-foot strip through the SW4SE4, SE4SE4, Sec. 29, Twp. 1N,
0 Rge. 15E, Sweet Grass County
Trust Beneficiary: Common Schools

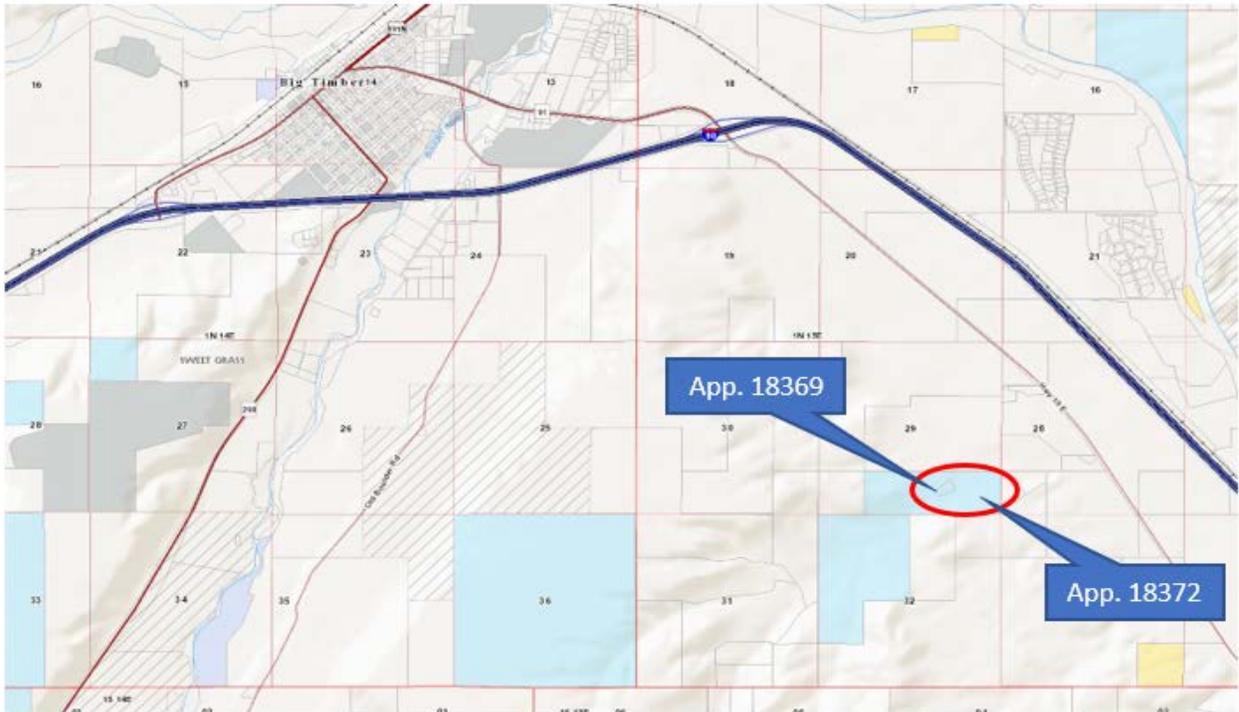
Item Summary

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DNRC Recommendation

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R/W Application 18369 & 18372



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18373
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.07
Compensation: \$245.00
Legal Description: 10-foot strip across the Yellowstone River in NE4SE4, Sec. 8,
Twp. 1S, Rge. 16E, Sweet Grass County
Trust Beneficiary: Public Land Trust

Item Summary

See page 1 for summary

DNRC Recommendation

See page 1 for recommendation

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18374
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.10
Compensation: \$100.00
Legal Description: 10-foot strip across the Yellowstone River in NE4NE4, Sec. 21,
Twp. 1S, Rge. 16E, Sweet Grass County
Trust Beneficiary: Public Land Trust

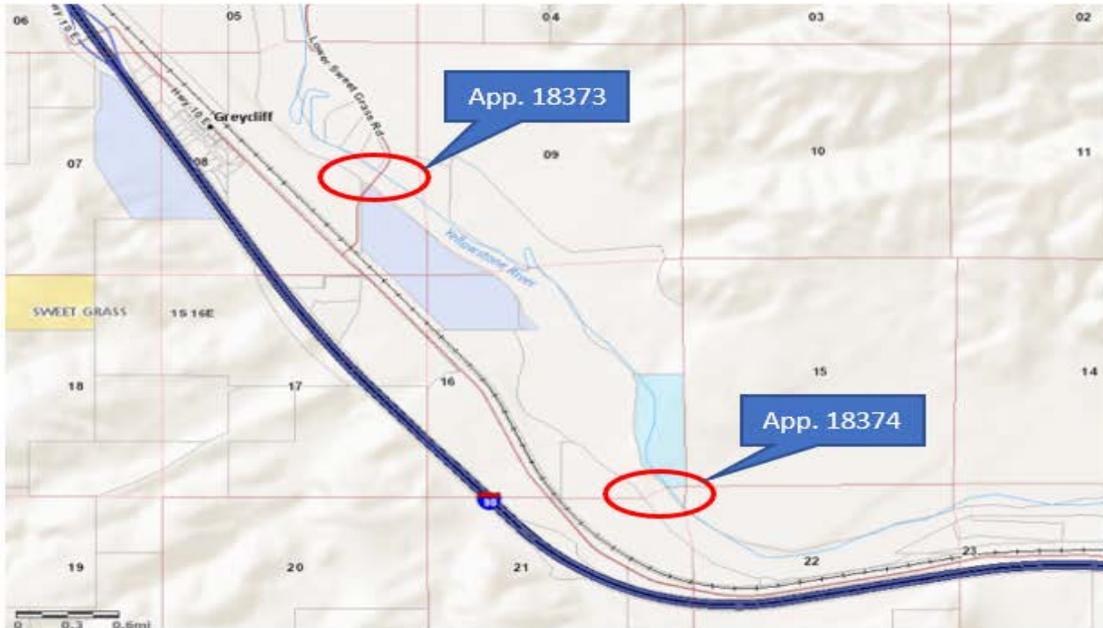
Item Summary

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DNRC Recommendation

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R/W Application 18373 & 18374



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18377
R/W Purpose: a buried 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.07
Compensation: \$100.00
Legal Description: 30-foot strip through the NW4SE4, Sec. 36, Twp. 1S, Rge. 17E,
Sweet Grass County
Trust Beneficiary: Common Schools

Item Summary

See page 1 for summary

DNRC Recommendation

See page 1 for recommendation

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18378
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.19
Compensation: \$143.00
Legal Description: 30-foot strip through the NW4NW4, Sec. 36, Twp. 1S, Rge. 17E,
Sweet Grass County
Trust Beneficiary: Common Schools

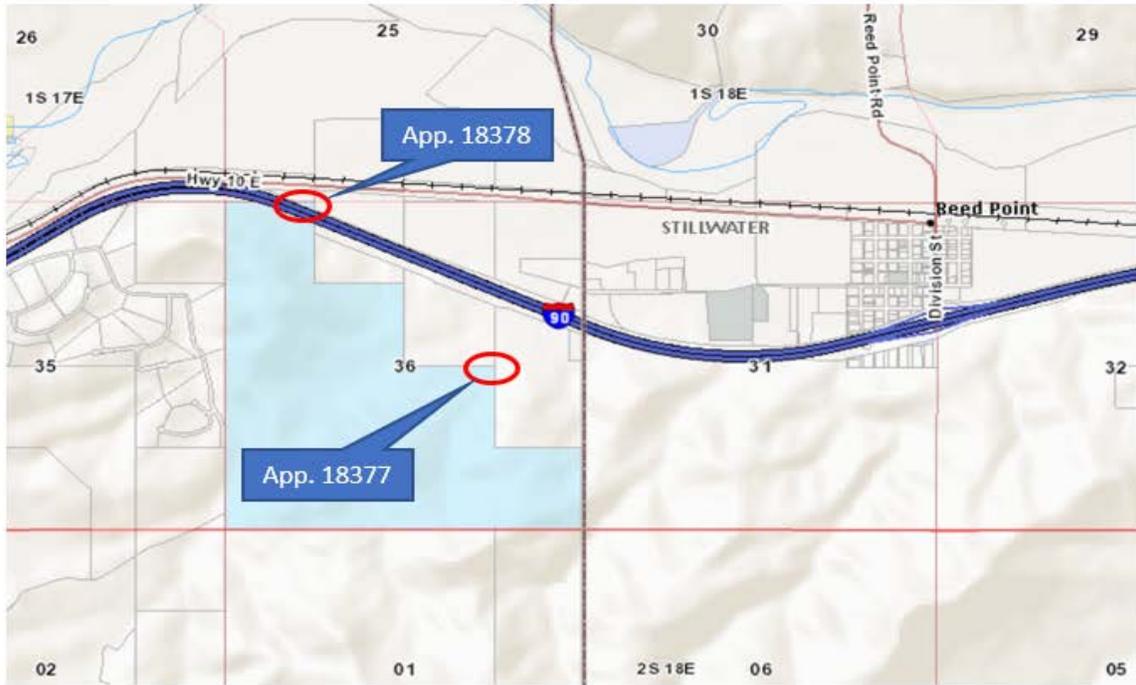
Item Summary

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DNRC Recommendation

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R/W Application 18377 & 18378



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18382
R/W Purpose: an overhead 50 kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.29
Compensation: \$580.00
Legal Description: 30-foot strip across the Yellowstone River in W2SW4, Sec. 12,
Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary: Public Land Trust

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18383
R/W Purpose: an overhead 50 kV electric transmission line with a 14.4 kV
distribution line underbuild

Lessee Agreement: N/A (Historic)
Acreage: 0.04
Compensation: \$210.00
Legal Description: 30-foot strip across the Boulder River in NE4NW4, Sec. 13,
Twp. 1N, Rge. 14E, Sweet Grass County
Trust Beneficiary: Public Land Trust

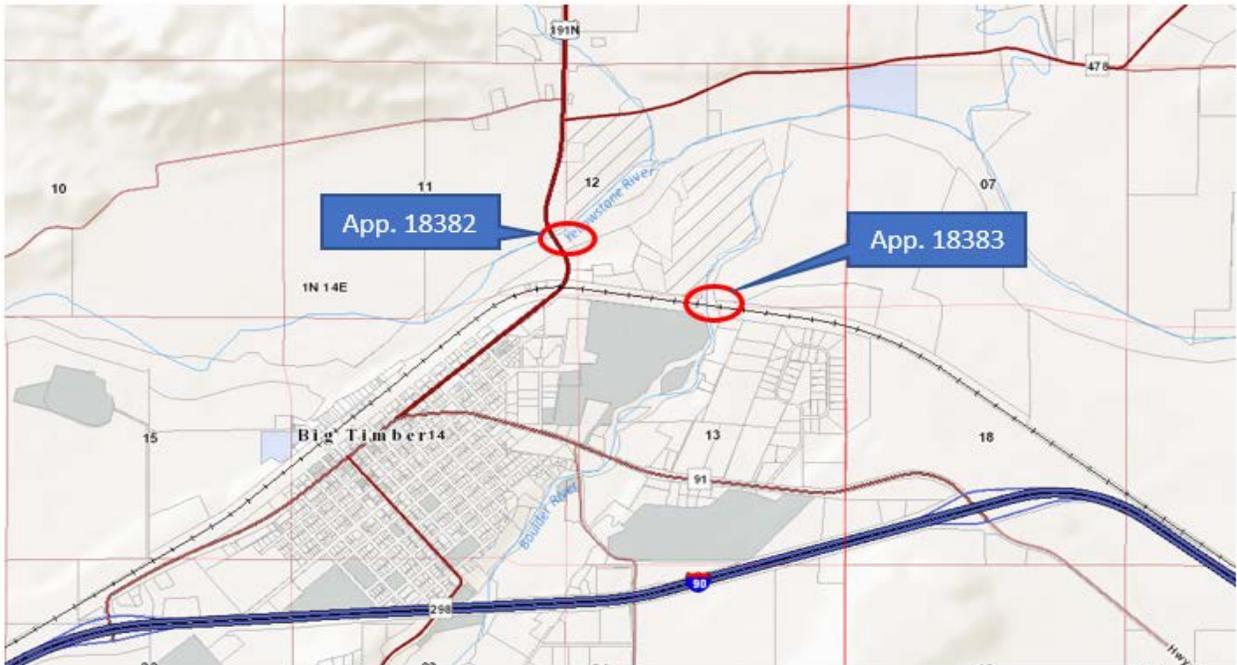
Item Summary

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DNRC Recommendation

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R/W Application 18382 & 18383



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18396
R/W Purpose: a buried 3" natural gas pipeline
Lessee Agreement: N/A (Historic)
Acreage: 0.11
Compensation: \$100.00
Legal Description: 20-foot strip through the NW4NW4, Sec. 36, Twp. 1S, Rge. 17E,
Sweet Grass County
Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18397
R/W Purpose: a buried 12" natural gas pipeline
Lessee Agreement: N/A (Historic)
Acreage: 0.39
Compensation: \$146.00
Legal Description: 50-foot strip across the Yellowstone River in SW4SE4, Sec. 27,
Twp. 1S, Rge. 17E, Sweet Grass County
Trust Beneficiary: Public Land Trust

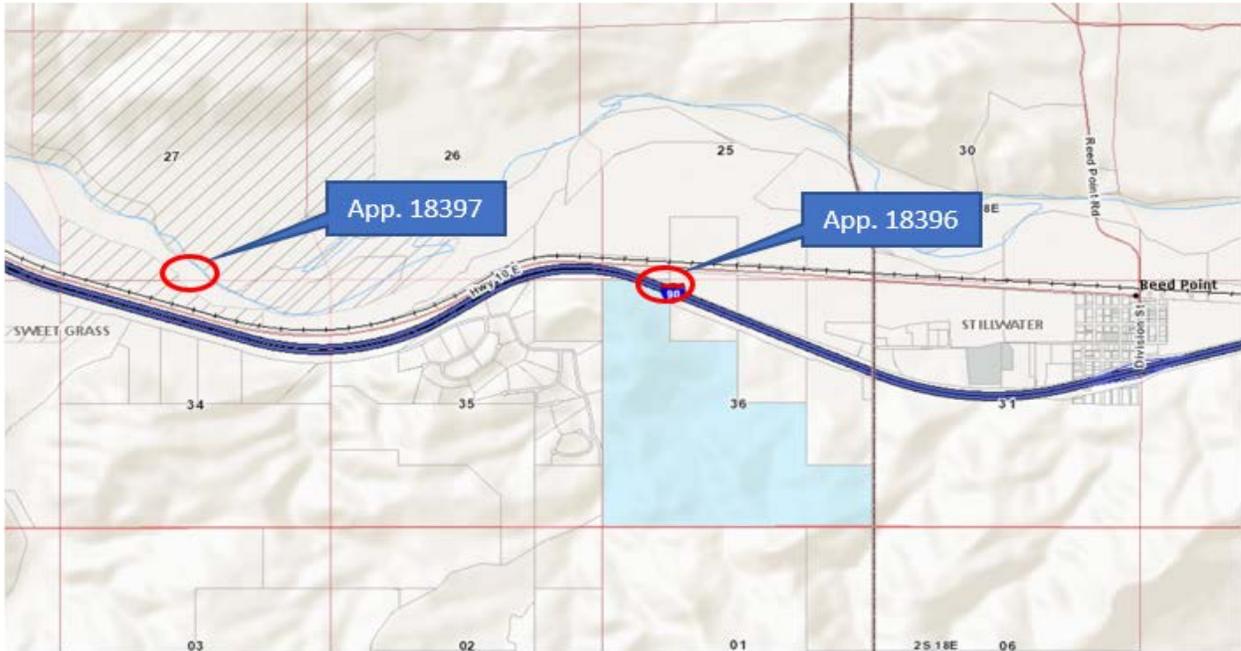
Item Summary

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DNRC Recommendation

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R/W Application 18396 & 18397



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18440
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 4.64
Compensation: \$2,320.00
Legal Description: 30-foot strip through the W2NW4, SE4NW4, NE4SW4, W2SE4,
SE4SE4, Sec. 16, Twp. 3N, Rge. 18E, Sweet Grass County
Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 E. Park Butte, MT 59701
Application No.:	18441
R/W Purpose:	an overhead 12.47 kV electric distribution line
Lessee Agreement:	N/A (Historic)
Acreage:	0.34
Compensation:	\$170.00
Legal Description:	30-foot strip through the NE4SE4, Sec. 36, Twp. 3N, Rge. 18E, Sweet Grass County
Trust Beneficiary:	Common Schools

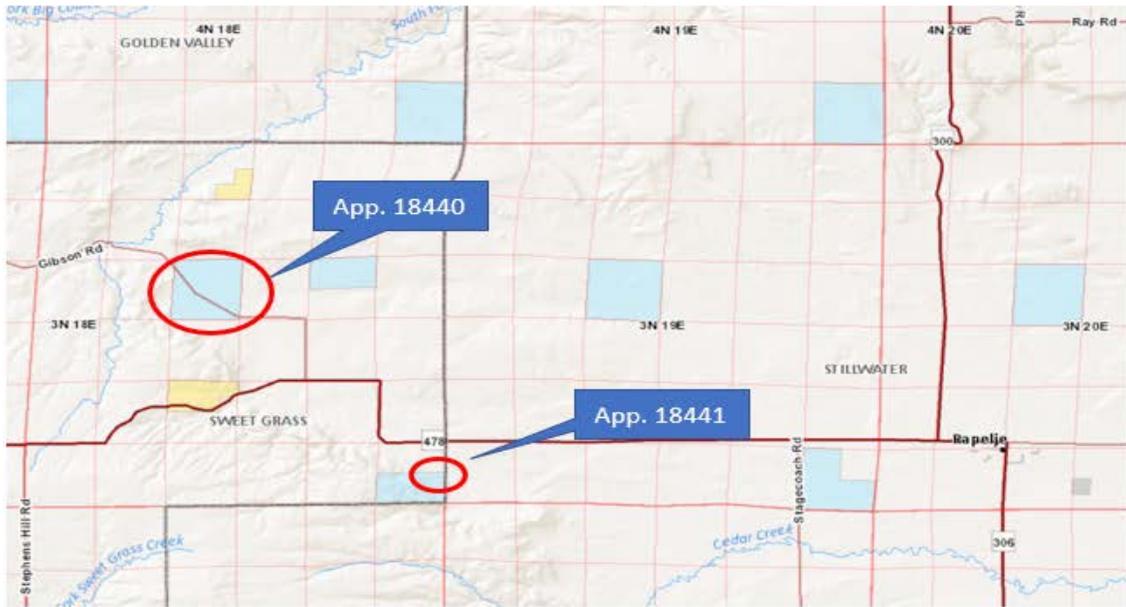
Item Summary

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DNRC Recommendation

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R/W Application 18440 & 18441



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18442
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.49
Compensation: \$245.00
Legal Description: 30-foot strip through the SE4SE4, Sec. 36, Twp. 4N, Rge. 16E,
Sweet Grass County
Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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R/W Application 18442



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18514
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.11
Compensation: \$2,354.00
Legal Description: 10-foot strip across the Yellowstone River in N2NE4, Sec. 34,
Twp. 1N, Rge. 26E, Yellowstone County
Trust Beneficiary: Public Land Trust

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18515
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.46
Compensation: \$11,730.00
Legal Description: two 30-foot strips through the NE4NW4, Sec. 36, Twp. 1N,
Rge. 26E, Yellowstone County
Trust Beneficiary: Common Schools

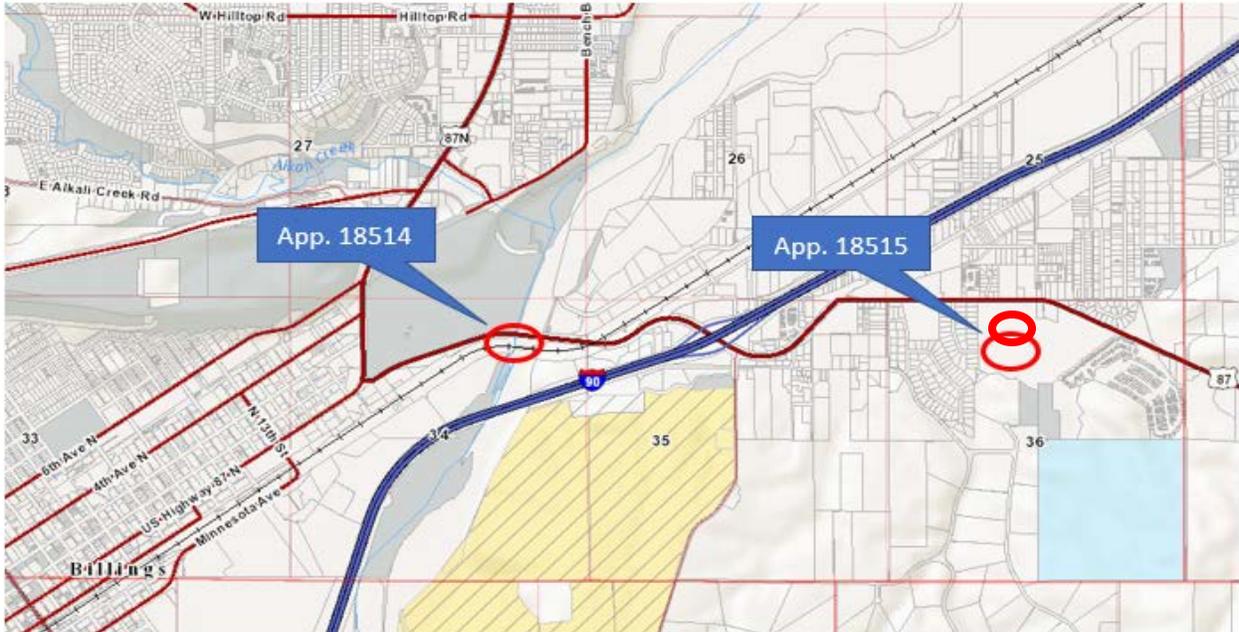
Item Summary

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DNRC Recommendation

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R/W Application 18514 & 18515



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18518
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.13
Compensation: \$100.00
Legal Description: 30-foot strip through the SE4SE4, Sec. 36, Twp. 1N, Rge. 35E,
Big Horn County
Trust Beneficiary: Common Schools

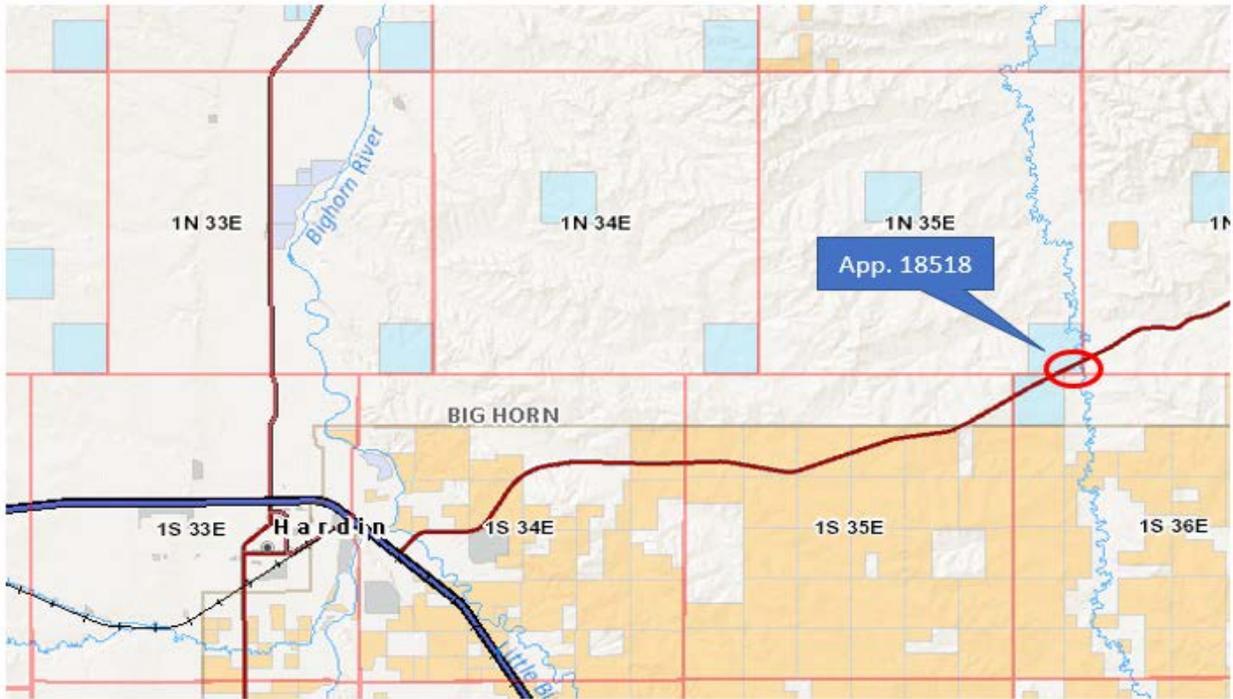
Item Summary

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DNRC Recommendation

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R/W Application 18518



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 E. Park Butte, MT 59701
Application No.:	18519
R/W Purpose:	an overhead 230 kV electric transmission line
Lessee Agreement:	N/A (Historic)
Acreage:	0.66
Compensation:	\$11,798.00
Legal Description:	two 30-foot strips across the Yellowstone River in the W2NE4 and SW4NE4, NW4SE4, Sec. 2, Twp. 1S, Rge. 26E, Yellowstone County
Trust Beneficiary:	Public Land Trust

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18520
R/W Purpose: an overhead 230 kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.68
Compensation: \$12,155.00
Legal Description: four 30-foot strips across the Yellowstone River in the NE4NE4,
SW2SE4, Sec. 2, Twp. 1S, Rge. 26E, Yellowstone County
Trust Beneficiary: Public Land Trust

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18521
R/W Purpose: an overhead 230 kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.68
Compensation: \$12,155.00
Legal Description: four 30-foot strips across the Yellowstone River in the NE4NE4,
SW2SE4, Sec. 2, Twp. 1S, Rge. 26E, Yellowstone County
Trust Beneficiary: Public Land Trust

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Northwestern Energy 11 E. Park Butte, MT 59701
Application No.:	18522
R/W Purpose:	an overhead 230 kV electric transmission line
Lessee Agreement:	N/A (Historic)
Acreage:	0.72
Compensation:	\$12,870.00
Legal Description:	two 30-foot strips across the Yellowstone River in the W2NE4, NW4SE4, Sec. 2, Twp. 1S, Rge. 26E, Yellowstone County
Trust Beneficiary:	Public Land Trust

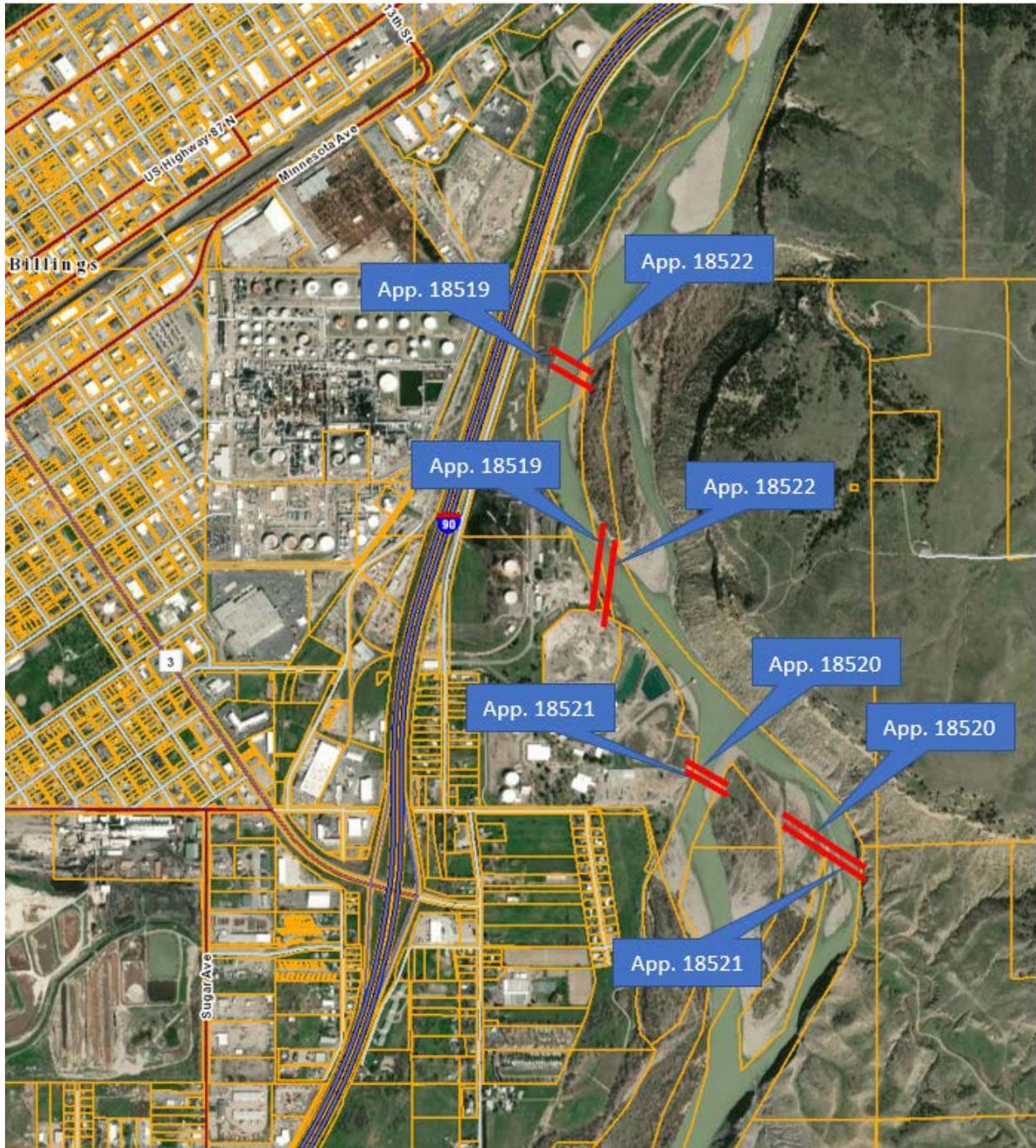
Item Summary

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DNRC Recommendation

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R/W Application 18519, 18520, 18521, & 18522



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18523
R/W Purpose: an overhead 100 kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.56
Compensation: \$5,390.00
Legal Description: 30-foot strip across the Yellowstone River in the SE4SW4, Sec. 11
and NE4NW4, Sec. 14, Twp. 1S, Rge. 26E, Yellowstone County
Trust Beneficiary: Public Land Trust

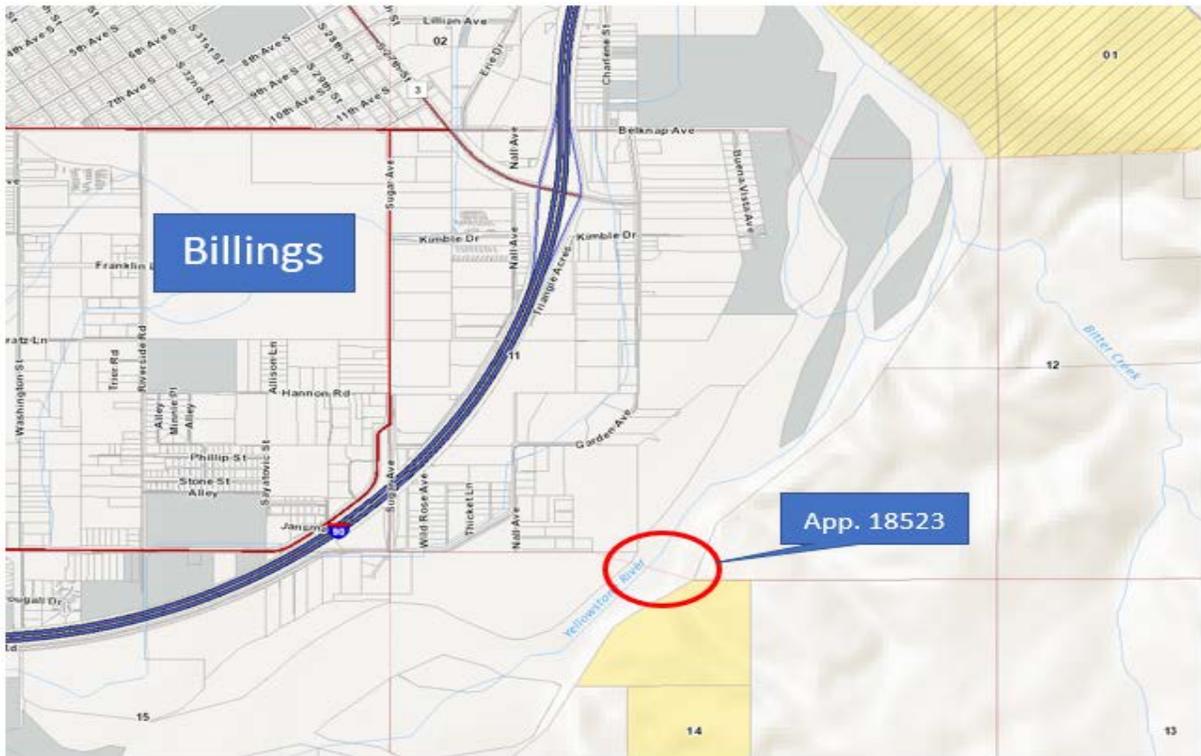
Item Summary

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DNRC Recommendation

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R/W Application 18523



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18524
R/W Purpose: an overhead 69 kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.29
Compensation: \$6,207.00
Legal Description: 30-foot strip across the Yellowstone River in the SE4SE4, Sec. 27,
Twp. 1N, Rge. 26E, Yellowstone County
Trust Beneficiary: Public Land Trust

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18525
R/W Purpose: an overhead 69 kV electric transmission line with a 12.47 kV
distribution line underbuild

Lessee Agreement: N/A (Historic)
Acreage: 0.62
Compensation: \$15,810.00
Legal Description: 30-foot strip through the NE4NW4, Sec. 36, Twp. 1N, Rge. 26E,
Yellowstone County

Trust Beneficiary: Common Schools

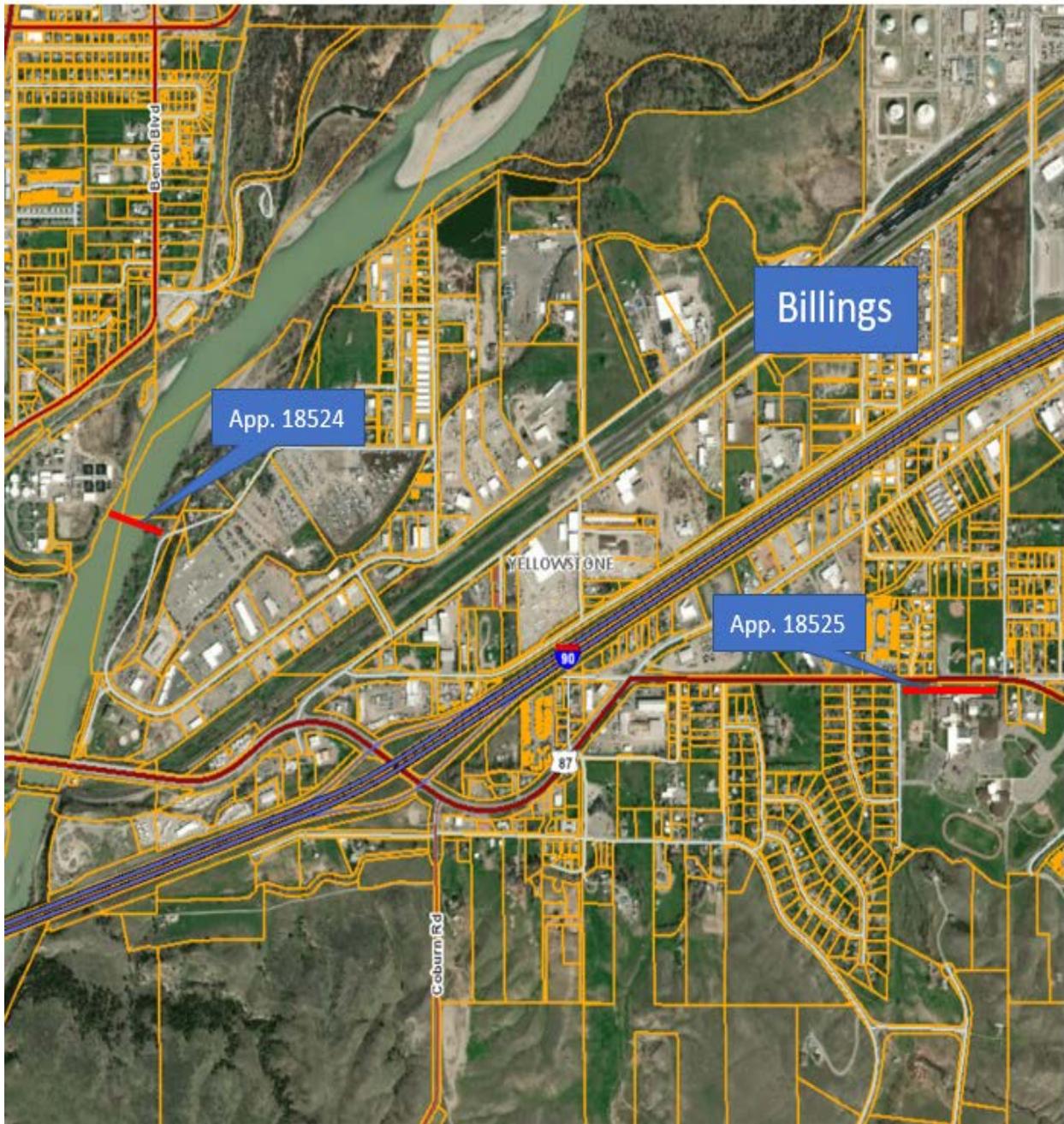
Item Summary

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DNRC Recommendation

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R/W Application 18524 & 18525



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18528
R/W Purpose: a buried 8" natural gas pipeline
Lessee Agreement: N/A (Historic)
Acreage: 0.51
Compensation: \$5,036.00
Legal Description: 30-foot strip across Yellowstone River in W2NW4, Sec. 21,
Twp. 1S, Rge. 26E, Yellowstone County
Trust Beneficiary: Public Land Trust

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18546
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 2.70
Compensation: \$2,160.00
Legal Description: 30-foot strip through the NW4NW4, E2SW4, Sec. 12, Twp. 7N,
Rge. 10E, Meagher County
Trust Beneficiary: Common Schools

Item Summary

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DNRC Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Northwestern Energy
11 E. Park
Butte, MT 59701

Application No.: 18547
R/W Purpose: an overhead 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 2.73
Compensation: \$2,184.00
Legal Description: 30-foot strip through the NW4NE4, S2NE4, NE4SE4, Sec. 24,
Twp. 7N, Rge. 10E, Meagher County
Trust Beneficiary: Common Schools

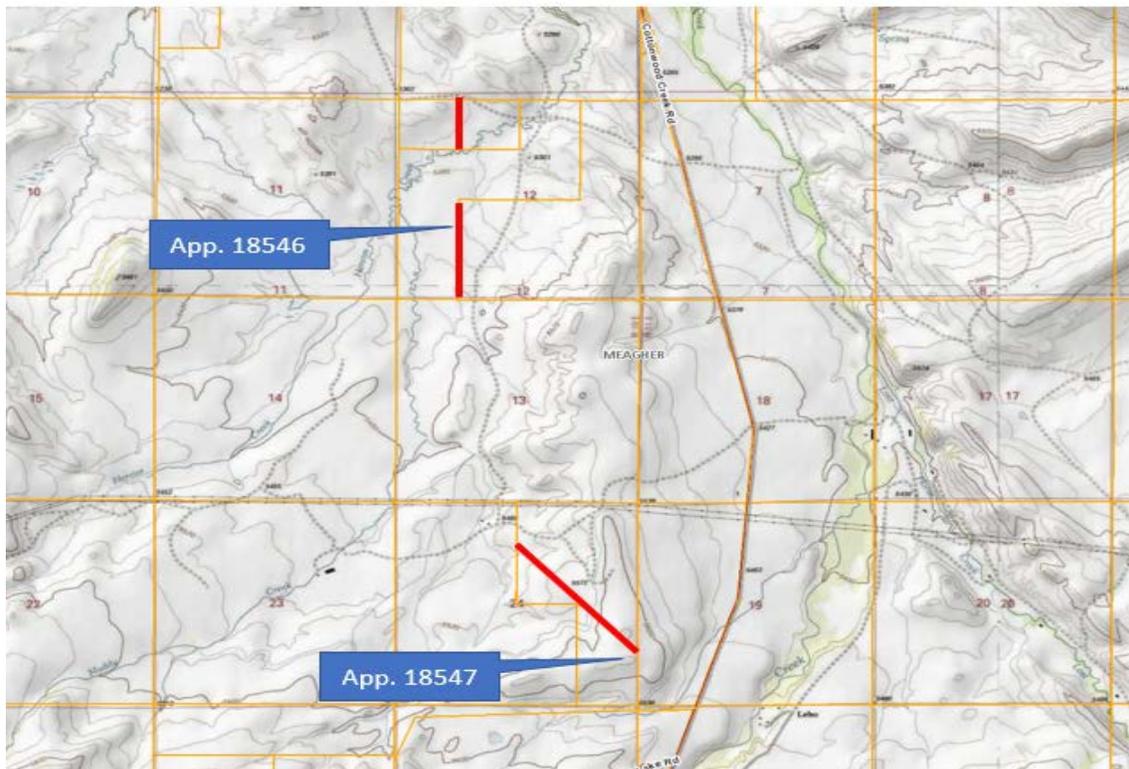
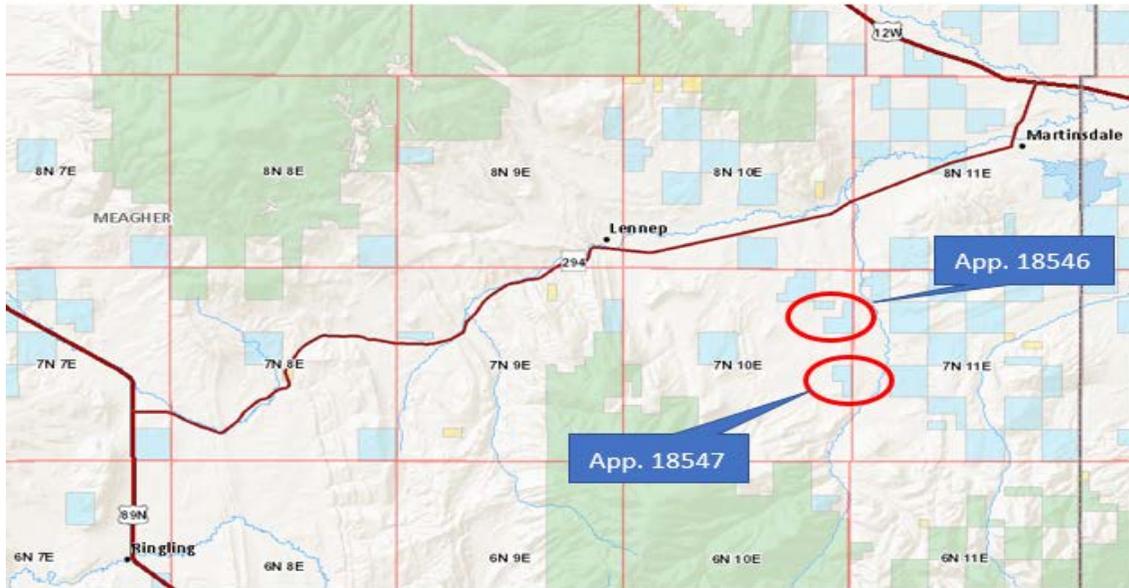
Item Summary

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DNRC Recommendation

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R/W Application 18546 & 18547



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc PO Box 951 Glasgow, MT 59230
Application No.:	18572
R/W Purpose:	a buried electric distribution line
Lessee Agreement:	ok
Acreage:	2.68
Compensation:	\$1,072.00
Legal Description:	20-foot strip through the W2W2, Sec. 16, Twp. 26N, Rge. 42E, McCone County
Trust Beneficiary:	Common Schools

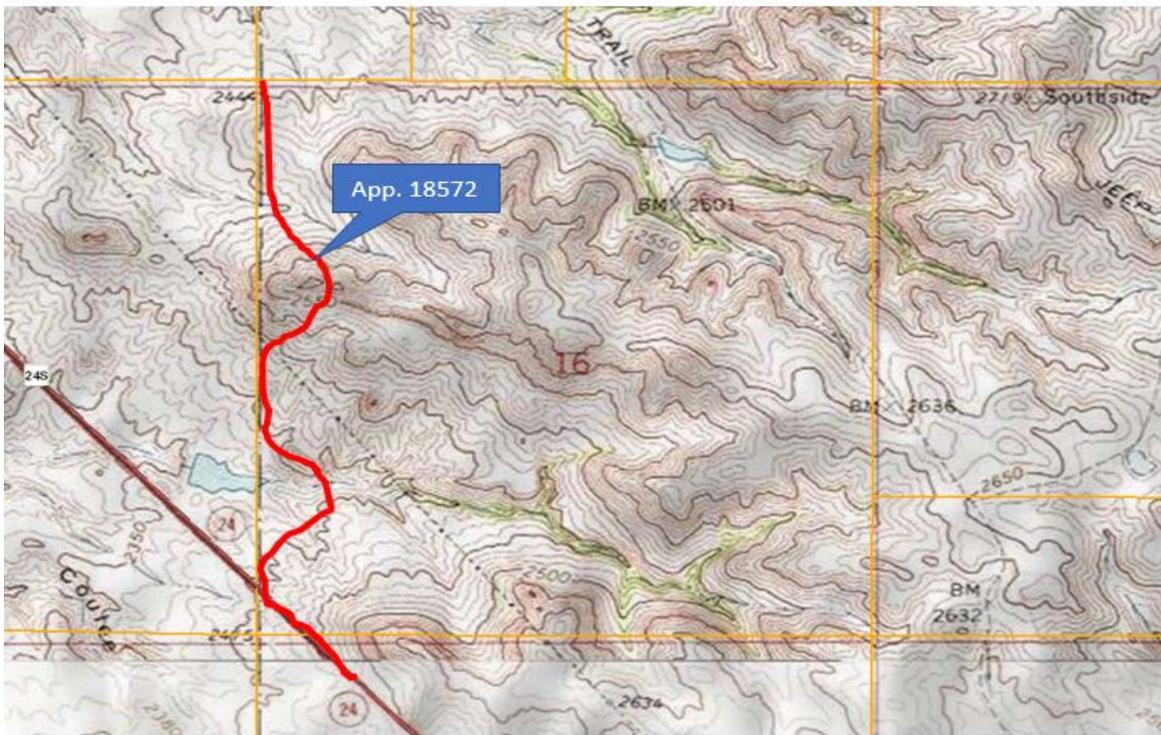
Item Summary

Norval Electric Cooperative is proposing to construct a new electric distribution line along Highway 24 and other rural ranch roads for the purpose of providing service to rural customers, mainly for the purpose of supplying a more reliable power source to stock water wells in the area. However, the line may serve additional rural customers for other uses in the future. The proposed route is within Sage Grouse general habit, with a minor portion being within core habitat, and has received approval from the Sage Grouse Habitat Conservation Program. The installation on State Land is within general habitat and along existing road rights of way, therefore the activity is consistent with the Sage Grouse Conservation Strategy. Minimal impacts are expected to occur from the installation of this proposed electric line.

DNRC Recommendation

The director recommends approval of the easement for Norval Electric Cooperative.

R/W Application 18572



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc PO Box 951 Glasgow, MT 59230
Application No.:	18573
R/W Purpose:	a buried electrical distribution line
Lessee Agreement:	ok
Acreage:	0.21
Compensation:	\$126.00
Legal Description:	20-foot strip through the NW4NW4, Sec. 25, Twp. 36N, Rge. 47E, Daniels County
Trust Beneficiary:	Common Schools

Item Summary

NorVal Electric Cooperative is proposing to construct a new buried electric line adjacent to a county road through State Trust land for the purpose of providing additional service to rural customers. The new line will eliminate several miles of existing overhead power line. Minimal impacts are to be expected as the line will be trenched in along existing disturbed ground.

DNRC Recommendation

The director recommends approval of the easement for Norval Electric Cooperative.

R/W Application 18573



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorVal Electric Cooperative, Inc PO Box 951 Glasgow, MT 59230
Application No.:	18574
R/W Purpose:	a buried electrical distribution line
Lessee Agreement:	ok
Acreage:	0.61
Compensation:	\$183.00
Legal Description:	20-foot strip through the SE4SW4, Sec. 33, Twp. 34N, Rge. 35E, Valley County
Trust Beneficiary:	Common Schools

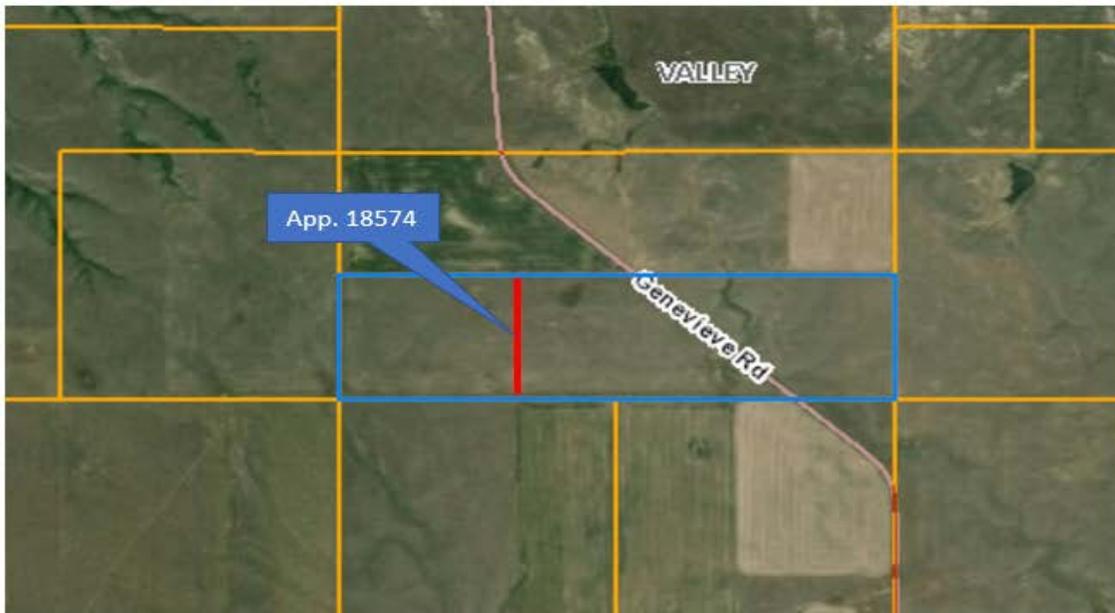
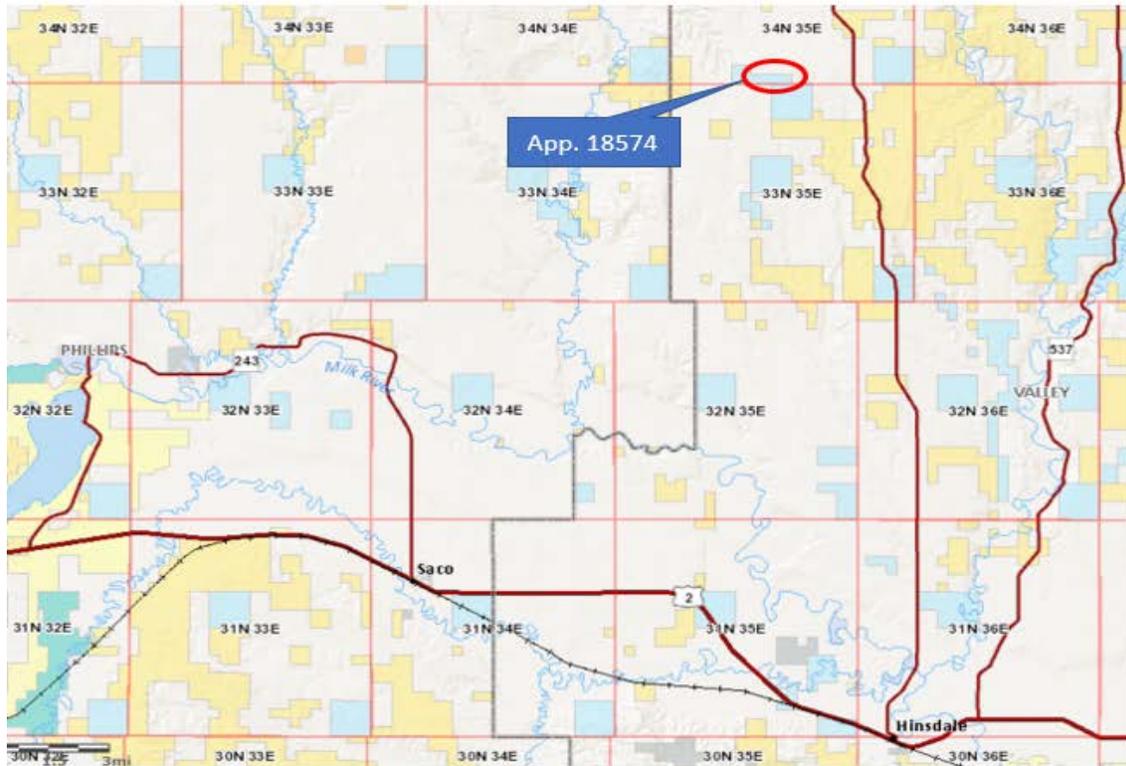
Item Summary

NorVal Electric Cooperative has been requested to supply power to a cellular tower operated by Nemont Telephone Cooperative. The proposed utility corridor will be shared with Nemont Telephone, whose easement request for a buried fiber optic cable was approved by the Land Board in September 2018. By sharing a corridor there will be less impact to the State Land and disturbance will be limited to a single occurrence for construction.

DNRC Recommendation

The director recommends approval of the easement for Norval Electric Cooperative.

R/W Application 18574



Applicant:	Montana Dept. Transportation PO Box 201001 Helena, MT 59620-1001
Application No.:	18642
R/W Purpose:	a highway bridge together with occupancy by public utilities as defined in §69-4-101, MCA
Lessee Agreement:	ok
Acreage:	0.623
Compensation:	\$9,813.00
Legal Description:	tract of land between the SE4SW4, SW4SE4 Sec. 8 and NE4NW4, NW4NE4, Sec. 17, Twp. 7S, Rge. 1W, Madison County
Trust Beneficiary:	Public Lands Trust

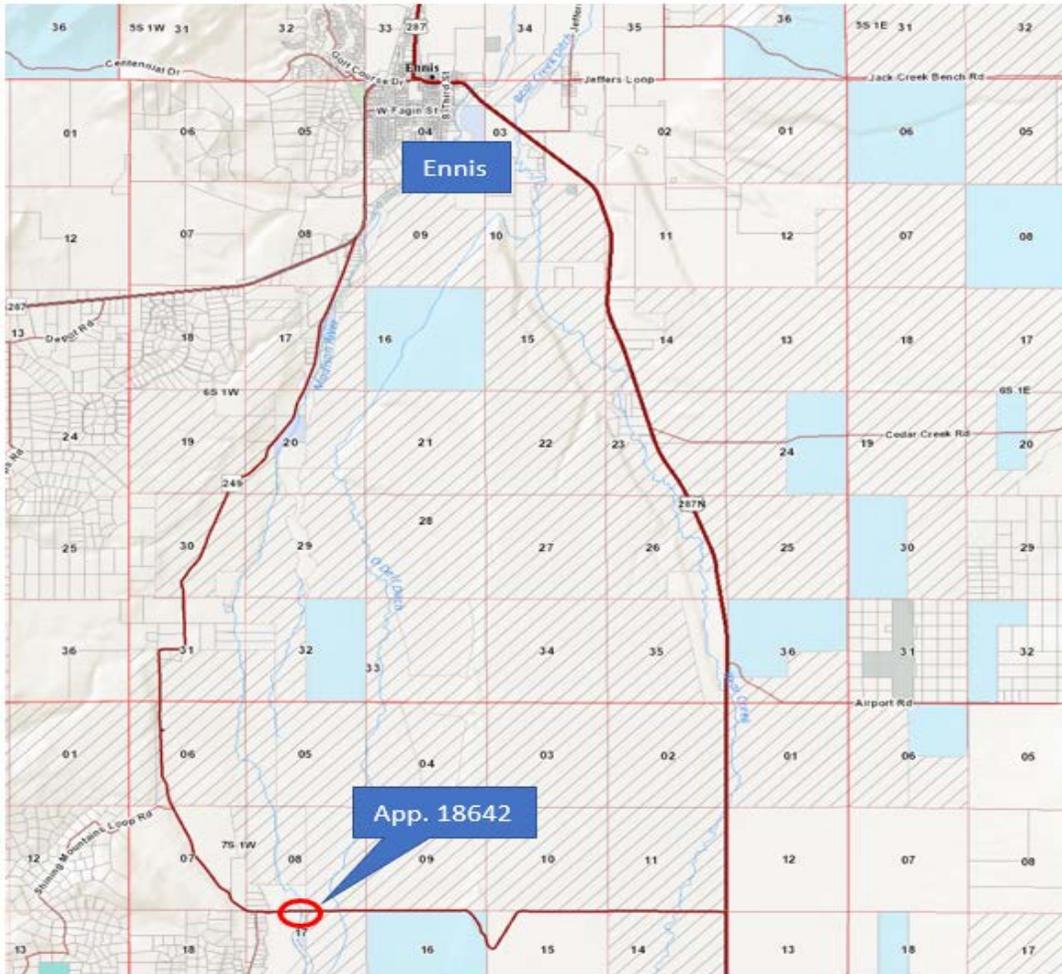
Item Summary

MDT is proposing to replace the existing Varney Bridge over Madison River south of Ennis and east of Virginia City. The existing Varney Bridge is functionally obsolete and currently provides single-lane traffic only. The project will remove all of the existing bridge, including the center pier and abutments to the extent practicable. The reconstruction will consist of a new two-lane, single-span steel truss bridge on the same alignment, the design of which will reduce potential for ice scour. Impacts to the Varney Fishing Access Site (FAS) are anticipated. MDT will acquire additional land in the name of Dept. of Fish, Wildlife and Parks (DFWP) in order to construct a new, safer approach into the FAS that provides for access by larger vehicles and improved sight distance at the intersection with the highway. The FAS will remain open during construction and DFWP has concurred with MDT's proposed mitigation.

DNRC Recommendation

The director recommends approval of this easement request by MDT.

R/W Application 18642



1118-8

**INFORMATIONAL ITEM:
2018 State Trust Lands Report**