MINUTES
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Monday, December 17, 2018 at 9:00 am
State Capitol, Room 303
Helena, MT

Please note: *The Land Board has adopted the audio recording of its meetings as the official record, as allowed by 2-3-212, MCA. These minutes provide an abbreviated summary of the Land Board discussion, public testimony, action taken, and other activities. The time designations listed are approximate and may be used to locate the referenced discussion on the audio recording of this meeting. Access to an electronic copy of these minutes and the audio recording is provided from the Land Board webpage at http://dnrc.mt.gov/LandBoard. The written minutes summary, along with the audio recordings, are listed by meeting date on the Land Board Archive webpage.*

Members Present
Governor Steve Bullock
Attorney General Tim Fox
Commissioner of Securities and Insurance Matthew Rosendale via phone
Secretary of State Corey Stapleton
Superintendent of Public Instruction Elsie Arntzen

Members Absent
None

Testifying Staff
John Tubbs, DNRC Director
Trevor Taylor, DNRC Petroleum Engineer

Attachments
Related Materials, Attachment 1 – sign-in sheet
Related Materials, Attachment 2 – Randall Knowles Email

Call to Order
00:07:43 Governor Bullock called the meeting to order.
00:08:09 Attorney General Fox moved to approve the November 19, 2018, minutes. The motion was seconded by Superintendent Arntzen and carried unanimously.

Business Considered

1218-1 Timber Sales
A. Swan Wood
B. Thin Mint

00:08:20 Mr. Tubbs gave an overview of the item.
00:09:41 Attorney General Fox moved to approve item 1218-1A-B. The motion was seconded by Secretary of State Stapleton and carried unanimously.

1218-2 Oil and Gas Lease Sale (December 4, 2018)

00:10:08 Mr. Tubbs gave an overview of the item.
00:10:54 Attorney General Fox moved to approve item 1218-2. The motion was seconded by Secretary of State Stapleton and carried unanimously.

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1218-3 Unit Participation: Denbury Mystery Creek Unit

00:11:29 Mr. Tubbs gave an overview of the item.
00:12:00 Mr. Taylor gave a presentation
00:12:18 Mr. Tubbs
00:12:19 Mr. Taylor
00:12:20 Governor Bullock
00:12:23 Mr. Taylor
00:22:19 Attorney General Fox moved to approve item 1218-3. The motion was seconded by Secretary of State Stapleton.

Board Discussion/Comments
00:22:29 Governor Bullock
00:22:31 Attorney General Fox
00:22:54 Governor Bullock
00:22:56 Superintendent Arntzen
00:23:00 Governor Bullock
00:23:01 Superintendent Arntzen
00:23:17 Mr. Taylor
00:23:39 Superintendent Arntzen
00:23:55 Mr. Taylor
00:23:58 Governor Bullock
00:23:59 Mr. Taylor
00:23:59 Superintendent Arntzen
00:24:00 Mr. Taylor
00:24:03 Superintendent Arntzen
00:24:03 Mr. Taylor
00:24:23 Superintendent Arntzen
00:24:24 Governor Bullock
00:24:40 Mr. Taylor
00:25:03 Governor Bullock

00:25:09 The motion to approve item 1218-3 carried unanimously.

1218-4 Cabin and Home Sites: Set Minimum Bid for Sale No. 922

00:25:22 Mr. Tubbs gave an overview of the item.
00:25:46 Attorney General Fox moved to approve item 1218-4. The motion was seconded by Secretary of State Stapleton and carried unanimously.

1218-5 Cabin and Home Sites: Final Approval for Sale
A. Lewis & Clark County
B. Missoula County

00:26:32 Mr. Tubbs gave an overview of the item.
00:27:07 Secretary of State Stapleton moved to approve item 1218-5A-B. The motion was seconded by Attorney General Fox and carried unanimously.

1218-6 Easements

00:27:42 Mr. Tubbs gave an overview of the item.

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00:28:12 Attorney General Fox moved to approve item 1218-6. The motion was seconded by Superintendent Arntzen and carried unanimously.

General Public Comment

00:28:59 Mr. Tubbs acknowledge of Randall Knowles email
00:29:24 Superintendent Arntzen
00:30:18 Governor Bullock
00:30:19 Mr. Tubbs
00:30:43 Superintendent Arntzen
00:30:44 Governor Bullock

Adjournment

00:30:58 Adjournment

PRESIDENT

/s/ Steve Bullock
Steve Bullock, Governor

ATTEST

/s/ John E. Tubbs
John E. Tubbs, DNRC Director

Related Material
Attachment 1

SIGN-IN SHEET
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
December 17, 2018 at 9:00 am

NAME	AFFILIATION	E-MAIL/ADDRESS	*Check to be added to the interested parties list*
Ed Beaudette	MDT	ebeaudette@mt.gov	
Bob Heiser	MDT	rheiser@mt.gov	
Nick Gevock	MWF	ngevock@mtwf.org	

Email landboard@mt.gov or indicate on this sign-in sheet if you would like to be placed on the Land Board interested parties list.

This sign-in sheet is a public record under Title 2, Chapter 6 of the Montana Code Annotated, but may not be reproduced or distributed for use as a mailing list without the permission of the named individuals under 2-6-1017, MCA.

From: Randall Knowles <knowlesmontana@juno.com>
Sent: Friday, December 7, 2018 5:09 PM
To: Bennett, Dena <DBennett@mt.gov>
Subject: Knowles comments for Dec 17th

Mr. Chairman and members of the Land Board: I would like the attached memo from Director Tubbs, dated October 10, 2018, officially entered into the minutes of the Land Board meeting held on December 17th, 2018.

Back Ground: Immediately after the Salmond Road settlement was approved, by the land board, Randall Knowles started working with BLM in Lewistown and DNRC staff members to consummate a reciprocal easement to the USFS boundary. The process was moving along and then the BLM person left and Randall started working with the replacement. Then, all of a sudden, the DNRC lost interest in the reciprocal easement process; someone threw water on this easement process. All of Randall's efforts to get the cart moving again were for naught. Then the second BLM person left and their replacement had no incentive. What happen? DNRC failed to take the lead in the process and to keep the cart moving. DNRC's failure to keep the verbal promise made by Tommy Butler to Randall Knowles as part of the settlement process in the Salmond Road issue has been breached. Rest assured that the reciprocal easement issue is not dead and that Randall Knowles will NOT rest until a public easement is secured to the thousands of acres of USFS land which provides key access to the Bob Marshal Wilderness. Randall would be appreciative of a positive attitude by DNRC to work with him in moving this cart forward.

I wish all in attendance a Happy Holiday. Pressing business keeps me from making this wish in person.
randy

NEW Email - Reply to: Knowlesmontana@Juno.com - Randall Gene Knowles,
3017 Ninth Avenue South, Great Falls, MT 59405 voice, cell, & text 406-799-1547

"A time comes when silence is Betrayal." Clergy and Laymen Concerned About Vietnam 4-April 1967

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

STEVE BULLOCK, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

MEMORANDUM

DATE: October 10, 2018

FROM: John Tubbs, Director

To: Land Board Members and Staff

SUBJECT: Land Board Reporting Requirement; Consent Decree - Salmond Ranch Road – Deep Creek Access (Teton County)

Background: On July 20, 2015 the Land Board unanimously approved the Department of Natural Resources and Conservation (DNRC or department) roles and obligations outlined in the Proposed Consent Decree in Salmond Ranch Company, Inc., v. All Known Persons, et al., Cause No. DV-12-45, Montana Ninth Judiciary District Court, in Teton County. In addition to all parties arriving at a successful settlement over public and private access rights, the department acquired access from Salmond Ranch family for all lawful purposes across their lands to State trust lands in Sections 4, 9, 10, 15, 16, 17, 20, 21, 22, and 28 in Township 23 North, Range 8 West, MPM, in Teton County. This access for the pubic and subsequent development of a highly used public parking lot on state land, is restricted to seasonal use for wildlife security and private ranching operations consistent with restrictions on the nearby Ear Mountain Wildlife Management Area.

Land Board Reporting Requirement: The 2015 Land Board agenda item 715-6 states: *"In addition, the Montana Department of Natural Resources and Conservation would use its best efforts to review and process any application from the U.S. Forest Service or the Bureau of Land Management for a permanent public recreational easement for the access route to the public parking lot on Section 15, the public parking lot on Section 15 and non-motorized public trails to the federal lands. The Department will investigate opportunities for reciprocal access with these agencies and report back to the Board within a year."*

Mr. Randy Knowles, a party to the litigation, recently reminded DNRC of this reporting requirement. While DNRC has been in communications with our federal partners on this issue since execution of the settlement agreement and has routinely discussed with Land Board staff, Mr. Knowles is correct in that the Department had neglected to formally report those discussions to the Land Board. This memo shall serve as a formal update.

DNRC (field and bureau staff) have communicated on several occasions since 2015 with BLM's Lewistown Field Office (they oversee this area), and the BLM's Access/Land Tenure Program to

gauge interest in pursuing a reciprocal easement involving State trust lands and BLM lands beginning at the state's existing parking lot to Forest Service lands and the adjacent Bob Marshall Wilderness boundary. Feasible trail locations extending from the valley floor at State trust lands to the rugged Bob Marshall Wilderness to the west are complicated. The location would require trail construction for several miles through difficult steep and rocky terrain containing numerous stream crossings and navigating around private inholdings or negotiating easements with adjacent landowners.

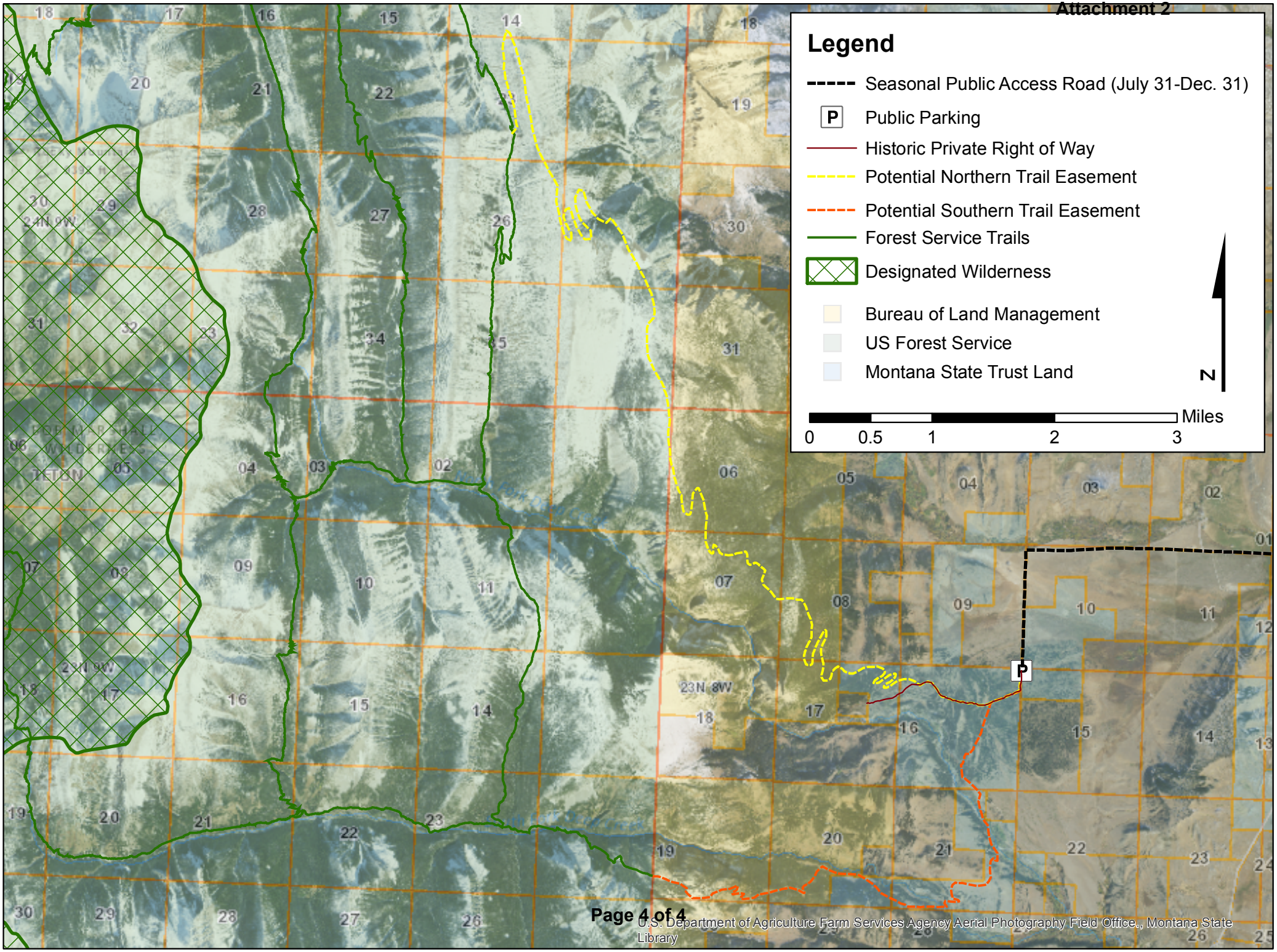
The response from the BLM Access/Land Tenure Program in Missoula has been consistent to date; this is not a priority project for them and it has not been identified as a priority for the public through agency planning and public scoping efforts.

Over the past 18 months DNRC Public Access Specialist, Ryan Weiss has contacted representatives for both the BLM and USFS to further explore public access opportunities in this area, including an easement across State trust lands connecting with public lands to the west The BLM re-affirmed that this area remains low on their priority for trail expansion and have stated that the BLM is not a party to the Consent Decree and under no obligation to apply for an easement across the state. They have, however, agreed to meet with the DNRC and Helena-Lewis and Clark National Forest to explore future options.

Prior discussions with the Helena- Lewis and Clark National Forest staff from 2015 – 2017 indicated low interest in developing new trail locations from this entry point. However, recent conversations between the DNRC Public Access Specialist and Helena-Lewis and Clark National Forest Recreation Program Manager and Rocky Mountain District Ranger have indicated a desire to explore connecting an existing USFS trail that dead-ends at the BLM boundary (see attached map) to the public parking lot on State trust lands.

While reporting to the board is outlined in the Consent Decree (pg. 42-45) and ratified by the Land Board approval of the agenda item, the Consent Decree is silent to obligating DNRC or BLM to create and process a reciprocal trail easement. DNRC local managers communicate often with agency managers, private landowners in the area, sportsmen, and other outdoor recreationists, who generally believe the public access from State trust lands to public lands is well managed, sufficient, and currently working well.

The department will continue to have an open dialog with the BLM and USFS staff regarding public access routes and facilities in this area and stand ready to work with our federal partners to analyze and process trail easement applications in the best interest of the trust and public. We commit to keep the Land Board informed of any significant change in status or applications for new trail access.

CC: Randy Knowles

Deep Creek Access