

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Monday, October 28, 2019 at 9:00 am
State Capitol, Room 303
Helena, MT

ACTION ITEMS

1019-1 Timber Sales APPROVED 5-0

A. Chamberlain 16

*Benefits: Common Schools
Location: Powell County*

B. Green Calico

*Benefits: Common Schools, Public Buildings
Location: Sanders County*

1019-2 Cabin and Home Sites: Final Approval for Sale APPROVED 5-0

A. Missoula County

*Benefits: MSU 2ND
Location: Missoula County*

B. Gallatin County

*Benefits: Western/ Eastern
Western Location: Gallatin County*

C. Lewis and Clark County

*Benefits: Common Schools
Location: Lewis and Clark County*

1019-3 Easements APPROVED 5-0

A. Standard Grant

*Benefits: Common Schools, Public Land Trust- Nav. Rivers, University of Montana
Location: Custer, Fergus, Flathead, Lincoln, Pondera, Silver Bow, and Yellowstone Counties*

B. Easement Exchange: Tobie Creek

*Benefits: Western/ Eastern
Location: Flathead County*

PUBLIC COMMENT

1019-1

TIMBER SALES

A. Chamberlain 16

B. Green Calico

**Land Board Agenda
Item October 28, 2019**

1019-1A Timber Sale: Chamberlain 16

**Location: Powell County
Sections 9, 10, 15, 16, T14N, R13W**

Trust Beneficiaries: Common Schools

Trust Revenue: \$140,697 (estimated, minimum bid)

Item Summary

Location: The Chamberlain 16 Timber Sale is located approximately 10 miles southwest of Ovando, MT.

Size and Scope: The sale includes seven harvest units (775 acres) of tractor logging.

Volume: The estimated harvest volume is 15,952 tons (2 MMBF).

Estimated Return: The minimum bid is \$8.82 per ton which would generate approximately \$140,697 for the Common Schools Trust and \$49,132 in Forest Improvement fees.

Prescription: Prescriptions include a combination of shelterwood and individual tree selection. Leave-tree selection will favor healthy western larch and ponderosa pine while also retaining, as a lower priority, healthy Douglas-fir, Subalpine fir, and Engelmann spruce. Tree spacing is random based on tree quality to develop an irregular pattern. The best trees will be left; this may be individual trees or small clumps.

Road Construction/Maintenance: Approximately 0.1 miles of new road will be constructed within the timber sale area. Approximately 0.4 miles of road will be re-constructed. Road maintenance will be performed on 9.1 miles.

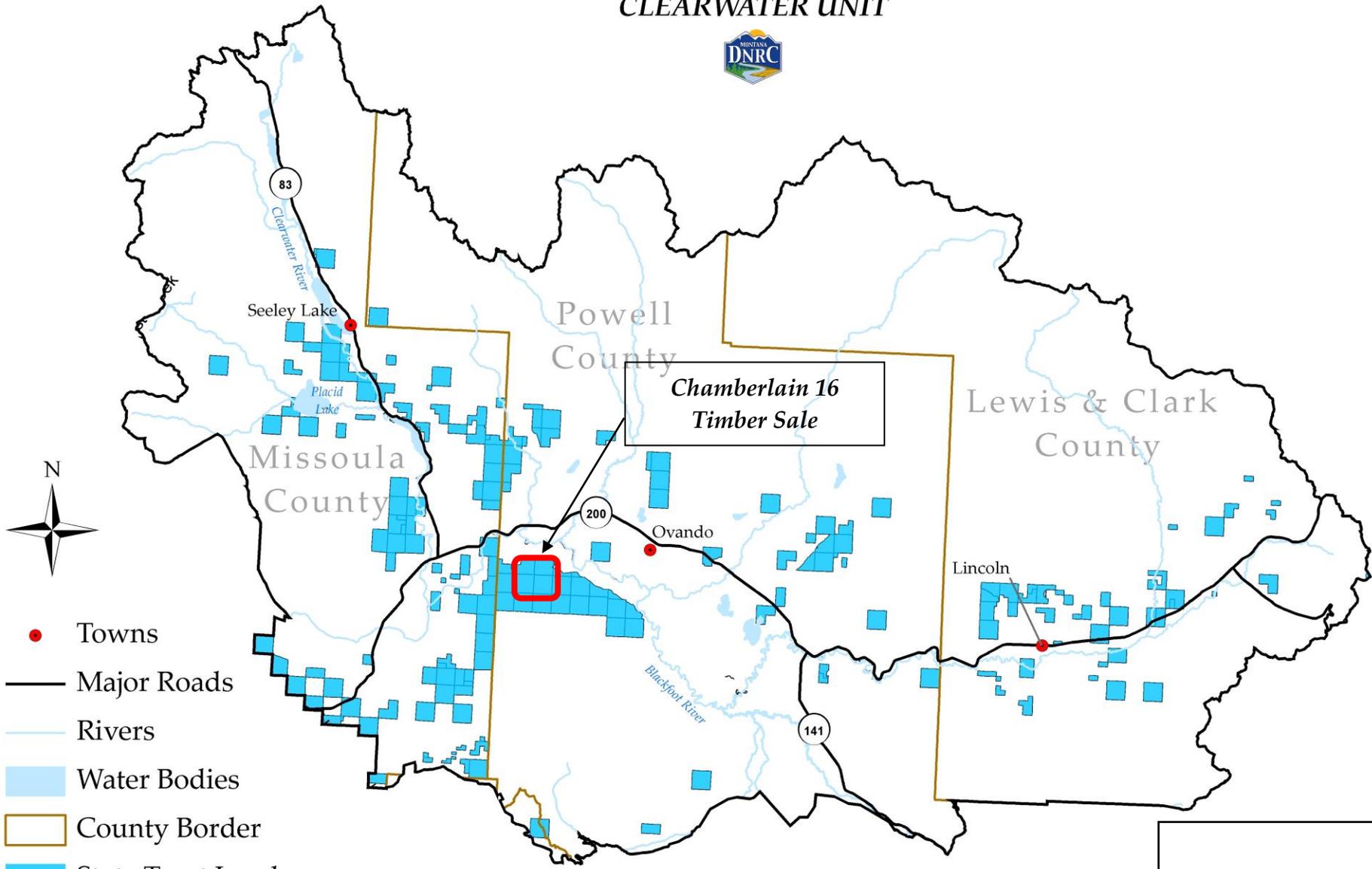
Access: Access is through private property with an easement from Highway 200 to DNRC property on Scotty Brown Road / River Junction into DNRC's Chamberlain ownership.

Public Comments: Comments were received from the Montana Department of Fish, Wildlife, and Parks (DFWP) Weyerhaeuser, The Northern Cheyenne Tribe and The Confederated Salish and Kootenai Tribes (CSKT). DFWP commented on the Conservation Easement special management provisions and asked that they are followed. DNRC will adhere to the special provisions and be in close contact with DFWP. The Confederated Salish and Kootenai Tribe and Northern Cheyenne Tribe had no comments regarding cultural resources but wished to be kept informed if there were any changes or new discoveries. Weyerhaeuser is in support of the timber sale.

DNRC Recommendation

The director recommends the Land Board direct DNRC to sell the Chamberlain 16 Timber Sale.

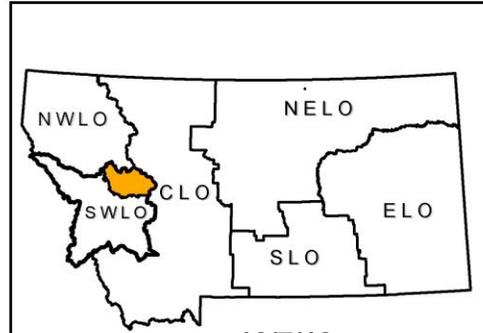
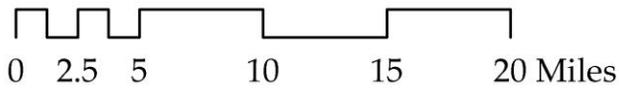
CLEARWATER UNIT



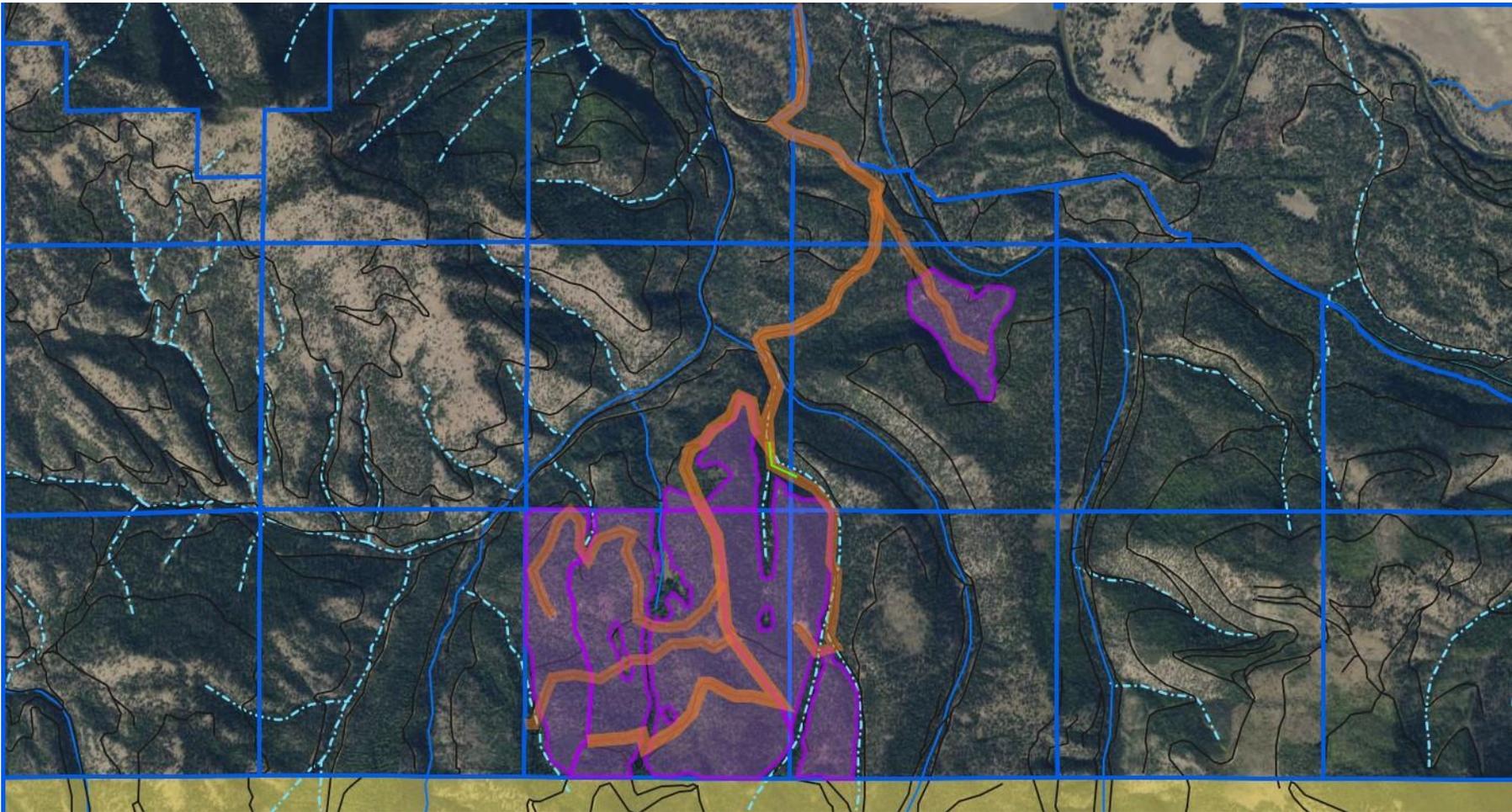
**Chamberlain 16
Timber Sale**



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



Chamberlain 16 Haul Route and Harvest Units



- | | | | | | |
|--|---------------------|--|------------------------|--|------------|
| | 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 |



**Land Board Agenda Item
October 28, 2019**

1019-1B Timber Sale: Green Calico

Location: Sanders County
Sections 32 & 34, T23N, R27W
Sections 4 & 10, T22N, R27W

Trust Beneficiaries: Common Schools 20%, Public Buildings 80%

Trust Revenue: \$422,922 (estimated, minimum bid)

Item Summary

Location: The Green Calico Timber Salvage Sale is located approximately 19 air miles northwest of Plains, MT.

Size and Scope: The sale includes 7 harvest units (354 acres) of tractor logging and 5 harvest units (124 acres) of cable logging, for a total of 12 harvest units (478 acres).

Volume: The estimated harvest volume is 22,460 tons (3,235 mbf) of sawlogs.

Estimated Return: The minimum bid is \$18.83 per ton, which would generate approximately \$ 84,585 for the Common Schools Trust, \$338,337 for the Public Buildings Trust, and approximately \$ 96,129 in Forest Improvement fees.

Prescription: The sale area is within the Habitat Conservation Plan (HCP) project area and complies with the commitments outlined in the HCP. This sale has 467 acres of shelterwood harvest and 11 acres of old growth maintenance prescriptions.

Road Construction/Maintenance: The Department of Natural Resources and Conservation (DNRC) is proposing 2.2 miles of new road construction, 0.3 miles of reconstruction, and 9.5 miles of advanced maintenance. All closed roads will continue to be closed to motorized public access upon completion of the sale.

Access: Access has been obtained to this timber sale via county road, Lower Anaconda Copper Mine (ACM) Cost Share & Calico Supplement No. 4 National Forest Roads and Trails Act (FRTA) with the United States Forest Service (USFS), Lower Thompson Road Access Agreement & Lower Thompson-Jones Road Access Agreement with Weyerhaeuser.

Public Comments: Scoping notices were placed in the *Missoulian*, the *Clark Fork Valley Press* and the *Sanders County Ledger*. Scoping letters were sent to neighboring landowners, individuals, agencies, industry representatives, and other organizations that have expressed interest in DNRC's management activities. The Initial proposal was also posted to the DNRC website. Eight responses were received. Six expressed support, there was one "no comment" and the Northern Cheyenne Tribal Historic Preservation Officers (THPO) deferred to the nearest tribe. Our nearest tribe, The Confederated Salish and Kootenai Tribes, did not respond.

DNRC Recommendation

The director recommends the Land Board direct DNRC to sell the Green Calico Timber Sale.

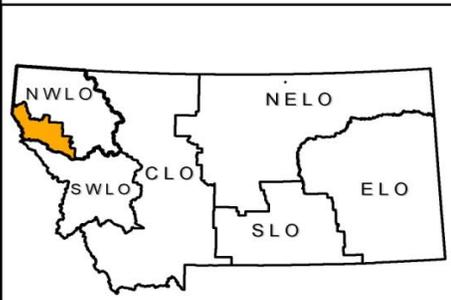
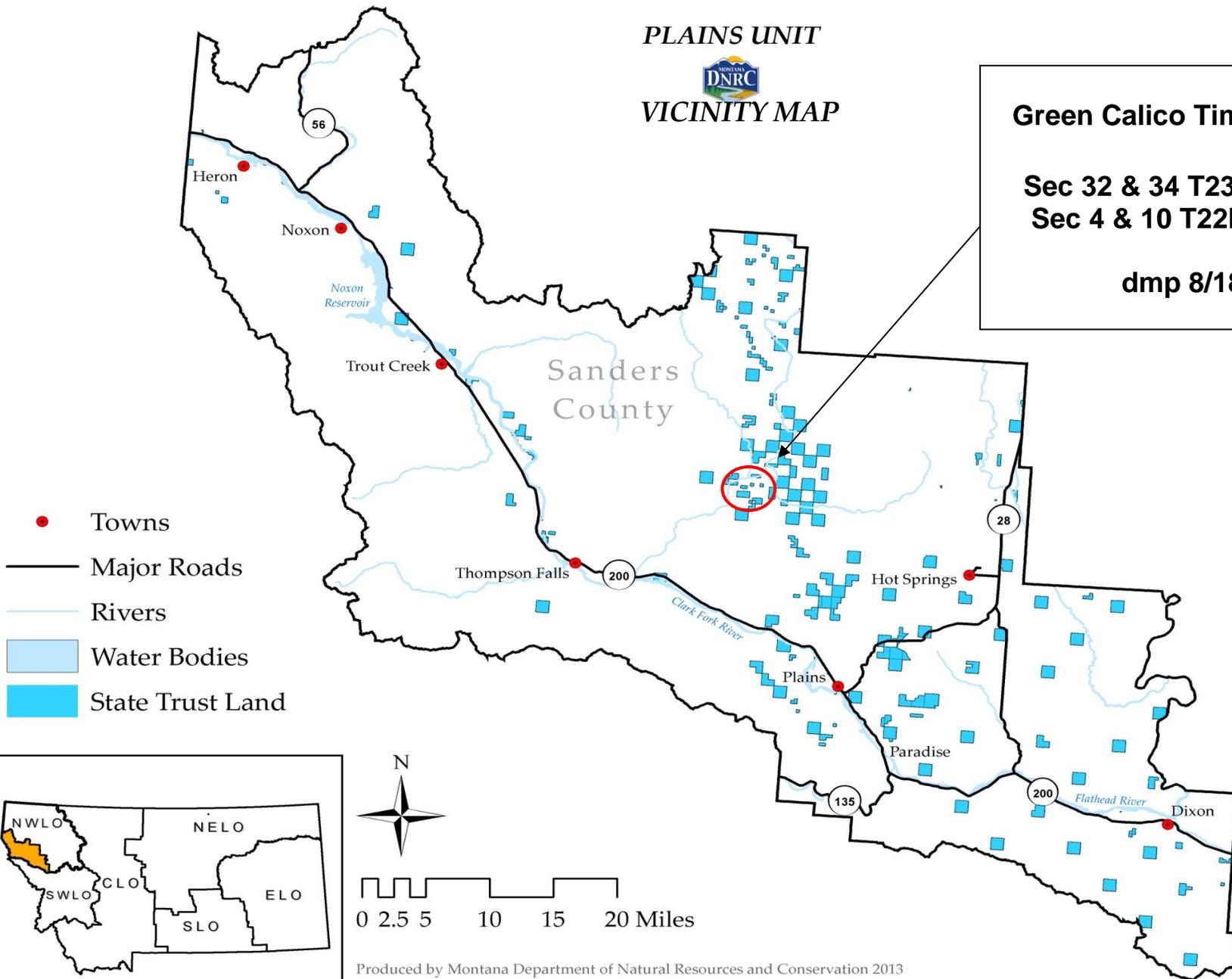
PLAINS UNIT
VICINITY MAP



Green Calico Timber Sale

**Sec 32 & 34 T23N R27W
Sec 4 & 10 T22N R27W**

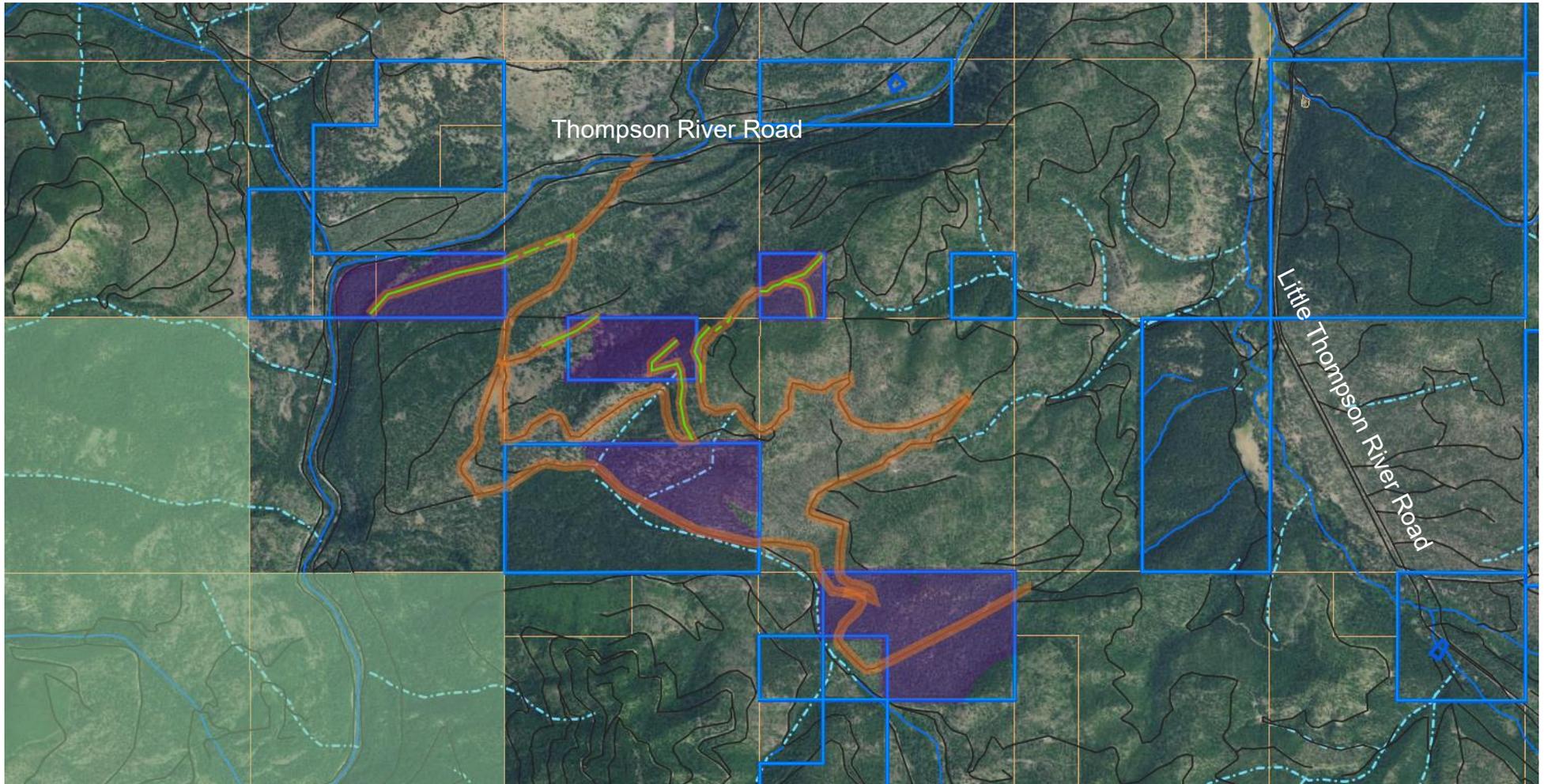
dmp 8/18



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

Green Calico Harvest Units and Haul Route

1019-1B



- | | | |
|---|--|--|
|  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 |



1019-2

CABIN AND HOME SITES: FINAL
APPROVAL FOR SALE

A. Missoula County

B. Gallatin County

C. Lewis and Clark County

**Land Board Agenda Item
October 28, 2019**

**1019-2A Cabin and Home Sites: Final Approval for Sale
A. Missoula County**

Location: Missoula County
Trust Benefits: MSU 2nd
Trust Revenue: \$2,799,000

Item Summary

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

Sale No.	Acres	Legal Description	Nominator	Trust
918	2.890±	Lot 2, Morrell Flats, COS 5840, Section 14, T16N-R15W	DNRC	MSU 2 nd
1030	2.200±	Lot 1, Morrell Flats, COS 5840, Section 14, T16N-R15W	Christy Hughes, Michael & John Hamilton	MSU 2 nd
1031	1.722±	Lot 14A, Morrell Flats, COS 5840, Section 14, T16N-R15W	Angela & Ken Miller	MSU 2 nd
997	1.437±	Lot 6, Placid Lake West, COS 5049, Section 30, T16N-R15W	Heidi Wadsworth	MSU 2 nd
998	2.511±	Lot 9, Placid Lake West, COS 5049, Section 30, T16N-R15W	Margaret Coldiron	MSU 2 nd
999	0.815±	Lot 11, Placid Lake West, COS 5049, Section 30, T16N-R15W	James E. Nelson	MSU 2 nd
1000	0.769±	Lot 12, Placid Lake West, COS 5049, Section 30, T16N-R15W	Cherche Prezeau, Brian Morris, Mary Grear Hutchison	MSU 2 nd
1001	0.853±	Lot 13, Placid Lake West, COS 5049, Section 30, T16N-R15W	Louis C. Erck Revocable Trust	MSU 2 nd
1002	0.511±	Lot 15, Placid Lake West, COS 5049, Section 30, T16N-R15W	Beverly Jean Mitchell Family Trust	MSU 2 nd
1003	1.188±	Lot 5, Seeley Lake Outlet West, COS 5140, Section 4, T16N-R15W	Mark & Timothy Latrielle	MSU 2 nd
1005	1.233±	Lot 8, Seeley Lake Outlet West, COS 5140, Section 4, T16N-R15W	Marvin Gilbert	MSU 2 nd
1006	2.532±	Lot 13, Seeley Lake Outlet West, COS 6624, Section 4, T16N-R15W	Thomas & Denise Talarico	MSU 2 nd

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

The parcels will be sold with the access currently provided under their lease agreements.

Economic Analysis

Short term – The average rates of return for these sale parcels are as follows:

Sale No.	Rate of Return	Sale No.	Rate of Return
918	0.000%	1000	3.604%
1030	3.230%	1001	3.767%
1031	6.908%	1002	3.978%
997	3.300%	1003	4.047%
998	3.837%	1005	2.492%
999	3.680%	1006	1.943%

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 2.62% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources

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

Background

These sales were granted preliminary approval in April and May 2018 to proceed through the Cabin and Home Site Sale Program. In August 2019, the Land Board set the minimum bid for the land and the maximum value of compensation for the improvements as follows.

Sale Nos.	Minimum Bid for the Land	Maximum Value of Compensation for the Improvements
918	\$80,000	N/A
1030	\$80,000	\$157,000
1031	\$30,000	\$46,000
997	\$423,000	\$356,000
998	\$348,000	\$152,000
999	\$345,000	\$90,000
1000	\$348,000	\$67,000
1001	\$357,000	\$123,000
1002	\$320,000	\$125,000
1003	\$161,000	\$159,000
1005	\$161,000	\$174,000
1006	\$146,000	\$336,000

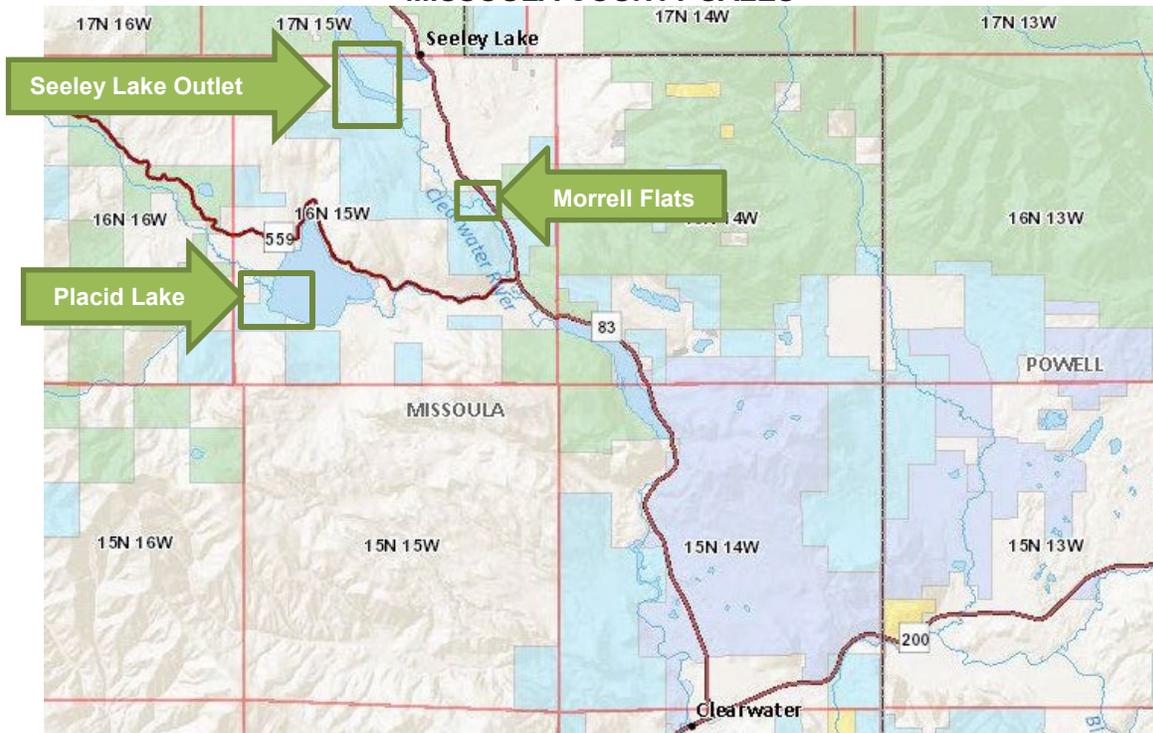
Sale Price

These sales sold at public auction on October 4, 2019. There was one bidder for each sale who was the current lessee, with the exception of Sale Nos. 918. This vacant site was nominated by DNRC and sold to an outside bidder. All parcels sold for the minimum bid amounts listed above.

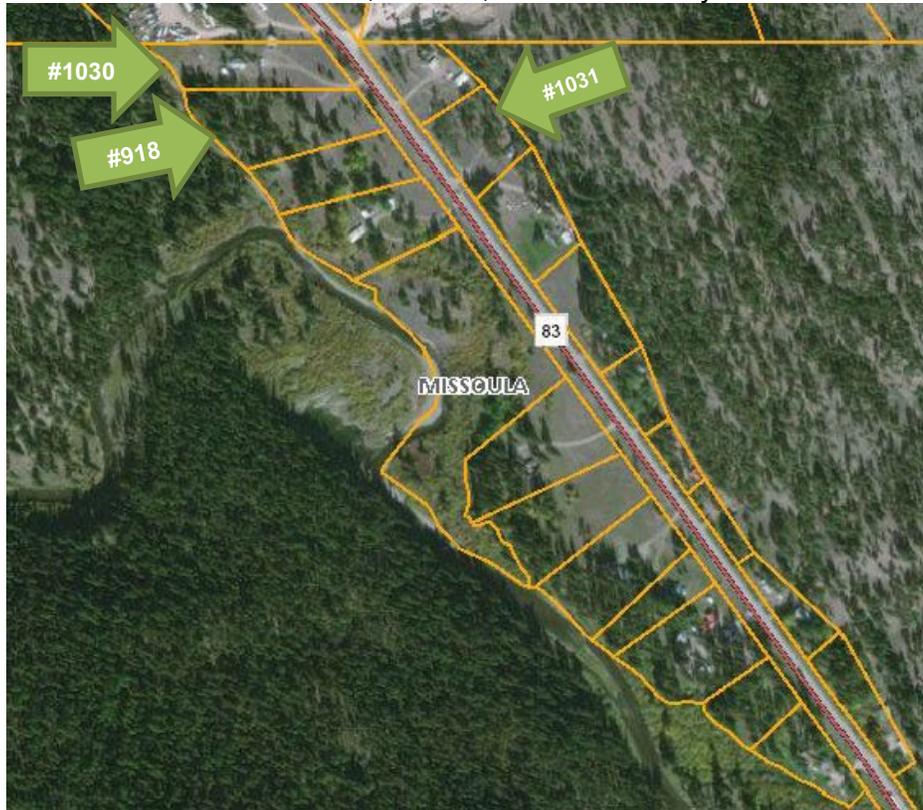
DNRC Recommendation

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.

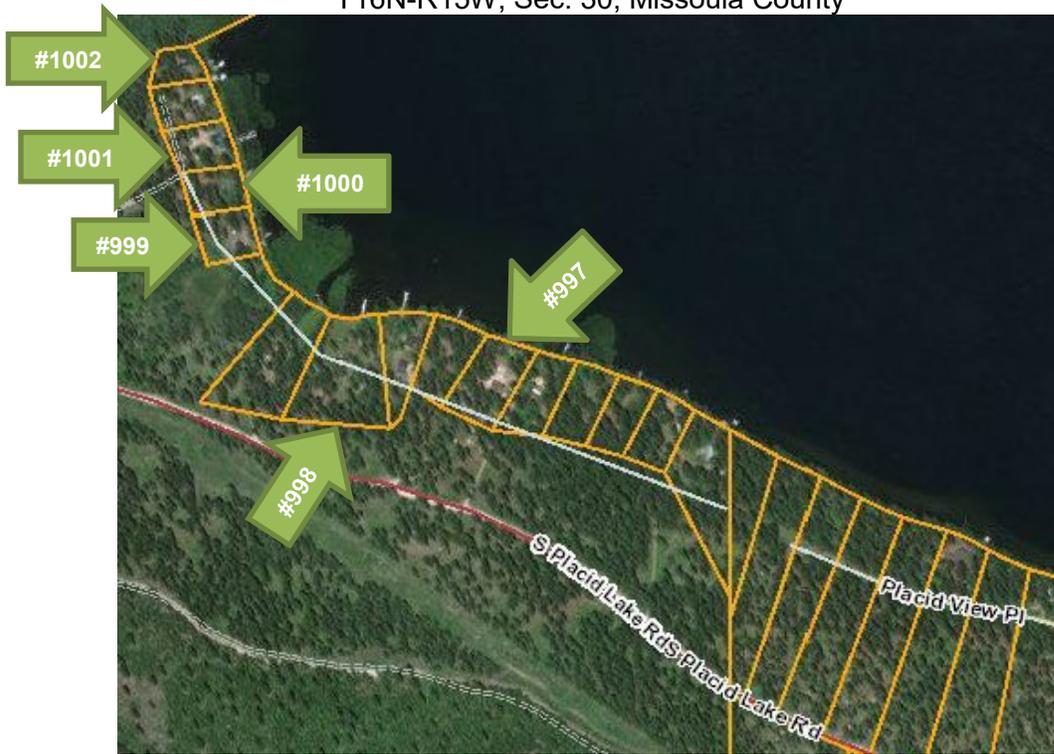
MISSOULA COUNTY SALES



Morrell Flats T16N-15W, Sec. 14, Missoula County



Placid Lake West
T16N-R15W, Sec. 30, Missoula County



Seeley Lake Outlet West
T16N-R15W, Sec. 4, Missoula County



**Land Board Agenda Item
October 28, 2019**

**1019-2B Cabin and Home Sites: Final Approval for Sale
B. Gallatin County**

Location: Gallatin County
Trust Benefits: Western/Eastern
Trust Revenue: \$235,000

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting final approval for sale of a cabin site nominated for sale in Gallatin County. This sale was nominated by the lessees in conjunction with the Cabin and Home Site Sale Program.

Sale No.	Acres	Legal Description	Nominator	Trust
1010	1.07±	Tract 5, COS 2991, T3S-R6E, Sec. 1	Robert & Lyndsey Kaufmann	Western/Eastern

Sale No. 1010 is currently leased as a cabin site and produces an average income for residential leases statewide.

The parcel will be sold with the access currently provided under its lease agreement.

Economic Analysis

Short term – The average rate of return for Sale No. 1010 is 1.286%.

Long term – The funds from the sale of this parcel 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 2.62% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources

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

Background

This sale was granted preliminary approval in May 2018 to proceed through the Cabin and Home Site Sale Program. In August 2019, the Land Board set the minimum bid for the land at \$235,000 and the maximum value of compensation for the improvements at \$371,000.

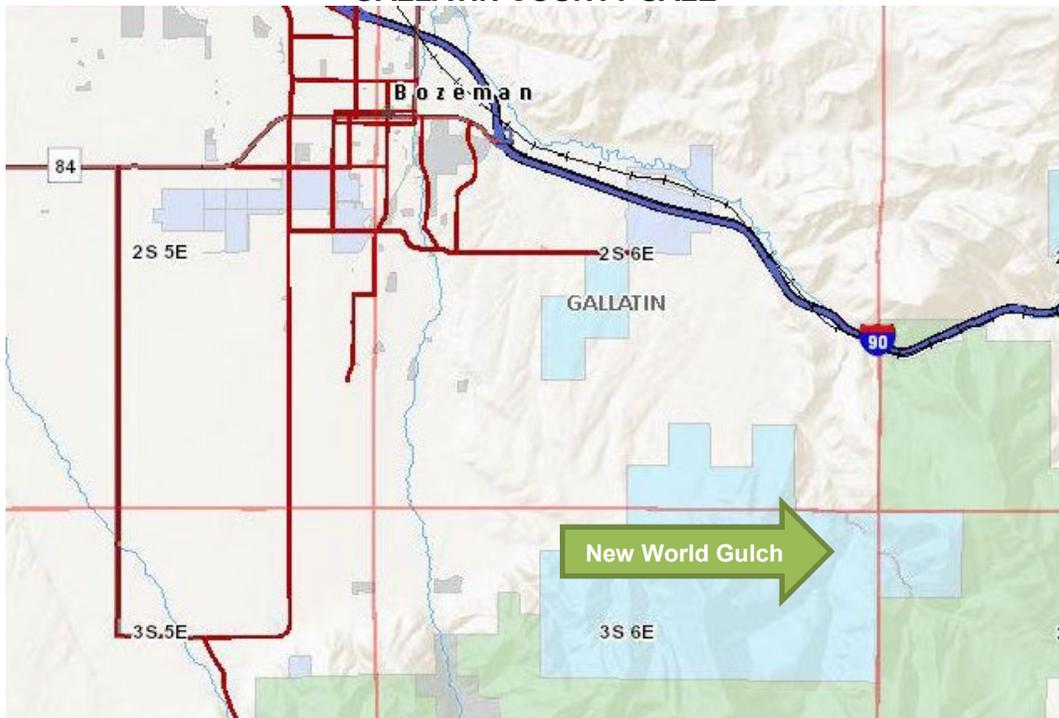
Sale Price

This sale sold at public auction on October 7, 2019. There was one bidder for the sale, which was the current lessees. The parcel sold for the minimum bid for the land of \$235,000.

DNRC Recommendation

The director recommends the Land Board grant final approval for the sale of this cabin site at the value shown above. The sale will close within 30 days of final approval by the Land Board.

GALLATIN COUNTY SALE



New World Gulch, T3S-R6E, Sec. 1, Gallatin County



**Land Board Agenda Item
October 28, 2019**

**1019-2C Cabin and Home Sites: Final Approval for Sale
C. Lewis & Clark County**

Location: Lewis & Clark County
Trust Benefits: Common Schools
Trust Revenue: \$116,000

Item Summary

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

Sale No.	Acres	Legal Description	Nominator	Trust
990	1.432±	Lot 14, COS 3242262, T14N-R8W, Sec. 16	DNRC	Common Schools
991	1.079±	Lot 23, COS 3242262, T14N-R8W, Sec. 16	DNRC	Common Schools
1038	1.000±	Lot 10, COS 3242262, T14N-R8W, Sec. 16	Jean Redfearn	Common Schools
1039	1.100±	Lot 49, COS 3242262, T14N-R8W, Sec. 16	Brian J. Weiss	Common Schools

The parcels have been 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 for these sale parcels are as follows:

Sale No.	Rate of Return
990	0.253%
991	0.271%
1038	6.583%
1039	7.092%

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 2.62% on acquisitions with income generated from annual lease payments.

Cultural/Paleontological Resources

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

Background

These sales were granted preliminary approval in April and May 2018 to proceed through the Cabin and Home Site Sale Program. In August 2019, the Land Board set the minimum bid for the land and the maximum value of compensation for the improvements as follows.

Sale Nos.	Minimum Bid for the Land	Maximum Value of Compensation for the Improvements
990	\$30,000	N/A
991	\$28,000	N/A
1038	\$30,000	\$75,000
1039	\$28,000	\$28,600

Sale Price

These sales sold at public auction on October 8, 2019. There was one bidder for each sale. Sale Nos. 1038 and 1039 sold to the current lessees, and Sale Nos. 990 and 991 sold to outside bidders. All parcels sold for the minimum bid amounts listed above.

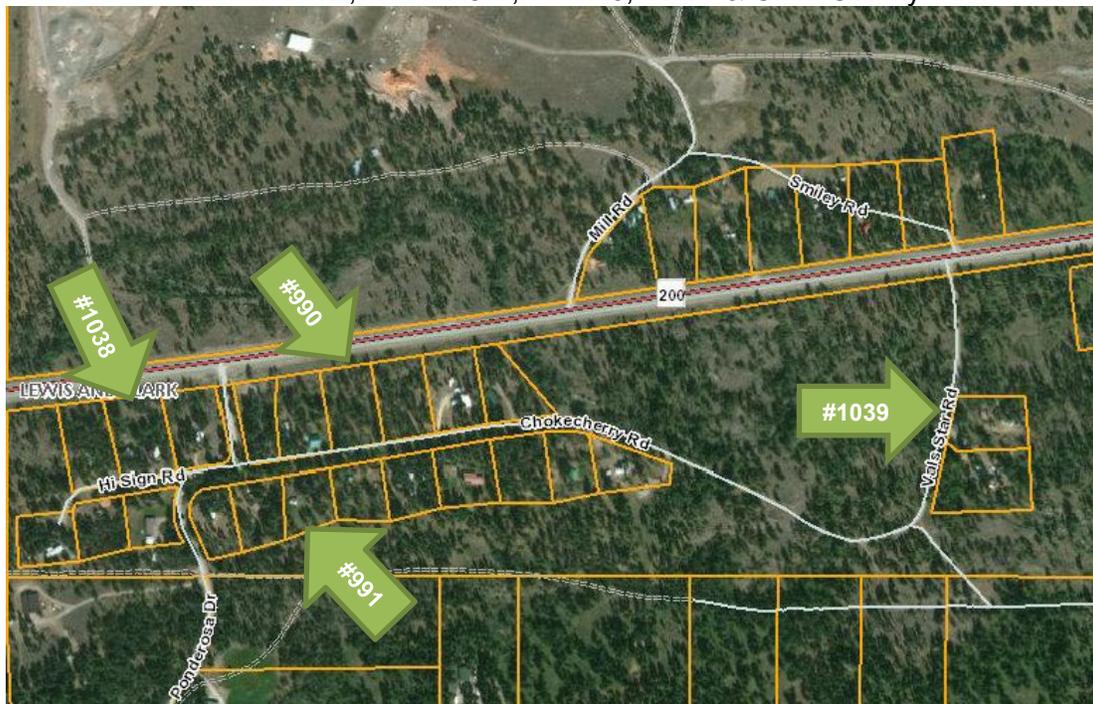
DNRC Recommendation

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.

LEWIS & CLARK COUNTY SALES



Lincoln Flats, T14N-R8W, Sec. 16, Lewis & Clark County



1019-3

EASEMENTS

A. Standard Grant

B. Easement Exchange Tobie Creek

**Land Board Agenda Item
October 28, 2019**

1019-3A Easements**A Standard Grant**

Location: Custer, Fergus, Flathead, Lincoln, Pondera, Silver Bow, Yellowstone

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

Trust Revenue: Common Schools = \$3,753
Public Land Trust = \$18,226
University of Montana = \$156

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Applicant	Right-of-Way Purpose	Term	Page(s)
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Susan B Jones	Private Access Road	Permanent	49-50
NorthWestern Energy	Historic Overhead and Buried Electric Lines	Permanent	51-52
Southern Montana Telephone Company	Buried Telecommunications Cable	Permanent	53-54
Bloomin Farm LLC	Private Access Road	Permanent	55-56

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Flathead Electric Cooperative 2510 US Hwy 2 East Kalispell, MT 59901
Application No.:	16326
R/W Purpose:	an overhead 7.2kV electric distribution line
Lessee Agreement:	N/A (Historic)
Acreage:	0.001
Compensation:	\$100.00
Legal Description:	one-foot strip across the Whitefish River in NE4NE4, Sec. 8, Twp. 30N, Rge. 21W, Flathead County
Trust Beneficiary:	Public Land Trust - Nav. River

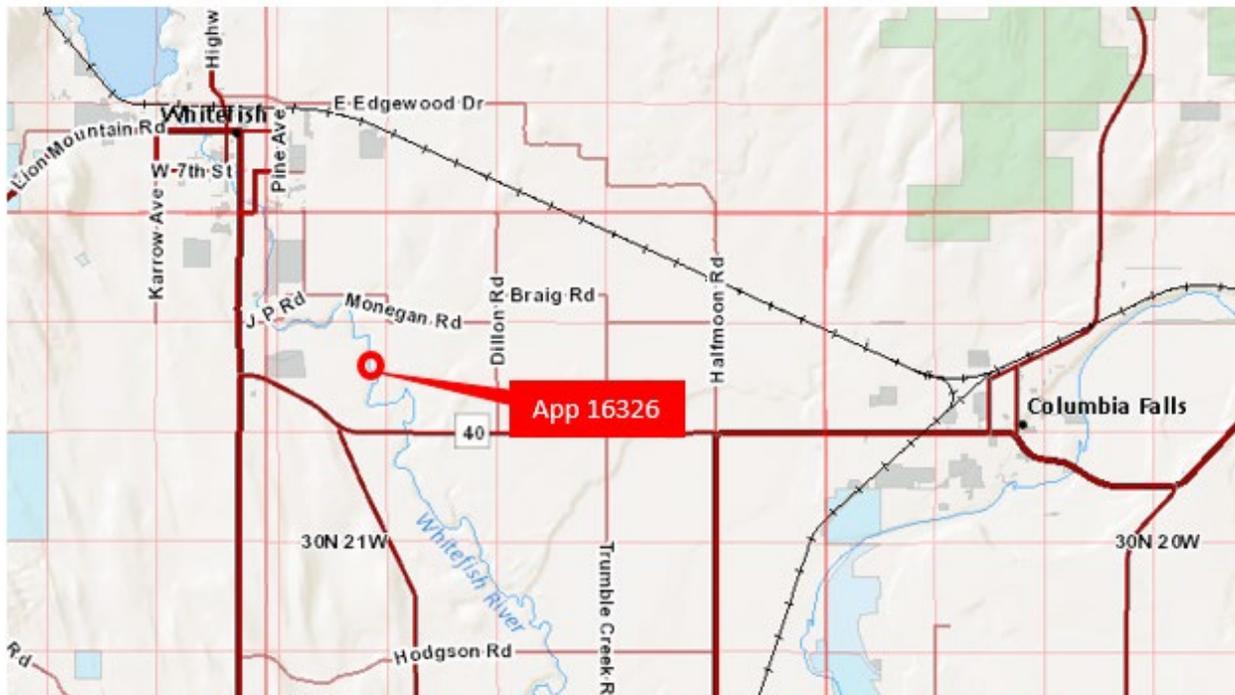
Item Summary

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

DNRC Recommendation

The director recommends approval of the historic rights of way for Flathead Electric Cooperative.

R/W Application 16326



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 16327
R/W Purpose: an overhead 12.5kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.02
Compensation: \$240.00
Legal Description: 8-foot strip across the Whitefish River in SW4SW4, Sec. 6,
Twp. 30N, Rge. 21W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

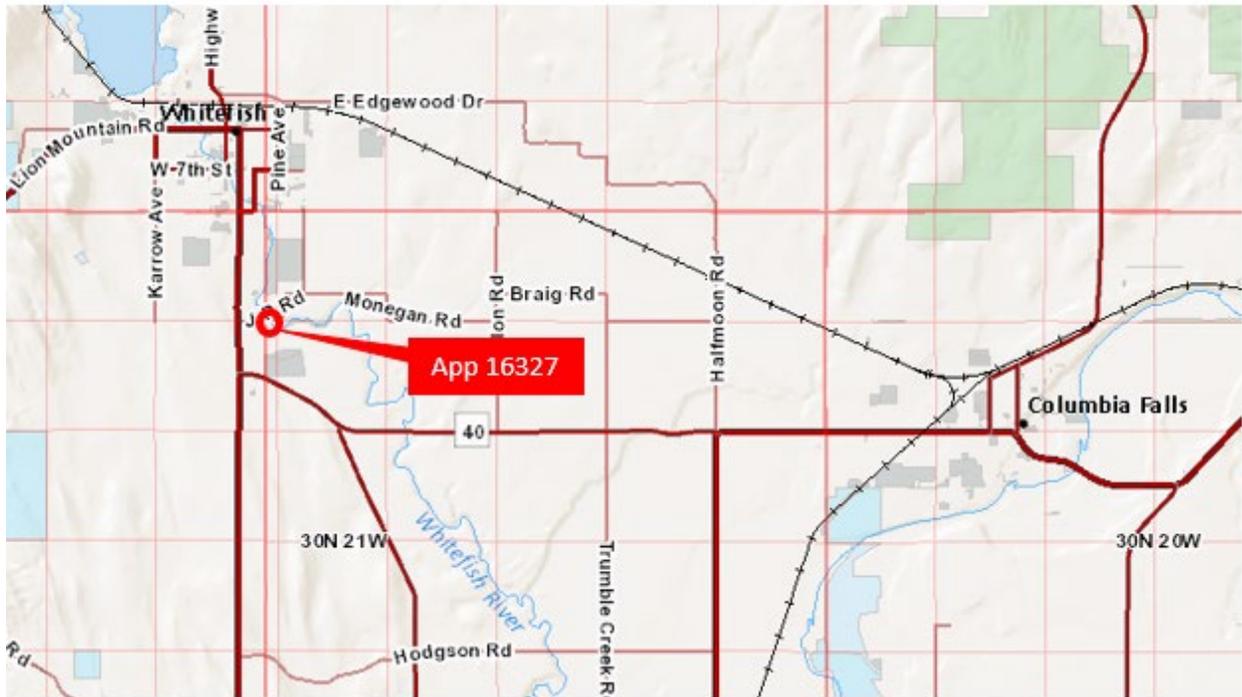
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 16327



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 16328
R/W Purpose: an overhead 12.5kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.002
Compensation: \$100.00
Legal Description: one-foot strip across the Whitefish River in SE4SE4, Sec. 36,
Twp. 31N, Rge. 22W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 16329
R/W Purpose: an overhead 34.5kV electric transmission line and a 12.5kV
electric distribution line

Lessee Agreement: N/A (Historic)
Acreage: 0.02
Compensation: \$240.00
Legal Description: 10-foot strip across the Whitefish River in SW4SW4, Sec. 9,
Twp. 30N, Rge. 21W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

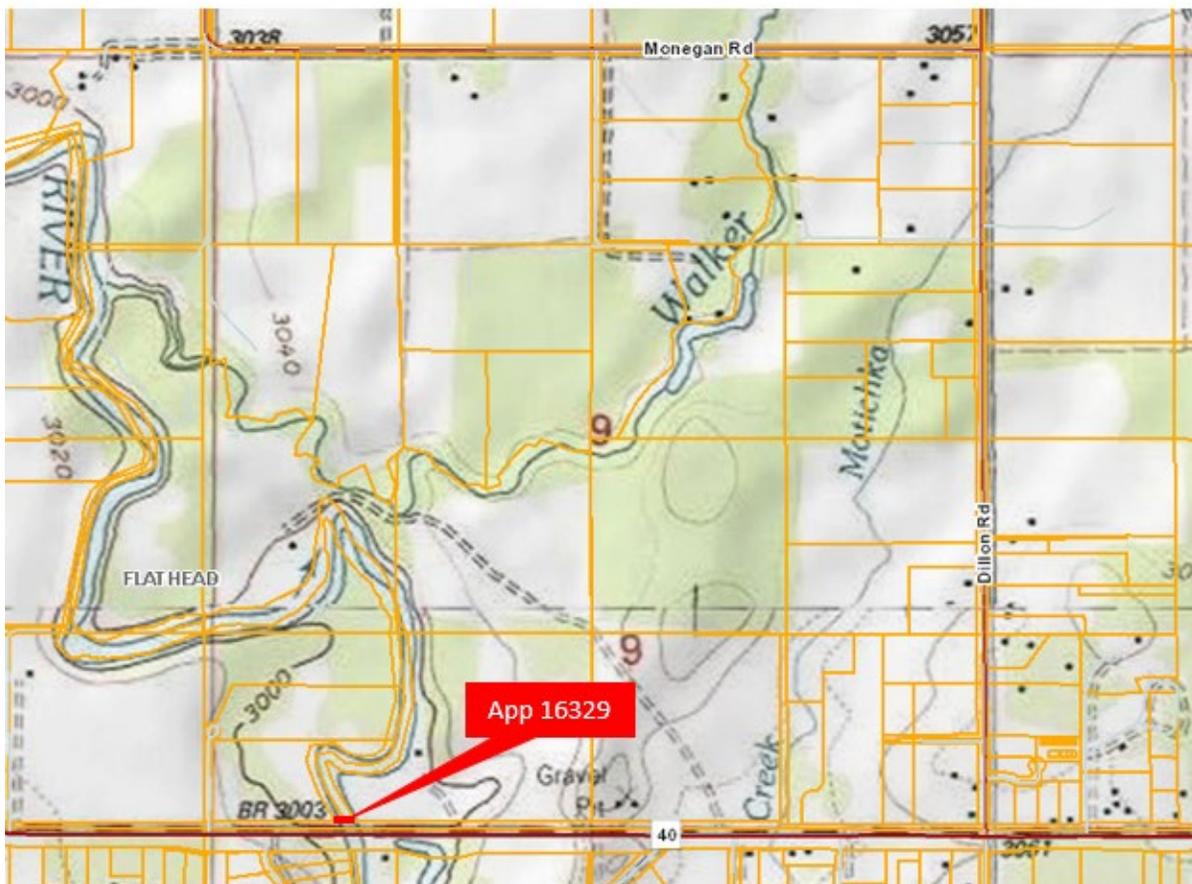
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 16329



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 16557
R/W Purpose: two overhead 12.5kV electric distribution lines, an overhead 7.2kV electric distribution line, and an overhead 480V electric distribution line,

Lessee Agreement: N/A (Historic)
Acreage: 0.03
Compensation: \$360.00
Legal Description: an 8-foot strip across the Whitefish River in NE4NW4, Sec. 4; a one-foot strip across the Whitefish River in SE4NE, Sec. 8; a one-foot strip and an 8-foot strip across the Whitefish River in SW4SW4, Sec. 9; Twp. 29N, Rge. 21W, Flathead County

Trust Beneficiary: Public Land Trust - Nav. River

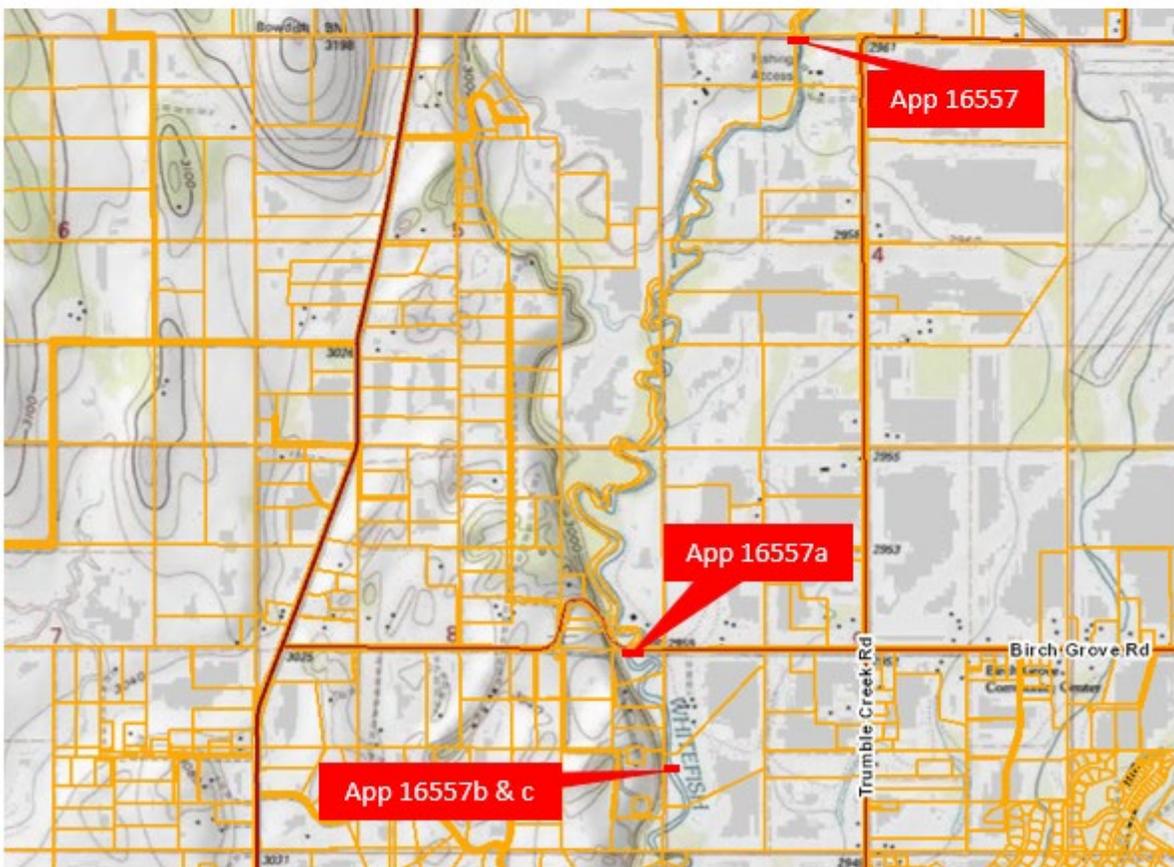
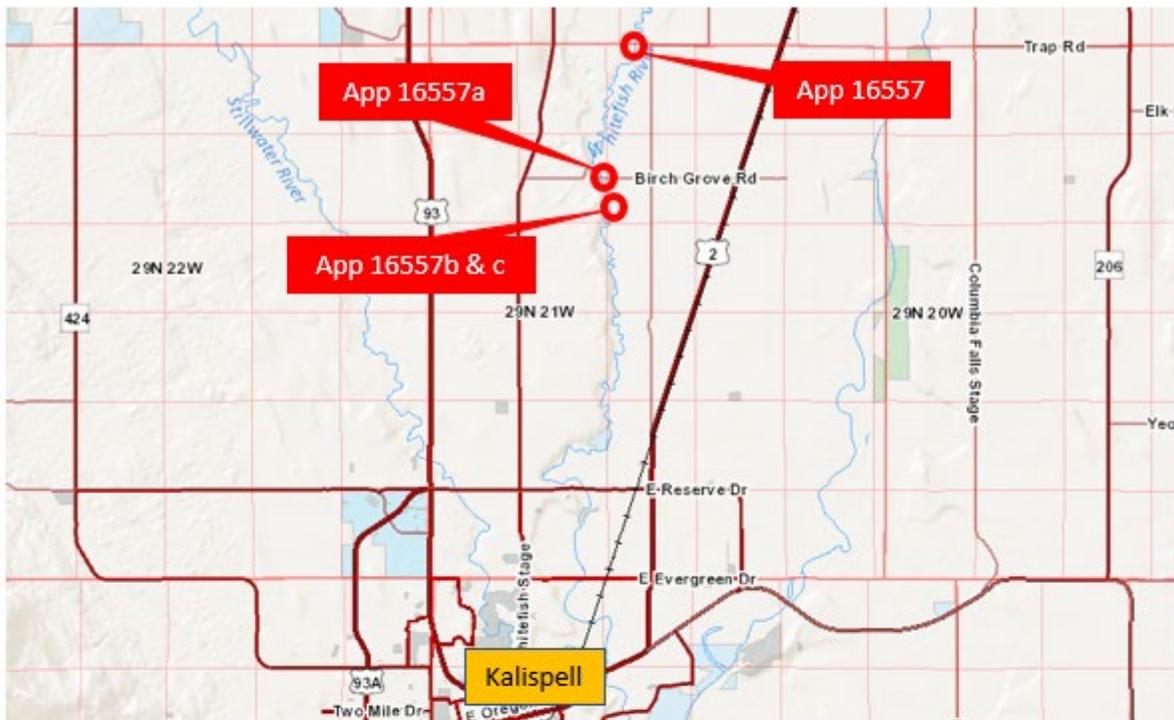
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 16557



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
 2510 US Hwy 2 East
 Kalispell, MT 59901

Application No.: 16558
 R/W Purpose: five overhead 12.5kV electric distribution lines
 Lessee Agreement: N/A (Historic)
 Acreage: 0.17
 Compensation: \$2,040.00
 Legal Description: an 8-foot strip across the Whitefish River in NW4NW4, Sec. 16 and NE4NE4, Sec. 17, Twp. 29N, Rge 21W; an 8-foot strip across Stillwater River in NE4NW4, Sec. 24; and three 8-foot strips across the Stillwater River in E2NE4, Sec. 25, Twp. 29N, Rge. 22W, Flathead County

Trust Beneficiary: Public Land Trust - Nav. River

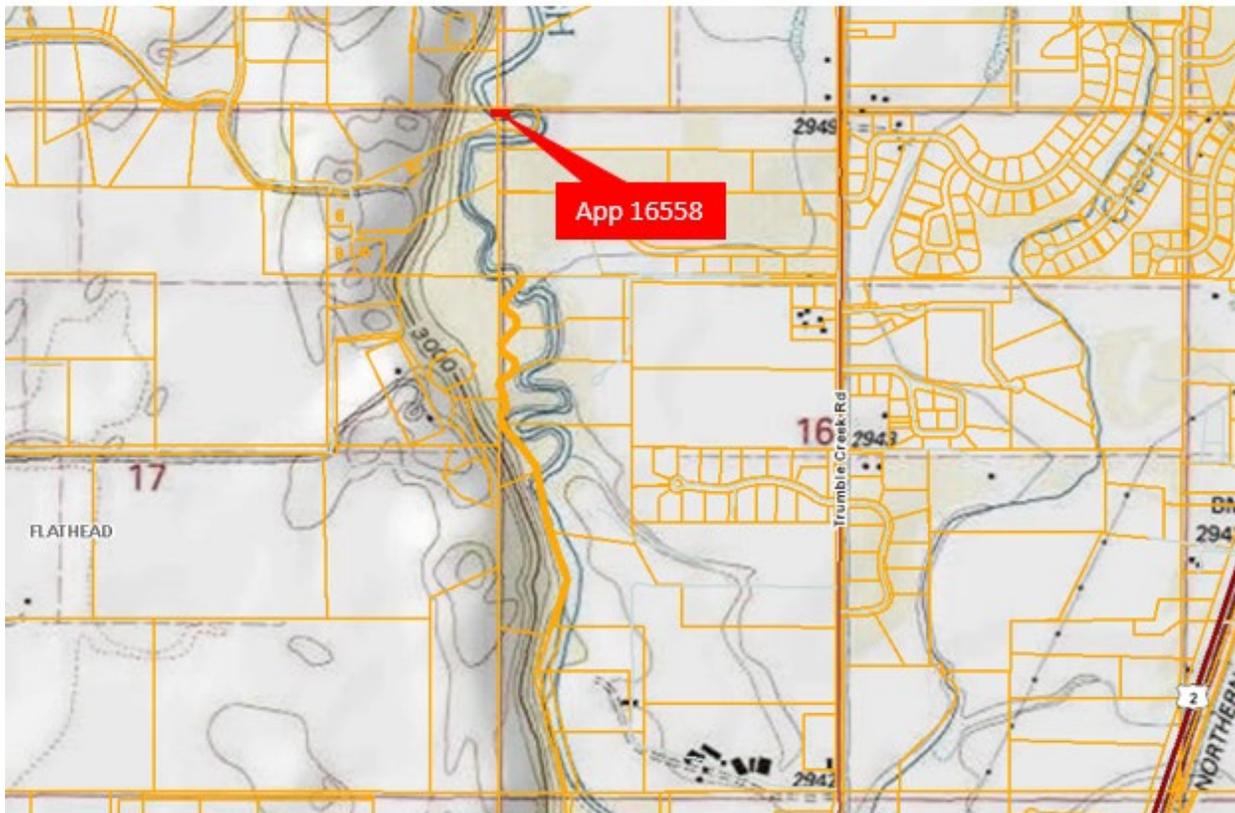
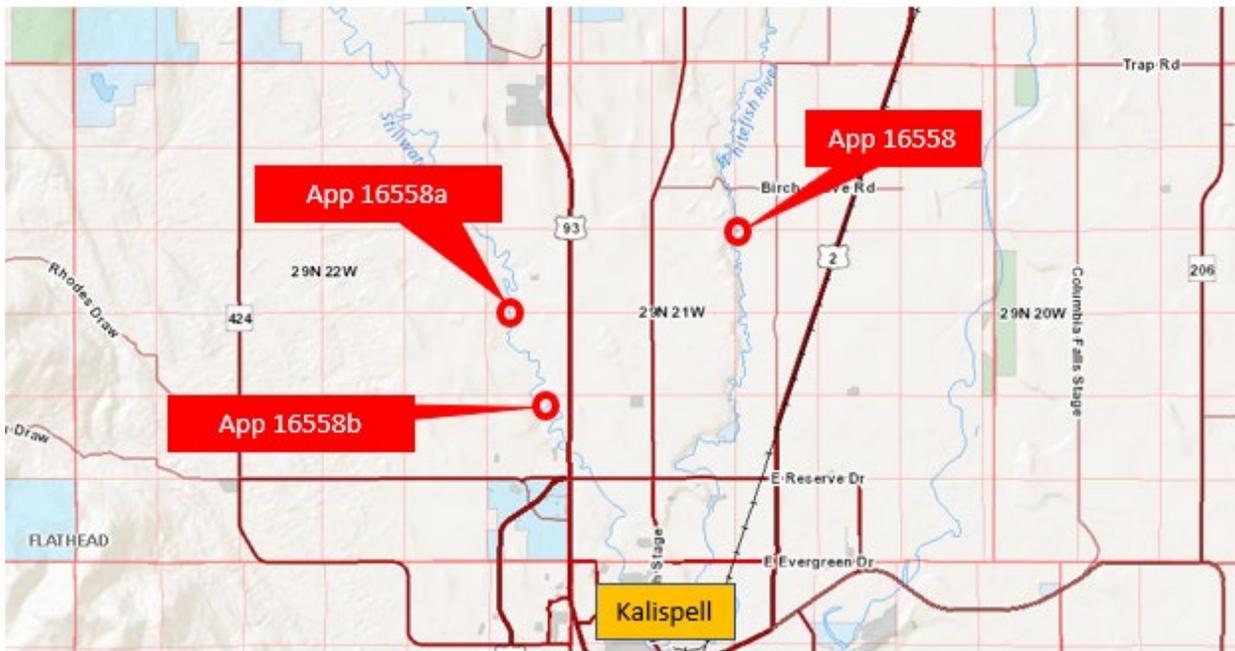
Item Summary

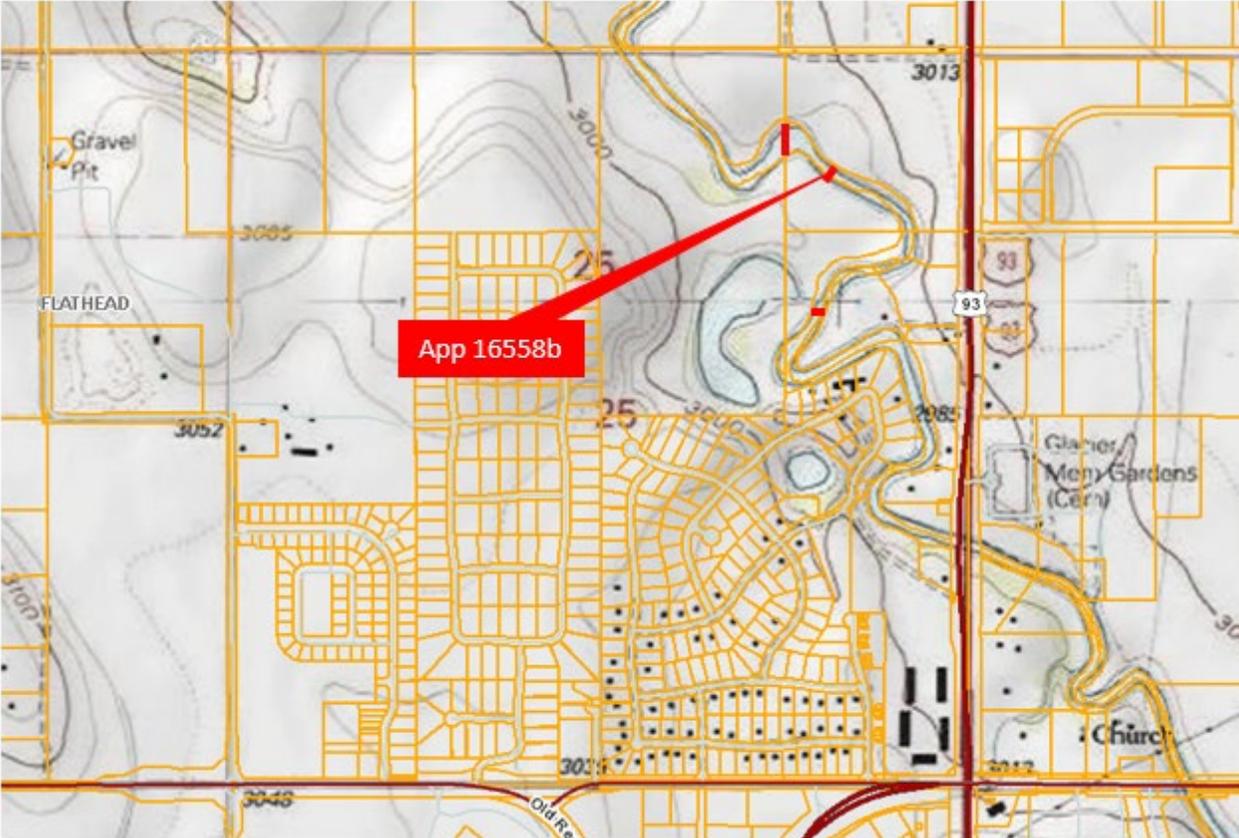
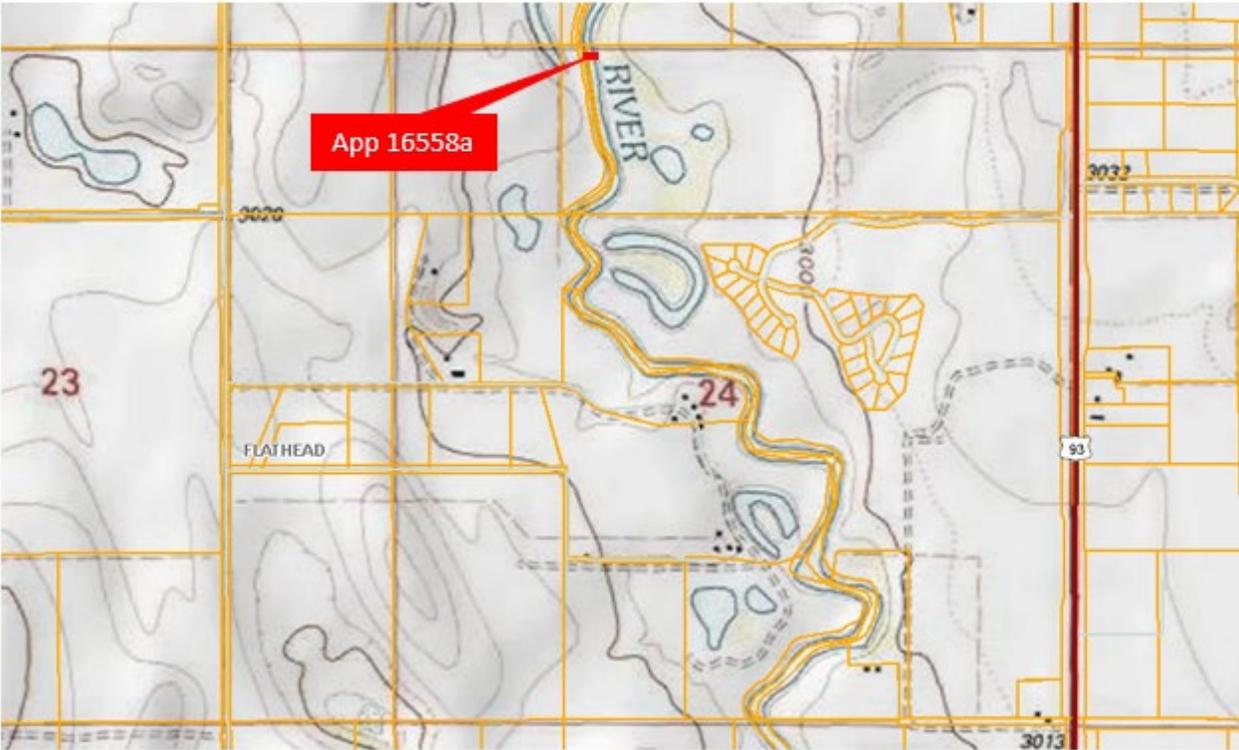
See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 16558





APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
 2510 US Hwy 2 East
 Kalispell, MT 59901

Application No.: 16559
 R/W Purpose: two overhead 12.5kV electric distribution lines, and an overhead
 7.2kV electric distribution line,

Lessee Agreement: N/A (Historic)
 Acreage: 0.03
 Compensation: \$360.00
 Legal Description: an 8-foot strip across the Whitefish River in SW4NW4, Sec 21; a
 one-foot strip across the Whitefish River in NW4NW4, Sec. 28;
 a one-foot strip across the Whitefish River in NE4NE4, Sec. 29,
 Twp. 29N, Rge. 21W, Flathead County

Trust Beneficiary: Public Land Trust - Nav. River

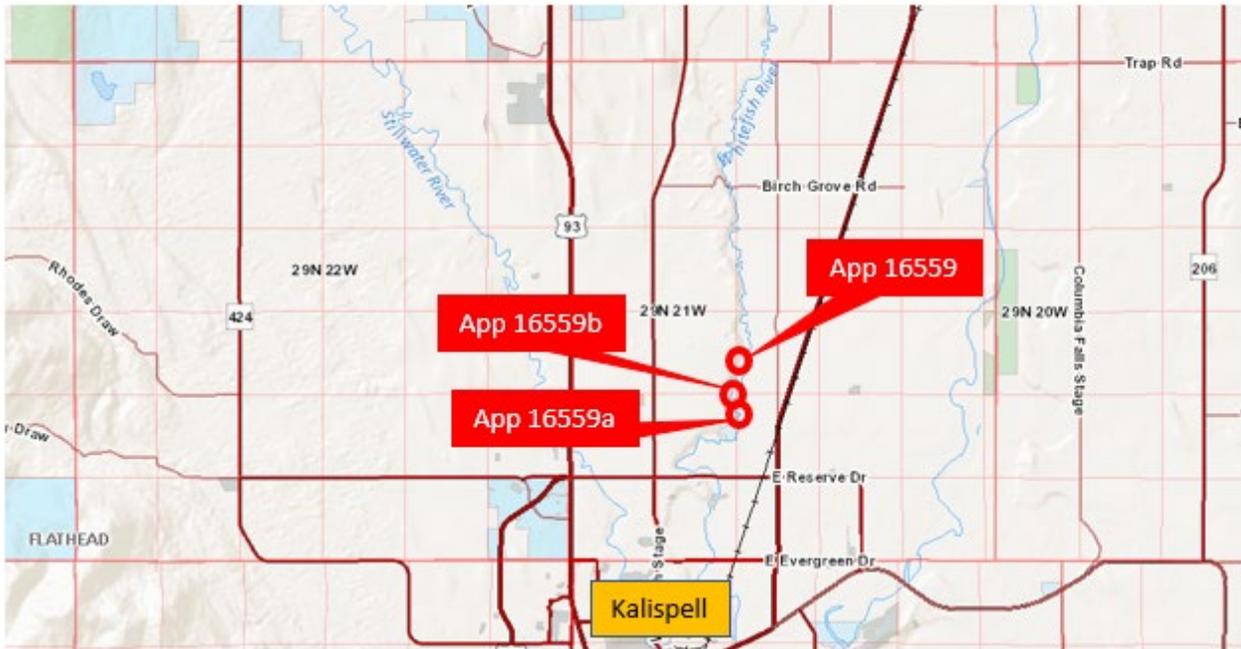
Item Summary

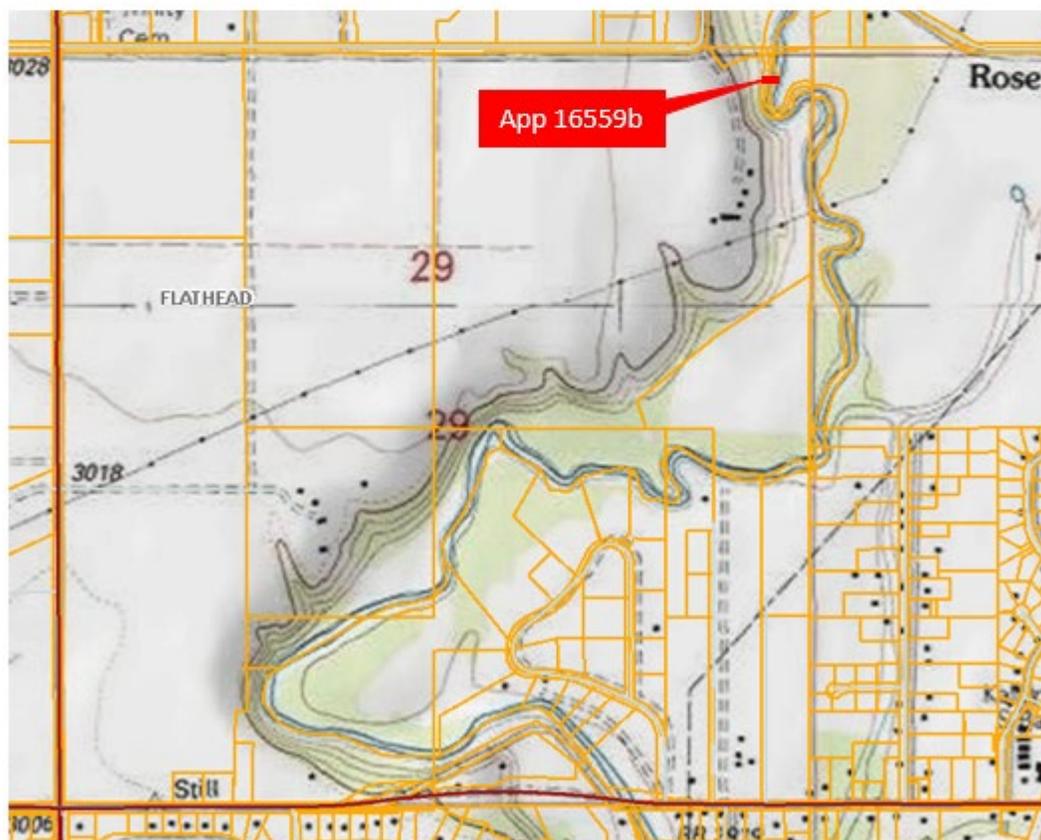
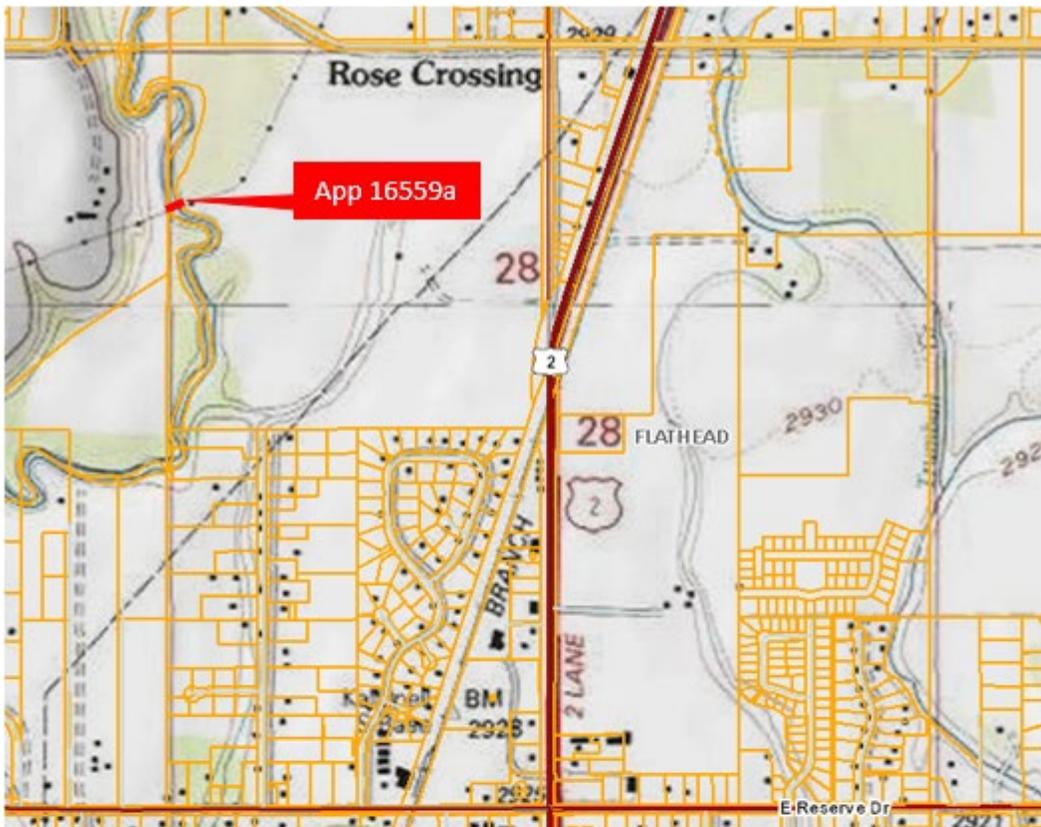
See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 16559





APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Flathead Electric Cooperative 2510 US Hwy 2 East Kalispell, MT 59901
Application No.:	16560
R/W Purpose:	three overhead 7.2kV electric distribution lines
Lessee Agreement:	N/A (Historic)
Acreage:	0.01
Compensation:	\$120.00
Legal Description:	one-foot strips across the Whitefish River in SW4NW4 and SW4SW4, Sec. 4, and a one-foot strip across the Stillwater River in SE4SE4, Sec. 5, Twp. 28N, Rge. 21W, Flathead County
Trust Beneficiary:	Public Land Trust - Nav. River

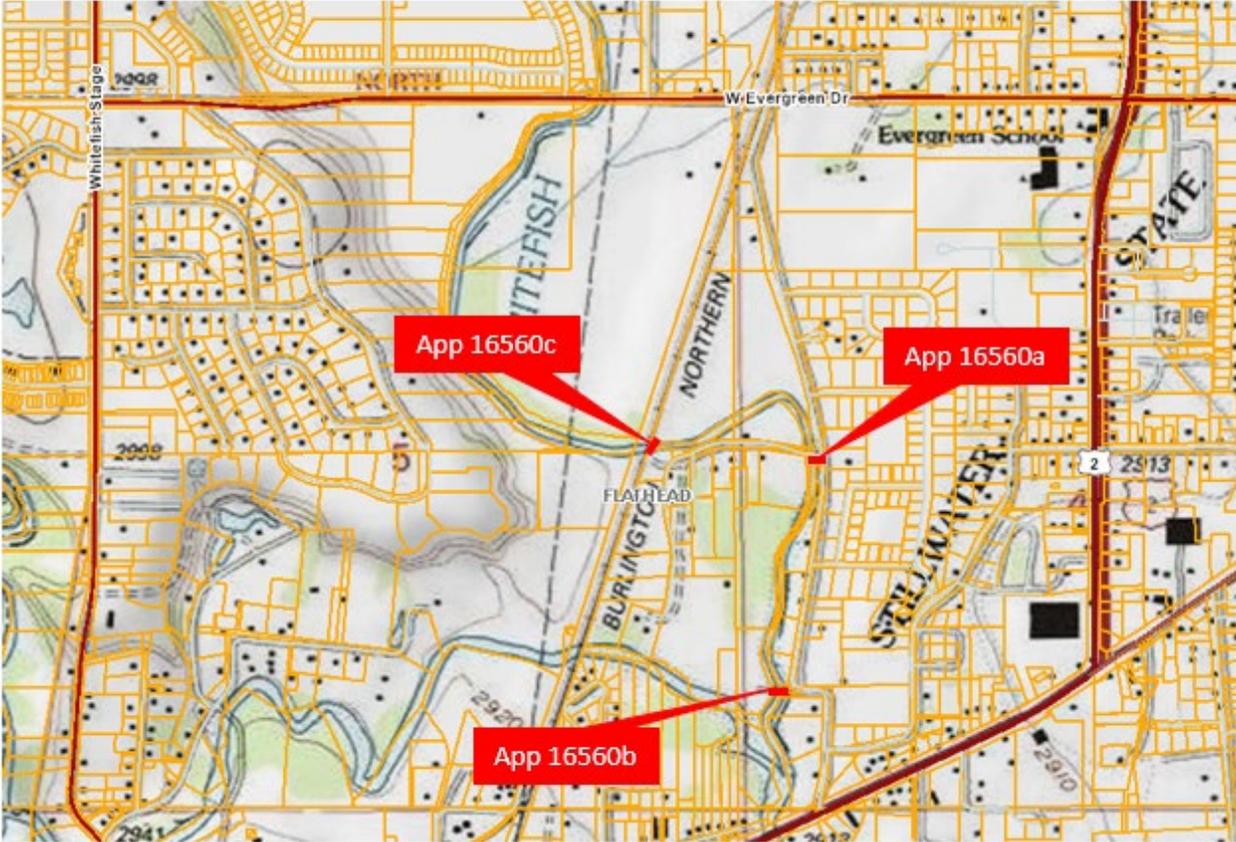
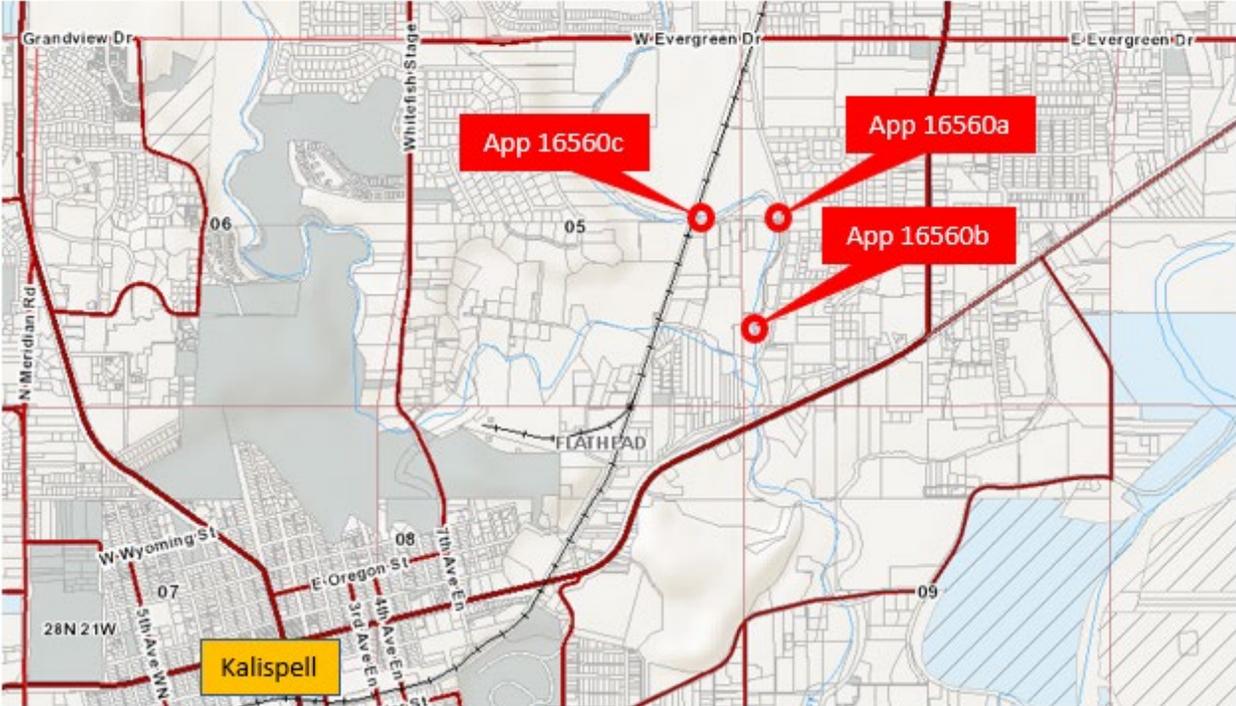
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 16560



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
 2510 US Hwy 2 East
 Kalispell, MT 59901

Application No.: 16561
 R/W Purpose: two overhead 12.5kV electric distribution lines
 Lessee Agreement: N/A (Historic)
 Acreage: 0.03
 Compensation: \$360.00
 Legal Description: an 8-foot strip across the Stillwater River in SE4SE4, Sec. 6, Twp. 28N, Rge. 21W, and an 8-foot strip across the Whitefish River in SW4NE4, Sec. 32, Twp. 29N, Rge. 21W, Flathead County

Trust Beneficiary: Public Land Trust - Nav. River

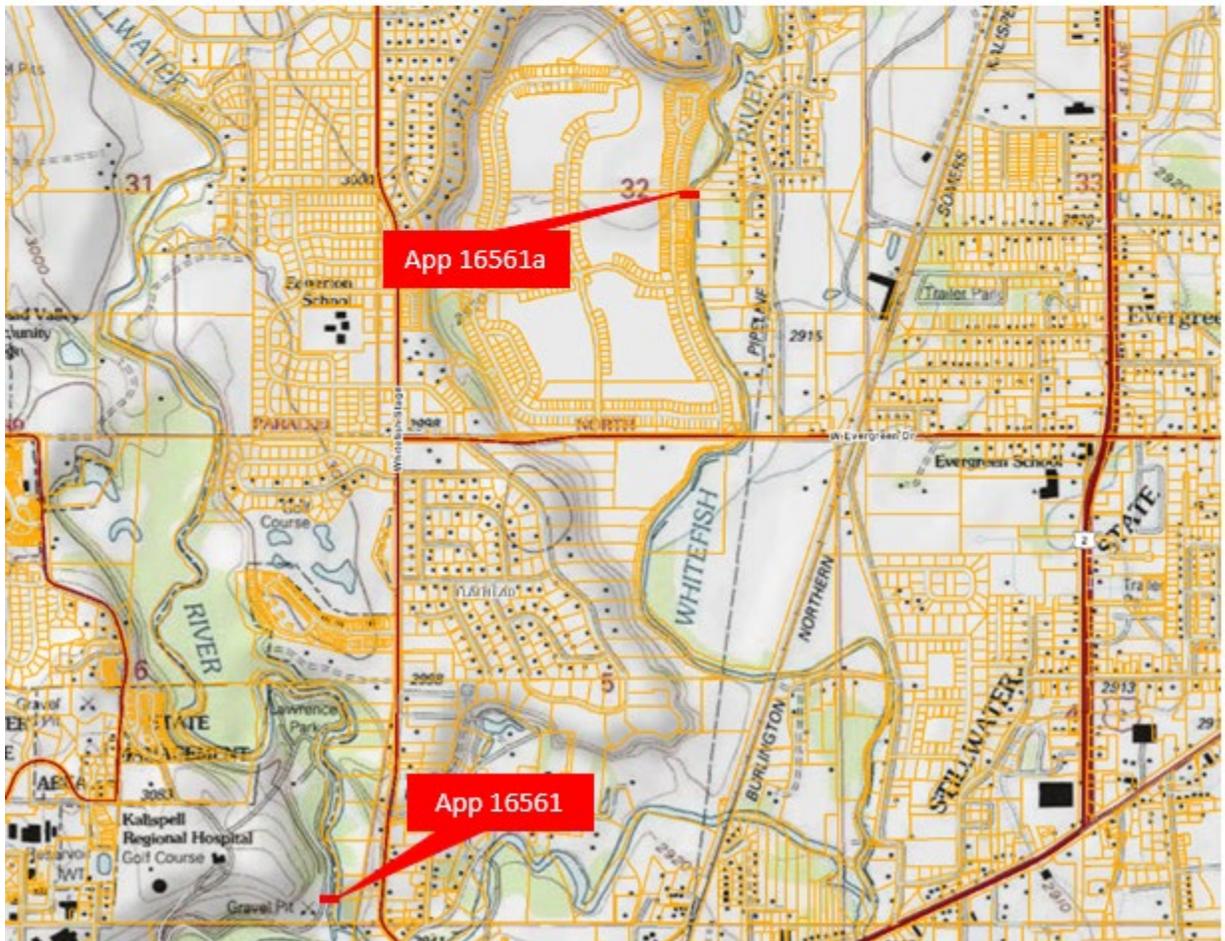
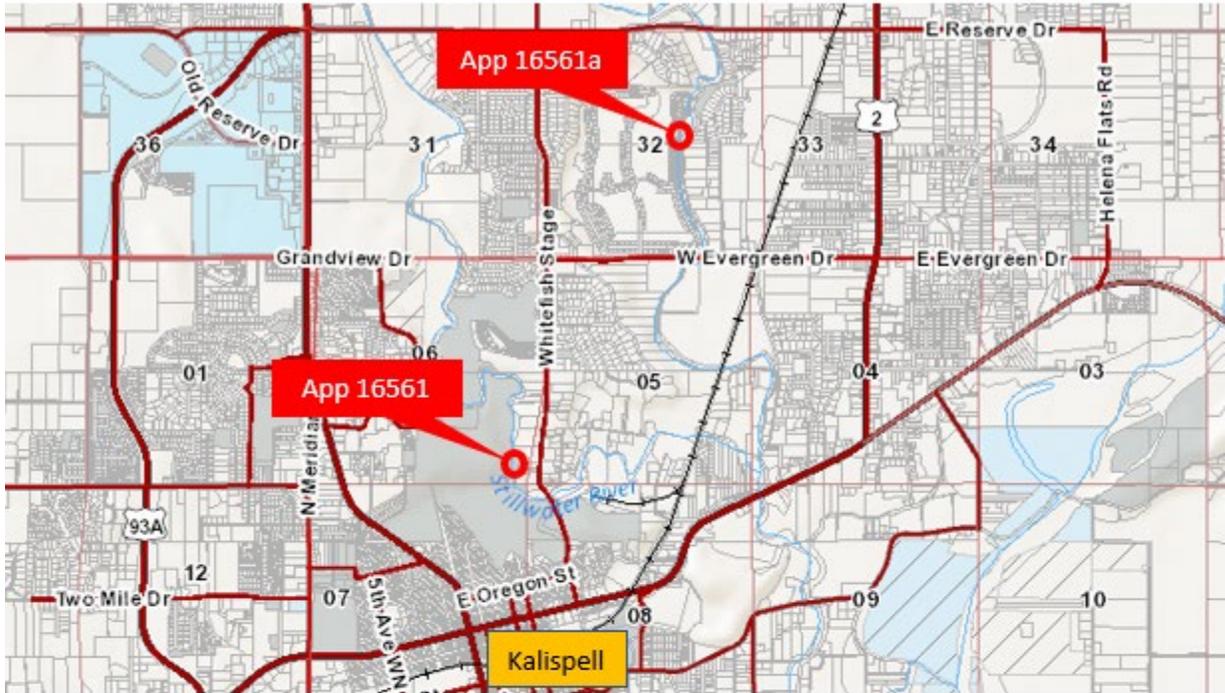
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 16561



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 16562
R/W Purpose: an overhead 7.2kV electric distribution line, four overhead 12.5kV electric distribution lines, and an overhead 480V electric distribution line

Lessee Agreement: N/A (Historic)
Acreage: 0.08
Compensation: \$960.00
Legal Description: a one-foot strip across the Stillwater River in SW4NE4, Sec. 31, an 8-foot strip across the Stillwater River in NW4SW4, Sec. 30, Twp. 29N, Rge. 21W; an 8-foot strip across the Stillwater River in SE4SE4, Sec. 11; an 8-foot strip across the Stillwater River in NW4NW4, Sec. 13; an 8-foot strip across the Stillwater River in NW4SE4, Sec. 24; and an 8-foot strip across the Stillwater River In NE4SE4, Sec. 25, Twp. 29N, Rge. 22W, Flathead County

Trust Beneficiary: Public Land Trust - Nav. River

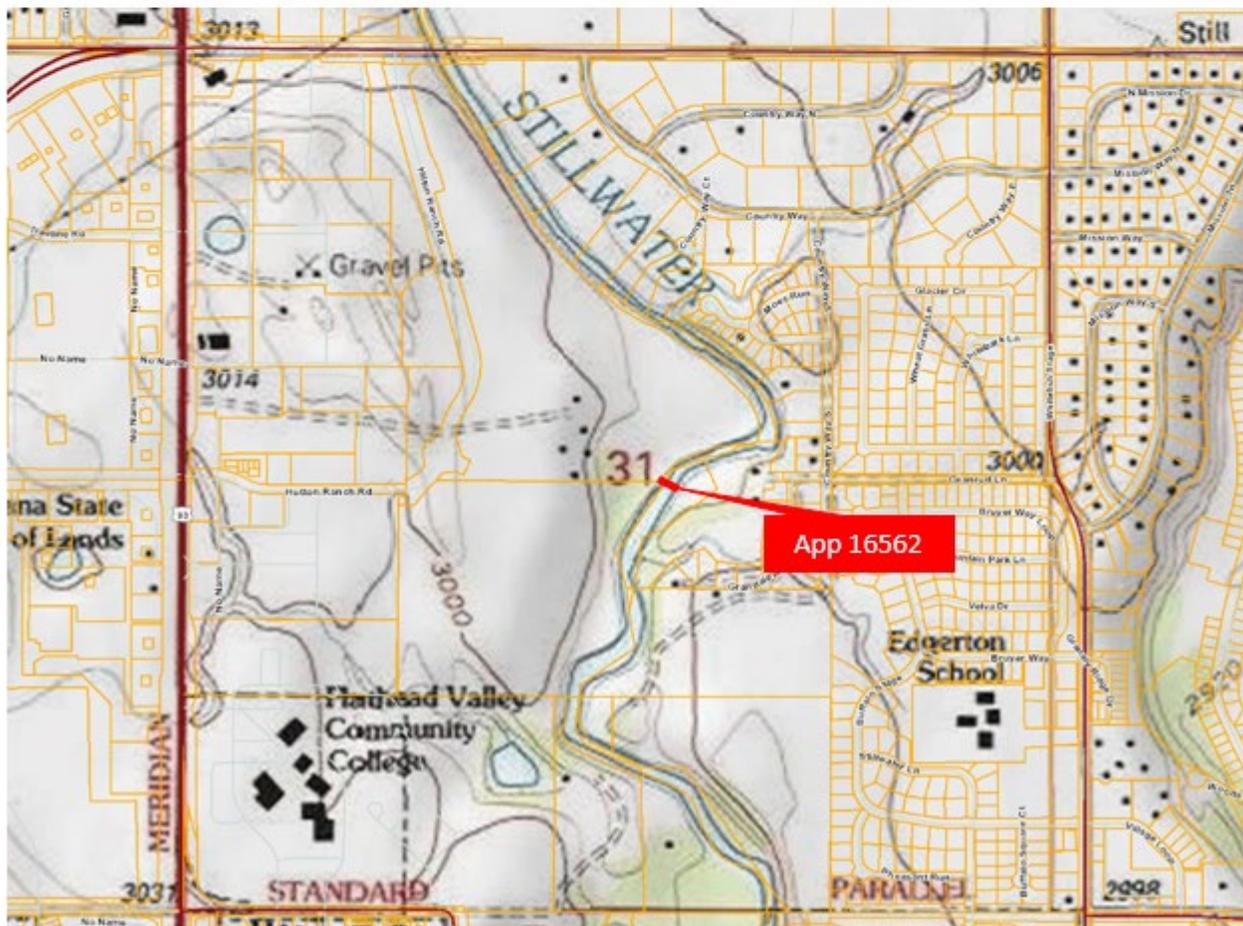
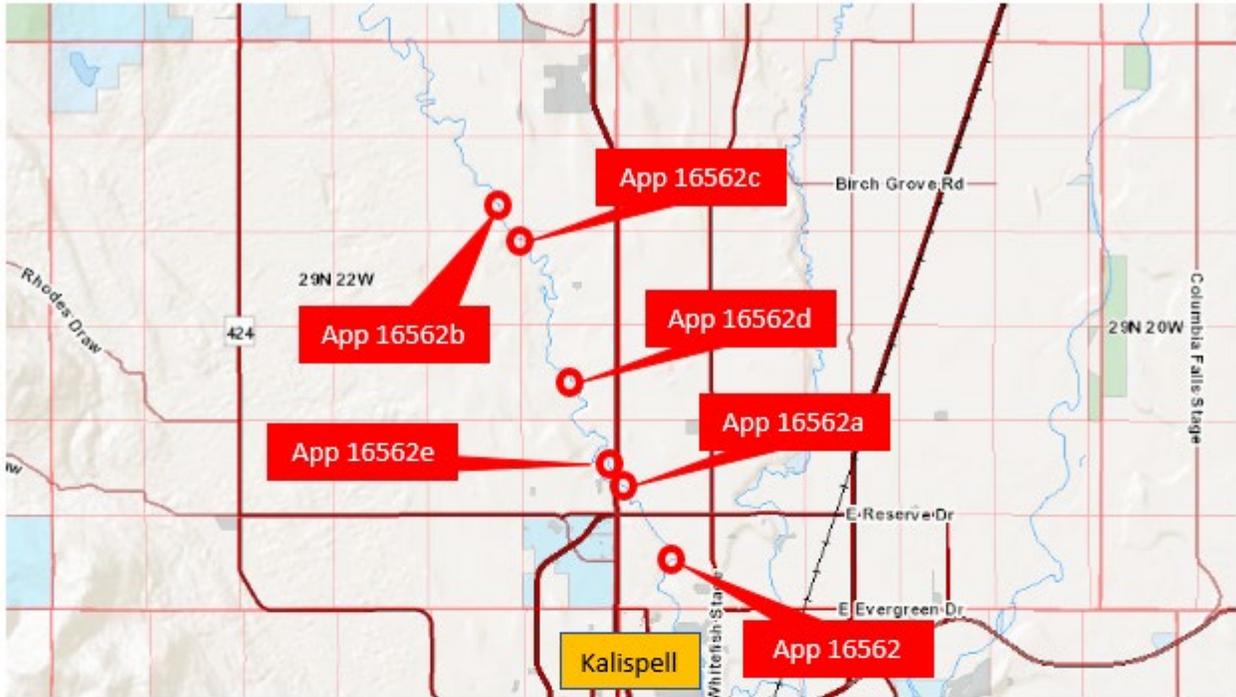
Item Summary

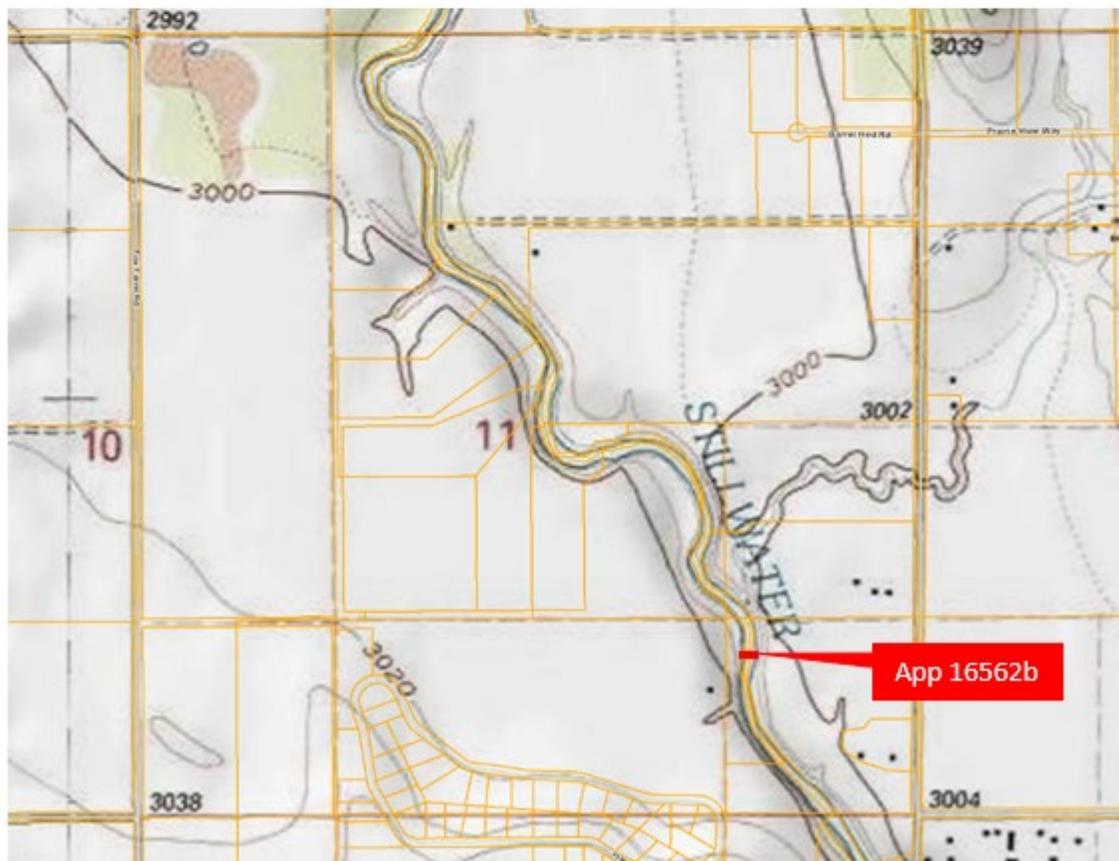
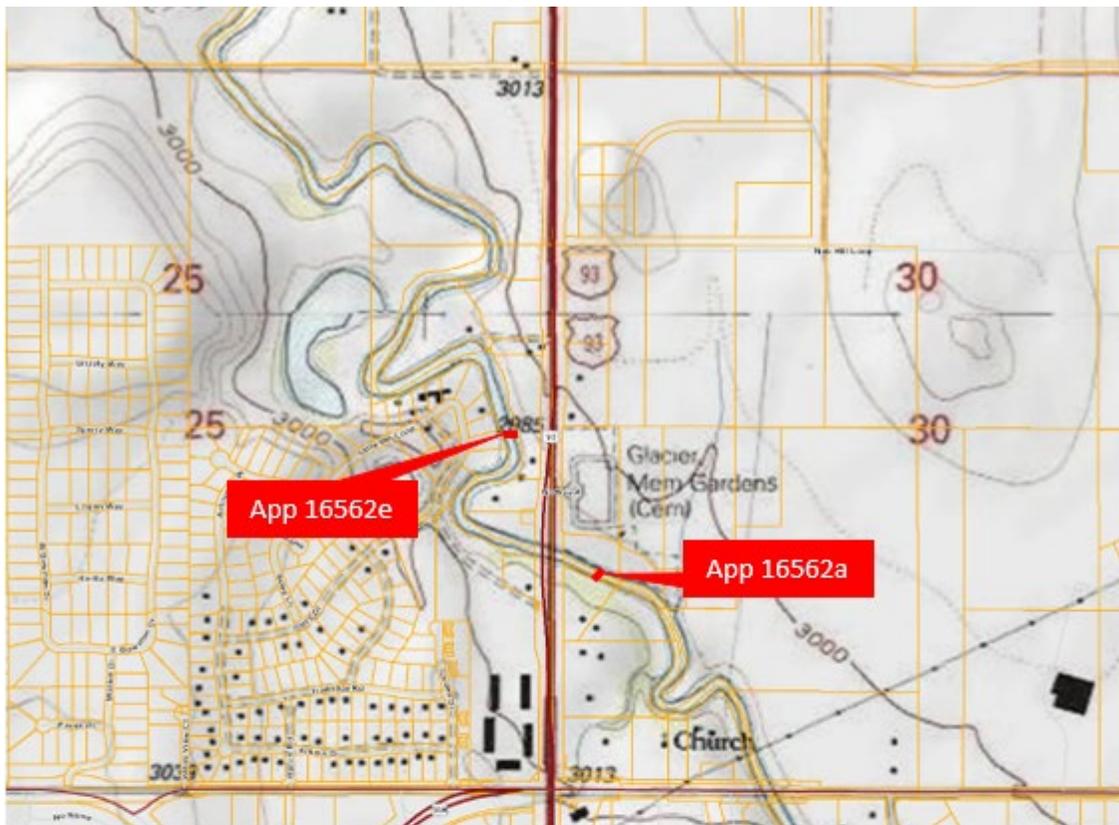
See page 2 for summary

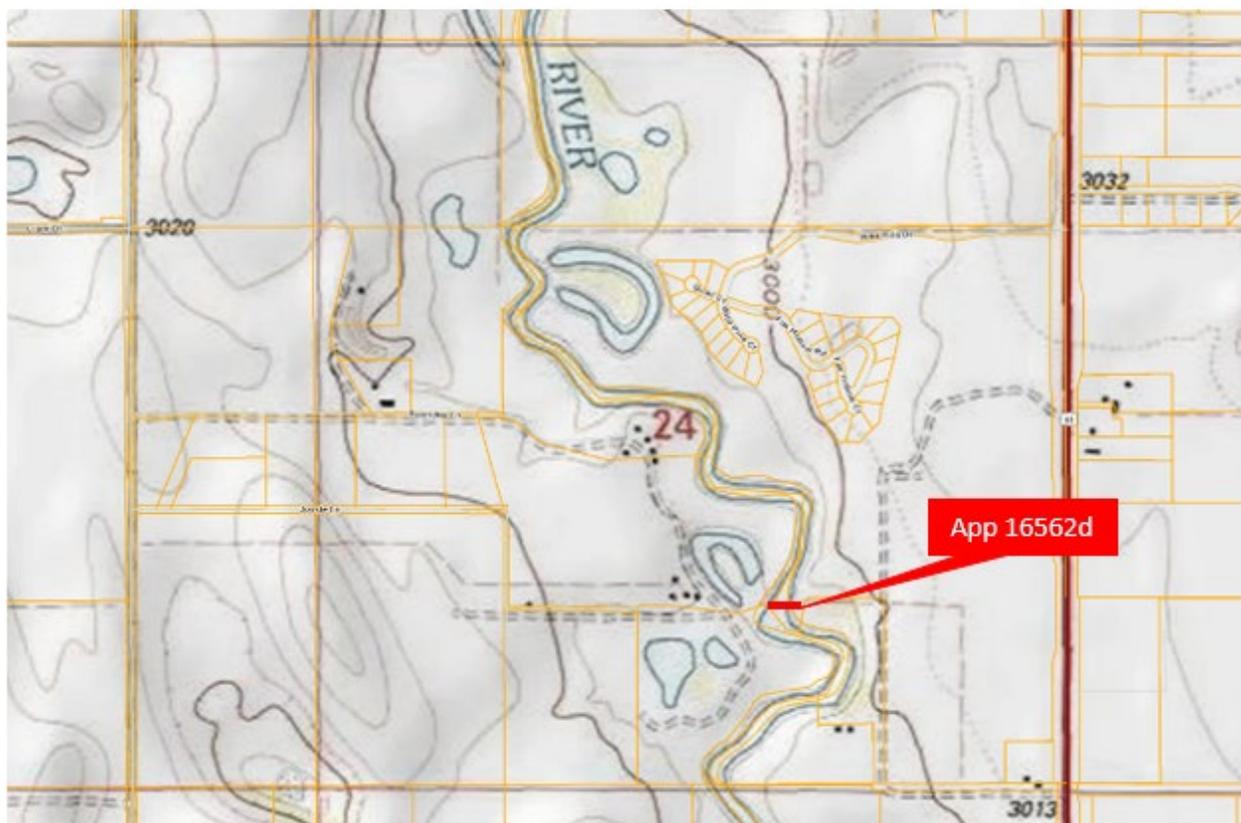
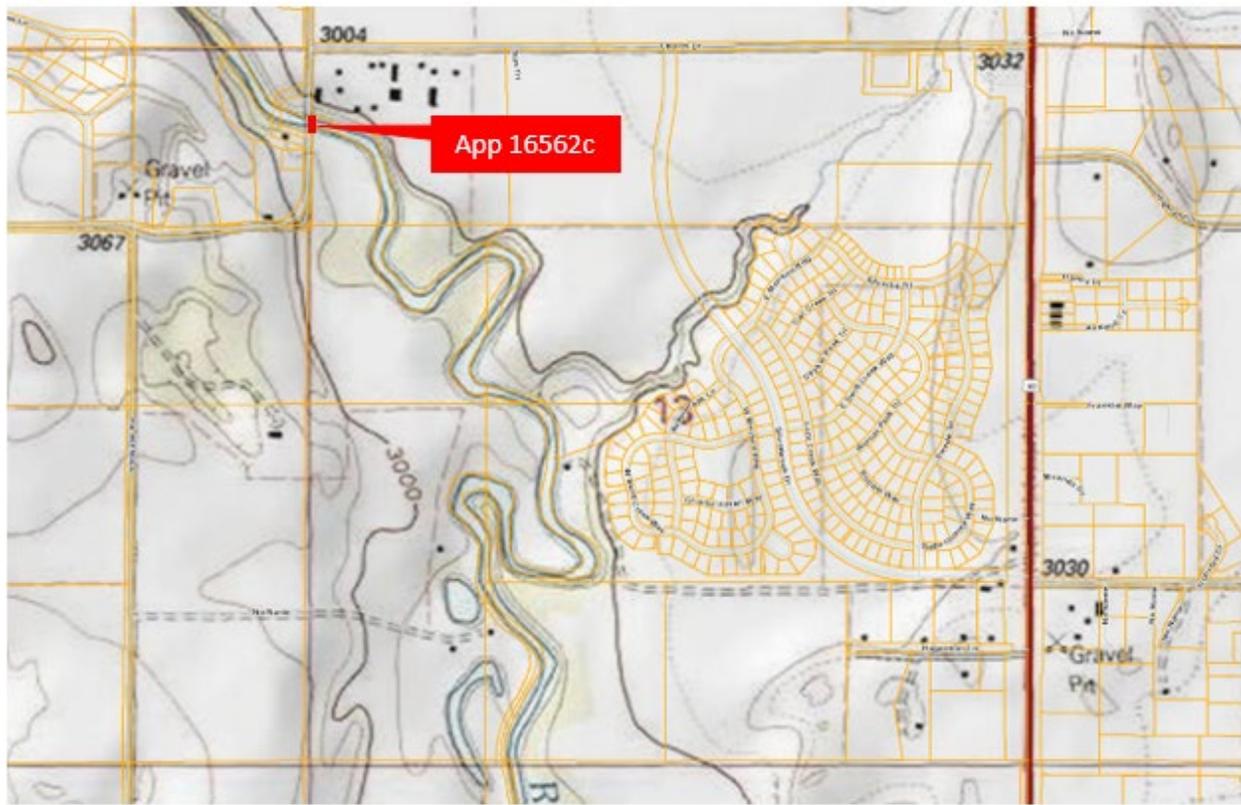
DNRC Recommendation

See page 2 for recommendation.

R/W Application 16562







APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	NorthWestern Energy 11 E. Park Butte, MT 59701
Application No.:	18516
R/W Purpose:	a buried 12.47 kV electric distribution line
Lessee Agreement:	N/A (Historic)
Acreage:	0.12
Compensation:	\$1,821.00
Legal Description:	30-foot strip through Gov. Lot 5, Sec. 16, Twp. 1S, Rge. 26E, Yellowstone County
Trust Beneficiary:	Common Schools

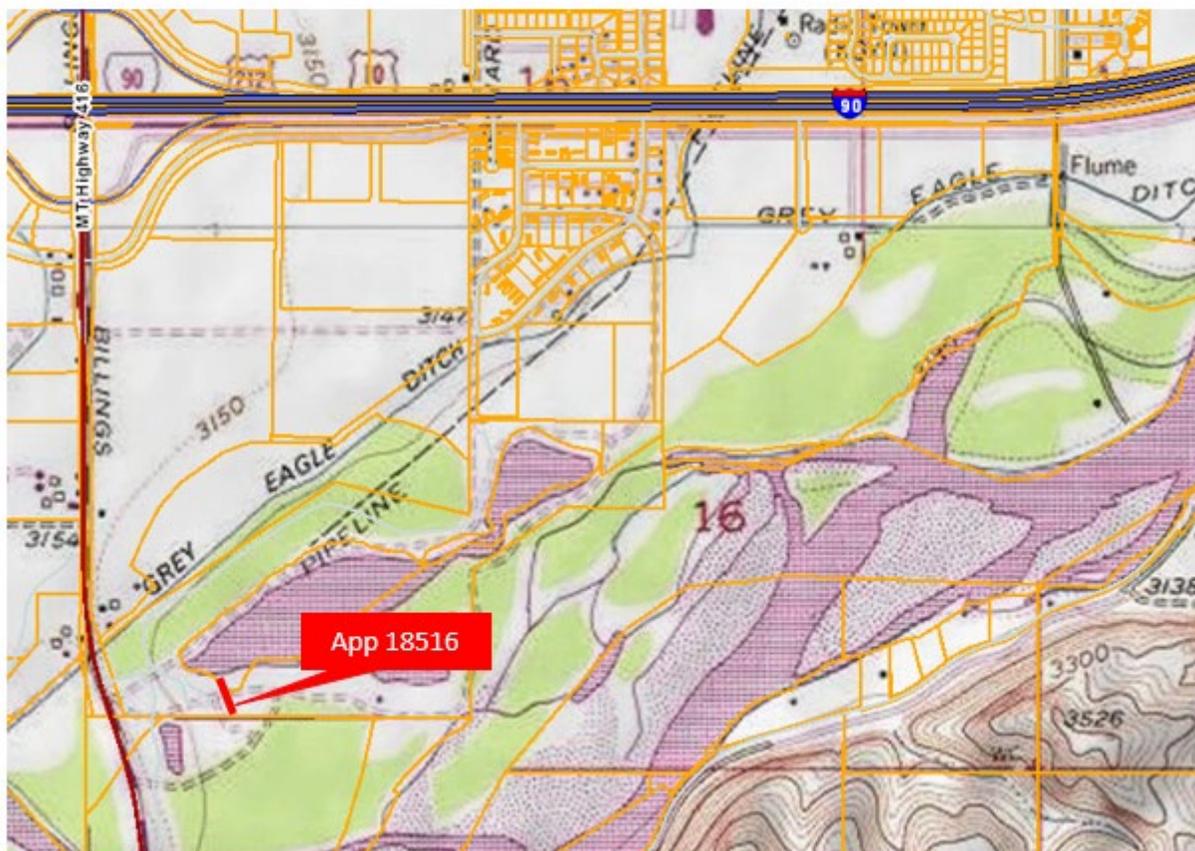
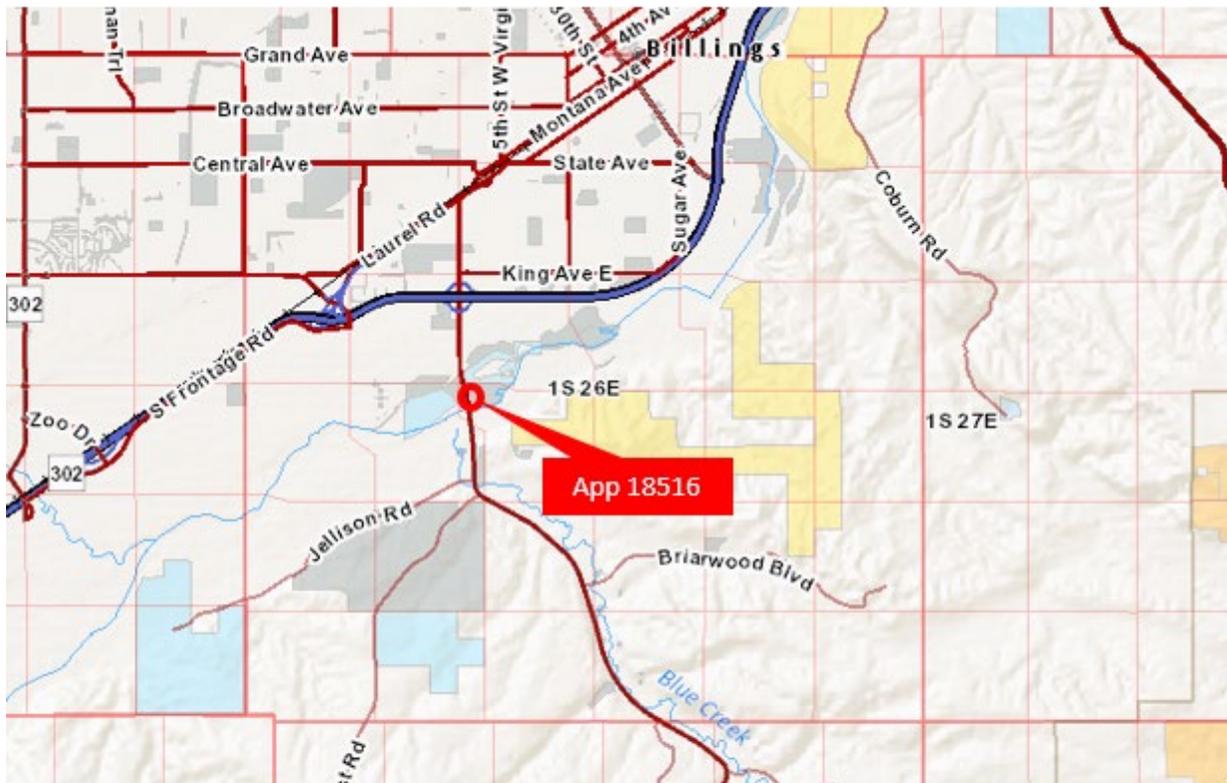
Item Summary

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

DNRC Recommendation

The director recommends approval of the application of these historic rights of way for Northwestern Energy

R/W Application 18516



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Damon R. Heble & Jessie C. Heble
407 Campbell St.
Winifred, MT 59489

Application No.: 18739
R/W Purpose: a private access road for the purpose of access to one single-family residence and associated outbuildings and to conduct normal farming and ranching operations

Lessee Agreement: ok
Acreage: 0.43
Compensation: \$301.00
Legal Description: 40-foot strip through NW4NW4, Sec. 36, Twp. 21N, Rge. 16E, Fergus County
Trust Beneficiary: Common Schools

Item Summary

Applicants had received approval from the Land Board in June 2019 for a historic access easement for farm and ranch use. The Hebles have determined that they would prefer to build a home on the property in addition to farm and ranch use. Because the residential use is not historic the Department required the Hebles to make application under the standard application process. The historic easement application has been suspended. The private property to be accessed is described as:

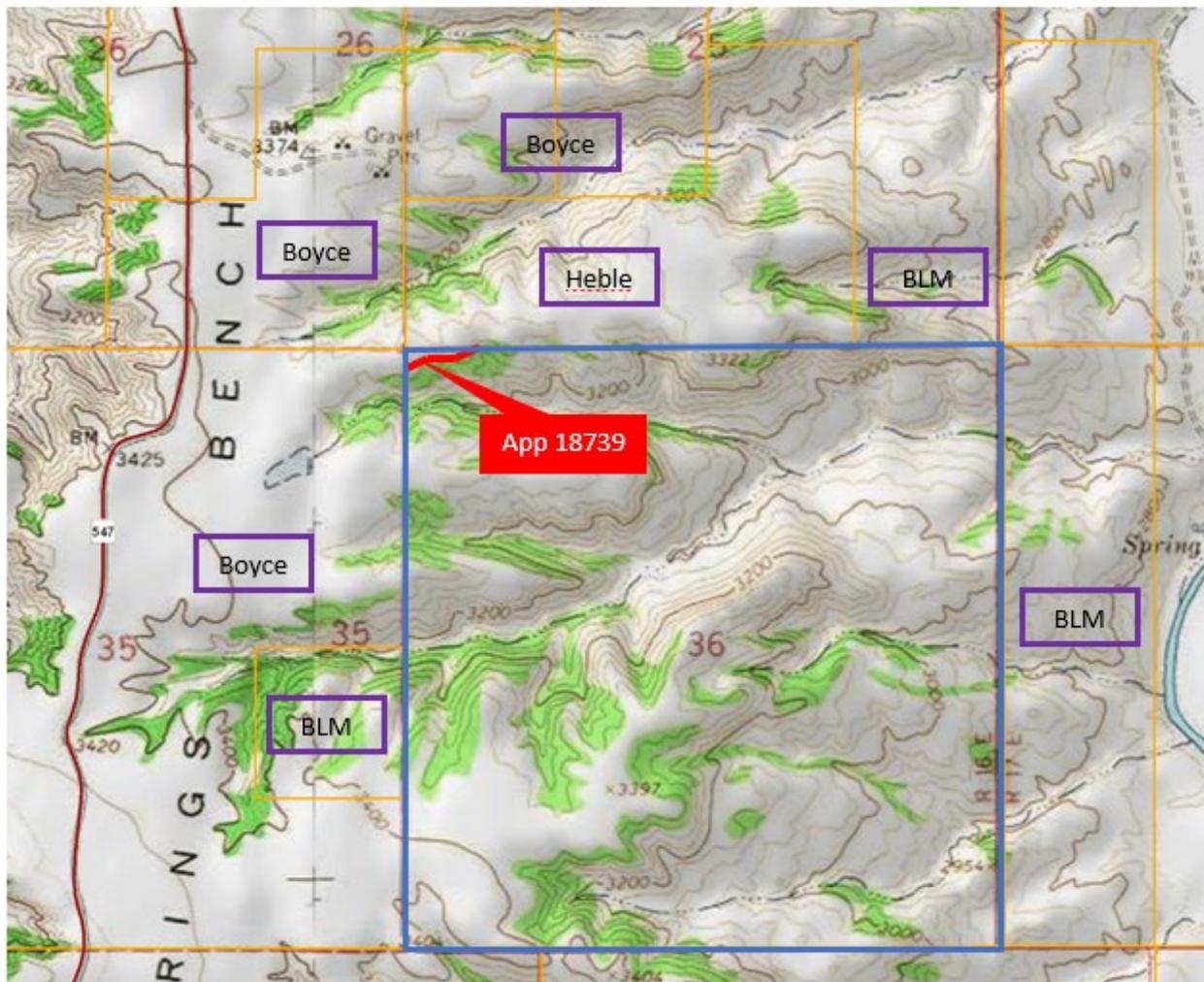
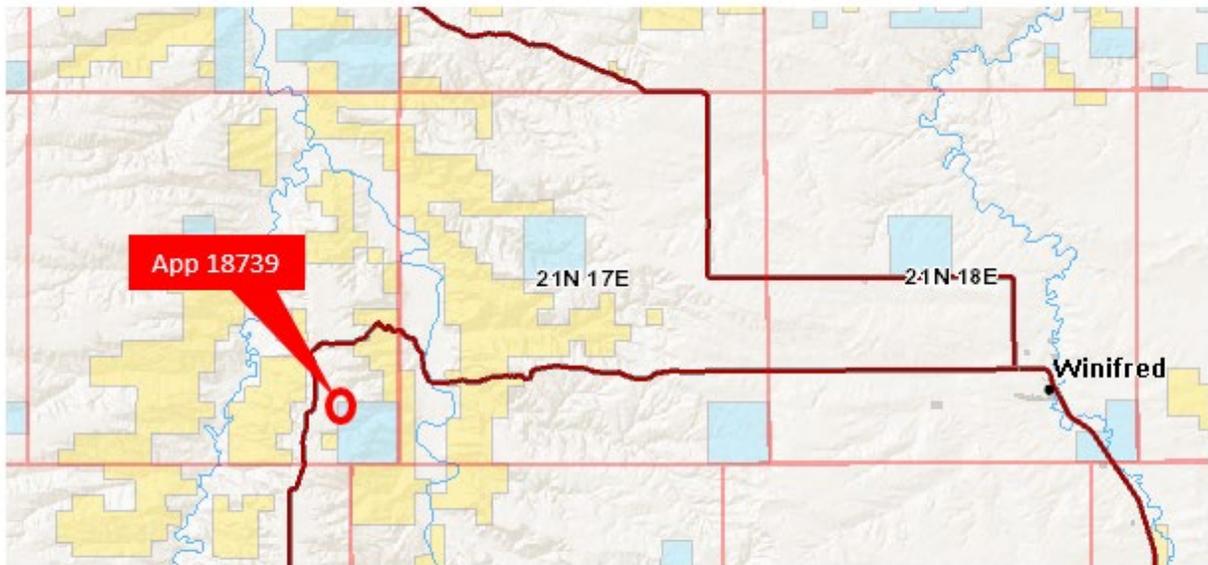
- S2SW4, W2SE4 Sec. 25, Twp. 21N, Rge. 16E

As was described with the historic application, the existing road is located in the northwest corner of the State Land along steep terrain. The Hebles will need to widen, grade and improve the road surface slightly for year-round access and installation of water bars for erosion control may be necessary. Because of the terrain a reciprocal easement would provide little access to the entire section of State Land and the Heble's do not have the ability to reciprocate with the State. The adjacent landowner to the west is the State surface lessee for this section and they have consented to access for the Hebles across their private lands. Currently, the State parcel can be accessed through adjacent BLM land for recreational purposes. The Department will stipulate the Hebles must come back to the Land Board for further authorization if they entertain subdividing their lands in the future.

DNRC Recommendation

The director recommends approval of this residential access easement request.

R/W Application 18739



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
 2510 US Hwy 2 East
 Kalispell, MT 59901

Application No.: 18753
 R/W Purpose: two overhead 34.5kV and two overhead 12.5kV electric
 distribution lines

Lessee Agreement: N/A (Historic)
 Acreage: 0.02
 Compensation: \$240.00
 Legal Description: an 8-foot strip across the Stillwater River in NW4NW4, Sec. 8,
 Twp. 28N, Rge. 21W and an 8-foot strip across the Whitefish
 River in SW4SE4, Sec. 32, Twp. 29N, Rge. 21W, Flathead
 County

Trust Beneficiary: Public Land Trust - Nav. River

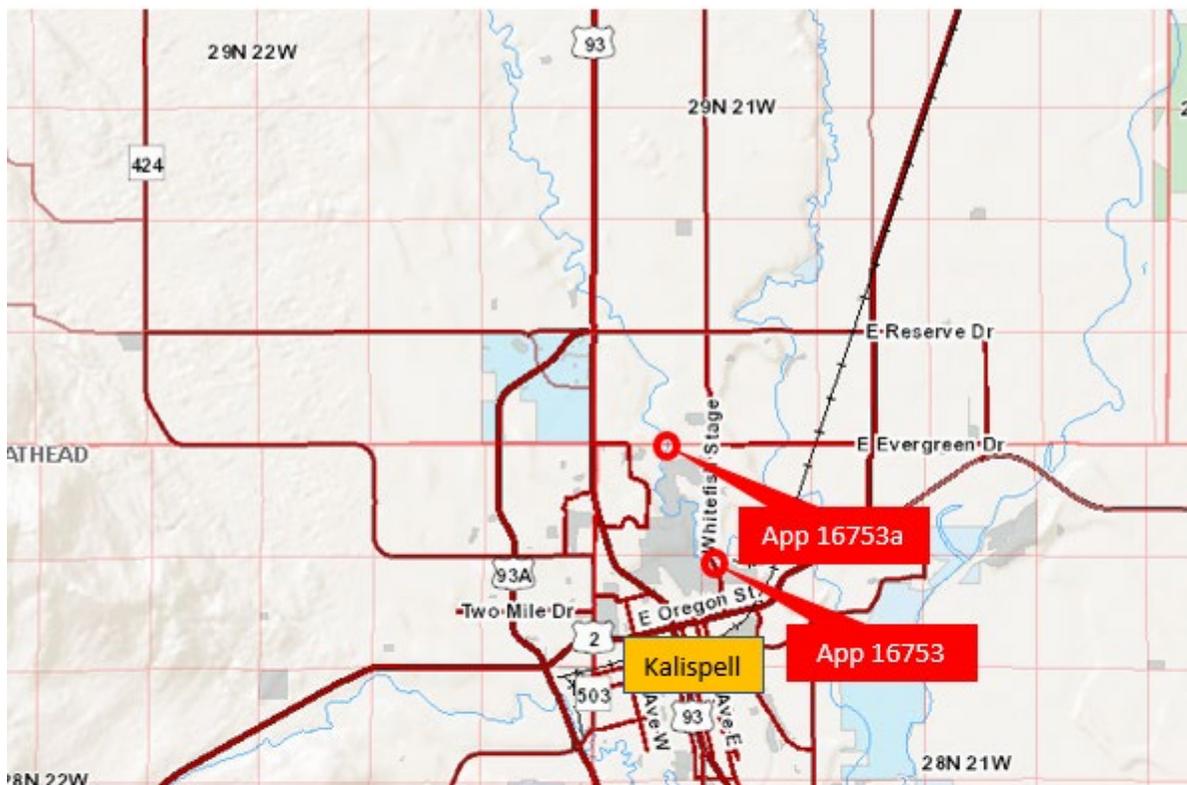
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 16753



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 18754
R/W Purpose: an overhead 12.5kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.15
Compensation: \$1,800.00
Legal Description: 8-foot strip across the Flathead River in E2NE4, Sec. 34,
Twp. 28N, Rge. 21W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
 2510 US Hwy 2 East
 Kalispell, MT 59901

Application No.: 18755
 R/W Purpose: three overhead 7.2kV electric distribution lines
 Lessee Agreement: N/A (Historic)
 Acreage: 0.01
 Compensation: \$120.00
 Legal Description: a one-foot strip across the Flathead River in NE4NW4, Sec. 21; a one-foot strip across the Stillwater River in NE4SW4, Sec. 9; and a one-foot strip across the Flathead River in NE4NE4, Sec. 28, Twp. 28N, Rge. 21W, Flathead County

Trust Beneficiary: Public Land Trust - Nav. River

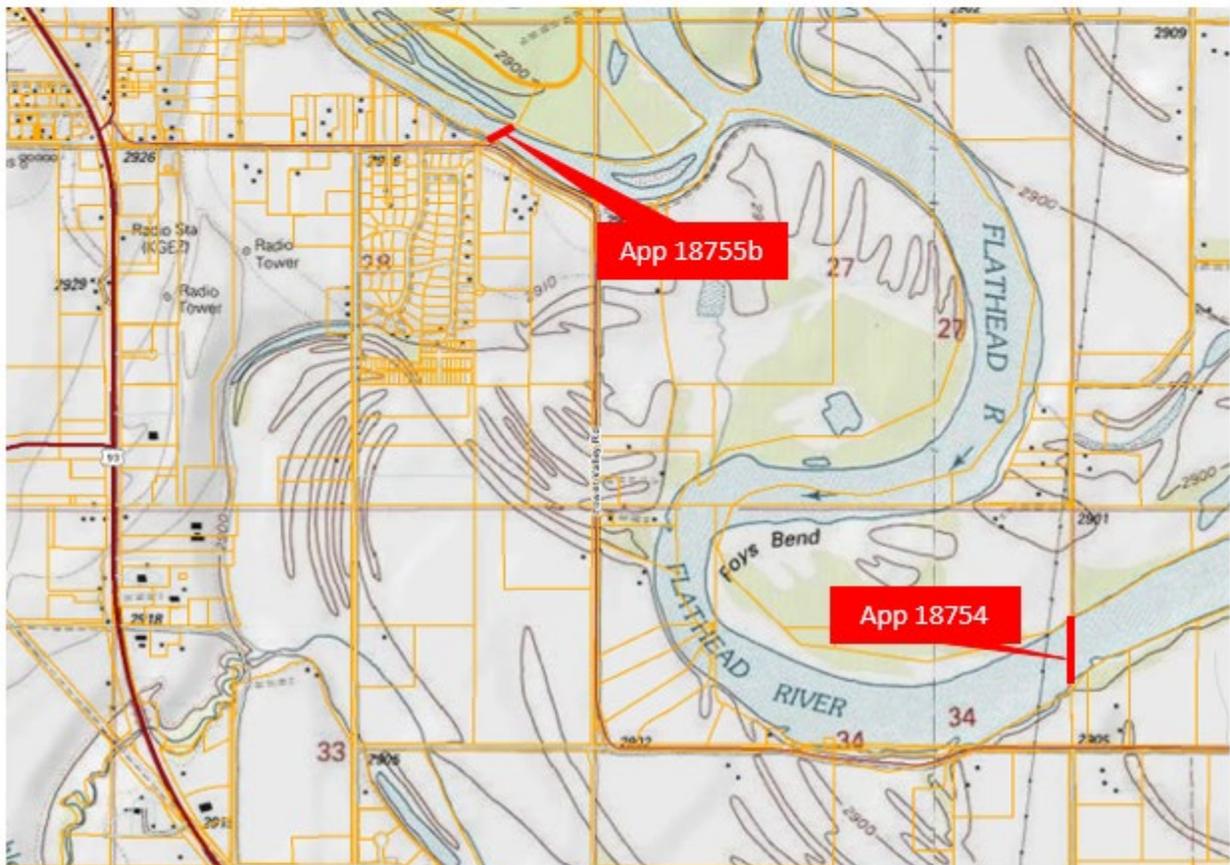
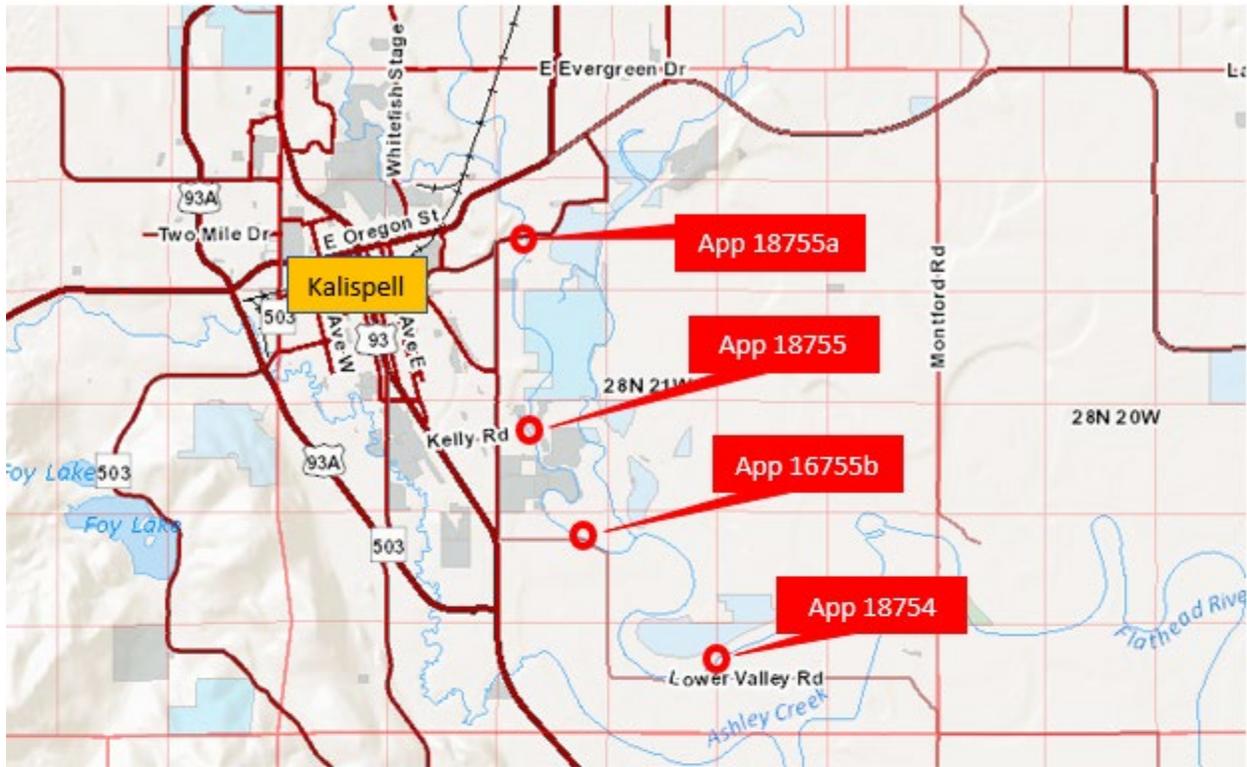
Item Summary

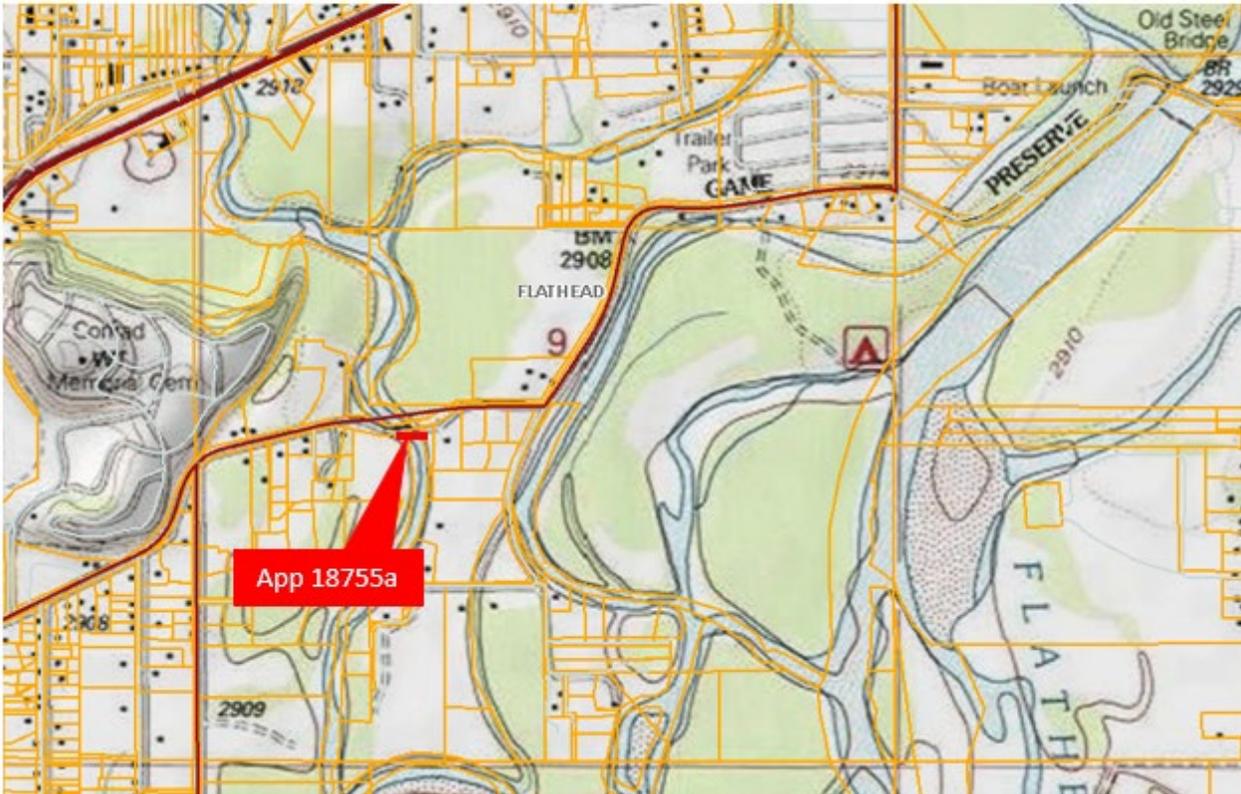
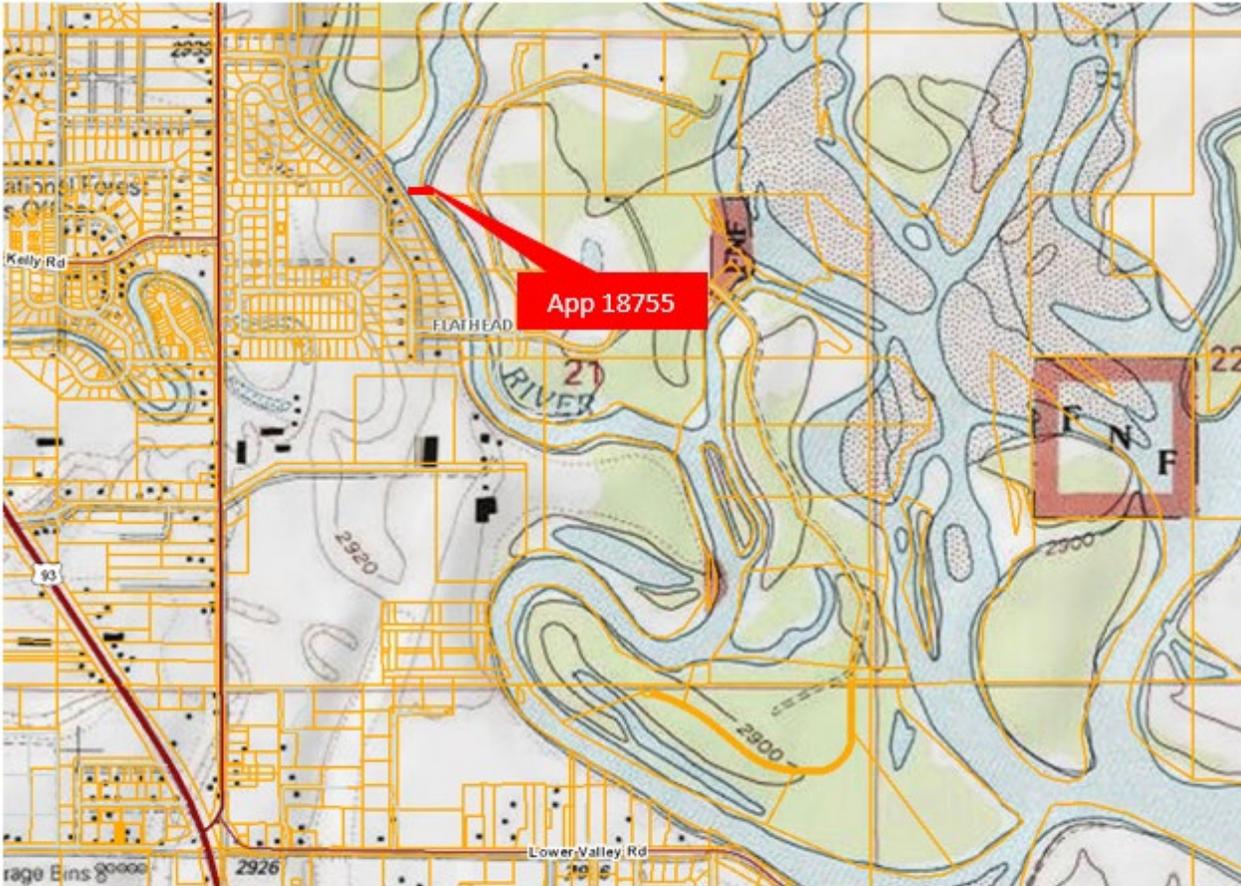
See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 18754 & 18755





APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 18757
R/W Purpose: an overhead 34.5kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.04
Compensation: \$480.00
Legal Description: 20-foot strip across the Stillwater River in SW4SW4, Sec. 30,
Twp. 29N, Rge. 21W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

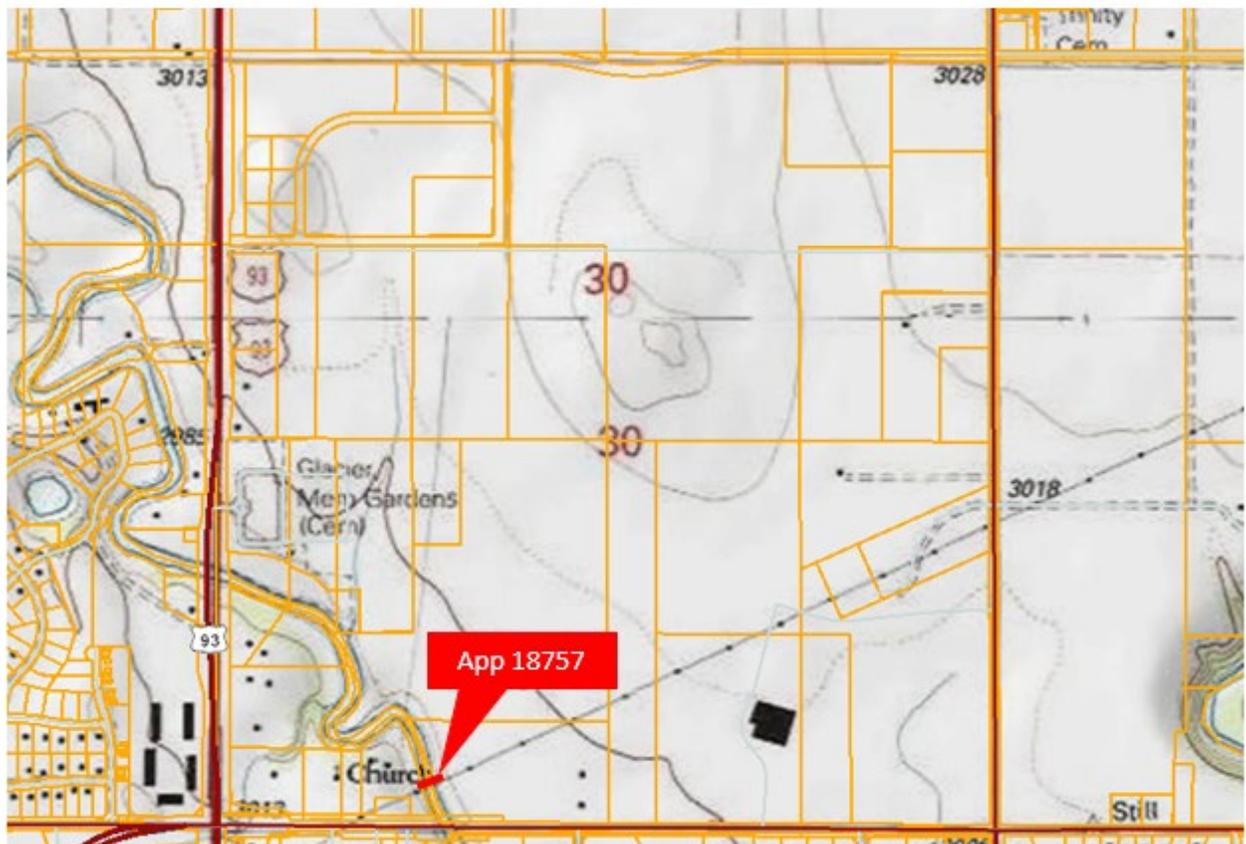
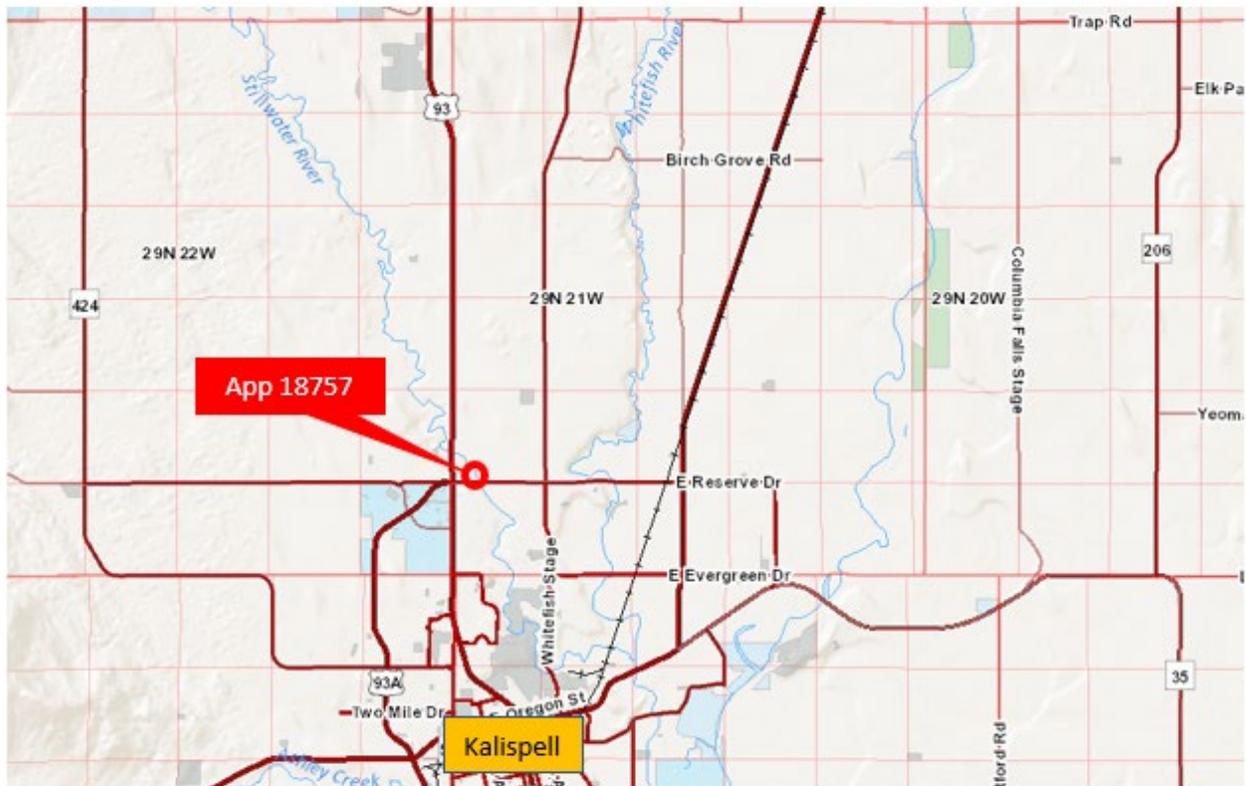
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 18757



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
 2510 US Hwy 2 East
 Kalispell, MT 59901

Application No.: 18758
 R/W Purpose: an overhead 34.5kV electric transmission line and a 12.5kV
 electric distribution line

Lessee Agreement: N/A (Historic)
 Acreage: 0.02
 Compensation: \$240.00
 Legal Description: 10-foot strip across the Whitefish River in SE4SE4, Sec. 36,
 Twp. 31N, Rge. 22W, Flathead County
 Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 18759
R/W Purpose: an overhead 7.2kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.01
Compensation: \$100.00
Legal Description: one-foot strip across the Whitefish River in NW4SE4, Sec. 36,
Twp. 31N, Rge. 22W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

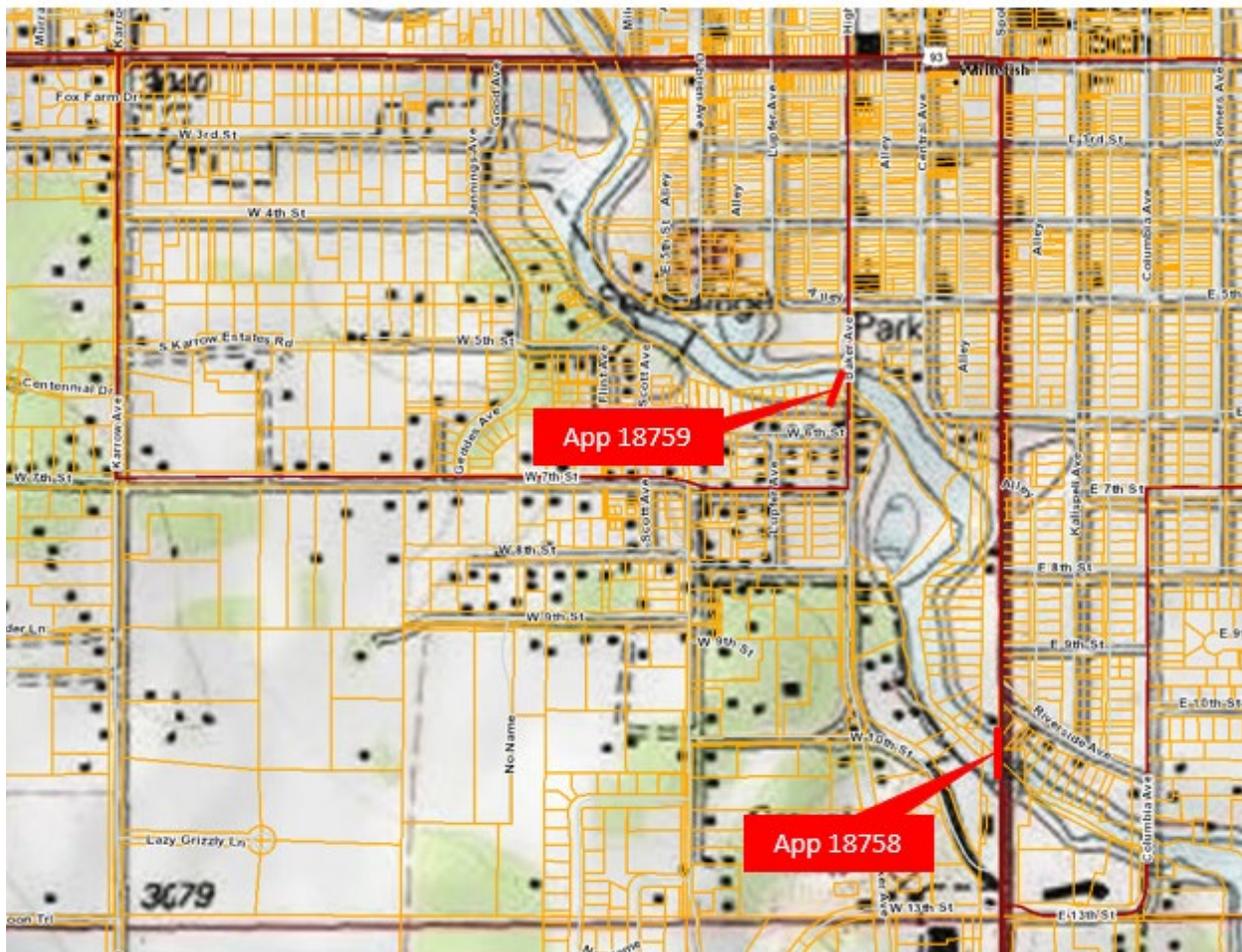
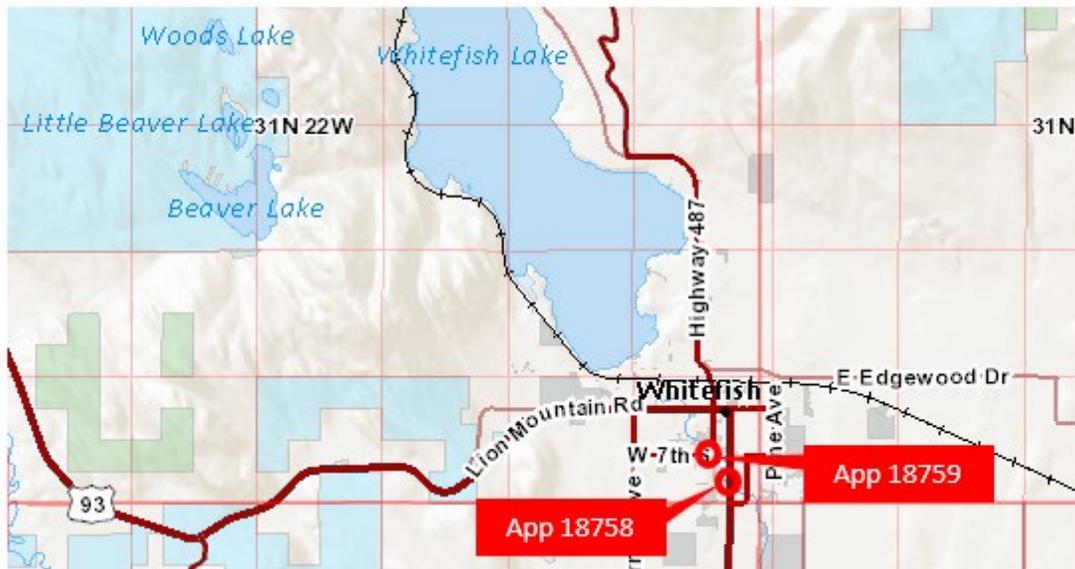
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 18758 & 18759



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 18760
R/W Purpose: an overhead 34.5kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.30
Compensation: \$3,600.00
Legal Description: 20-foot strip across the Flathead River in SE4SE4, Sec. 18,
Twp. 30N, Rge. 20W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

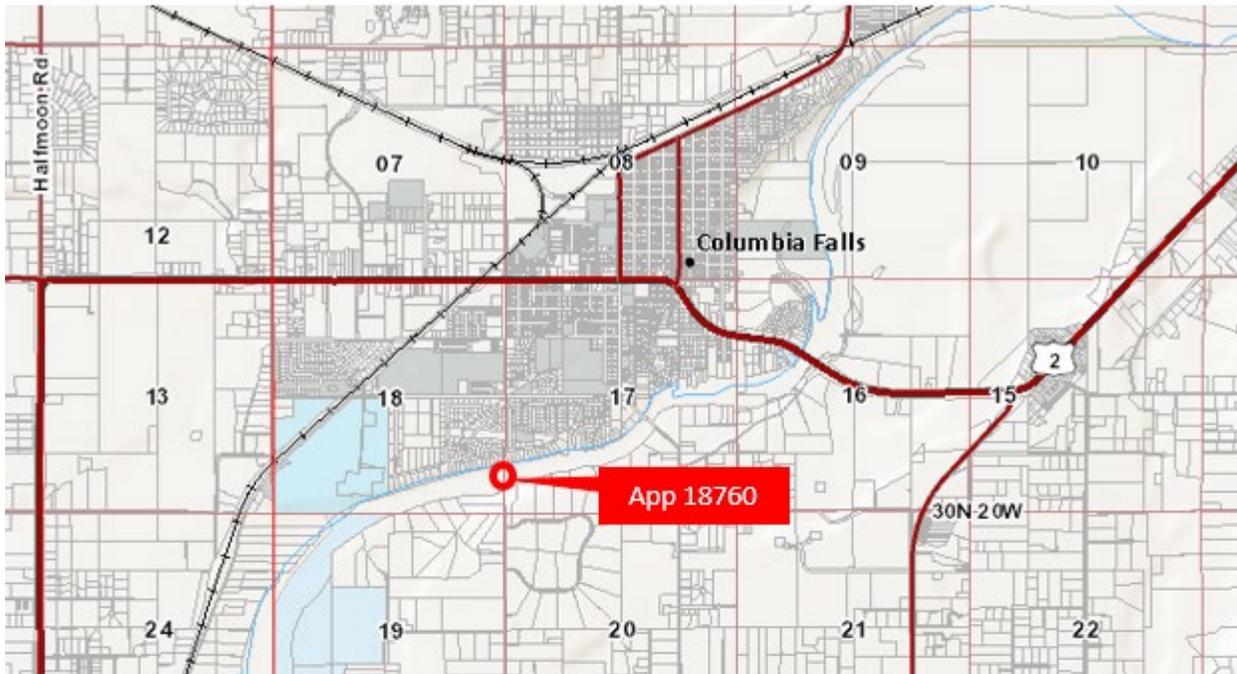
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 18760



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 18761
R/W Purpose: an overhead 34.5kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.10
Compensation: \$1,200.00
Legal Description: 8-foot strip across the Kootenai River in SE4NE4, Sec. 3,
Twp. 30N, Rge. 31W, Lincoln County
Trust Beneficiary: Public Land Trust - Nav. River

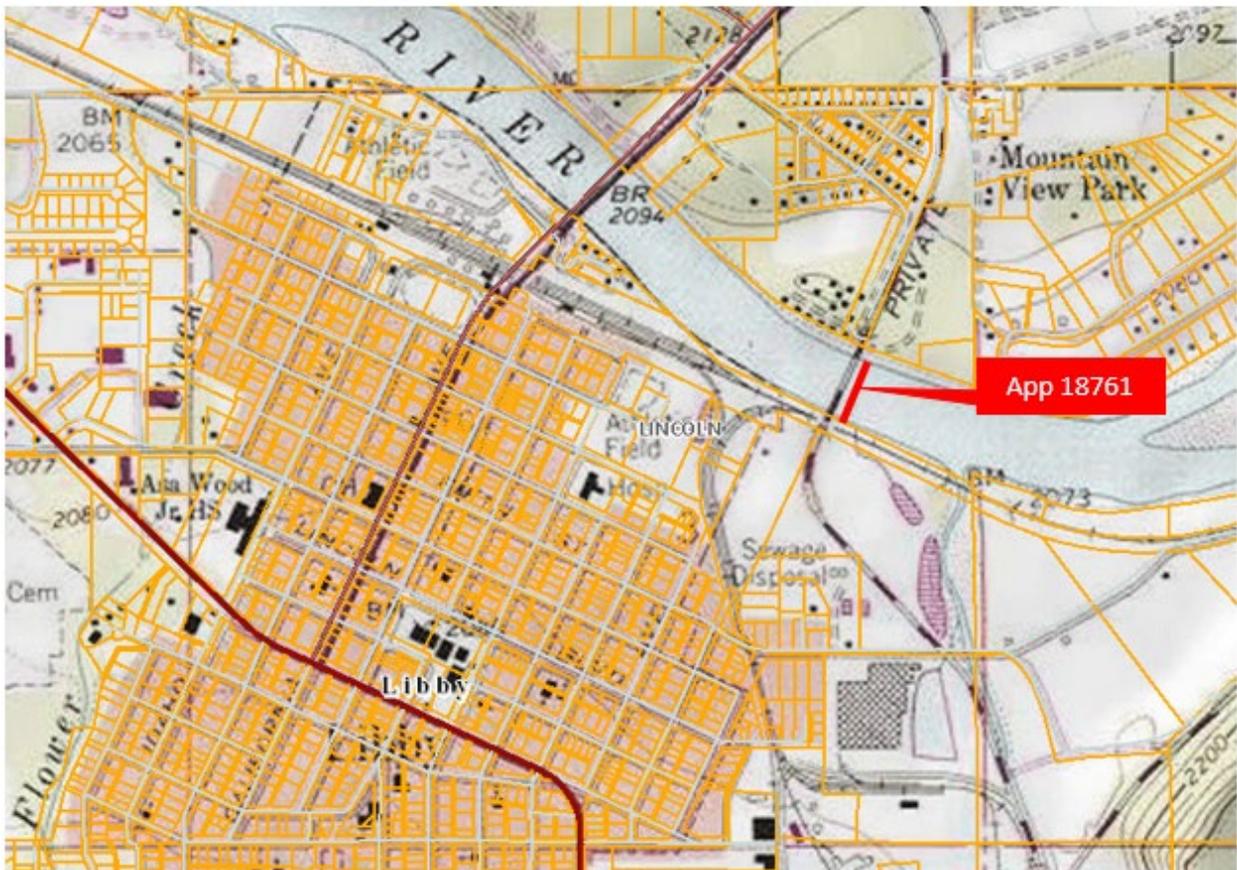
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 18761



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 18775
R/W Purpose: an overhead 12.5kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: 0.05
Compensation: \$600.00
Legal Description: 8-foot strip across the Flathead River in NE4NE4, Sec. 35,
Twp. 32N, Rge. 19W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead Electric Cooperative
2510 US Hwy 2 East
Kalispell, MT 59901

Application No.: 18776
R/W Purpose: an overhead 34.5kV electric transmission line
Lessee Agreement: N/A (Historic)
Acreage: 0.30
Compensation: \$3,600.00
Legal Description: 20-foot strip across the Flathead River between Gov. Lots 2 & 3,
Sec. 10, Twp. 28N, Rge. 21W, Flathead County
Trust Beneficiary: Public Land Trust - Nav. River

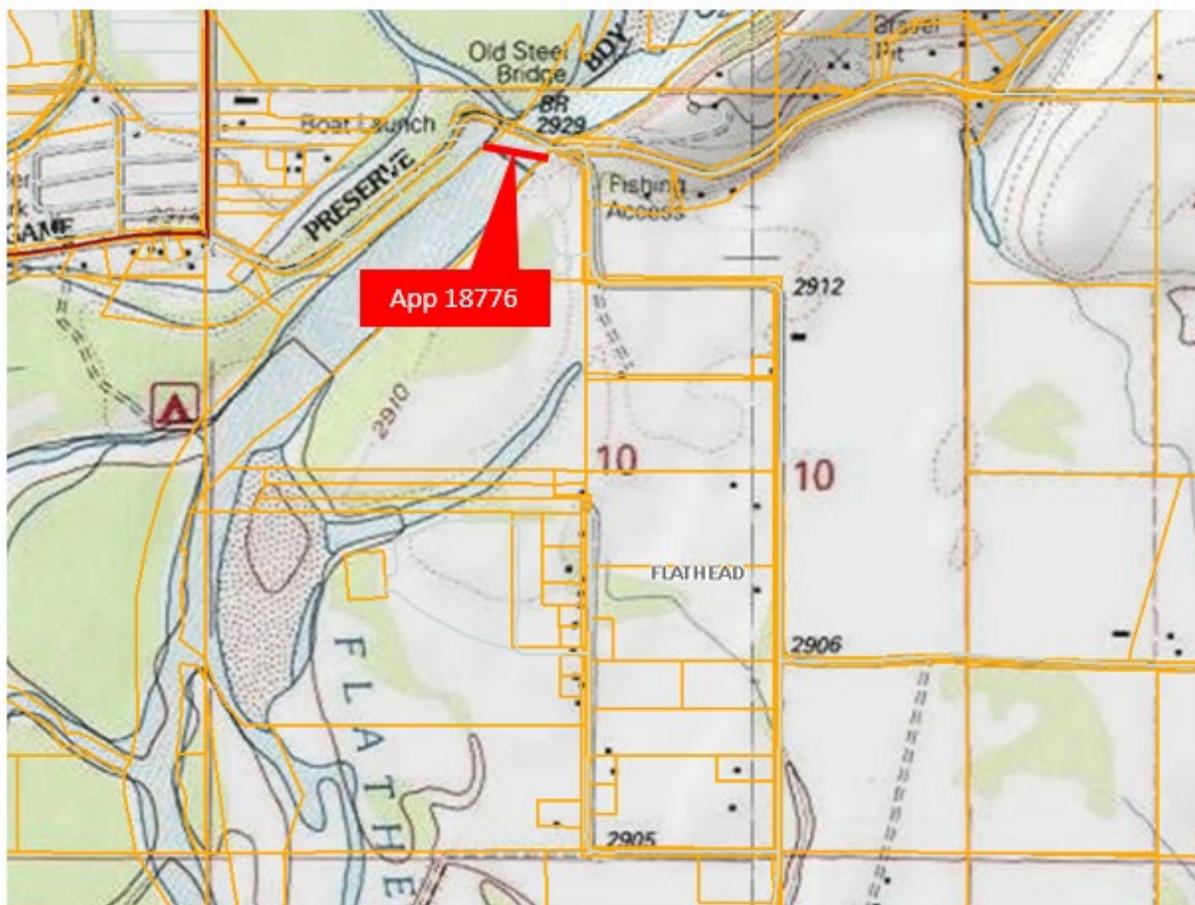
Item Summary

See page 2 for summary

DNRC Recommendation

See page 2 for recommendation.

R/W Application 18776



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Susan B. Jones
2627 Knadler St.
Laramie, WY 82072

Application No.: 18777
R/W Purpose: a private access road for the purpose of access to one single-family residence and associated outbuildings and to conduct normal farming and ranching operations

Lessee Agreement: ok
Acreage: 1.84
Compensation: \$1,470.00
Legal Description: 30-foot strip through S2NE4, Sec. 14, Twp. 5N, Rge. 45E, Custer County
Trust Beneficiary: Common Schools

Item Summary

Susan Jones has made application under the Private Driveway Policy to obtain an easement across State Land to access her private lands. The use of the private property will be limited to one single-family residence and associated outbuildings and farm and ranch operations. Ms. Jones provided documentation of her attempt to secure access from surrounding landowners, who all declined to provide her with a legal easement. The private property to be accessed is described as:

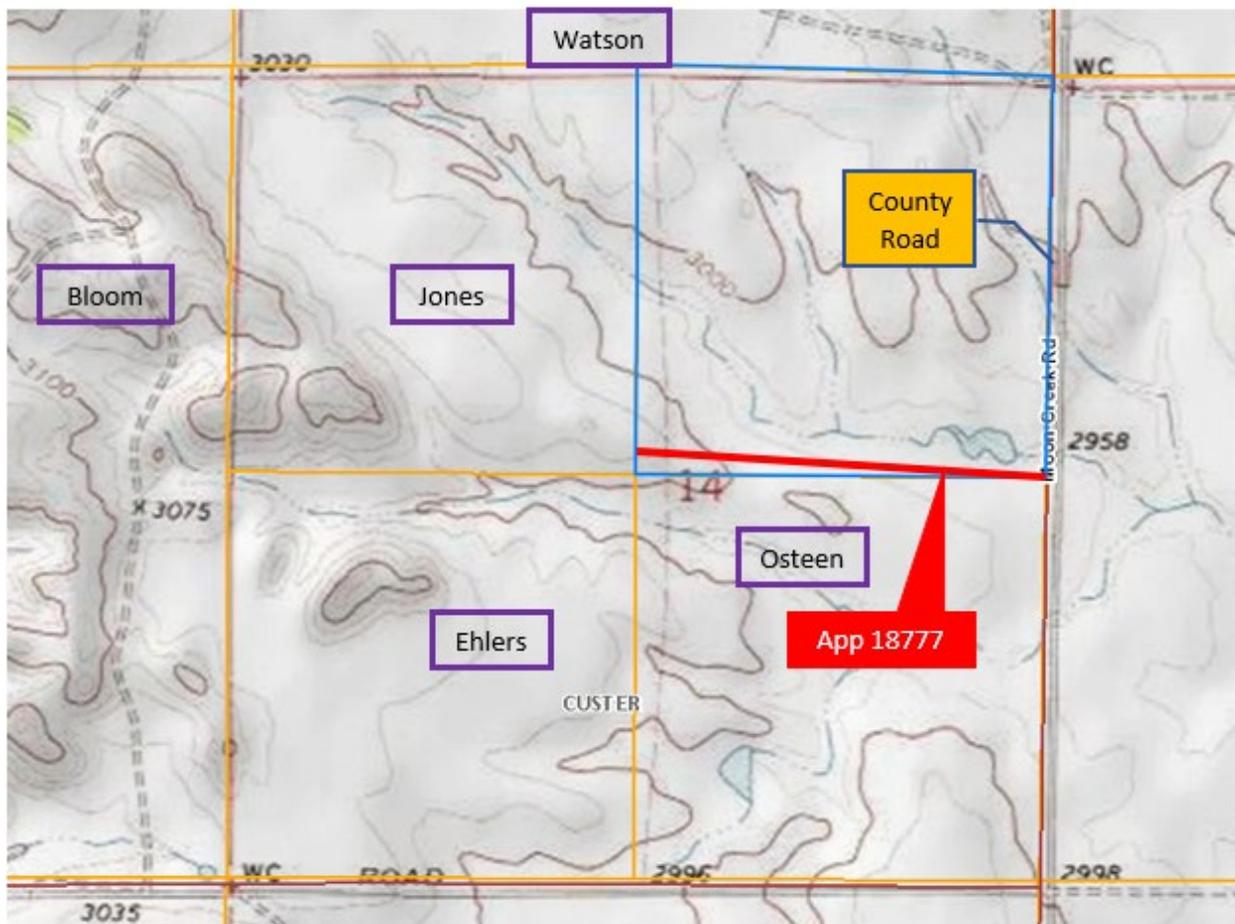
- NW4, Sec. 14, Twp. 5N, Rge. 45E

The traveled way is an existing, unimproved two-track trail that will be slightly improved for the purpose of year-round travel. Minimal disturbance is anticipated. The State Trust land has public access via Moon Creek Road. The Department will stipulate Ms. Jones must come back to the Land Board for further authorization if subdivision of the NW4 is entertained in the future.

DNRC Recommendation

The director recommends approval of this easement request.

R/W Application 18777



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18786
R/W Purpose: a buried 12.47 kV electric distribution line
Lessee Agreement: N/A (Historic)
Acreage: Compensation: 0.18
Legal Description: \$1,366.00
10-foot strip beneath the Yellowstone River in W2NW4, Sec. 21,
Twp. 1S, Rge. 26E, Yellowstone County
Trust Beneficiary: Public Land Trust - Nav. River

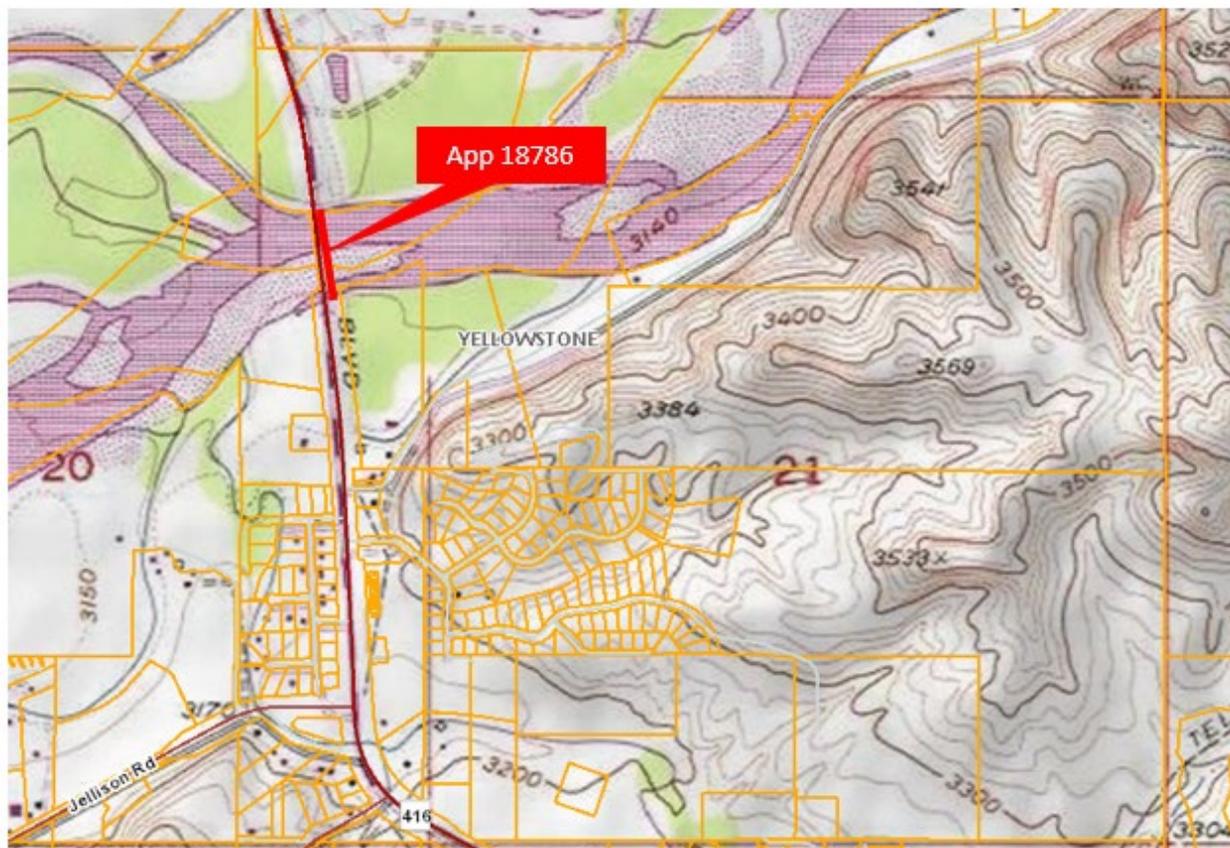
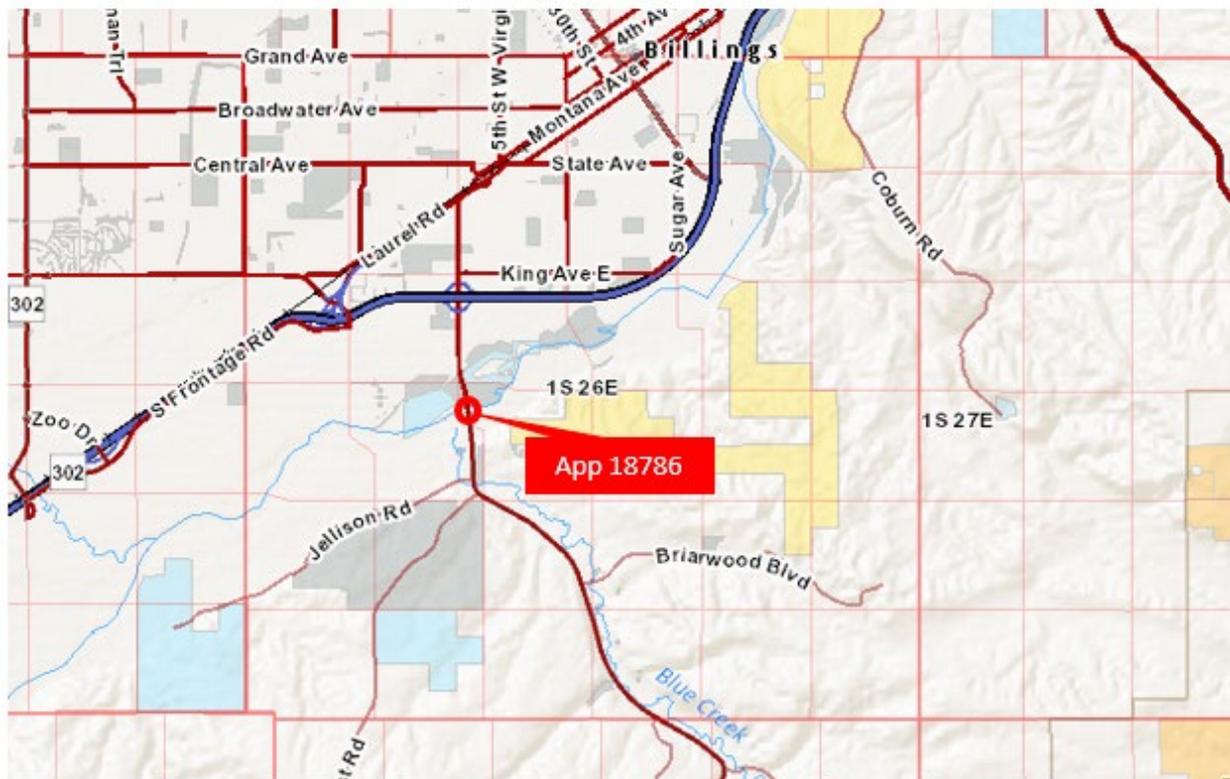
Item Summary

See page 26 for summary

DNRC Recommendation

See page 26 for recommendation.

R/W Application 18786



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Southern Montana Telephone Company
PO Box 205
Wisdom, MT 59761-0205

Application No.: 18790
R/W Purpose: a buried telecommunications cable
Lessee Agreement: ok
Acreage: 0.13
Compensation: \$161.00
Legal Description: 20-foot strip through NE4SE4, Sec. 36, Twp. 1N, Rge. 11W,
Silver Bow County
Trust Beneficiary: Common Schools

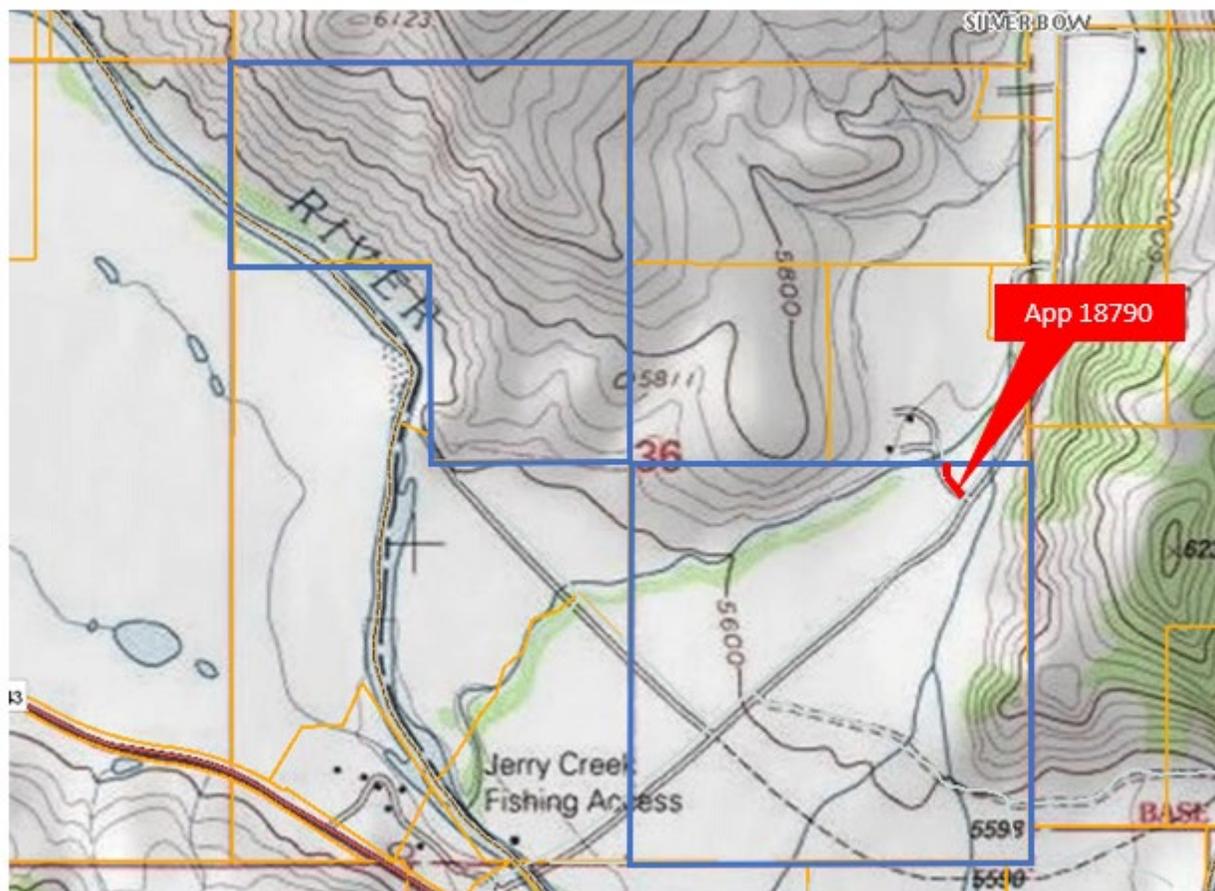
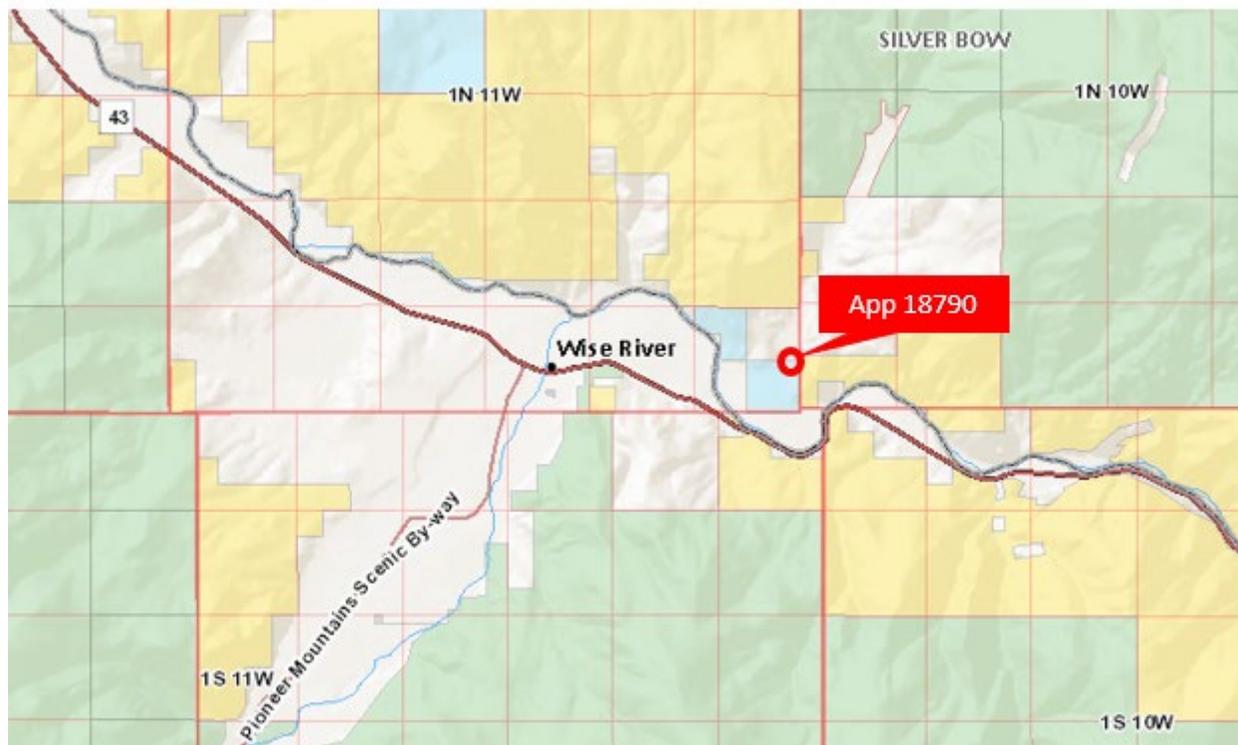
Item Summary

Southern Montana Telephone Company is proposing to install a new telecommunications cable in the Wise River Exchange area. This cable will upgrade current services to the area and provide for expanded service capability. The route chose is the most direct between existing and future network locations and runs alongside existing disturbed ground in road rights of way. Little impact is expected from this installation.

DNRC Recommendation

The director recommends approval of this easement request.

R/W Application 18790



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Bloomin Farm LLC
159 Main St.
Shelby, MT 59474

Application No.: 18796

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

Lessee Agreement: N/A (Historic)

Acreage: 0.13

Compensation: \$156.00

Legal Description: 30-foot strip through SW4SW4, Sec. 9, Twp. 30N, Rge. 3W, Pondera County

Trust Beneficiary: University of Montana

Item Summary

Bloomin Farms LLC. has made application for the use of an existing road to access their adjacent lands for farm and ranch purposes. The road was in place prior to the State's ownership and authorization for continued use is being requested pursuant to §77-1-130, MCA, which allows for recognition of such historic access. The private property to be accessed is described as:

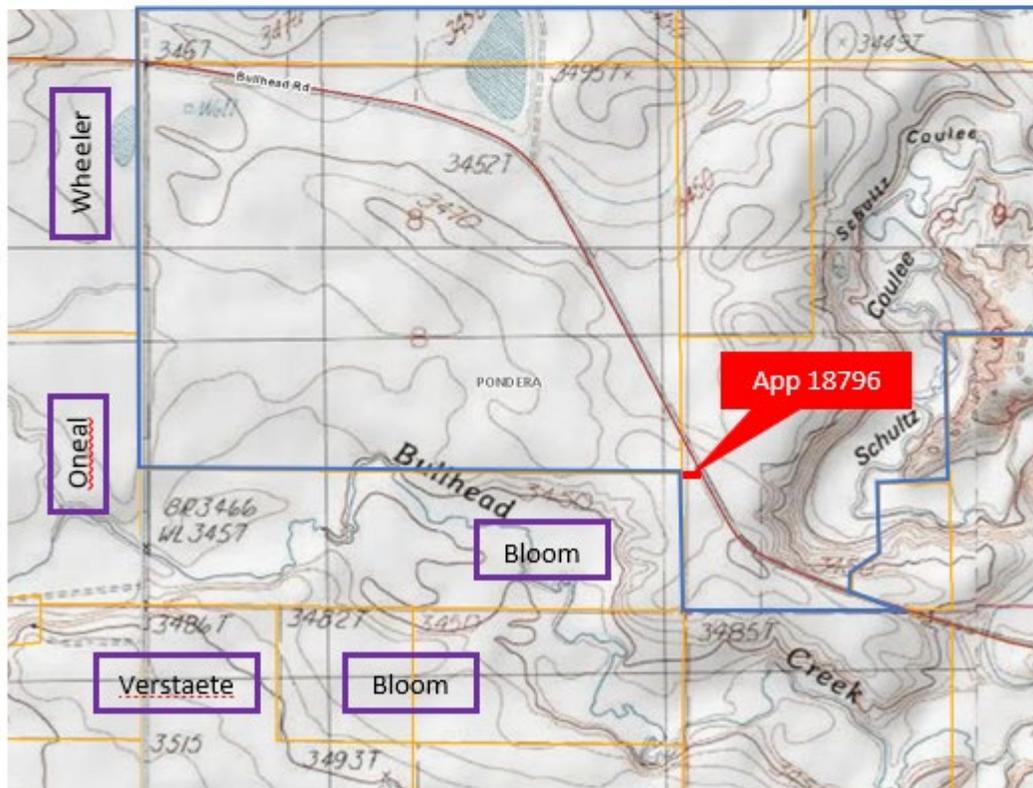
- S2S2, Sec. 8, Twp. 30N, Rge. 3W
- NE4NW4, N2NE4, Sec. 17, Twp 30N, Rge 3W

This request is across lands acquired in 2015 by the Department of Natural Resources and Conservation (DNRC) in the Bullhead Ranch Land Banking program.

DNRC Recommendation

The director recommends approval of this historic easement request.

R/W Application 18796



**TOBIE CREEK EASEMENT EXCHANGE
RIGHT OF WAY APPLICATION FILE NO. 18052
October 28, 2019**

I. Applicant:

Edwards Diamond B Ranch LLC, Kirk A. Ericksen, Amy C. Ericksen
3397 Hidden Acres Drive
Doraville, GA 30340-4445

II. Purpose of Reciprocal Access Agreement:

State land is adjacent to the Edwards Diamond B Ranch property. The Applicant needs to remedy an encroachment and trespass use on State Trust lands and the State desires improved access to Trust lands. For both parties to legally remedy their respective needs it is proposed to exchange easements for each party's respective uses.

As a part of this Agreement, the State will grant a perpetual non-exclusive easement containing 2.02 acres, for encroachment of existing buildings, buried utilities and access. Cooperator will grant a perpetual non-exclusive easement, in varying widths (60 feet in width on the main road and 40 feet in width on the interior road) to the State for the purpose of constructing, reconstructing, maintaining, repairing, and using a road or road segment for all lawful purposes.

Legal Description (R/W):

Flathead County:

State Land burdened -	Sec. 7, Twp. 30N, Rge. 22W -	2.02 acres
State Land benefited -	Sec. 7, Twp. 30N, Rge. 22W -	156 acres

Coop Land burdened -	Sec. 7, Twp. 30N, Rge. 22W -	4.77 acres
Coop Land benefited -	Sec. 7, Twp. 30N, Rge. 22W -	40 acres

Total R/W Acres:

State grant to Coop:	2.02 acres (60-ft)
Coop grant to State:	3 acres (40-ft)
Coop Smith to State	1.77 acres (60-ft)

Total R/W Miles:

State grant to Coop:	0 miles
Coop grant to State:	.73 miles

III. General Information:

Land Office:	Northwest Land Office
Unit Office:	Kalispell Unit
County:	Flathead
Affected Trusts:	Western/Eastern

VI. Costs to be Borne by Each Party:

Excess costs, by land value and road costs are summarized as follows:

	EXCESS COSTS	
	State owes Cooperator	Cooperator owes State
Land Value	\$ 42,980	\$ 36,360
Total Value/Costs	\$ 42,980	\$ 36,360

NET BALANCE

Land Value	\$ 6,620	
Subtotals	\$ 6,620	

TOTAL LAND AND ROAD \$ 6,620

Land values are calculated with consideration given to trusts burdened and trusts benefited by the easement granted. The net amount the State owes the Cooperator is considered to be a donation to the State of Montana by the Cooperator should the Board approve this agreement. The donation value equals \$6,620.

VI. Results of MEPA Analysis:

As this project is an Easement Exchange a public meeting was held to accept comments on the proposal. No members of the public appeared for the meeting. Public scoping occurred during the environmental analysis and no comments were received. No significant impacts are expected and no further analysis is required.

VII. Benefits to State:

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

- Provides full permanent access for all lawful purposes (including utilities) to 156 acres of State Trust Lands. This parcel has legal access on the southwest corner via State Highway 424 also known as Farm to Market Road. Due to topography the eastern half of the parcel is currently inaccessible. This agreement provides a legal secondary access.

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

- The public has the ability to access the State land from State Highway 424, also known as Farm to Market Road, in the southwest corner of the section. The easement to be acquired under this agreement will not provide rights in favor of the public.

3. *Describe other benefits associated with completing the agreement.*

- Provides for acquisition costs to be shared and thereby reduces access acquisition costs, shared financial obligations for road maintenance, resurfacing, weed management, and road reconstruction, if need be, to current road standards.
- Provides for improved and desired legal access for Trust Land management.
- Resolves an encroachment and trespass use situation.

VIII. Recommendation/Action:

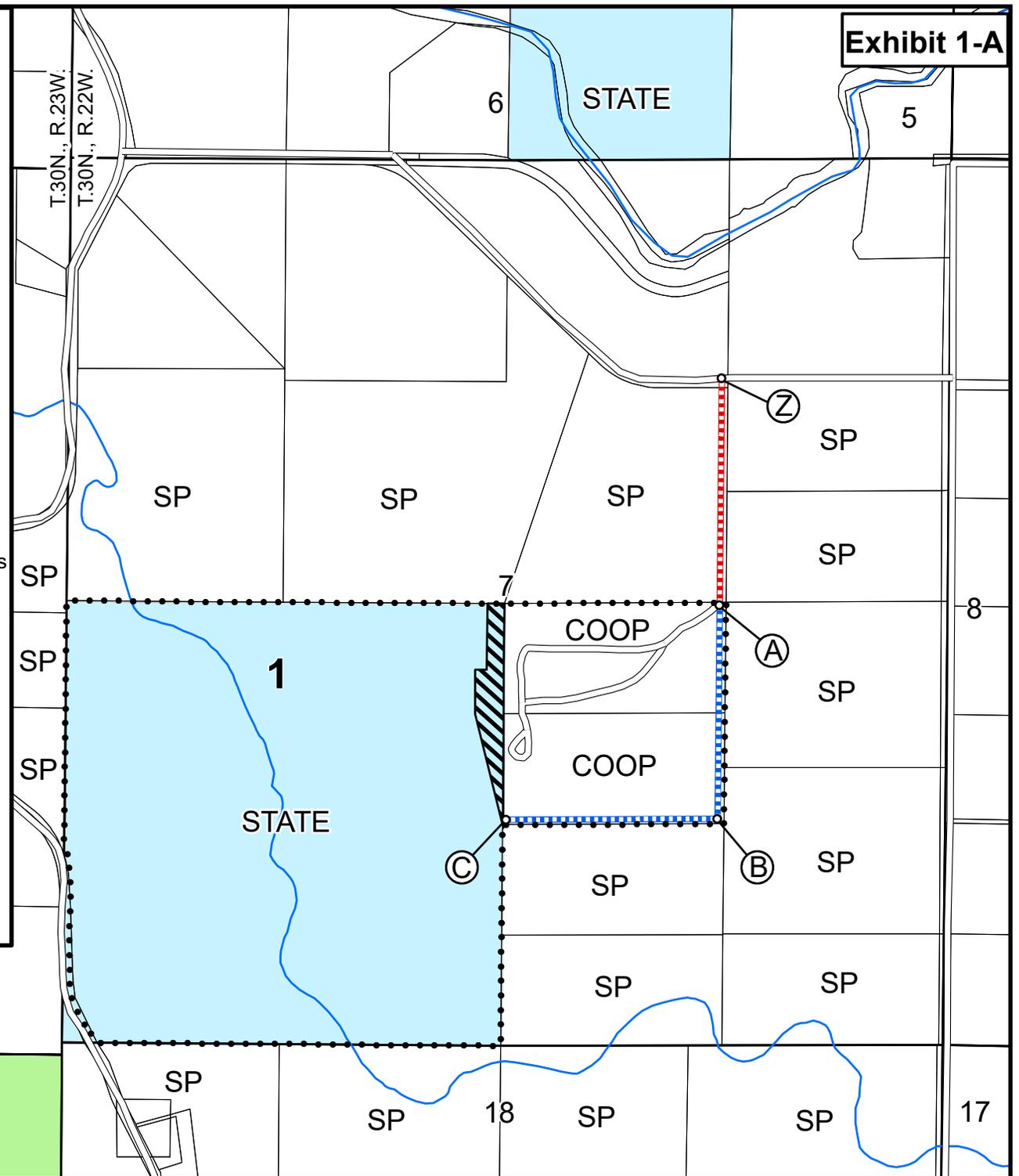
The director recommends approval of this proposed Easement Exchange Agreement.

Tobie Creek Easement Exchange

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
and
EDWARDS DIAMOND B RANCH LLC
KIRK A. ERICKSEN,
AMY C. ERICKSEN
Section 7, T.30N., R.22W.
Flathead County, Principal Meridian, Montana

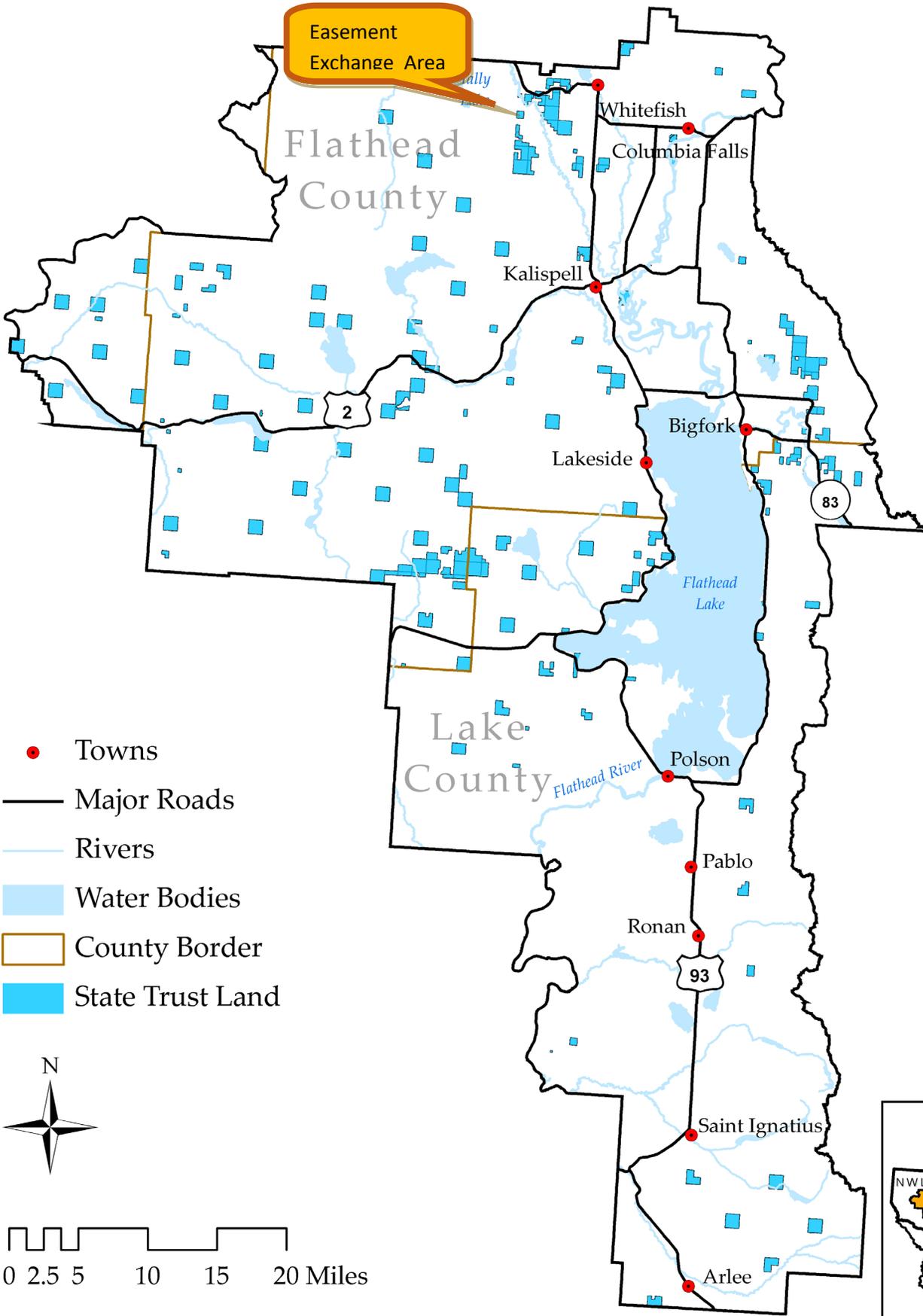
LEGEND

- Tributary Area
 - 1** Sub - Tributary Number
 - (A) Road Segment Terminus
 - - - Section Subdivision
 - DNRC Department of Natural Resources and Conservation
 - COOP Cooperators
 - SP Small Private
 - NFSL National Forest System Land
 - Road Easement
 - Smith Easement
 - Ranch Easement
- 0 0.175 0.35 Miles
- GeoControl LLC 12-20-2015
- NORTH



TOBIE CREEK EE VICINITY MAP KALISPELL UNIT

1019-3B



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

