

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS**  
**Monday, July 15, 2019 at 9:00 am**  
**State Capitol, Room 303**  
**Helena, MT**

**ACTION ITEMS**

- 0719-1 FWP: Mount Haggin WMA Addition/ Fee Acquisition**  
*Benefits: N/A (non-trust land)*  
*Location: Deer Lodge County*
- 0719-2 Timber Sales**  
**Foys Lake Fules Reduction Project**  
*Benefits: Common Schools*  
*Location: Flathead County*
- 0719-3 Land Banking Parcels: Preliminary Approval for Sale**  
**Byron Boucher Farms, Inc.**  
*Benefits: Common Schools*  
*Location: Musselshell County*
- 0719-4 Land Banking Parcels: Set Minimum Bid for Sale**  
**Lazy T3 Angus, Inc.**  
*Benefits: Common Schools*  
*Location: Liberty County*
- 0719-5 Cabin and Home Sites: Set Minimum Bid for Sale**  
**Sale No 954, 955, 956, 957**  
*Benefits: Public Buildings*  
*Location: Sanders County*
- 0719-6 Easements**  
**A. Standard Grants**  
*Benefits: Common Schools, Public Land Trust- Nav. Rivers, University of Montana*  
*Location: Blaine, Cascade, Fallon, Gallatin, Madison, Musselshell, and Park Counties*  
**B. Paul Armstrong Private Access**  
*Benefits: Common Schools*  
*Location: Broadwater County*
- 0719-7 INFORMATIONAL ITEM: 2019 Real Estate Project List**  
*Benefits: Common Schools, University of Montana, Pine Hills School, State Normal School, Public Buildings*  
*Location: Gallatin, Custer, Flathead, Lincoln, Sanders, Yellowstone, and Missoula Counties*

**PUBLIC COMMENT**

# 0719-1

FWP: Mount Haggin

WMA Addition/Fee Acquisition

**Land Board Agenda Item  
July 15, 2019**

**0719-1 FWP: Mount Haggin WMA Addition/Fee Acquisition****Location: Deer Lodge County, Montana****Trust Benefits: n/a****Trust Revenue: n/a****Item Summary**

Fish Wildlife and Parks (FWP) proposes to purchase in fee title a 160-acre parcel of private land adjacent to the existing nearly 58,000-acre Mount Haggin WMA. The Mount Haggin WMA is located southwest of Anaconda in Deer Lodge County. FWP proposes to purchase the 160-acre parcel for its appraised value of \$464,000. The funding for the purchase of the land would come primarily from Habitat Montana with a contribution of \$25,000 from the Rocky Mountain Elk Foundation. The new parcel would be managed as part of Mount Haggin WMA for its wildlife, fisheries, and recreational values. The Department will continue to pay property taxes to Deer Lodge County pursuant to MCA 87-1-603. Motorized travel would be restricted to snow machine use December 2 – May 15, consistent with management on the adjacent portion of the WMA.

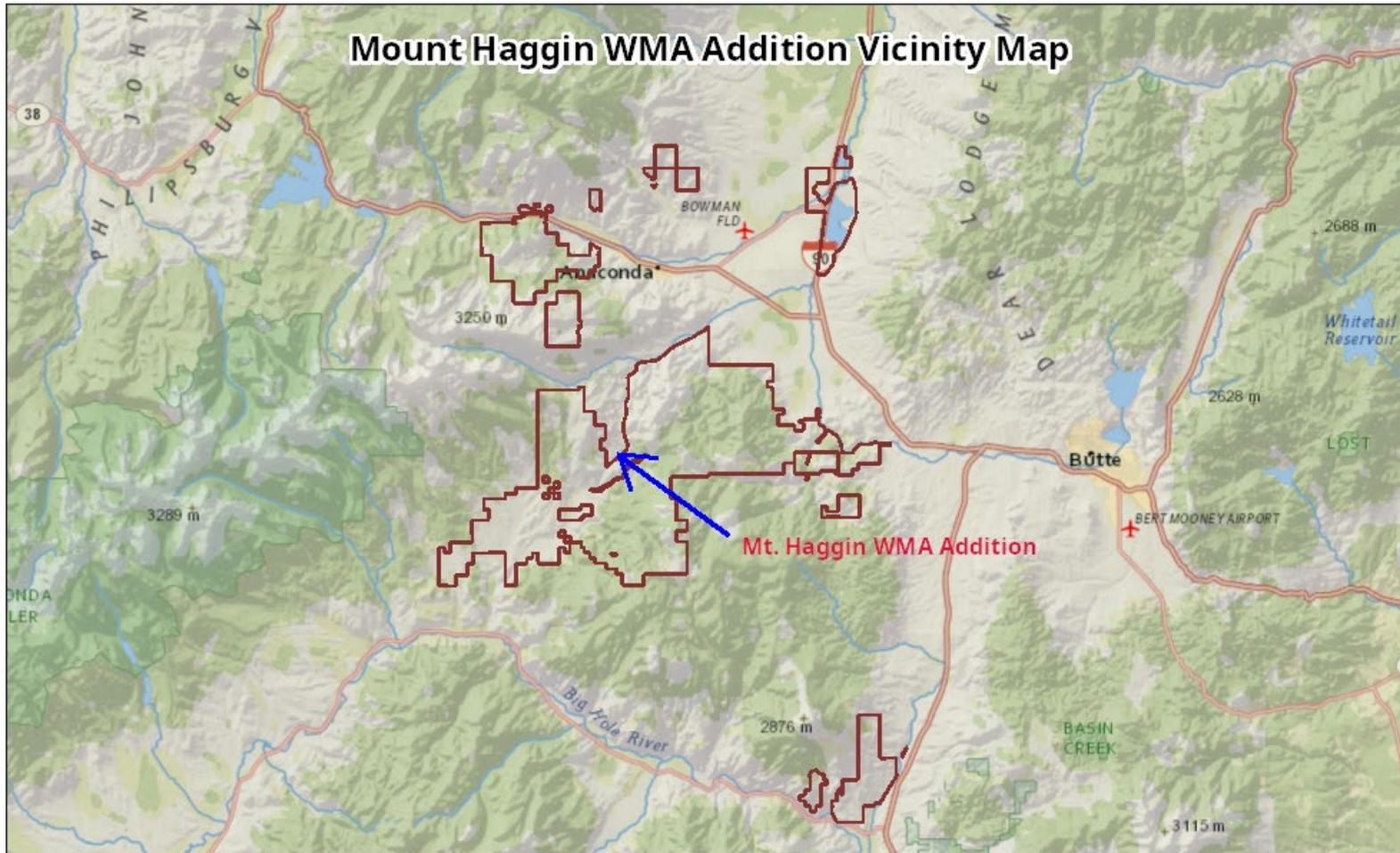
The proposed acquisition is bordered by Mount Haggin WMA on its western and southern boundaries. It contributes to the ecological function of the WMA and surrounding Beaverhead-Deer Lodge National Forest. It is part of a migration pathway for mule deer and elk and connects winter range on the west side of the Continental Divide with to calving/fawning areas east of the divide. Oregon Creek and a tributary run along the southern portion of the property and provides suitable habitat for trout. The acquisition by FWP would ensure that Mount Haggin WMA and this parcel would continue to serve the needs of wildlife, support native fish restoration, and provide additional public access for hunting, angling, trapping, wildlife-watching, and other recreational activities.

**Public Involvement Process & Results**

A draft environmental assessment (EA) was made available for public comment for 30 days (March 27-April 26, 2019). The EA was posted on FWP's website and comments could be made directly on the EA's webpage or submitted via mail or email. Legal notices were printed in the Butte Montana Standard, Anaconda Leader, and Helena Independent Record. A news release was distributed to a standard list of media outlets interested in FWP Region 3 news. Copies of the EA or notification of its availability were emailed to adjacent landowners and interested individuals, groups, and agencies. FWP received seventeen comments, all supported the proposal, and no comments were received in opposition. Comments are summarized in the Decision Notice to Proceed, signed on May 6, 2019.

**FWP Recommendation**

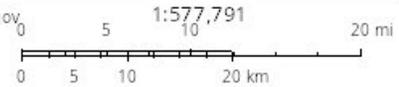
FWP recommends the members of the Land Board approve FWP's acquisition of the 160-acre addition to the Mount Haggin WMA.



**Wildlife Management Areas (Boundaries)**

 Wildlife Management Areas (Boundaries)

Printed from [fwp.mt.gov](http://fwp.mt.gov)  
June 20, 2019



This map was generated from the Montana Fish, Wildlife & Parks (FWP) internal FWP Mapper online mapping system. Data layers on this map may depict sensitive species level information. This map is not intended for distribution or use beyond work associated with FWP.

Some layers may not appear in the legend due to page size limitations.

# Mount Haggin WMA Addition Parcel Map



### Wildlife Management Areas (Boundaries)

Wildlife Management Areas (Boundaries)

### Cadastral Parcels

Cadastral Parcels



This map was generated from the Montana Fish, Wildlife & Parks (FWP) internal FWP Mapper online mapping system. Data layers on this map may depict sensitive species level information. This map is not intended for distribution or use beyond work associated with FWP.

Some layers may not appear in the legend due to page size limitations.

0719-2

TIMBER SALE

Foys Lake Fuels Reduction Project

**Land Board Agenda Item  
July 15, 2019**

**0719-2 Timber Sale: Foys Lake Fuels Reduction Project**

**Location: Flathead County  
Section 36, T28N, R22W**

**Trust Beneficiaries: Common Schools**

**Trust Revenue: \$112,690 (estimated, minimum bid)**

**Item Summary**

**Location:** The Foys Lake Fuels Reduction Project is located approximately 4 air miles south of Kalispell, Montana.

**Size and Scope:** The project contains 1 harvest unit totaling 204 acres of ground-based timber harvest.

**Volume:** The estimated volume is 5,423 tons (803 MBF) of sawlogs.

**Estimated Return:** The minimum bid is \$20.78 per ton which would generate approximately \$112,690 for the Common Schools Trust and approximately \$9,761 in Forest Improvement fees.

**Prescription:** The Foys Lake Fuels Reduction project has commercial thin and sanitation prescriptions. Commercial thinning and sanitation prescriptions are designed to reduce the crown fire potential near adjacent homes while improving the health and vigor of residual trees.

**Road Construction/Maintenance:** DNRC is proposing .75 miles of new permanent road construction, 2.2 miles of road maintenance and .59 miles of road reconstruction.

**Access:** Access to the project area will be obtained through private road easements.

**Public Comments:** Ten comments were received. Concerns were illegal motorized use of the area, public use of easement road through private property, and disturbance of cultural resources. A field trip to review the work needed on the private easement road was conducted in mid-July. DNRC will install closures to limit illegal motorized use. Currently, the DNRC has no record of cultural resources in the area. If an unanticipated cultural resource is discovered, all project related activities will cease until the resource can be adequately evaluated.

**DNRC Recommendation**

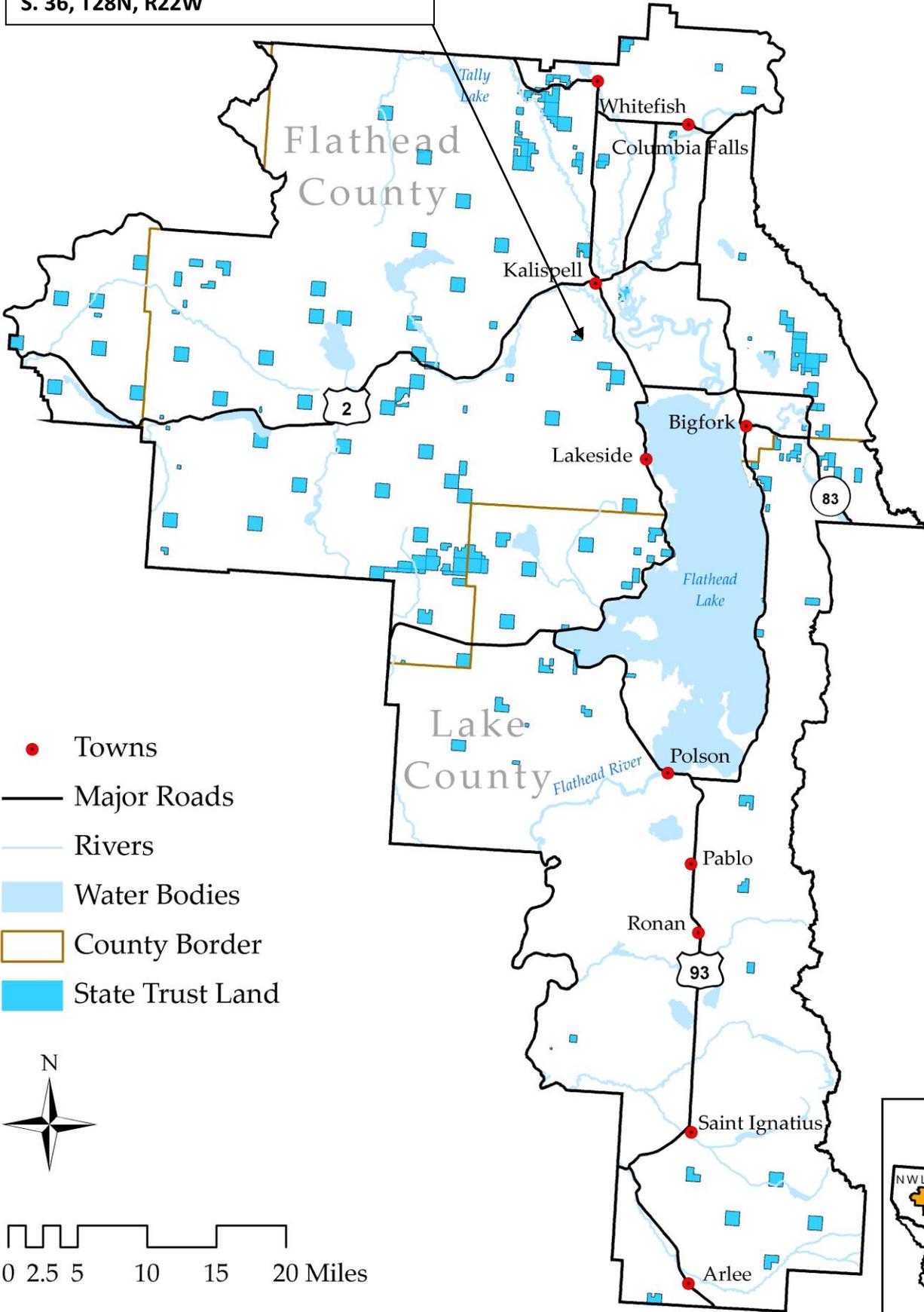
The director recommends the Land Board direct DNRC to sell the Foys Lake Fuels Reduction Project.

# FOYS LAKE FUELS REDUCTION VICINITY MAP KALISPELL UNIT

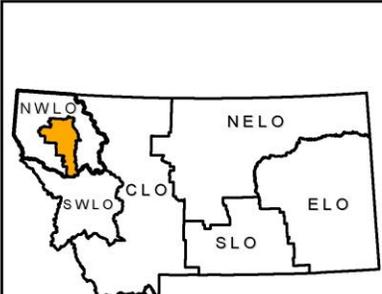
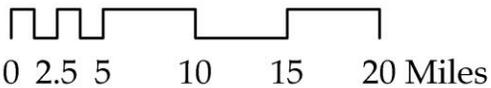
0719-2



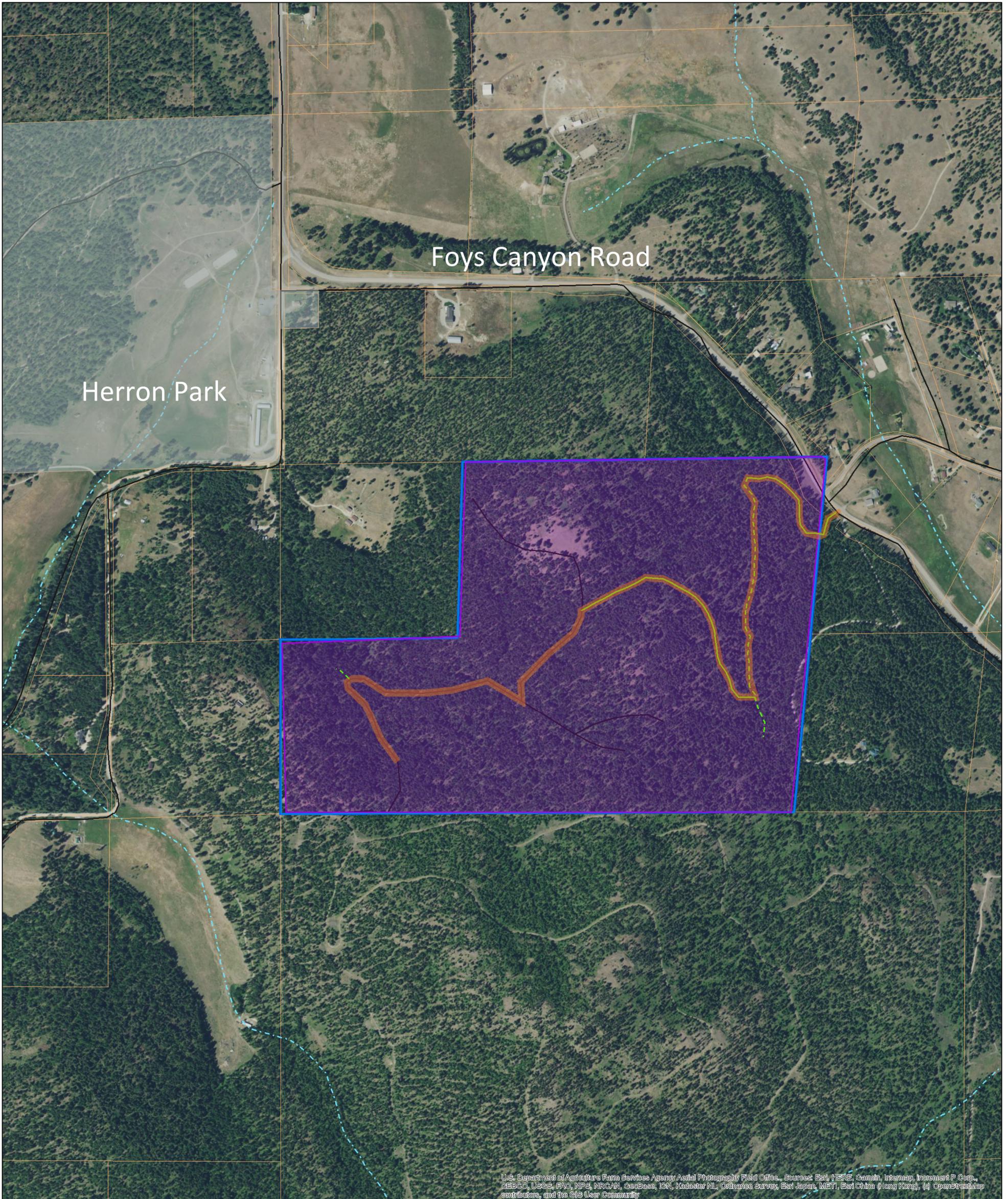
FOYS LAKE FUELS REDUCTION PROJECT  
S. 36, T28N, R22W



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



# Foys Lake Timber Sale Harvest Unit and Haul Route Map



U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Swisstopo, and the GIS User Community

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



# 0719-3

LAND BANKING PARCELS:  
Preliminary Approval for Sale

**Land Board Agenda Item  
July 15, 2018**

**0719-3 Land Banking Parcel: Preliminary Approval for Sale  
Musselshell County: Byron Boucher Farms, Inc.**

**Location: Musselshell County**

**Trust Benefits: Common Schools**

**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 160 acres nominated for sale in Musselshell County. The sale was nominated by the lessee and is located approximately 15 miles northwest of Roundup, Montana.

<b>Sale #</b>	<b># of Acres</b>	<b>Legal</b>	<b>Nominator</b>	<b>Trust</b>
1055	160±	SW4, T10N-R24E, Sec. 24	Byron Boucher Farms, Inc.	Common Schools

The sale parcel has been used primarily for livestock grazing purposes and can support 112 AUMs.

This sale parcel is surrounded by private land and is not legally accessible by the public. The sale of this parcel would not restrict or eliminate access to adjacent private land. The Bureau of Land Management (BLM) also has checkerboard ownership in this region, but the agency's ability to access their parcels will not be affected by the sale of this parcel.

MEPA scoping has been completed, with no potentially negative issues related to the sale of this parcel identified.

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

**DNRC Recommendation**

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

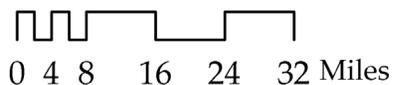
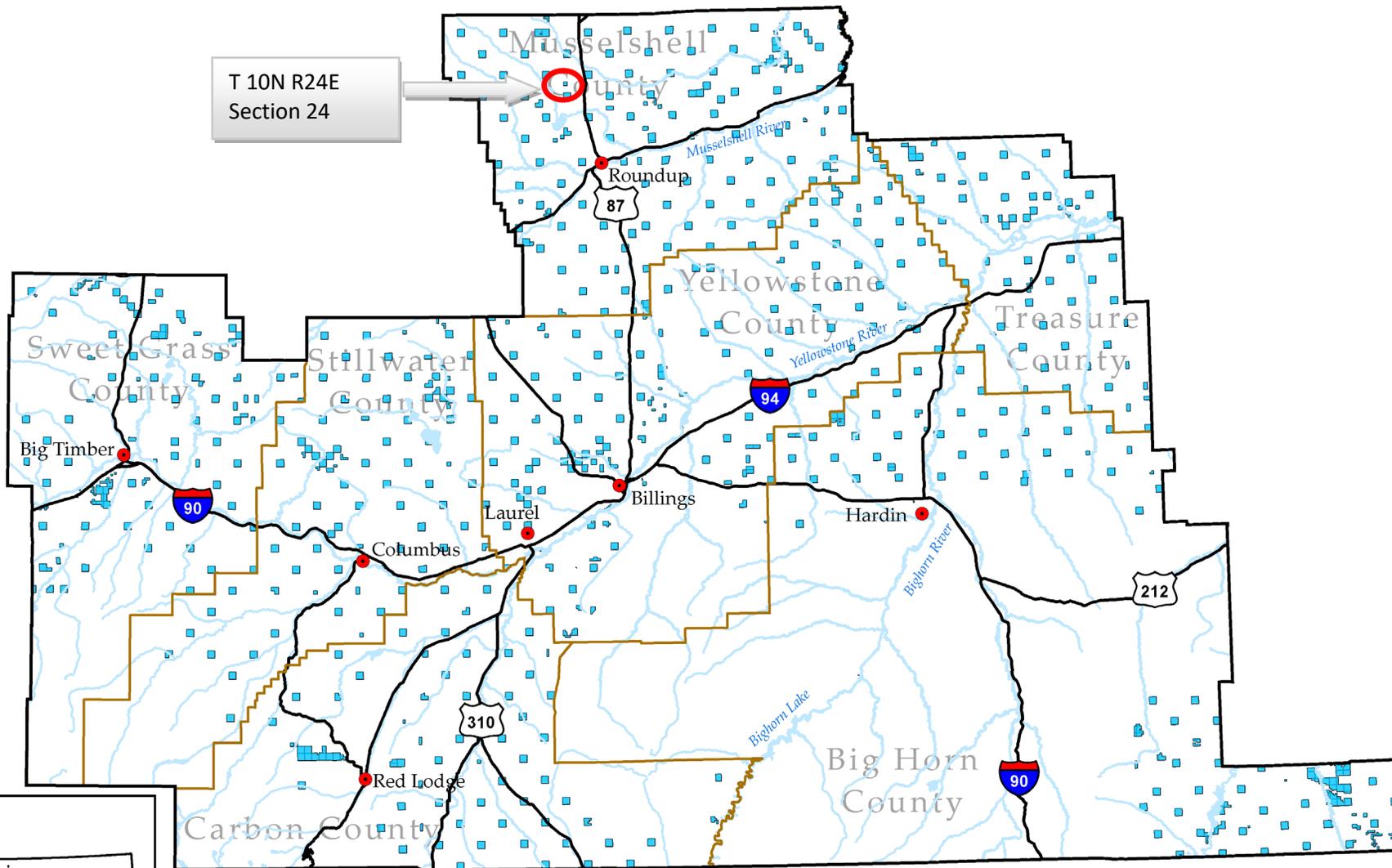
# SALE # 1055 BYRON BOUCHER VICINITY MAP

## SOUTHERN LAND OFFICE

0719-3



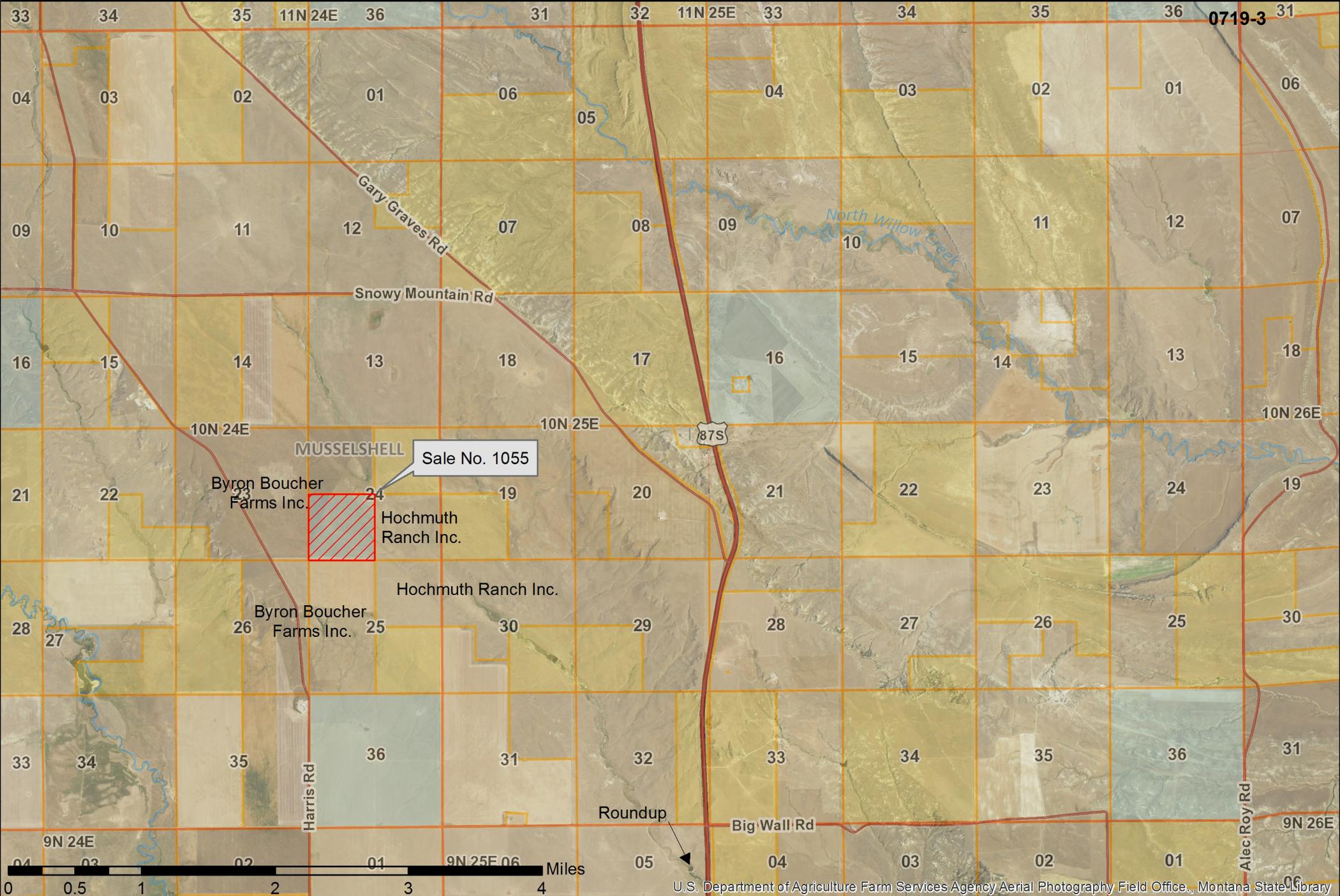
T 10N R24E  
Section 24



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

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

6128719



0719-3



Location: Musselshell County  
 Prepared on: 26 JUNE 2019  
 Prepared by: DNRC REMB Staff  
 Projection: NAD 1983 - MT State Plane

Musselshell County Sale: Byron Boucher Farms, Inc.  
 Sale No. 1055, Common Schools



Land Sales

Montana State Trust Land



Owner Parcel



Bureau of Land Management



U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office., Montana State Library

# 0719-4

LAND BANKING PARCEL:

Set Minimum Bid for Sale

**Land Board Agenda Item  
July 15, 2019**

**0719-4 Land Banking Parcel: Set Minimum Bid for Sale**

**Location:** Liberty County  
**Trust Benefits:** Common Schools  
**Trust Revenue:** \$70,000

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid for two parcels totaling approximately 200 acres nominated for sale in Liberty County. These sales were nominated by the lessee and are located approximately 30 miles northwest of Chester, Montana.

Sale No.	Acres	Legal Description	Nominator	Trust
1042	120±	W2NE4, NW4SE4, Section 9, T35N-R4E	Lazy T3 Red Angus, Inc.	Common Schools
1043	80±	W2SE4, Section 4, T35N-R4E	Lazy T3 Red Angus, Inc.	Common Schools

The parcels have been used primarily for livestock grazing purposes. These sale parcels are small, isolated, and generally not efficient to manage.

These parcels are surrounded entirely by private land and are not legally accessible to the public. The sale of these parcels would not restrict or eliminate access to adjacent private land.

No potentially negative issues were identified through the MEPA process regarding the sale of these parcels.

**Economic Analysis:**

Short term – The average rates of return on Sale No. 1042 is 0.97% and 0.99% for Sale No. 1043. The parcels will continue to receive these returns if they remain in state ownership.

Long term – The funds from the sale of these parcels would be combined with other sale funds to purchase replacement lands through 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:**

The state parcels proposed for sale were inventoried to Class III standards for cultural and paleontological resources. No cultural or paleontological resources were identified. A formal report of findings has been prepared and filed with the Montana State Historic Preservation Office per the requirements of the Montana State Antiquities Act.

**Background:**

In August 2018, the Land Board granted preliminary approval for these parcels to continue through the Land Banking sale evaluation process.

**Appraised Values:**

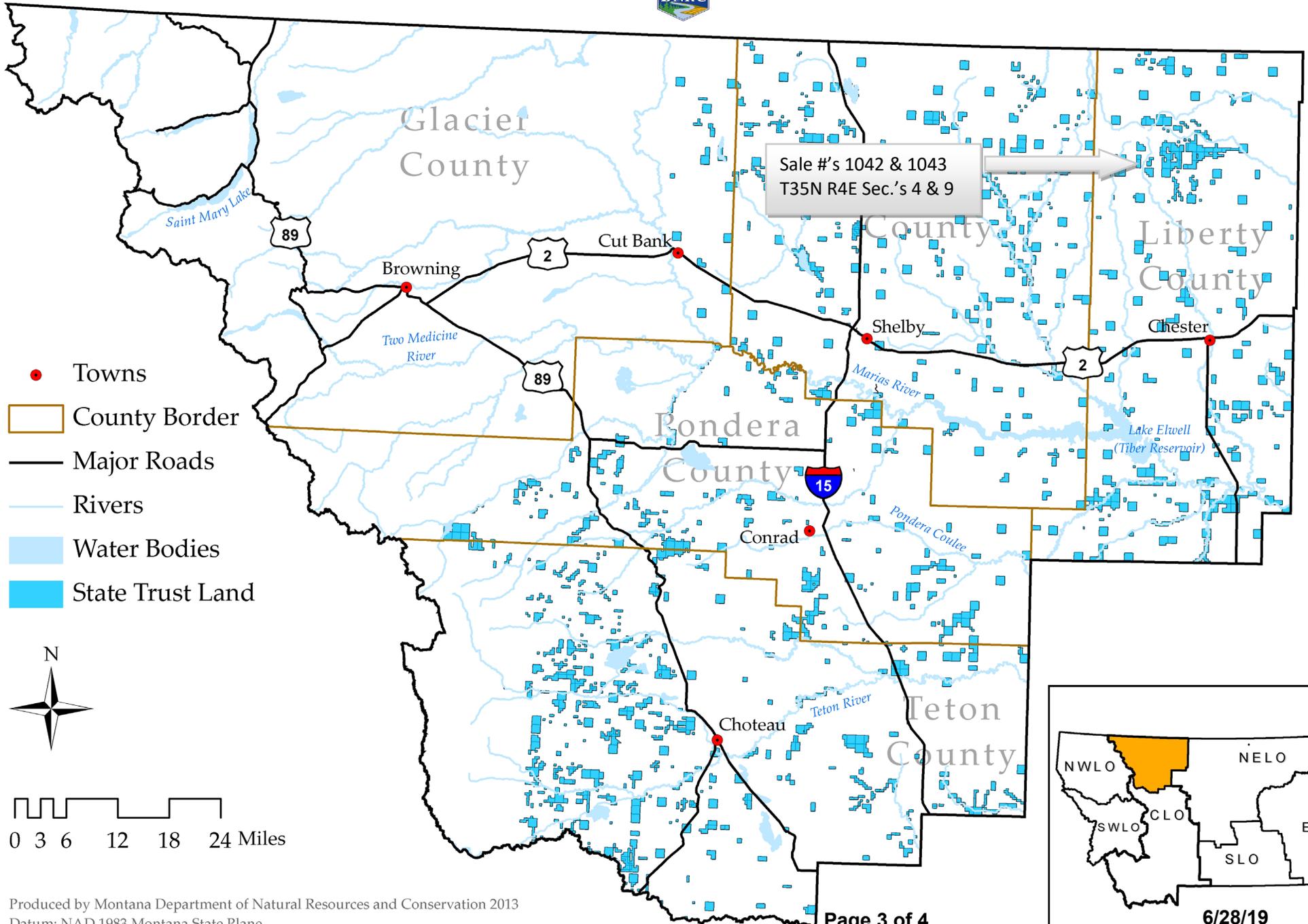
<b>Sale No.</b>	<b>Appraised Value with Access</b>	<b>Recommended Minimum Bid</b>
<b>1042</b>	\$42,000	\$42,000
<b>1043</b>	\$28,000	\$28,000

**DNRC Recommendation**

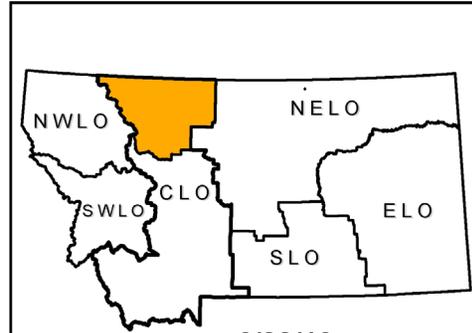
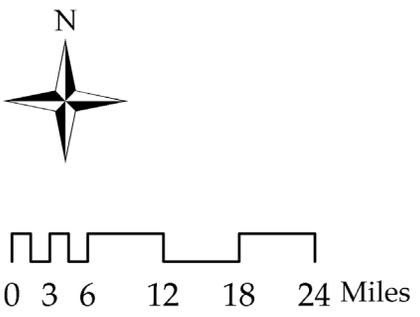
The director recommends that the Land Board set the minimum bid for these cabin sites at the appraised land value and the maximum value of compensation for the improvements shown above.

# LAZY T3 RED ANGUS, INC. VICINITY MAP CONRAD UNIT

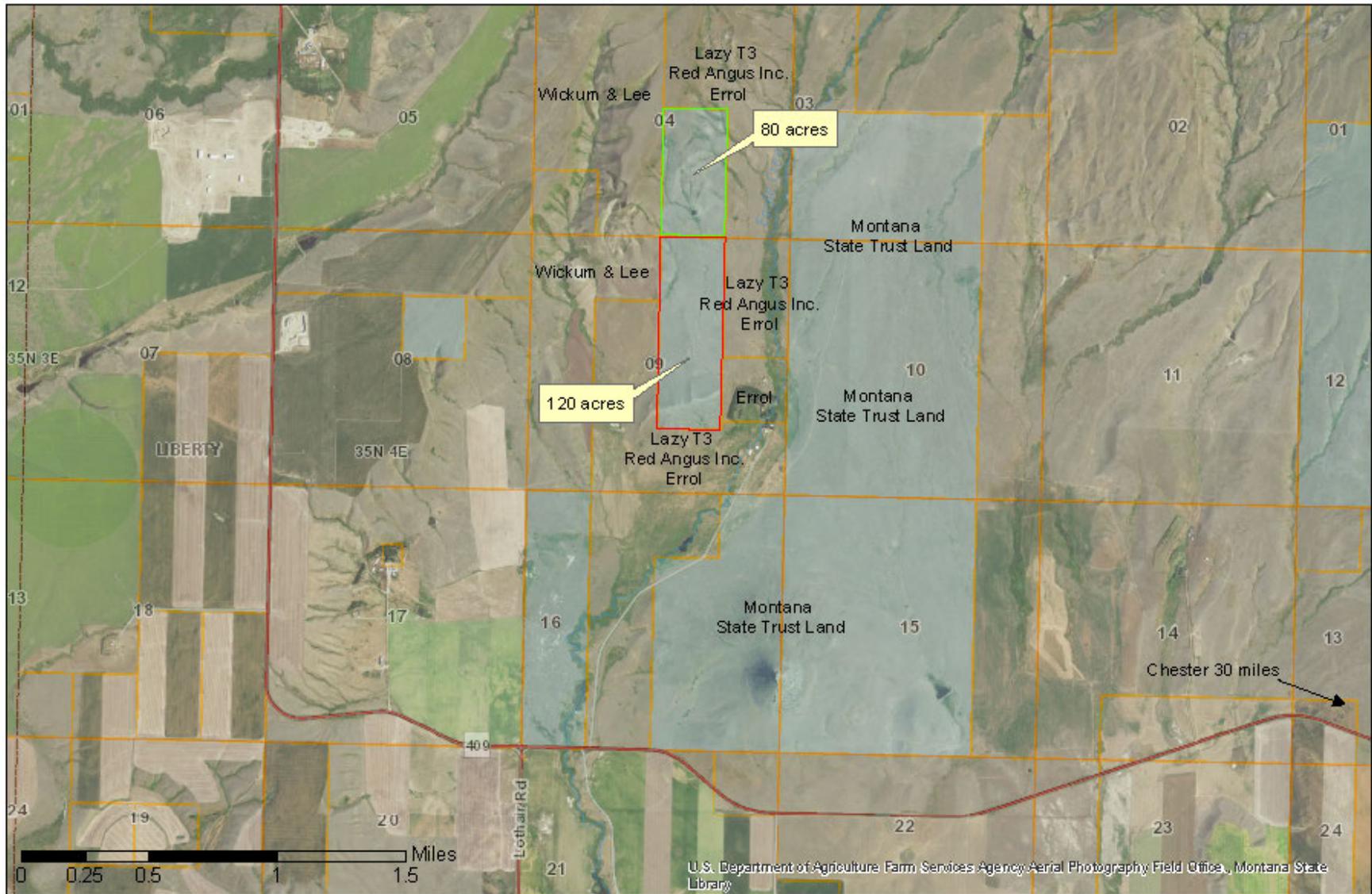
0719-4



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



### Liberty County Land Sales



Location: Section 4 & 9 T35 N, R4 E  
Prepared by: RMW  
Prepared on: 2 AUG 2018  
Projection: NAD 1983 - MT State Plane

#### Legend

- Land Sale #1042
- Land Sale #1043
- Parcel
- Montana State Trust Land

# 0719-5

CABIN & HOME SITES:

Set Minimum Bid for Sale

**Land Board Agenda Item  
July 15, 2019**

**0719-5 Cabin and Home Sites: Set Minimum Bid for Sale**

**Location:** Sanders County  
**Trust Benefits:** Public Buildings  
**Trust Revenue:** \$128,000

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid for four cabin sites nominated for sale in Sanders 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
954	1.01±	Lot 21, Mudd Creek, COS 3534, Section 12, T22N-R27W	Brenda Dutra	Public Buildings
955	1.49±	Lot 1, Mudd Creek, COS 3533, Section 12, T22N-R27W	Eric Dickson, et al.	Public Buildings
956	2.24±	Lot 6, Mudd Creek, COS 3534, Section 12, T22N-R27W	Randy & Marcia Johnson	Public Buildings
957	2.42±	Lot 19, Mudd Creek, COS 3533, Section 12, T22N-R27W	Charles A. Bishop Irrevocable Residuary Trust	Public Buildings

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
954	1.117%	956	2.035%
955	4.076%	957	2.292%

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 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.

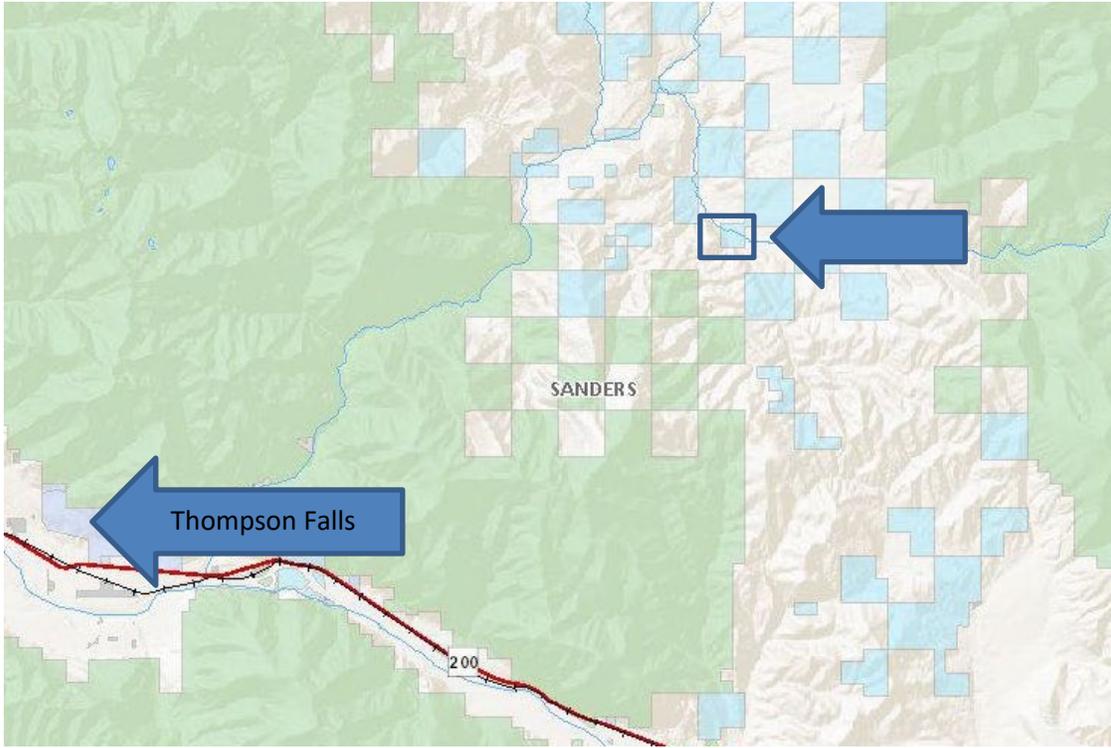
**Appraised Values of Land and Improvements:**

<b>Sale Nos.</b>	<b>Appraised Land Value</b>	<b>Appraised Improvements Value</b>
<b>954</b>	\$30,000	\$44,000
<b>955</b>	\$18,000	\$5,600
<b>956</b>	\$38,000	\$79,000
<b>957</b>	\$42,000	\$79,000

**DNRC Recommendation**

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

### SANDERS COUNTY SALES



### Mudd Creek

Unsurveyed lots in Mudd Creek, T22N-R27W, Sec. 12, Sanders County



# 0719-6

## EASEMENTS

A. Standard

B. Paul Armstrong

**Land Board Agenda Item  
July 15, 2019**

**0719-6A Easements: Standard**

**Location:** Blaine, Cascade, Fallon, Gallatin, Madison, Musselshell, Park

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

**Trust Revenue:** Common Schools = \$300,995  
Public Land Trust = \$9,193  
University of Montana = \$21,970

**Item Table of Contents**

<b>Applicant</b>	<b>Right-of-Way Purpose</b>	<b>Term</b>	<b>Page(s)</b>
NorthWestern Energy	Historic Overhead Electric Lines & Buried Pipelines	Permanent	2-43
MT Dept. of Fish, Wildlife & Parks	Public Recreation Easement – Fishing Access Sites	Permanent	45-48
Maurice W. Boney, et. al.	Private Access	Permanent	49-50
Triangle Telephone Coop. Inc	Buried Telecommunications Cable	Permanent	51-64
Mid-Rivers Telephone Coop. Inc	Buried Fiber Optic Cable	Permanent	65-72

## APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	NorthWestern Energy 11 E. Park Butte, MT 59701
Application No.:	18308
R/W Purpose:	a buried 12.47 kV electric distribution line
Lessee Agreement:	N/A (Historic)
Acreage:	3.38
Compensation:	\$21,970.00
Legal Description:	a 30-foot strip through N2NW4, NW4NE4 and a 30-foot strip through S2SW4, Sec. 28, Twp. 1N, Rge. 3E, Gallatin County
Trust Beneficiary:	University of Montana

### Item Summary

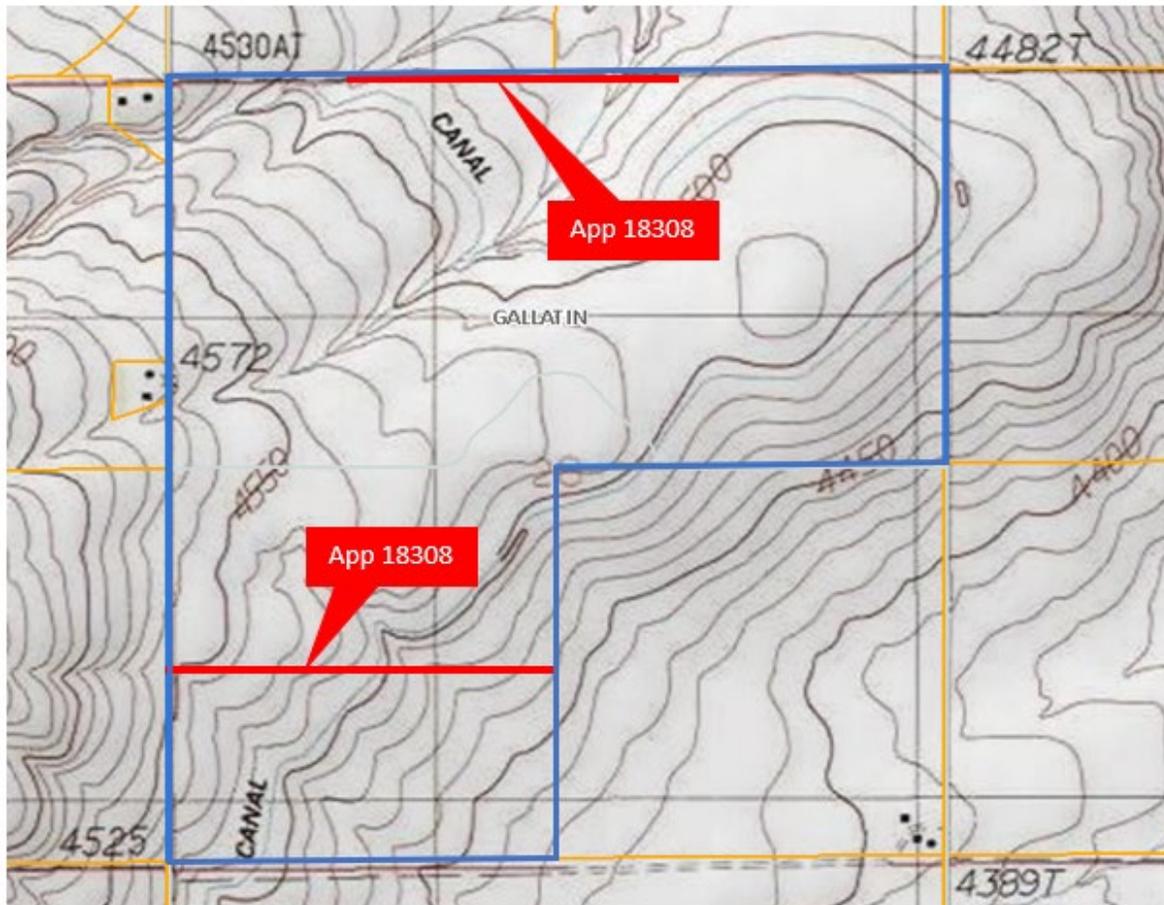
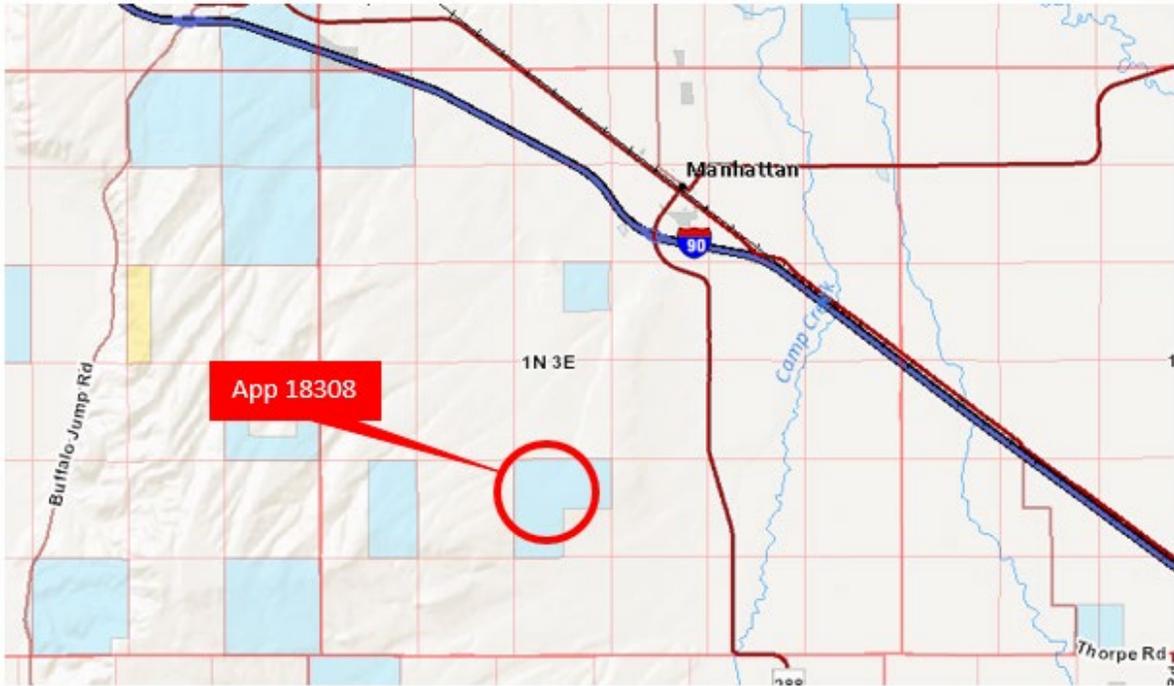
Northwestern Energy has made application for multiple overhead electric distribution and transmission lines and natural gas pipelines that were constructed on state lands many years ago without proper authorization from the Land Board. Pursuant to §77-1-130, MCA Northwestern Energy is requesting recognition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

### DNRC Recommendation

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

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R/W Application 18308



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18325  
R/W Purpose: a buried 2" natural gas pipeline  
Lessee Agreement: N/A (Historic)  
Acreage: 0.98  
Compensation: \$19,600.00  
Legal Description: 20-foot strip through S2SW4, Sec. 36, Twp. 1N, Rge. 4E,  
Gallatin County  
Trust Beneficiary: Common Schools

Item Summary

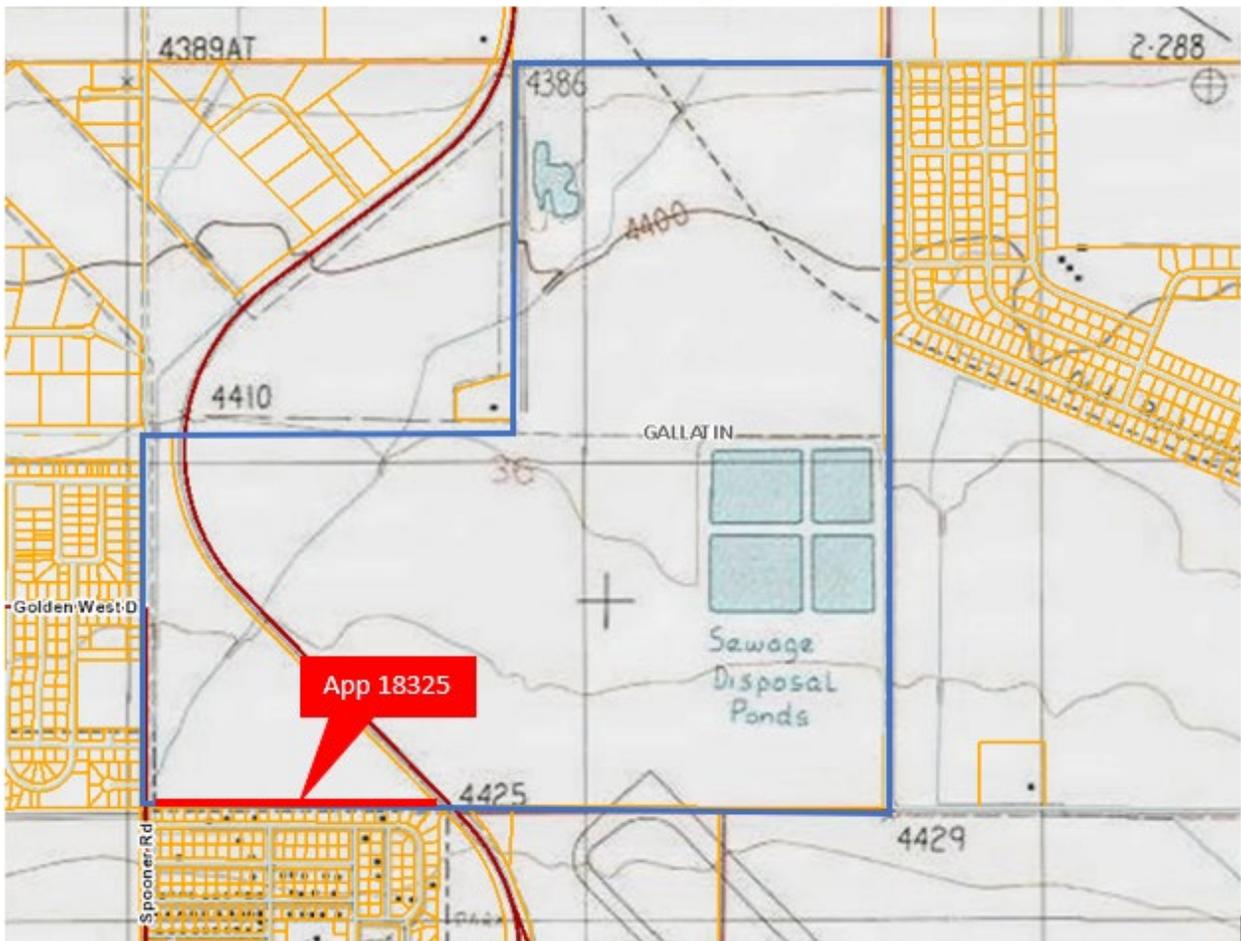
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18325



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18350  
R/W Purpose: three overhead 12.47 kV electric distribution lines and one  
buried 12.47 kV electric distribution line

Lessee Agreement: N/A (Historic)  
Acreage: 1.84  
Compensation: \$20,976.00  
Legal Description: 30-foot strip through NW4SE4; 30-foot strip through SE4SE4;  
30-foot strip through SE4SW4, SE4SE4 and a 30-foot strip  
through SW4SE4, Sec. 36, Twp. 1S, Rge. 5E,  
Gallatin County

Trust Beneficiary: Common Schools

Item Summary

See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18352  
R/W Purpose: buried 12.47 kV electric distribution lines  
Lessee Agreement: N/A (Historic)  
Acreage: 1.90  
Compensation: \$21,660.00  
Legal Description: three 30-foot strips through NW4SW4 and one 30-foot strip through SW4SW4 Sec. 36, Twp. 1S, Rge. 5E, Gallatin County  
Trust Beneficiary: Common Schools

Item Summary

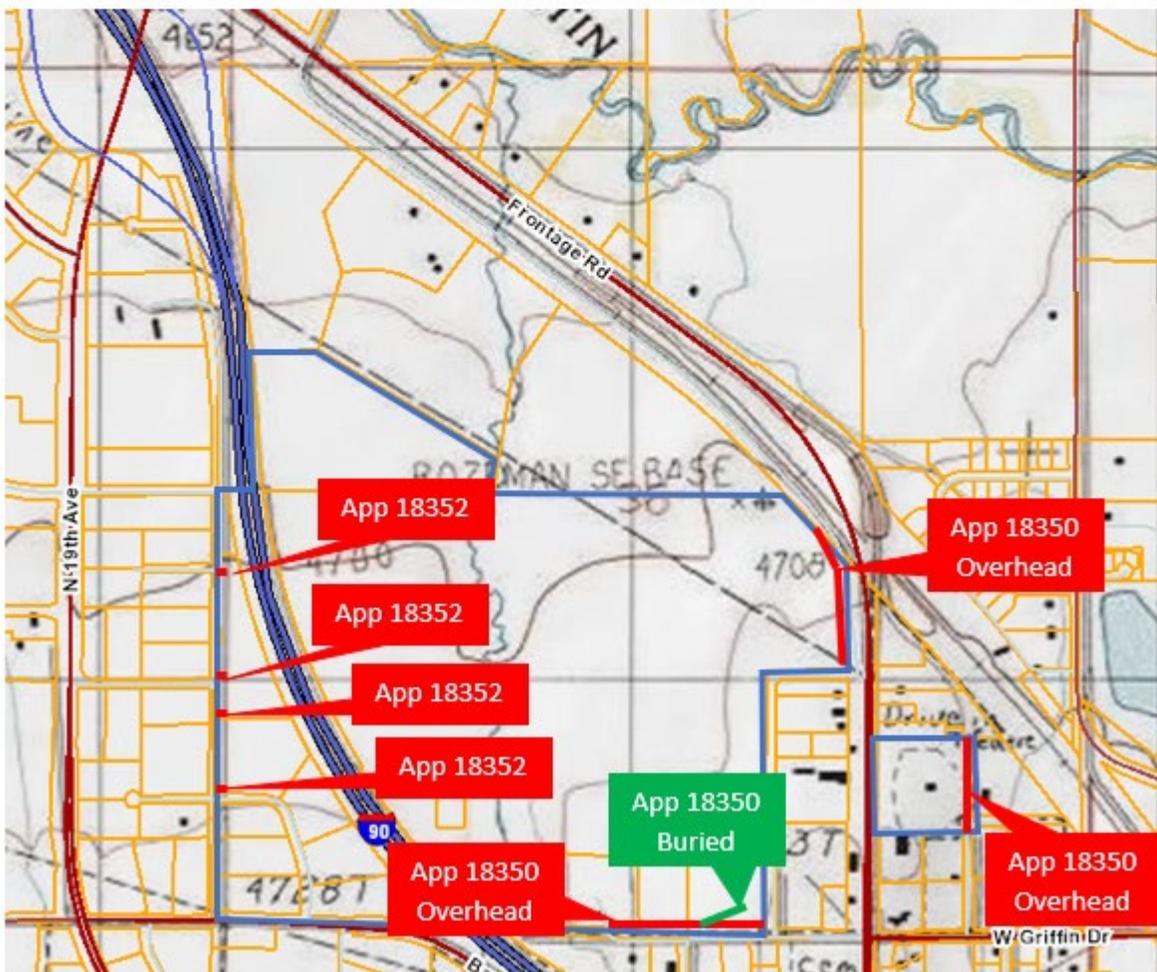
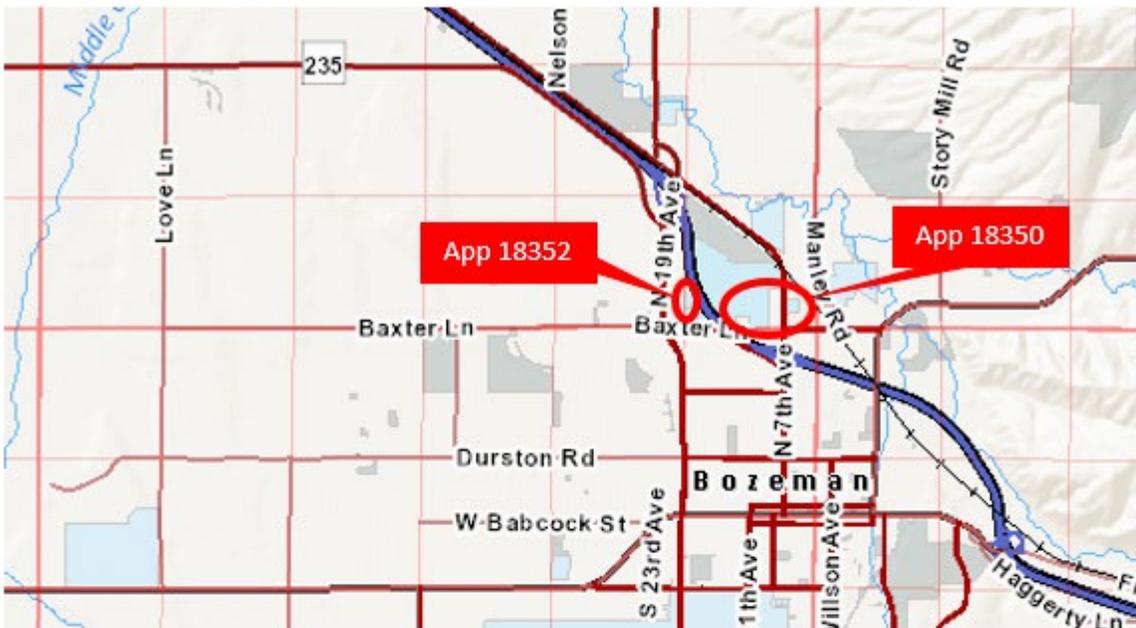
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18350 & 18352



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18354  
R/W Purpose: an overhead 7.2 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.14  
Compensation: \$140.00  
Legal Description: 30-foot strip through NE4NE4, Sec. 16, Twp. 1S, Rge. 3E,  
Gallatin County  
Trust Beneficiary: Common Schools

Item Summary

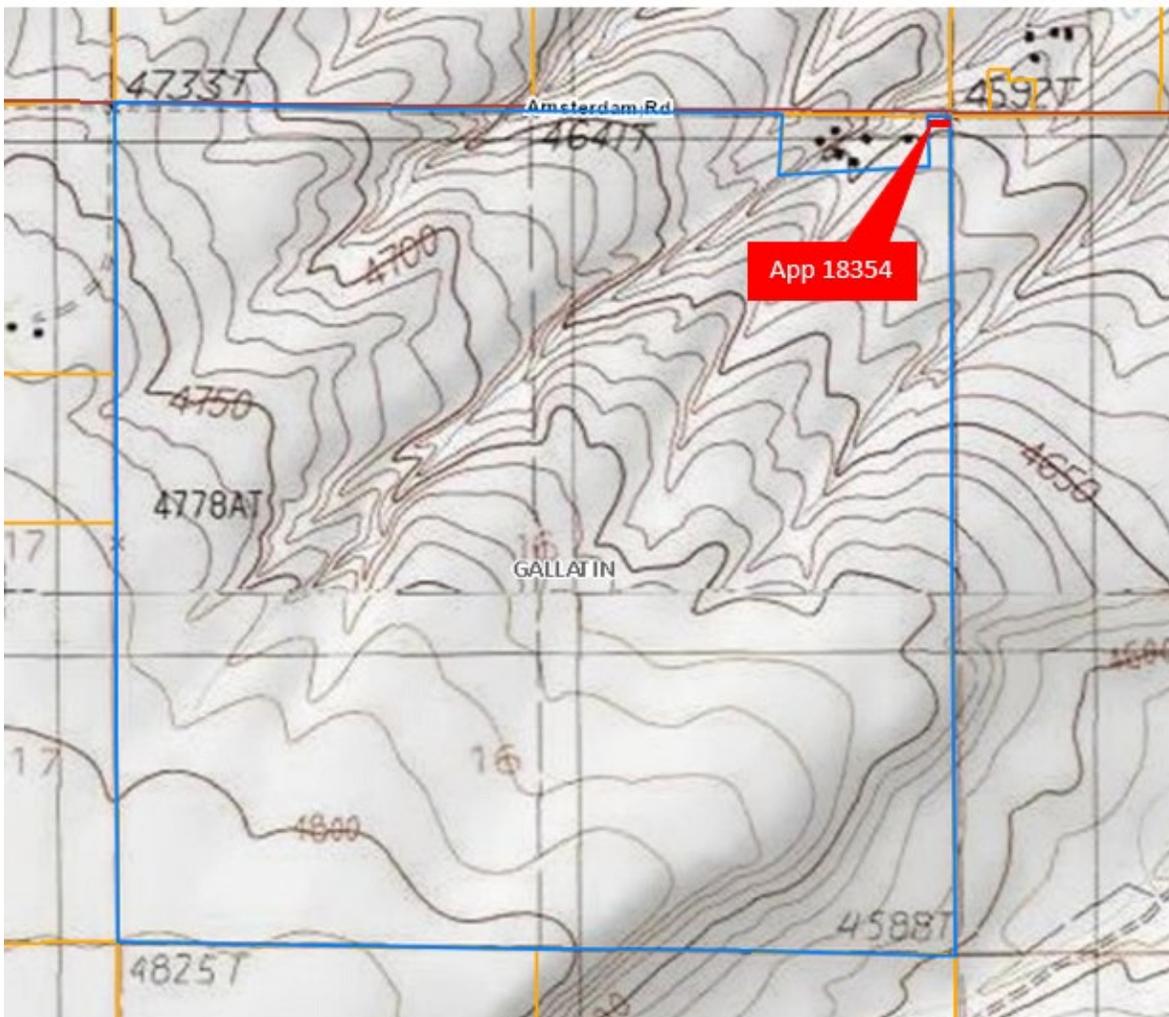
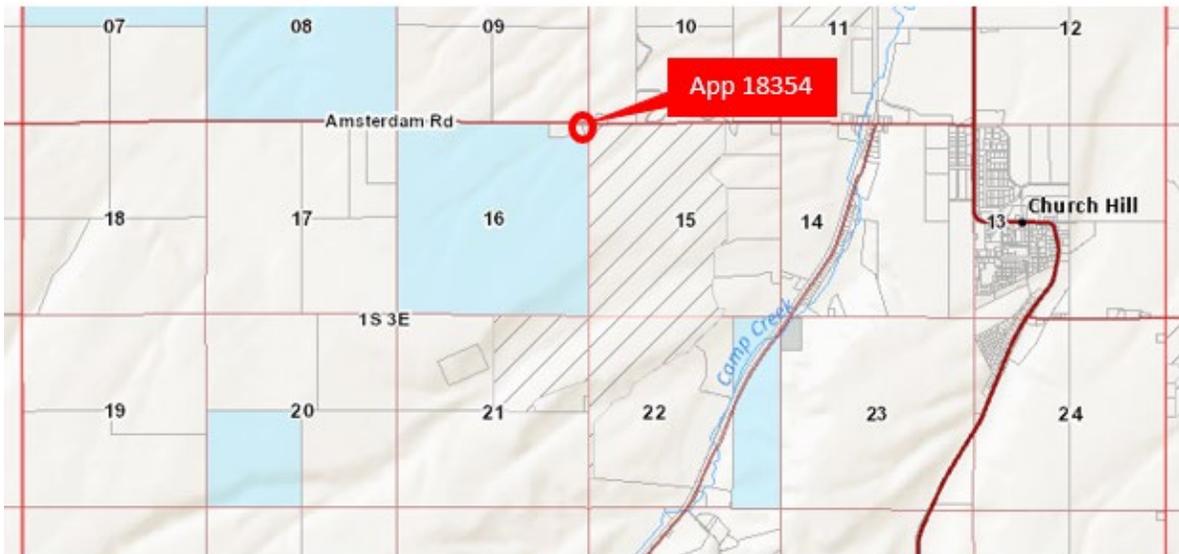
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18354



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18366  
R/W Purpose: a buried 1.25" natural gas pipeline and two buried 2" natural gas pipelines

Lessee Agreement: N/A (Historic)  
Acreage: 0.80  
Compensation: \$12,000.00  
Legal Description: 20-foot strip through NW4NW4 and a 20-foot strip through SE4SW4, SW4SE4, Sec. 11, Twp. 1S, Rge. 4E, Gallatin County  
Trust Beneficiary: Common Schools

Item Summary

See page 1 for Summary

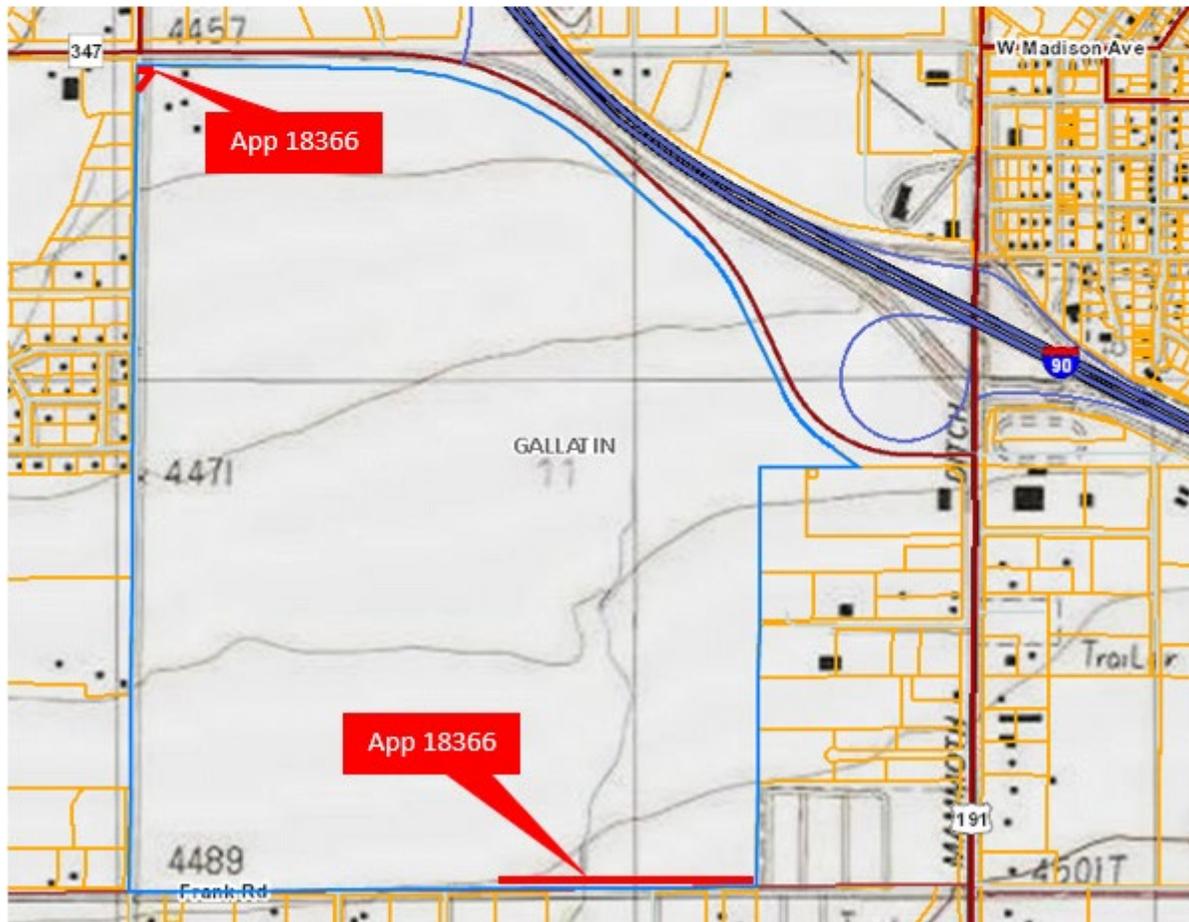
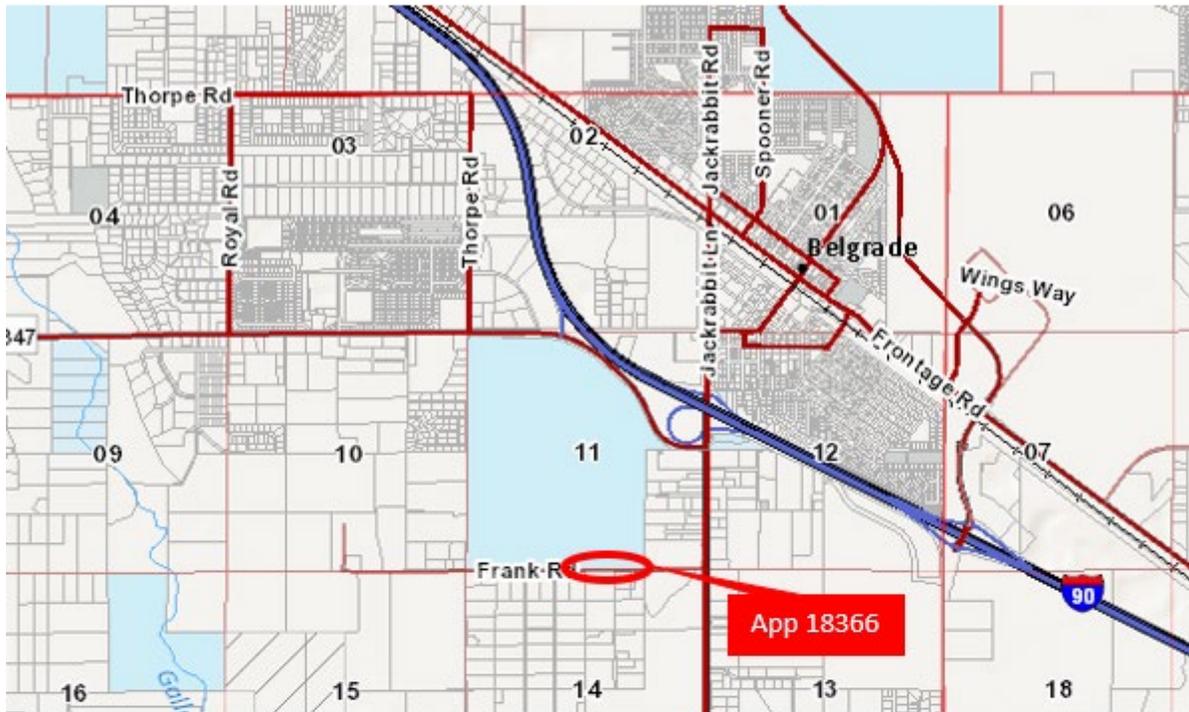
DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18366



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18367  
R/W Purpose: a buried 12" natural gas pipeline  
Lessee Agreement: N/A (Historic)  
Acreage: 0.32  
Compensation: \$3,648.00  
Legal Description: 50-foot strip through SE4SE4, Sec. 36, Twp. 1S, Rge. 5E,  
Gallatin County  
Trust Beneficiary: Common Schools

Item Summary

See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18368  
R/W Purpose: a buried 2" natural gas pipeline  
Lessee Agreement: N/A (Historic)  
Acreage: 0.46  
Compensation: \$5,244.00  
Legal Description: 20-foot strip through SE4SW4, SW4SE4, Sec. 36, Twp. 1S,  
Rge. 5E, Gallatin County  
Trust Beneficiary: Common Schools

Item Summary

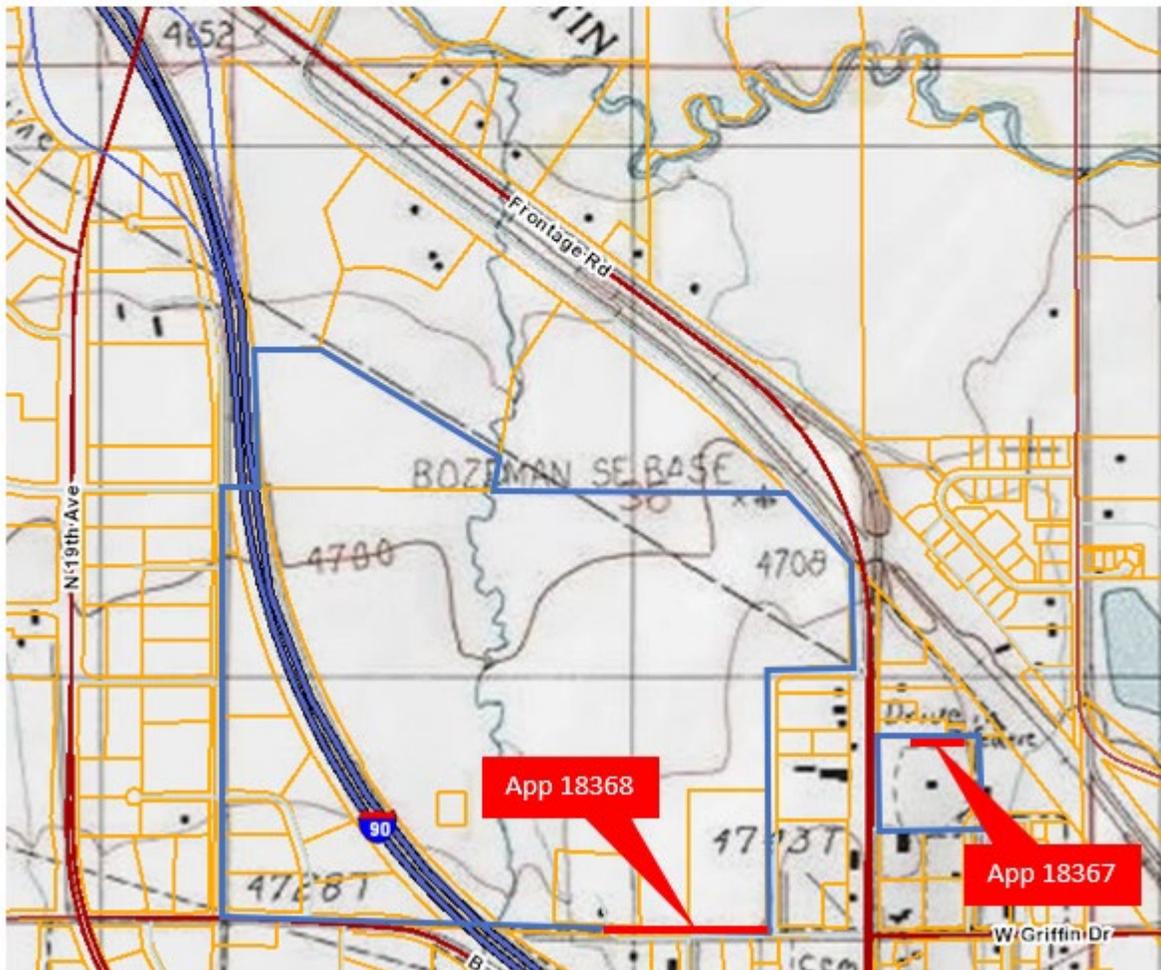
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18367 & 18368



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18474  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.05  
Compensation: \$125.00  
Legal Description: 10-foot strip across the Gallatin River in NW4SW4, Sec. 2,  
Twp. 9S, Rge. 4E, Gallatin County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

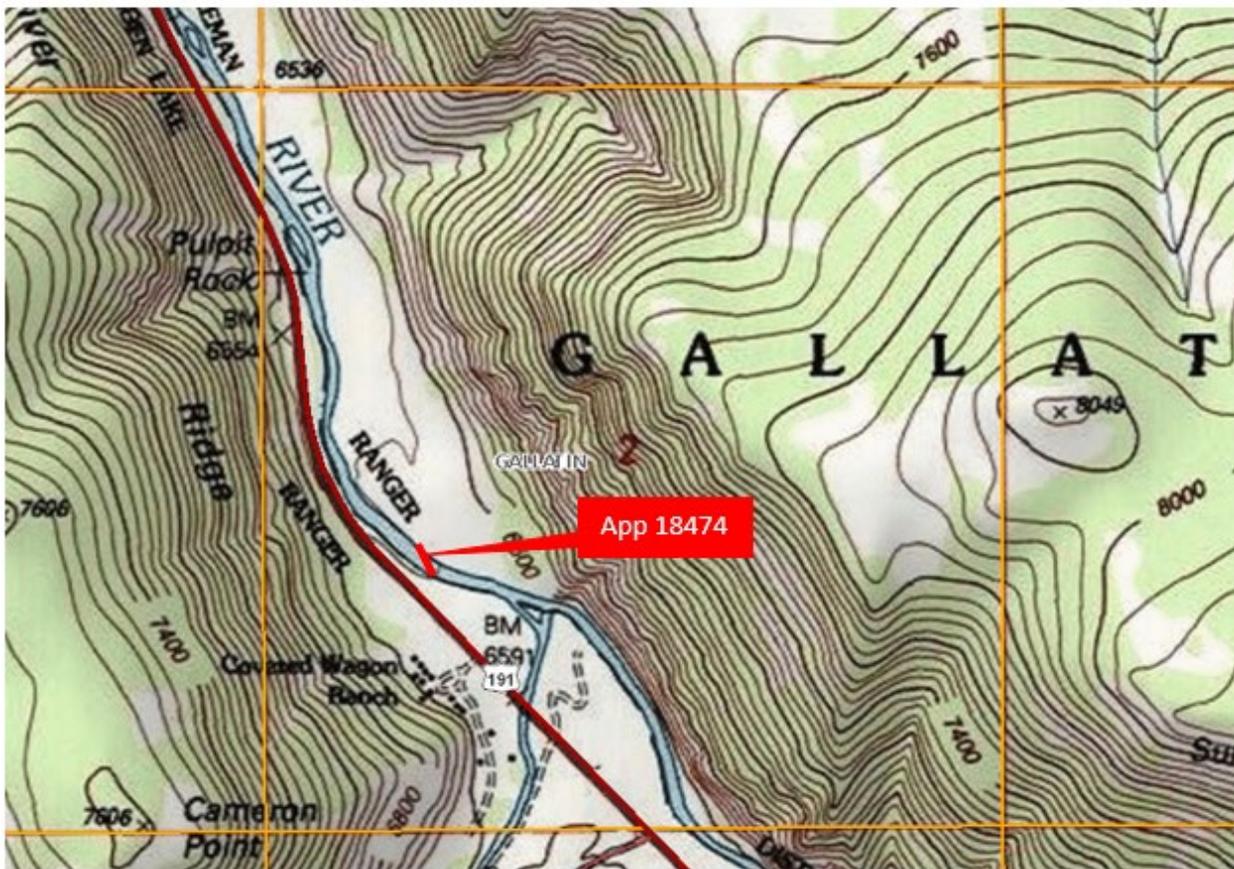
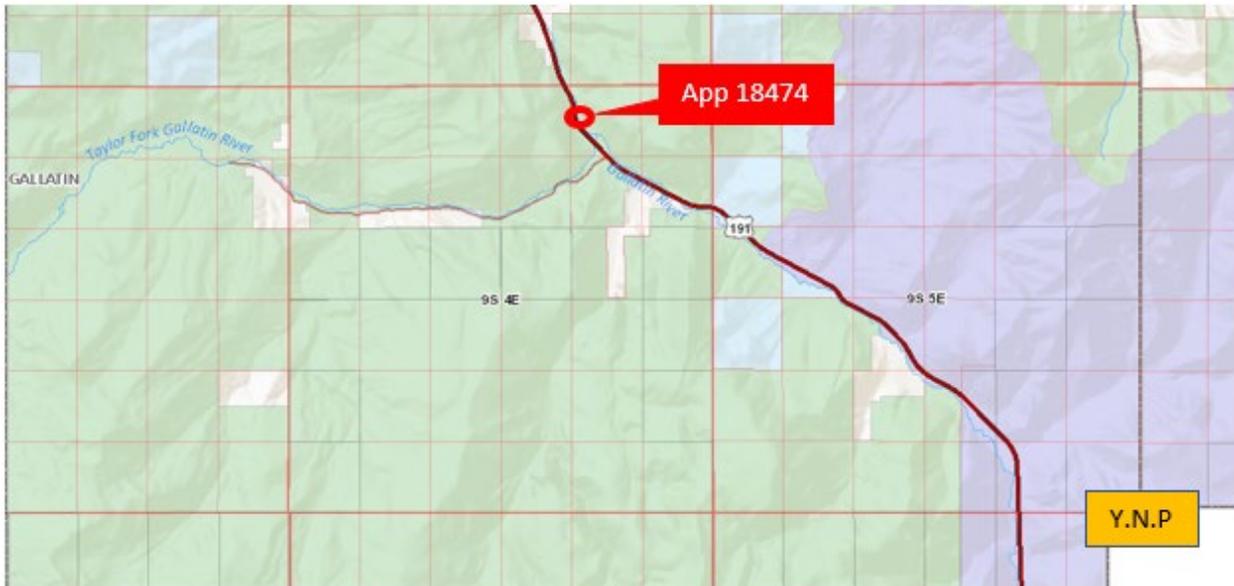
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18474



APPLICANTS AND RIGHTS OF WAY INFORMATION

---

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

Application No.: 18475  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.02  
Compensation: \$100.00  
Legal Description: 10-foot strip across the Madison River in NE4SW4, Sec. 17,  
Twp. 4S, Rge. 1E, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

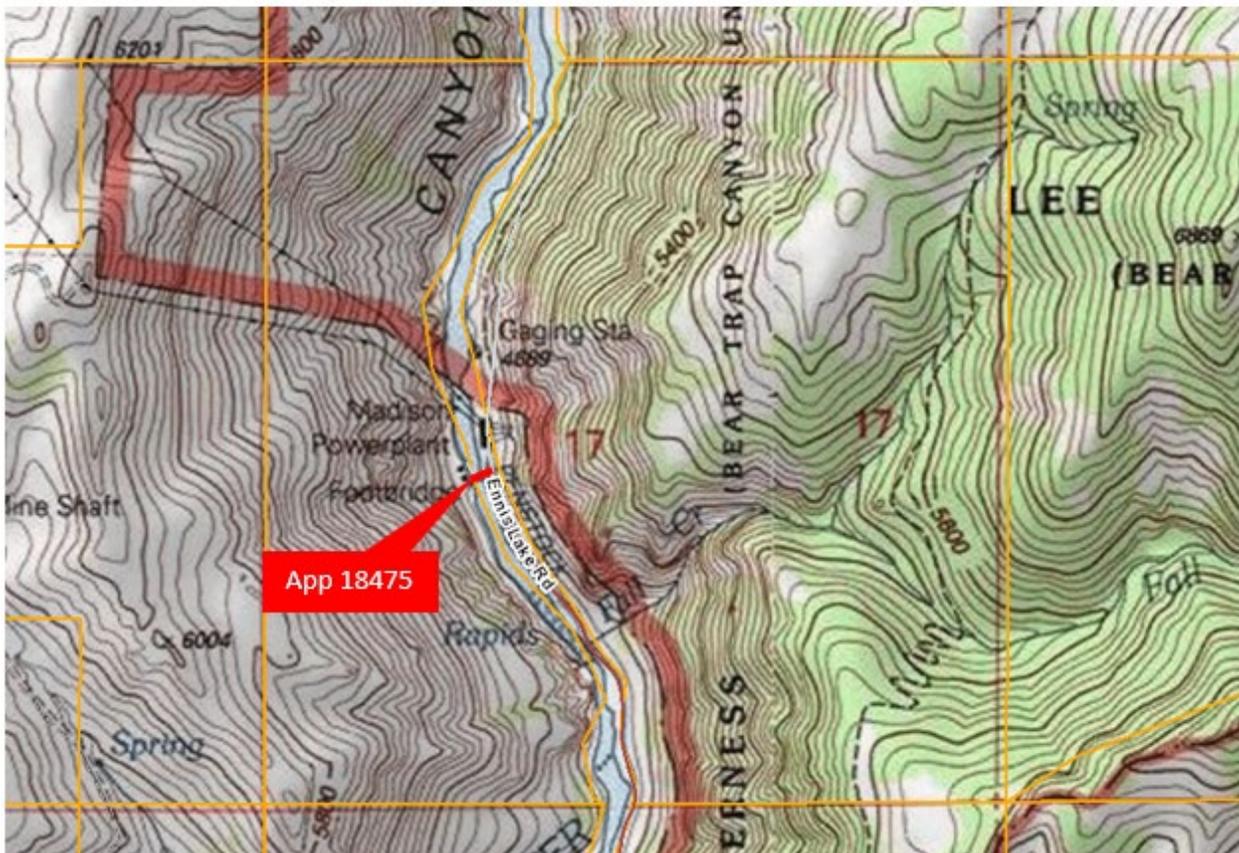
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18475



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18476  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.02  
Compensation: \$100.00  
Legal Description: 10-foot strip across the Madison River in SW4NW4, Sec. 20,  
Twp. 4S, Rge. 1E, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18476



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18478  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.07  
Compensation: \$1,225.00  
Legal Description: 10-foot strip across the Gallatin River in NE4NE4, Sec. 15,  
Twp. 2S, Rge. 4E, Gallatin County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

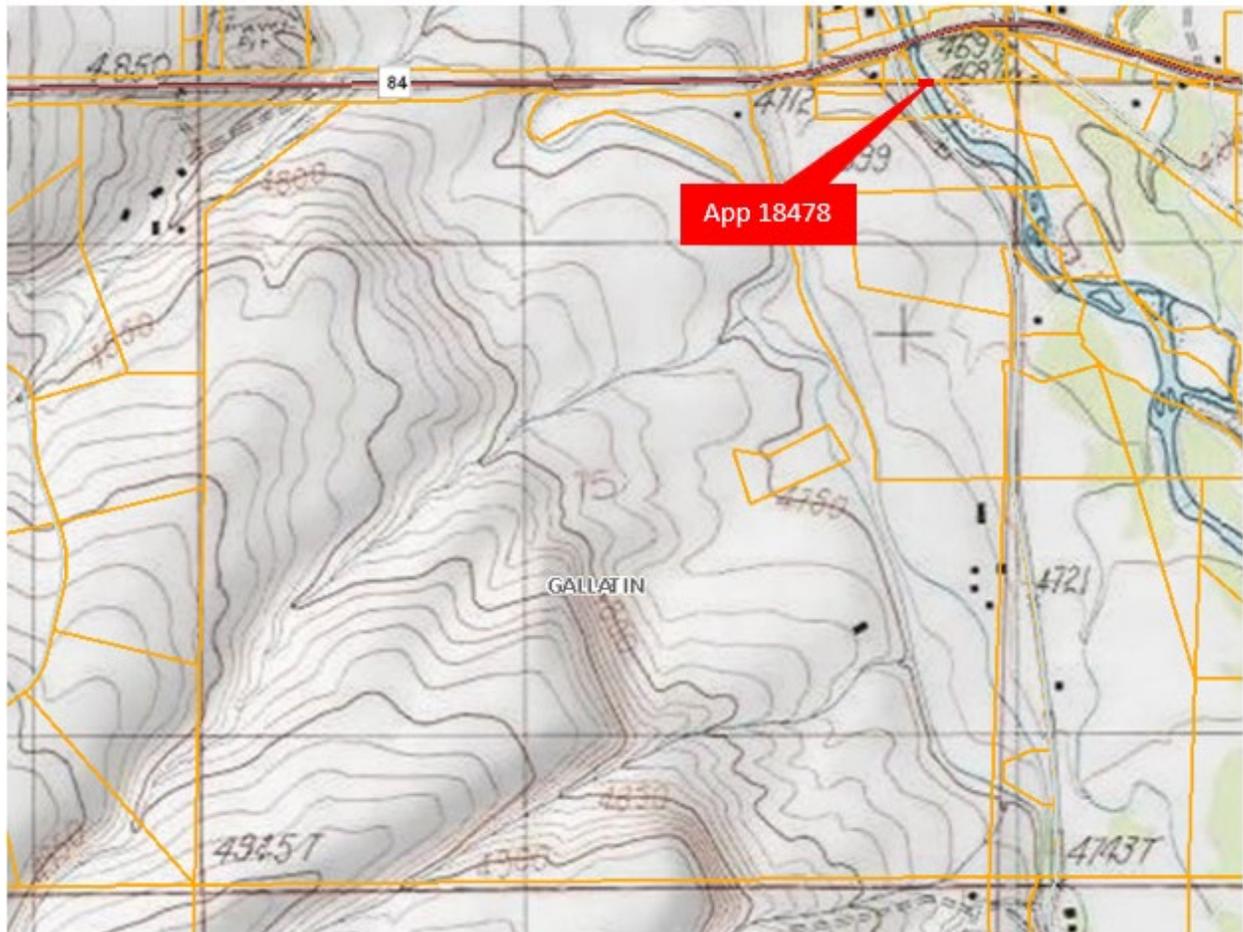
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18478



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18479  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.02  
Compensation: \$100.00  
Legal Description: 10-foot strip across the Gallatin River in NW4SW4, Sec. 28,  
Twp. 4S, Rge. 4E, Gallatin County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 1 for Summary

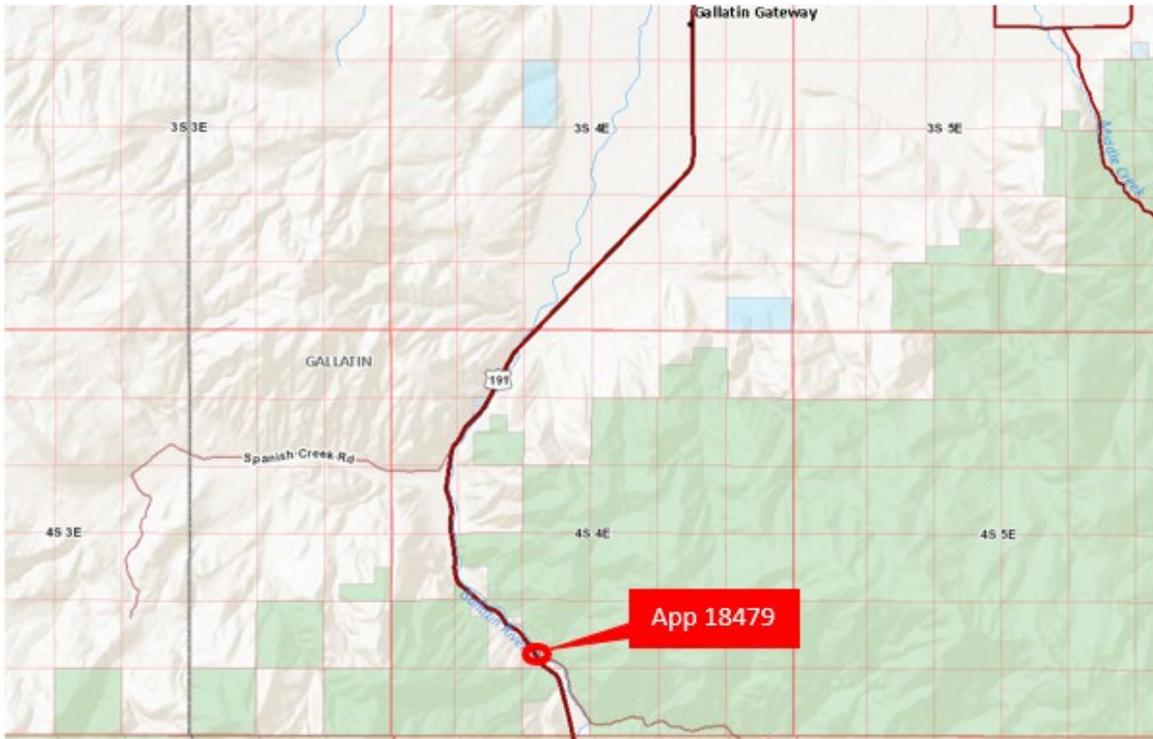
DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18479



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18480  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.04  
Compensation: \$712.00  
Legal Description: 10-foot strip across the Gallatin River in SE4SE4, Sec. 33,  
Twp. 4S, Rge. 4E, Gallatin County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

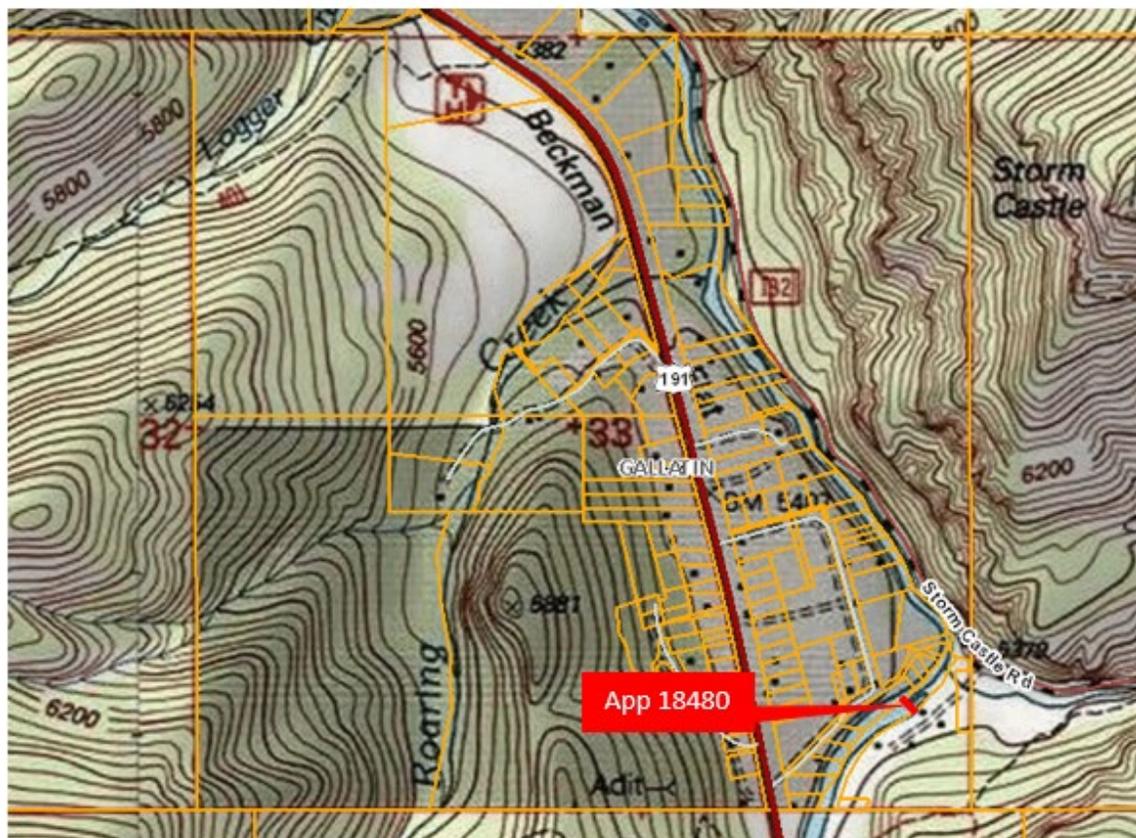
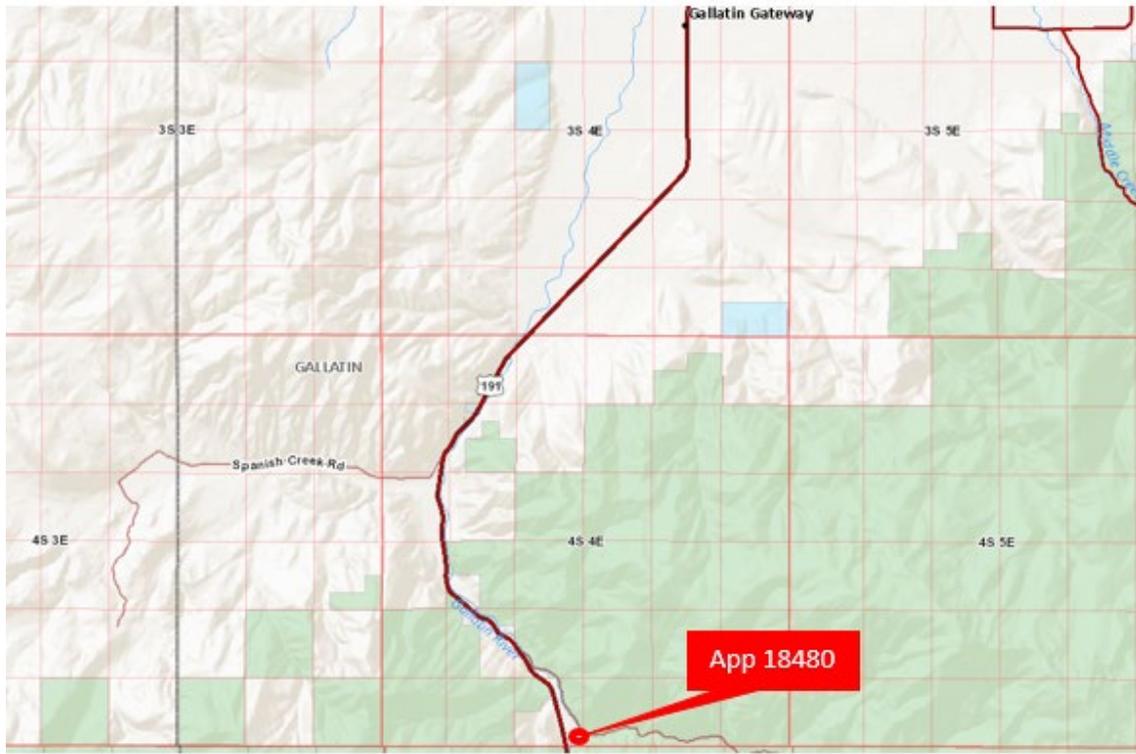
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18480



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18481  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.02  
Compensation: \$100.00  
Legal Description: 10-foot strip across the Gallatin River in NE4NW4, Sec. 15,  
Twp. 5S, Rge. 4E, Gallatin County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18481



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18482  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.27  
Compensation: \$324.00  
Legal Description: 30-foot strip through NE4NE4, Sec. 16, Twp. 9S, Rge. 1W,  
Madison County  
Trust Beneficiary: Common Schools

Item Summary

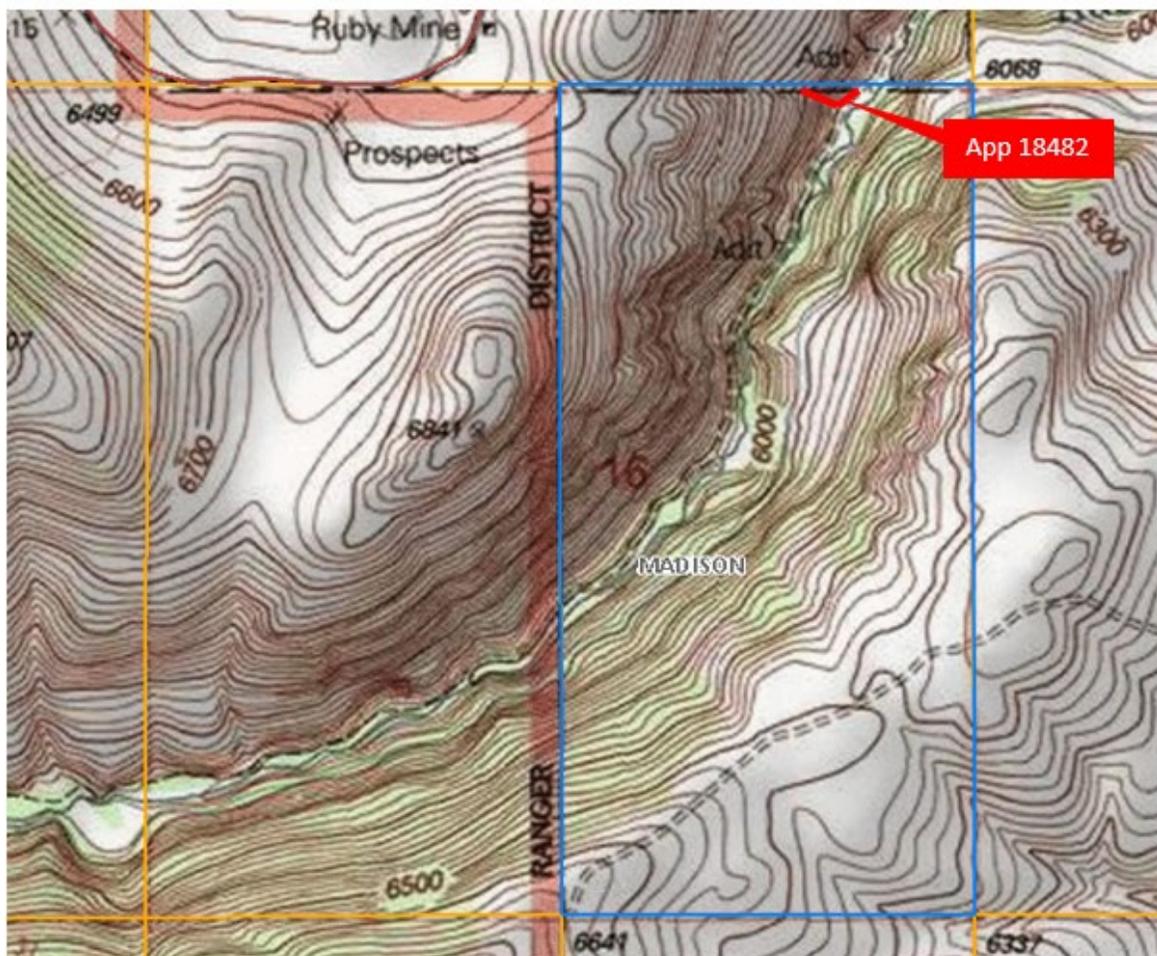
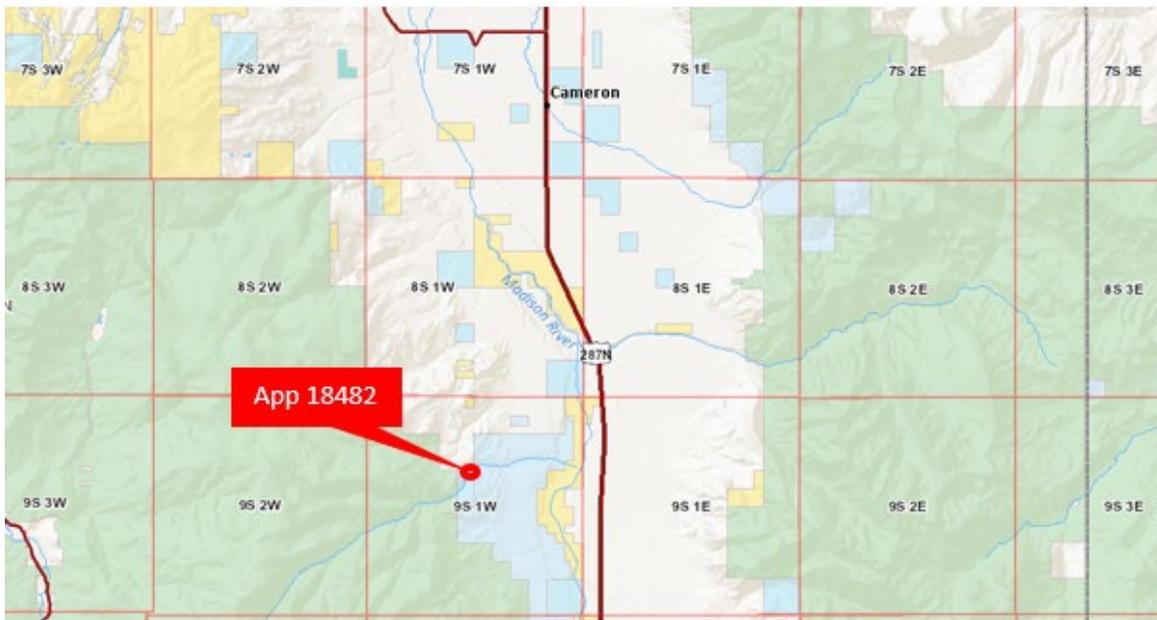
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18482



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18483  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.06  
Compensation: \$100.00  
Legal Description: 10-foot strip across the Madison River in NW4NE4, Sec. 13,  
Twp. 9S, Rge. 1W, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

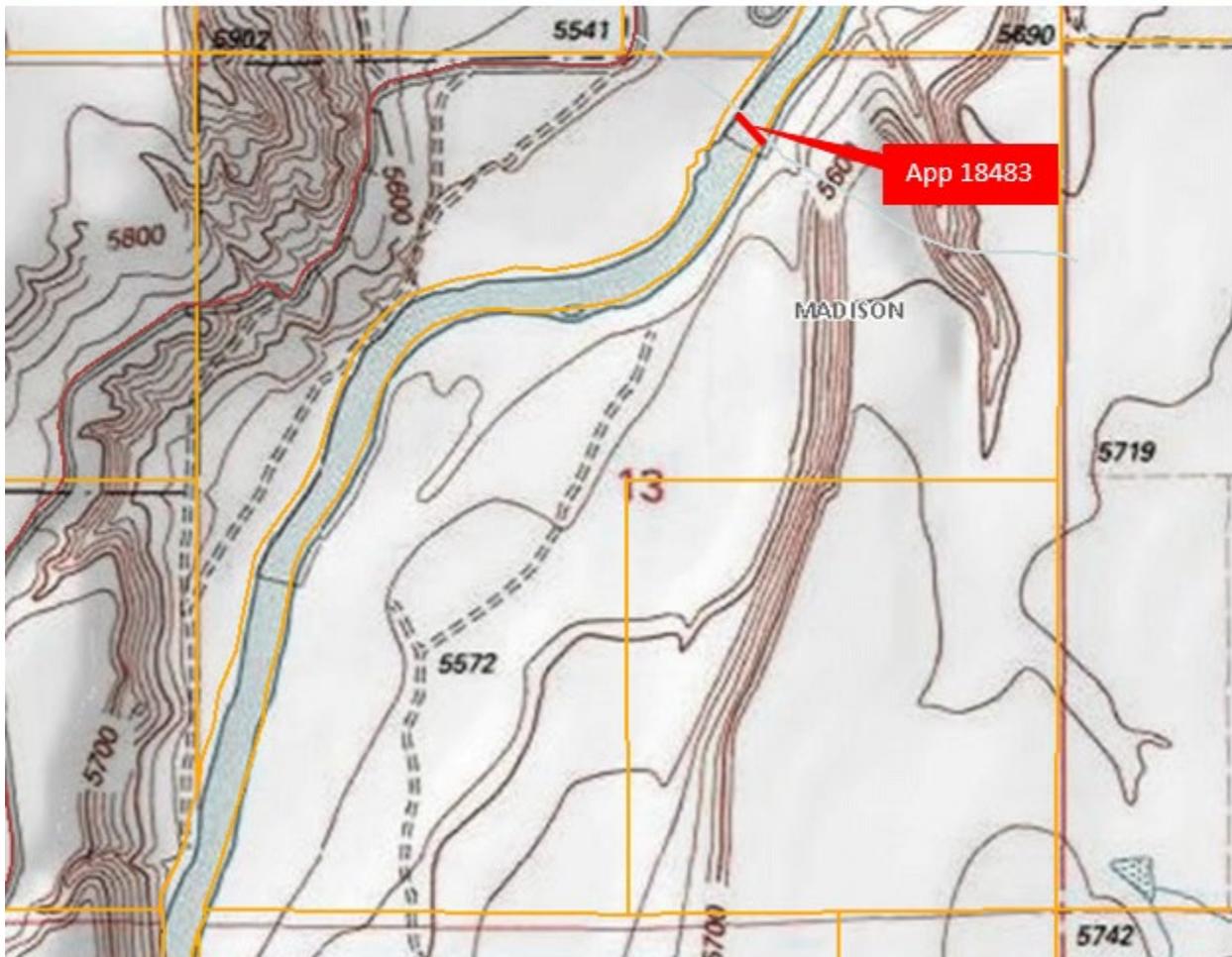
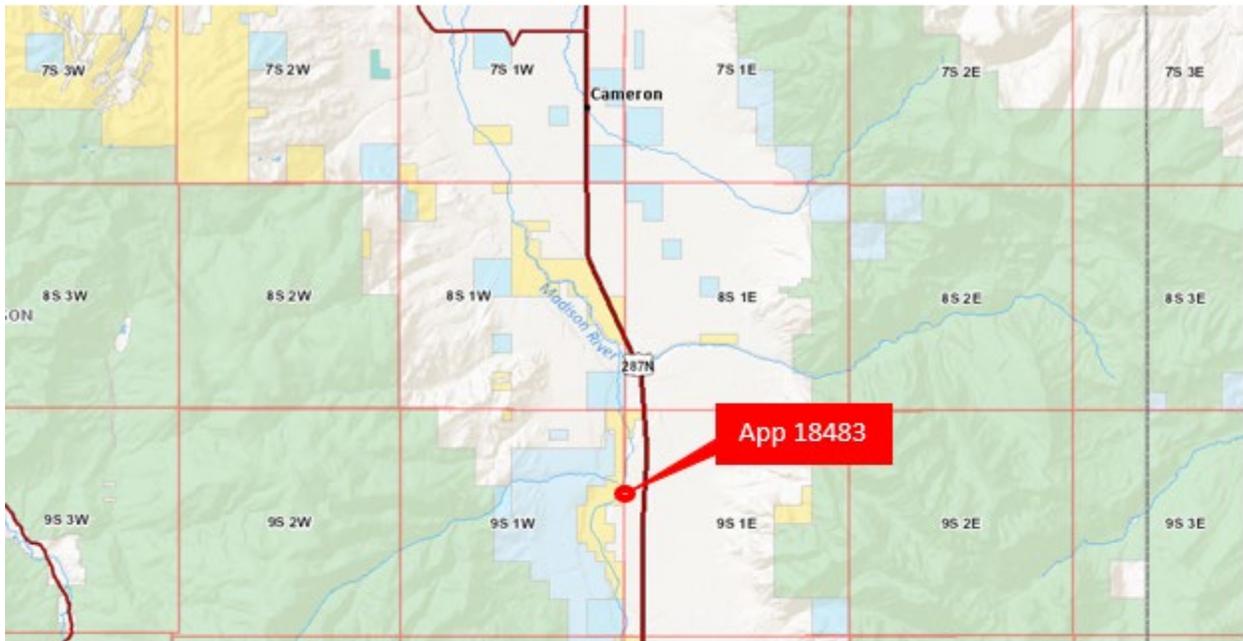
See page 1 for Summary

DNRC Recommendation

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R/W Application 18483



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18484  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.06  
Compensation: \$984.00  
Legal Description: 10-foot strip across the Madison River in W2SE4, Sec. 7,  
Twp. 10S, Rge. 1E, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

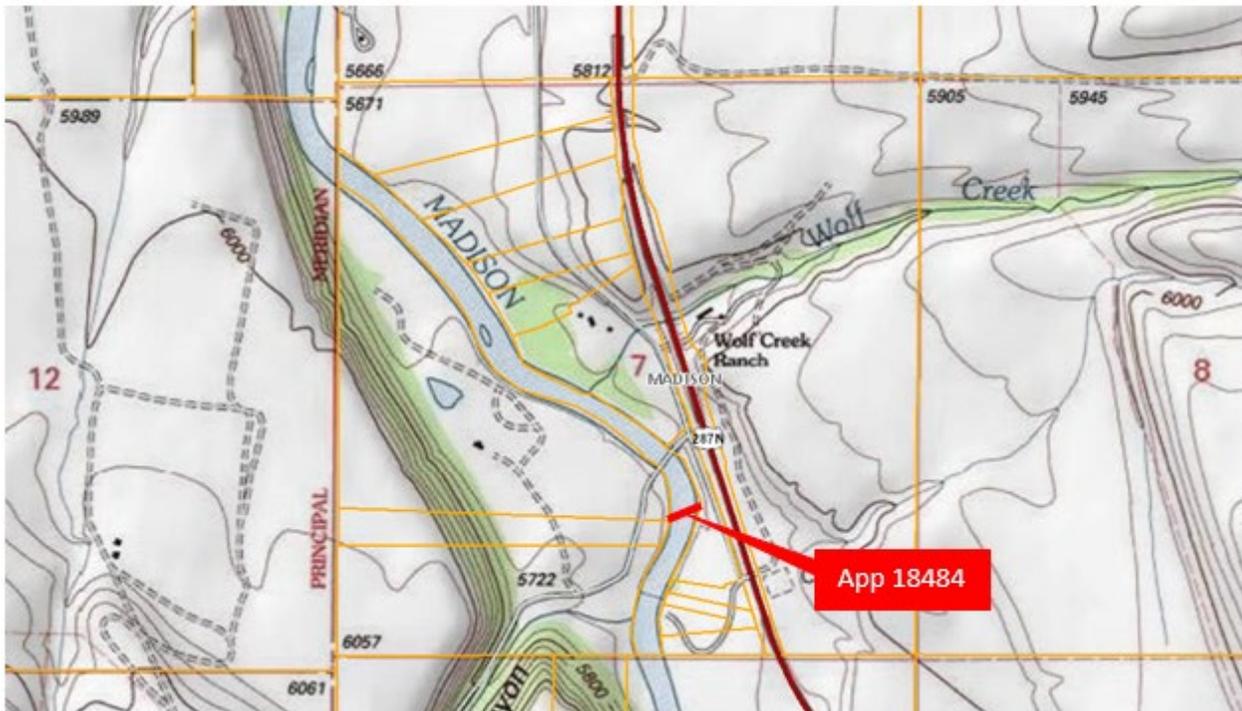
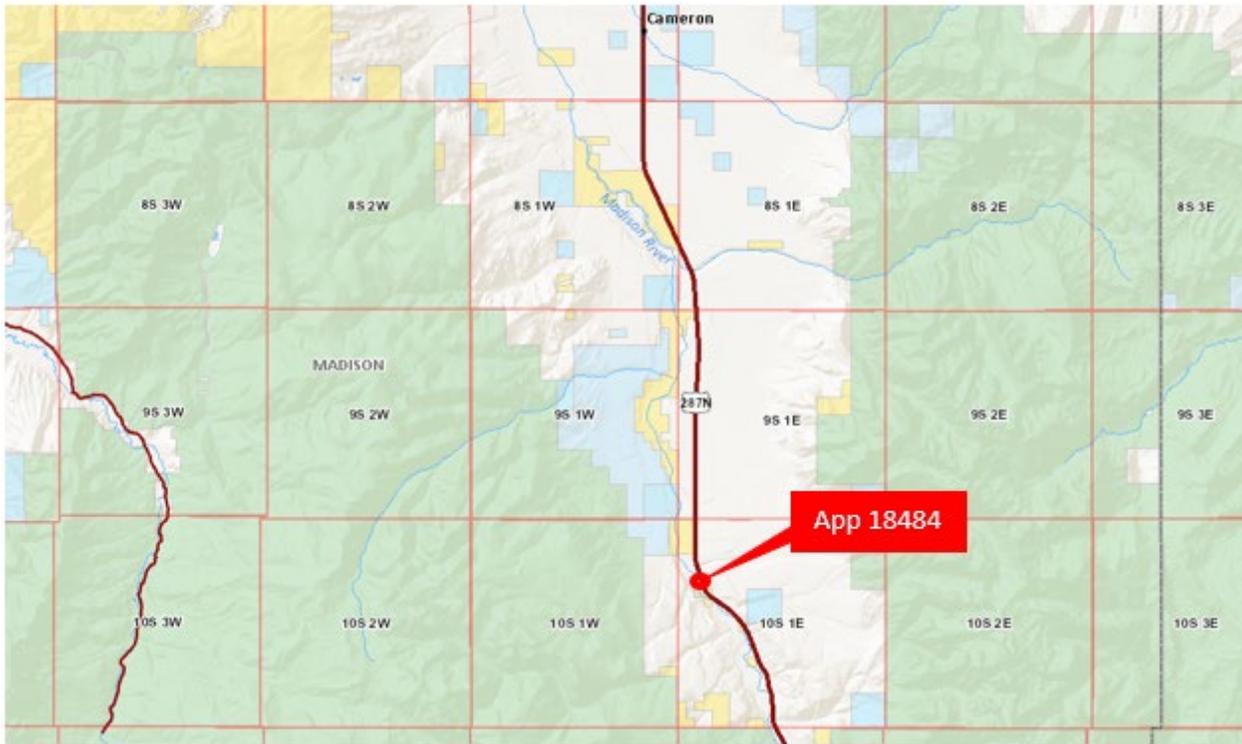
See page 1 for Summary

DNRC Recommendation

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R/W Application 18484



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18485  
R/W Purpose: an overhead 7.2 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.05  
Compensation: \$100.00  
Legal Description: 10-foot strip across the Madison River in NE4NE4, Sec. 29,  
Twp. 10S, Rge. 1E, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

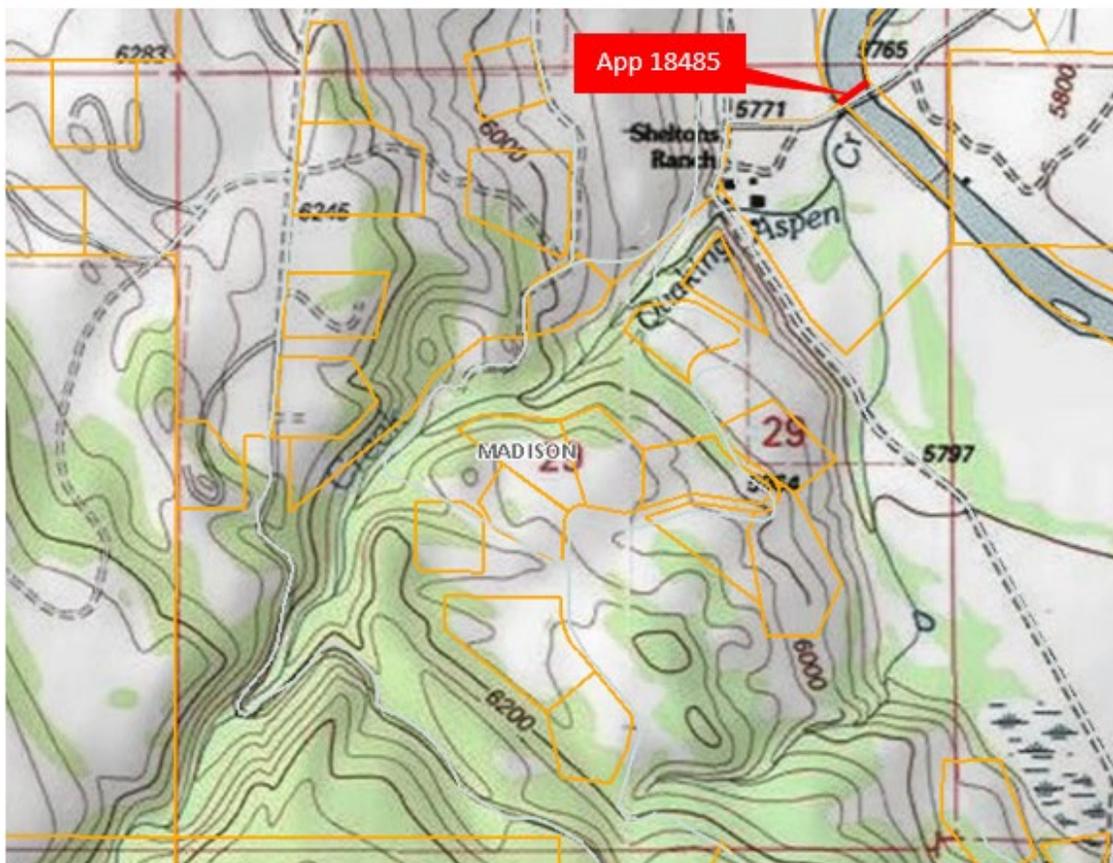
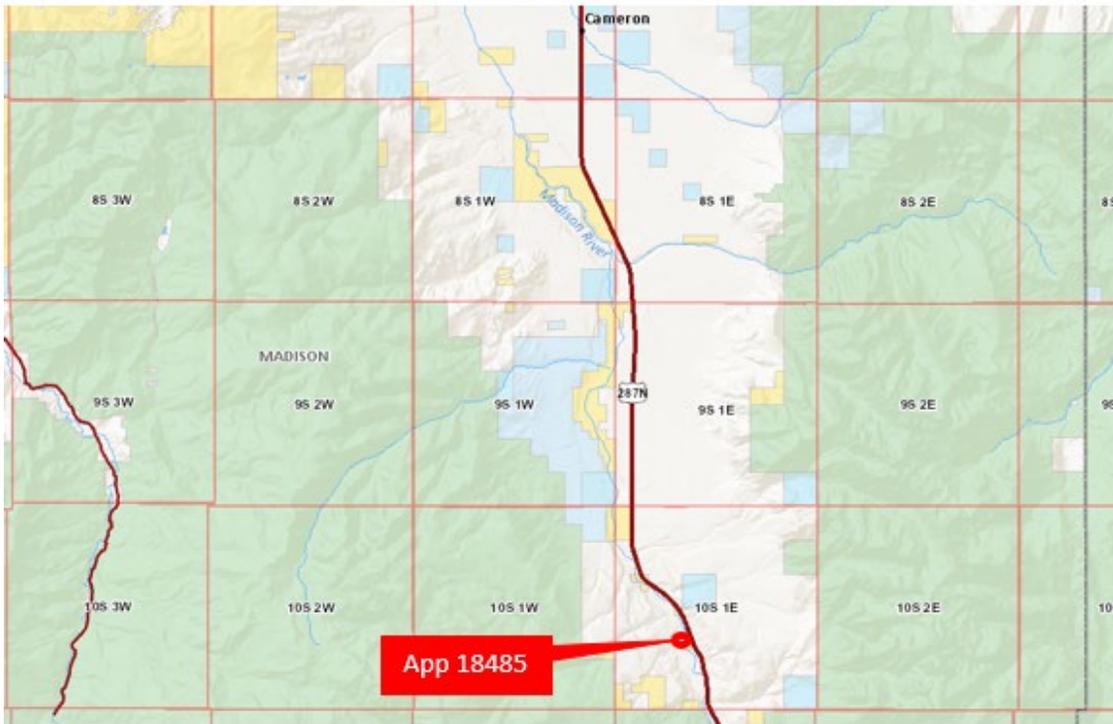
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18485



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18486  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.06  
Compensation: \$100.00  
Legal Description: 10-foot strip across the Madison River in SE4SW4, Sec. 3,  
Twp. 11S, Rge. 1E, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

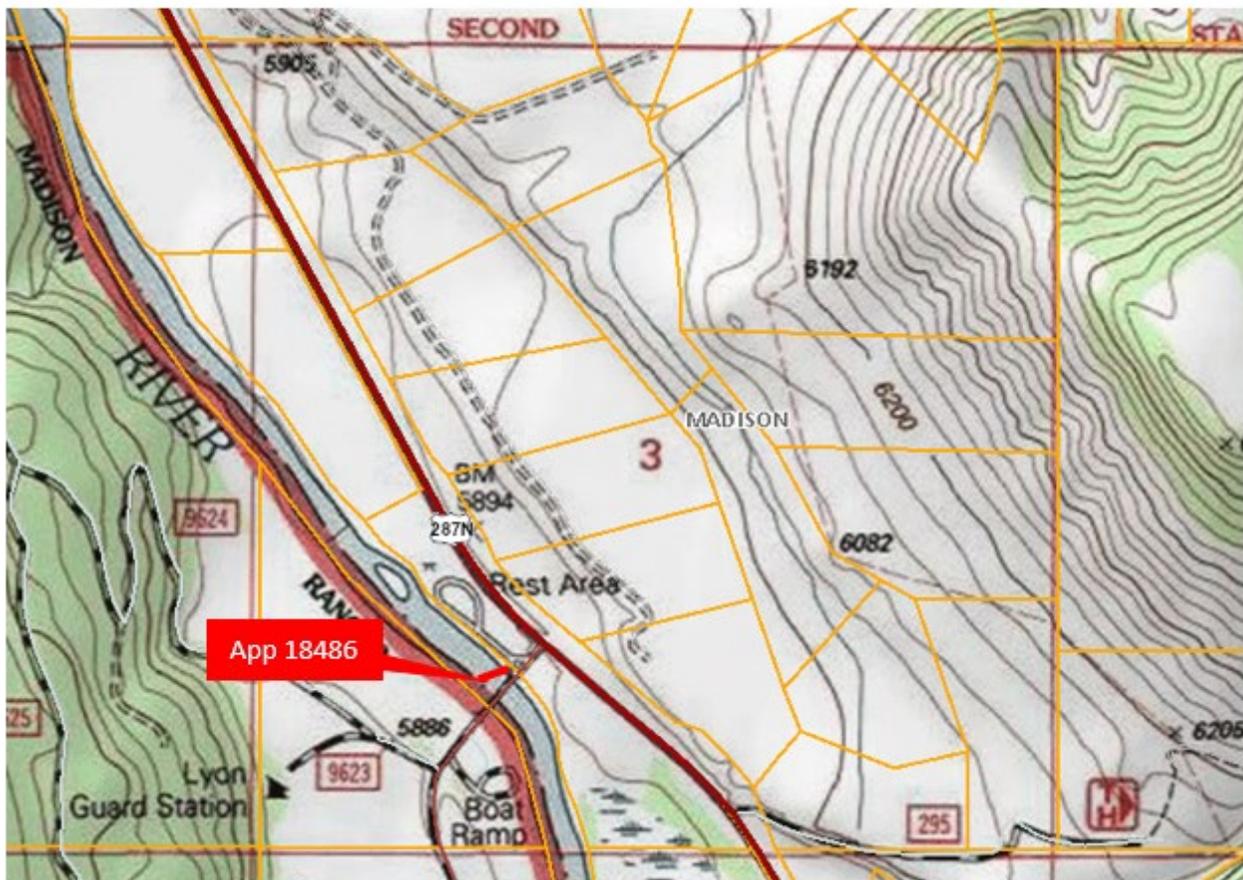
See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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R/W Application 18486



APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18487  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.06  
Compensation: \$1,722.00  
Legal Description: 10-foot strip across the Madison River in NE4SE4, Sec. 10,  
Twp. 11S, Rge. 1E, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18488  
R/W Purpose: an overhead 12.47 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.06  
Compensation: \$3,029.00  
Legal Description: 10-foot strip across the Madison River in N2NW4, Sec. 14,  
Twp. 11S, Rge. 1E, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 1 for Summary

DNRC Recommendation

See page 1 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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

Application No.: 18489  
R/W Purpose: an overhead 7.2 kV electric distribution line  
Lessee Agreement: N/A (Historic)  
Acreage: 0.04  
Compensation: \$696.00  
Legal Description: 10-foot strip across the Madison River in SW4NE4, Sec. 24,  
Twp. 11S, Rge. 1E, Madison County  
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

See page 1 for Summary

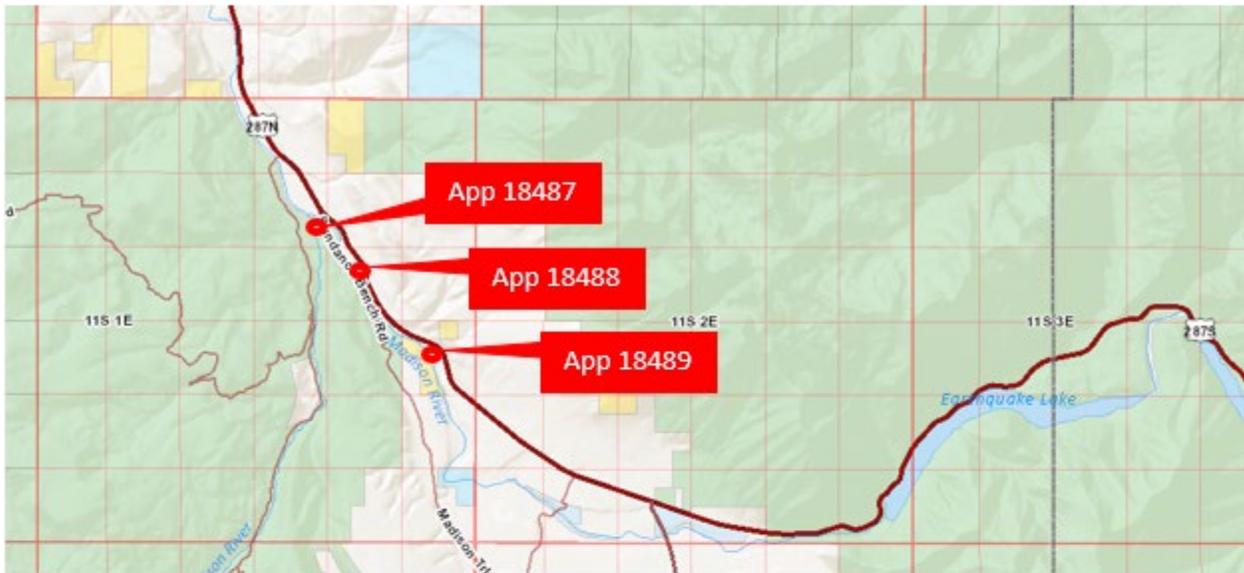
DNRC Recommendation

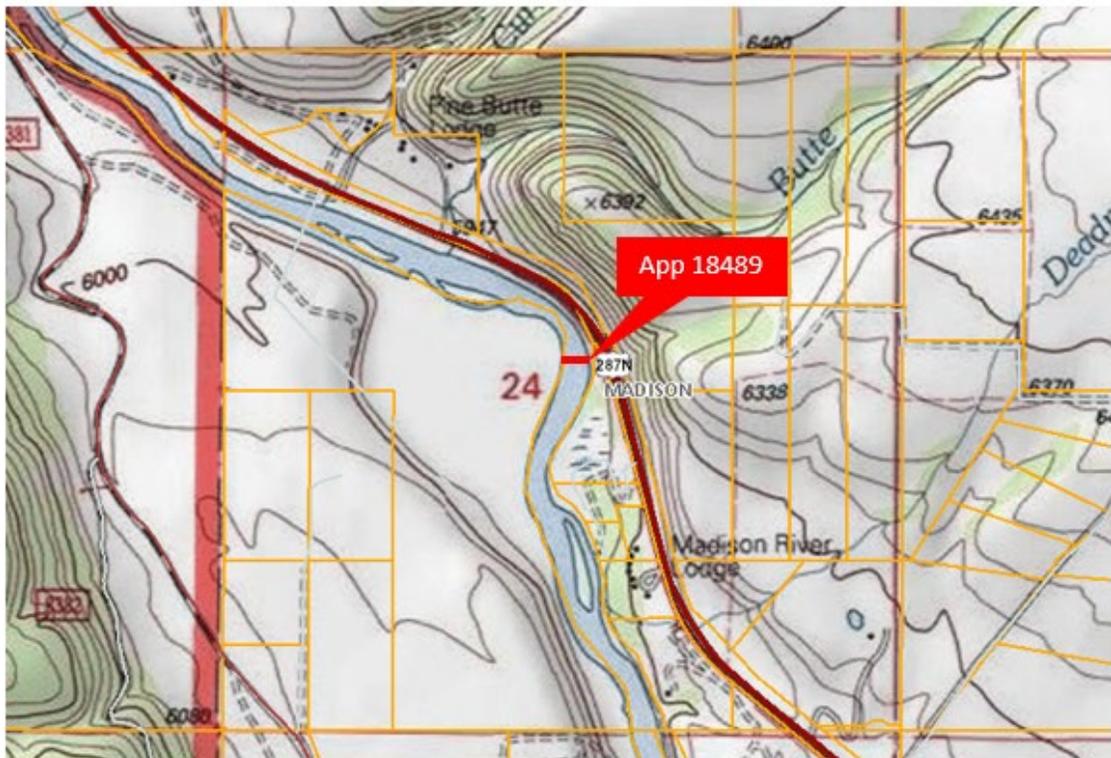
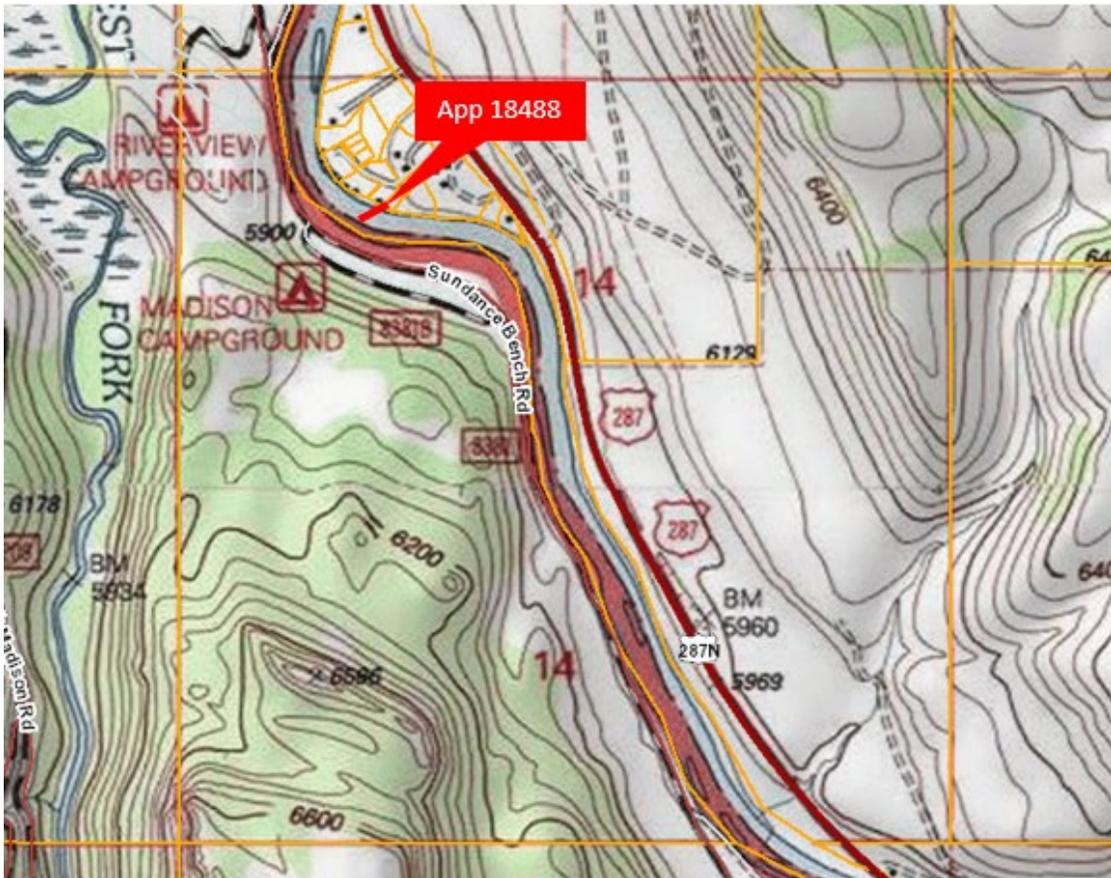
See page 1 for Recommendation

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R/W Application 18487, 18488 & 18489





## APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Montana Department of Fish Wildlife & Parks  
 PO Box 200701  
 Helena, MT 59620-0701

Application No.: 18729  
 R/W Purpose: public recreation easement for a fishing access site known as  
 Little Muddy Creek

Lessee Agreement: N/A (applicant is lessee)  
 Acreage: 23.36  
 Compensation: \$70,080.00  
 Legal Description: tract of land in Gov. Lot 7, Sec. 4, Twp. 18N, Rge. 1E,  
 Cascade County  
 Trust Beneficiary: Common Schools

### Item Summary

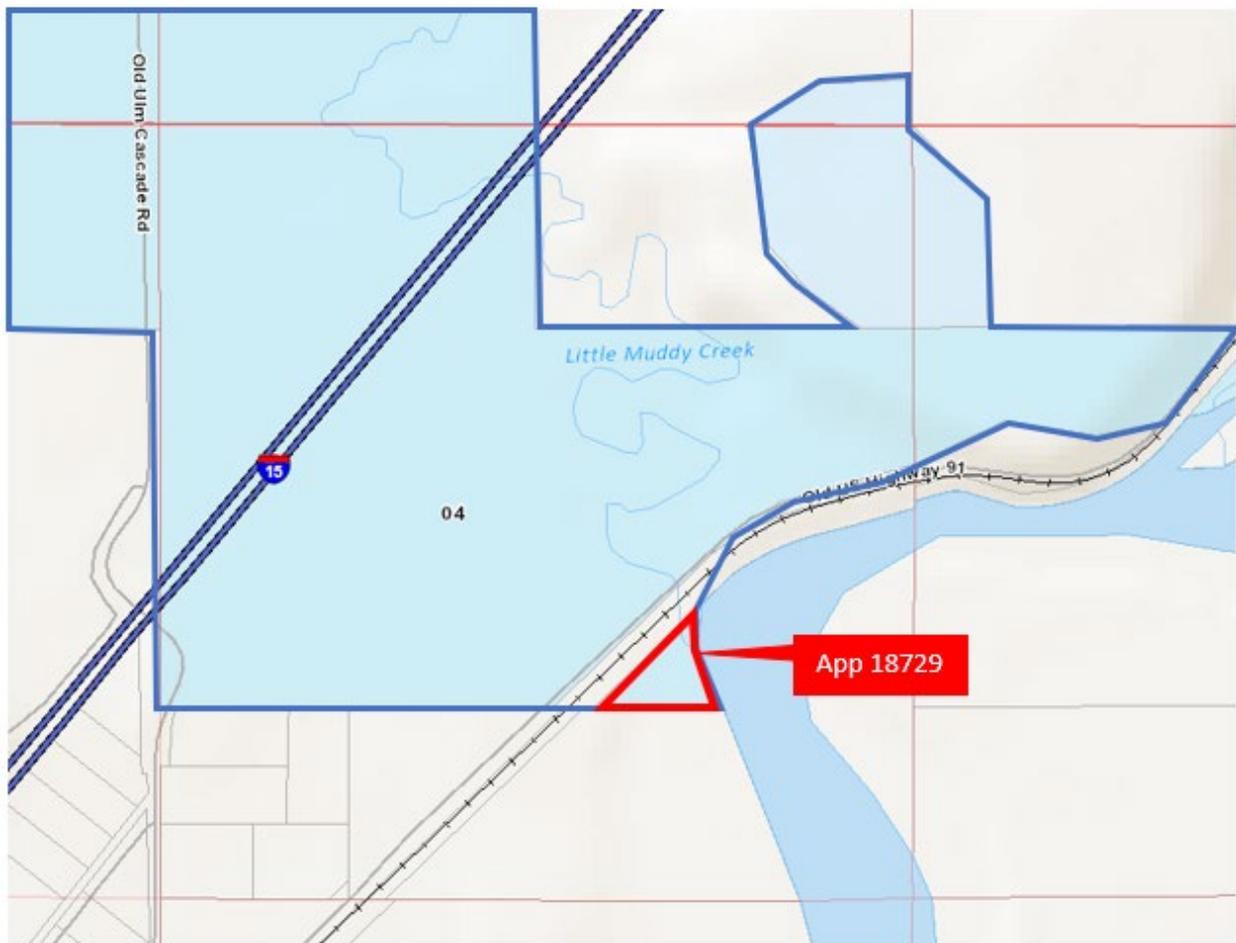
The Department of Fish, Wildlife, and Parks (DFWP) has made application for a permanent easement for the Little Muddy Creek Fishing Access site. The fishing access site is currently authorized pursuant to a developed recreation lease that is renewable in 10-year increments with lease rental adjustments occurring annually based on current land values. Due to the unpredictability of rentals upon rental review and lease renewal periods it was determined that the best course of action is to acquire a permanent public recreation easement to ensure continued public access to this river recreation site. The proposal to acquire a permanent easement and terminate the developed recreation lease was approved by the DFWP Commission on April 25, 2019. Public comment was solicited with 4 comments in favor of; 3 comments opposed and 2 neutral. The opposing comments felt that DFWP could better spend their money elsewhere and closure of this FAS should occur. The proponents believed it to be a fiscally responsible decision. The Department of Natural Resources and Conservation (DNRC) conducted a limited valuation associated with the site and determined fair market value to be \$3,000 per acre.

### DNRC Recommendation

The director recommends approval of DFWP's public recreation easement request

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R/W Application 18729



APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Montana Department of Fish Wildlife & Parks  
 PO Box 200701  
 Helena, MT 59620-0701

Application No.: 18730  
 R/W Purpose: public recreation easement for a fishing access site known as  
 Dailey Lake

Lessee Agreement: N/A (applicant is lessee)  
 Acreage: 26.74  
 Compensation: \$133,700.00  
 Legal Description: tract of land in Gov. Lots 1, 2 & 4, Sec. 36, Twp. 6S, Rge. 7E,  
 Park County  
 Trust Beneficiary: Common Schools

Item Summary

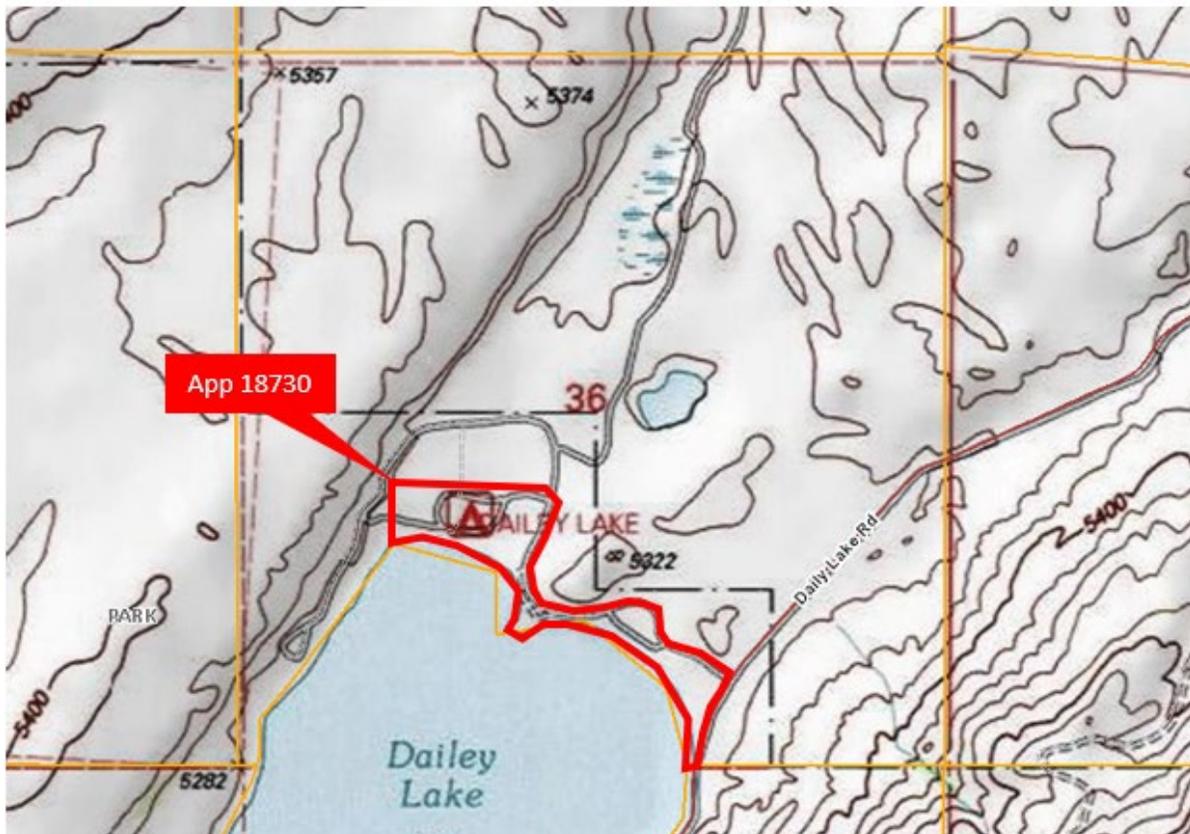
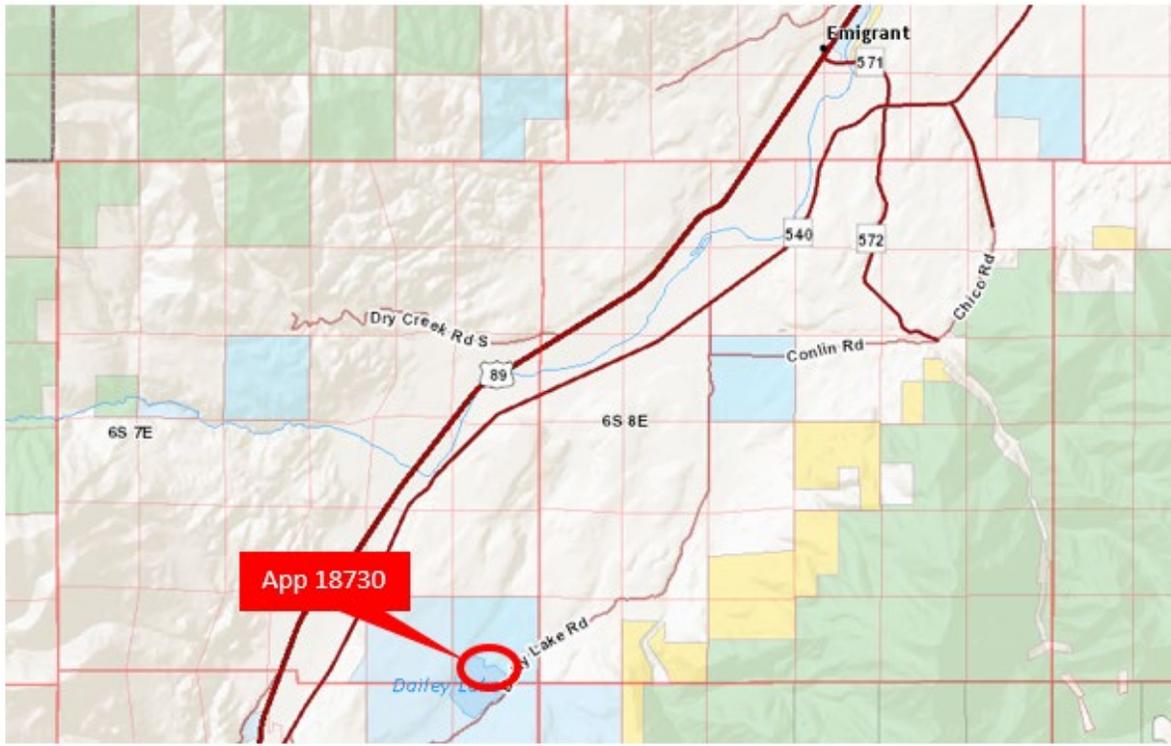
The Department of Fish, Wildlife, and Parks (DFWP) has made application for a permanent easement for the Dailey Lake Fishing Access site. The fishing access site is currently authorized pursuant to a developed recreation lease that is renewable in 10-year increments with lease rental adjustments occurring annually based on current land values. Due to the unpredictability of rentals upon rental review and lease renewal periods it was determined that the best course of action is to acquire a permanent public recreation easement to ensure continued public access to this river recreation site. The existing developed recreation lease encompasses 122 acres, however with this proposal DFWP is reducing the footprint to the actual area containing the improvements that consist of camping areas a boat ramp and dock. The proposal to acquire a permanent easement and terminate the developed recreation lease was approved by the DFWP Commission on April 25, 2019. Public comment was solicited with only one comment received, which was in favor of the easement acquisition. The Department of Natural Resources and Conservation (DNRC) conducted a limited valuation associated with the site and determined fair market value to be \$5,000 per acre.

DNRC Recommendation

The director recommends approval of DFWP's public recreation easement request

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R/W Application 18730



## APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Maurice W. Boney, et al.  
 1633 S. County Rd. 21  
 Loveland, CO 80537

Application No.: 18752  
 R/W Purpose: a private access road for the purpose of conducting normal farming  
 and ranching operations

Lessee Agreement: ok  
 Acreage: 3.85  
 Compensation: \$2,310.00  
 Legal Description: 30-foot strip through the W2W2, Sec. 36, Twp. 4N, Rge. 58E, Fallon County

Trust Beneficiary: Common Schools

### Item Summary

Maurice Boney has made application to slightly reconstruct an existing traveled two-track trail to access private lands bequeathed in 2012 to Maurice and eleven additional family members. The requested use is farm and ranch access. Little to no impacts will occur to the State land associated with the minor reconstruction and maintenance of this access for all season use. There are no issues with soils or erosion potential, minor blading will not impact management of the tract. The private land to be accessed is land-locked and applicant has been unable to secure legal access from adjoining landowners. The State land impacted has legal access along Medicine Rock Road which traverses the south boundary of State Section 36. The public currently has the ability to recreate on the State land, however the tract is closed to motorized traffic for recreation purposes thus the users of the access road will be the applicants and potentially the surface lessee. Stipulations regarding use of the road for ingress/egress only will be placed within the easement document. There are no opportunities for reciprocal access. The private property to be accessed is described as:

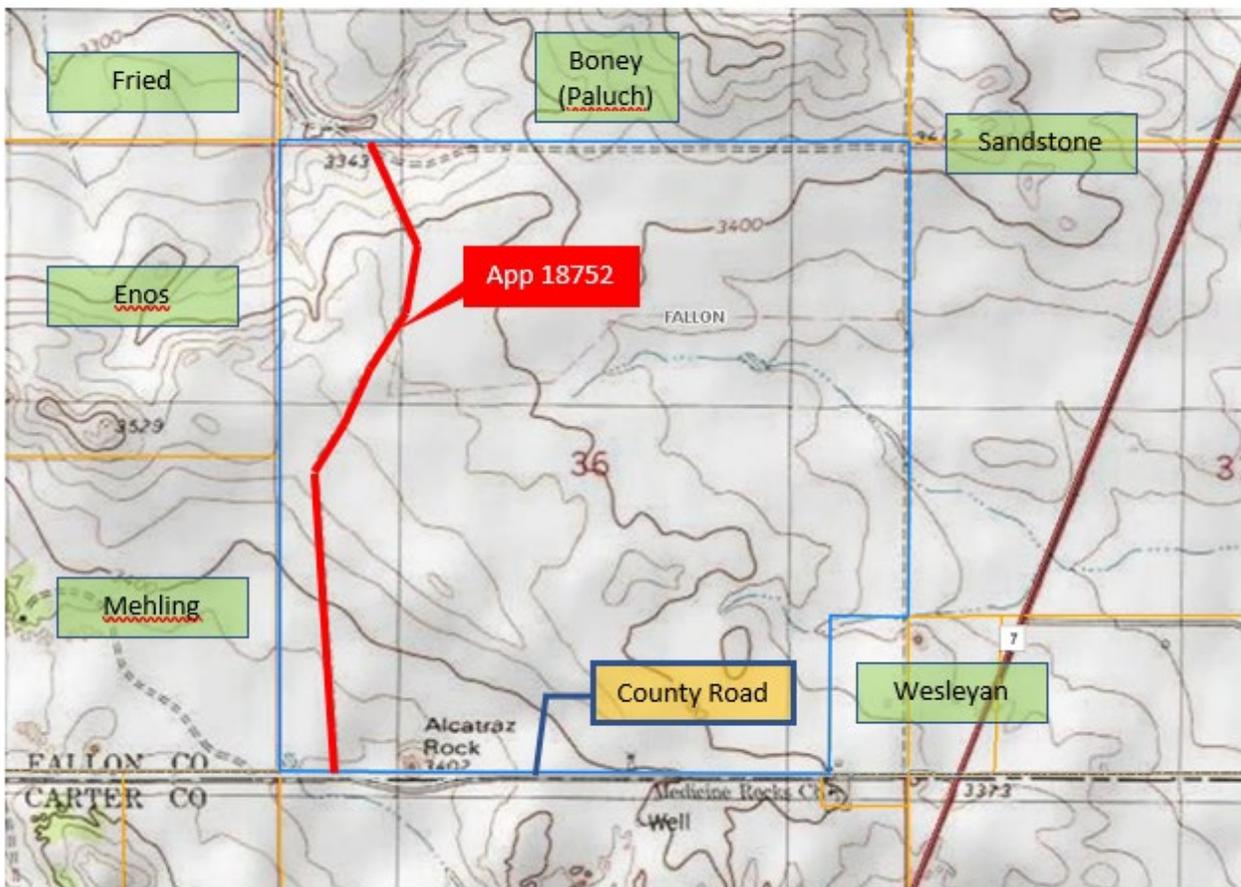
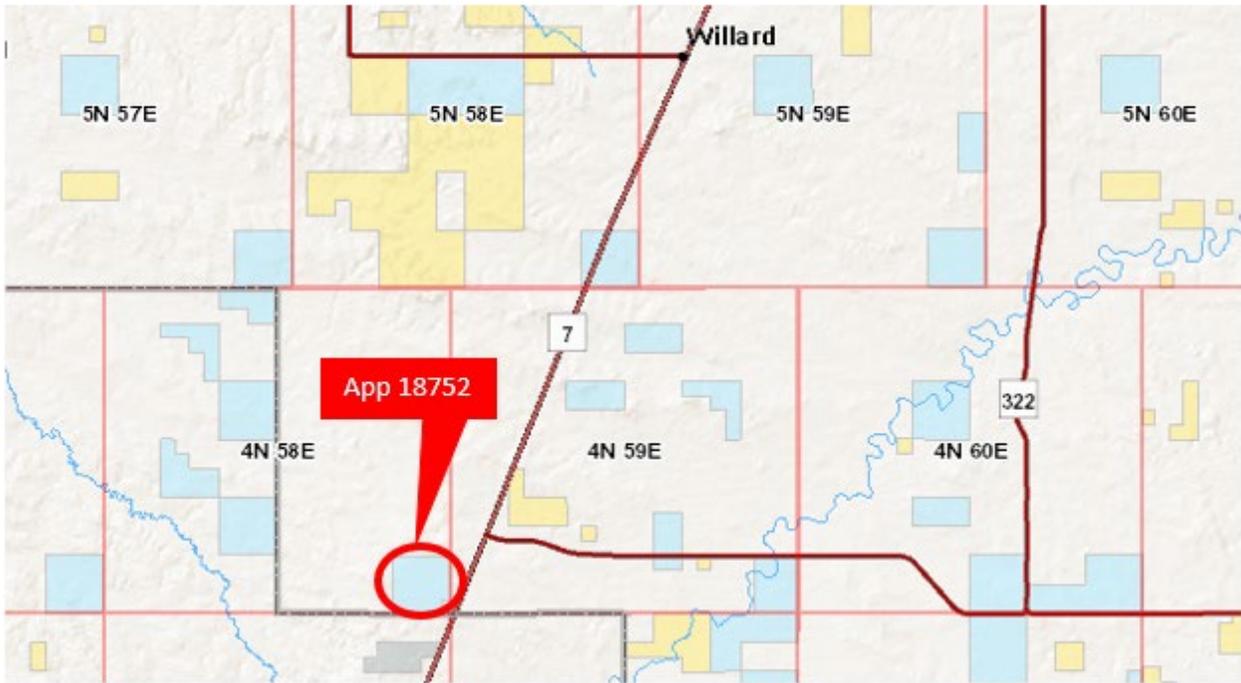
- S2, Sec. 25, Twp. 4N, Rge. 58E

### DNRC Recommendation

The director recommends approval of this private access easement request

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R/W Application 18752



## APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Triangle Telephone Coop. Assoc. Inc.  
 PO Box 1220  
 Havre, MT 59501

Application No.: 18762  
 R/W Purpose: a buried telecommunications cable  
 Lessee Agreement: ok  
 Acreage: 1.84  
 Compensation: \$700.00  
 Legal Description: 20-foot strip through N2SE4, SW4SE4, SE4SW4, Sec. 36,  
 Twp. 34N, Rge. 23E, Blaine County  
 Trust Beneficiary: Common Schools

### Item Summary

Triangle Telephone is proposing to install new buried telecommunications facilities to upgrade current services to the Turner exchange service area. The proposed route is the most direct between terminus locations and will also provide future network capabilities. The corridor lies primarily along existing roadways to minimize impacts and for ease of construction and maintenance. The lands impacted by this proposal lie within general sage grouse habitat and the applicant has gone through the Sage Grouse program. There are no known leks within 2 miles of the proposed project.

### DNRC Recommendation

The director recommends approval of the applications of Triangle Telephone.

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R/W Application 18762



APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Triangle Telephone Coop. Assoc. Inc.  
PO Box 1220  
Havre, MT 59501

Application No.: 18763  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 0.28  
Compensation: \$107.00  
Legal Description: 20-foot strip through NW4NE4, Sec. 12, Twp. 34N, Rge. 24E,  
Blaine County  
Trust Beneficiary: Common Schools

Item Summary

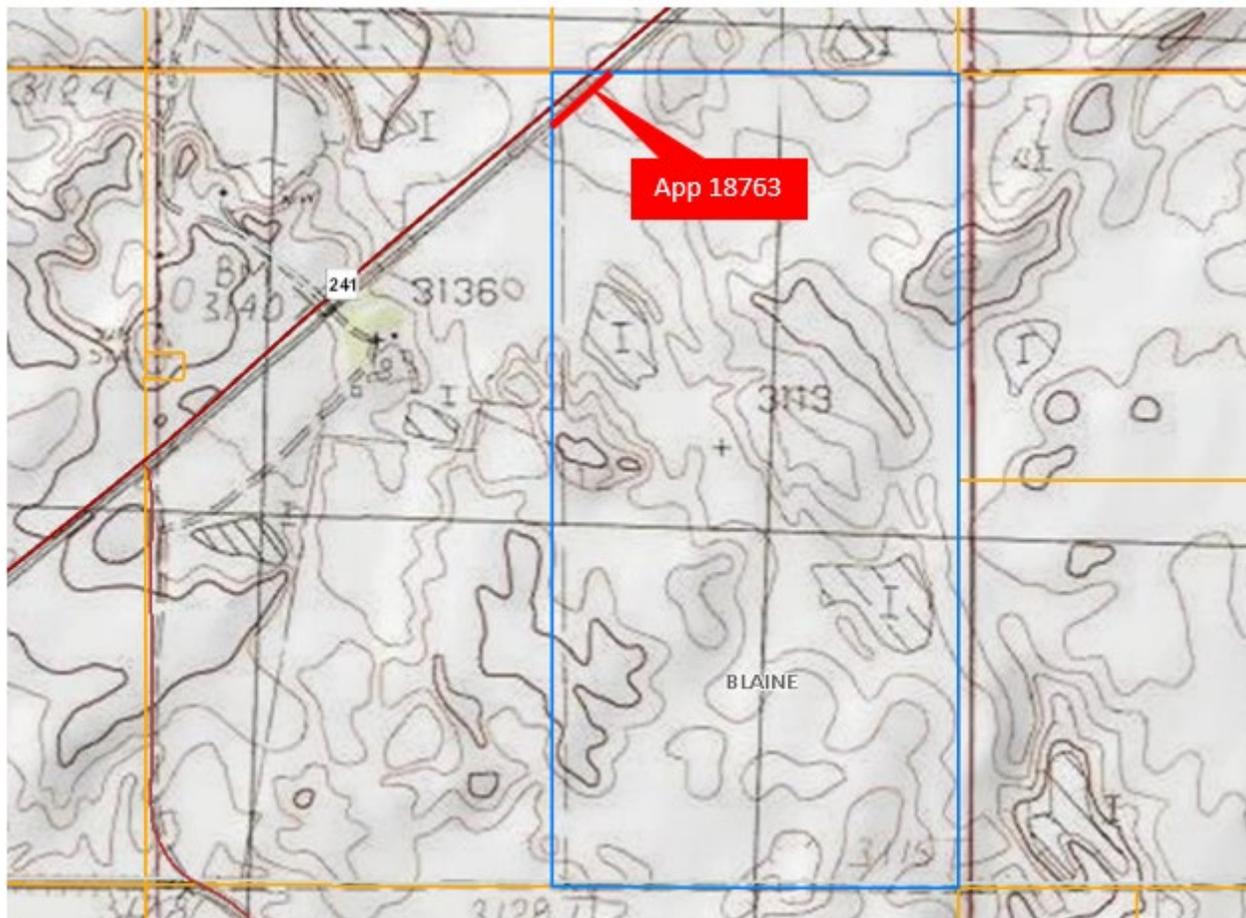
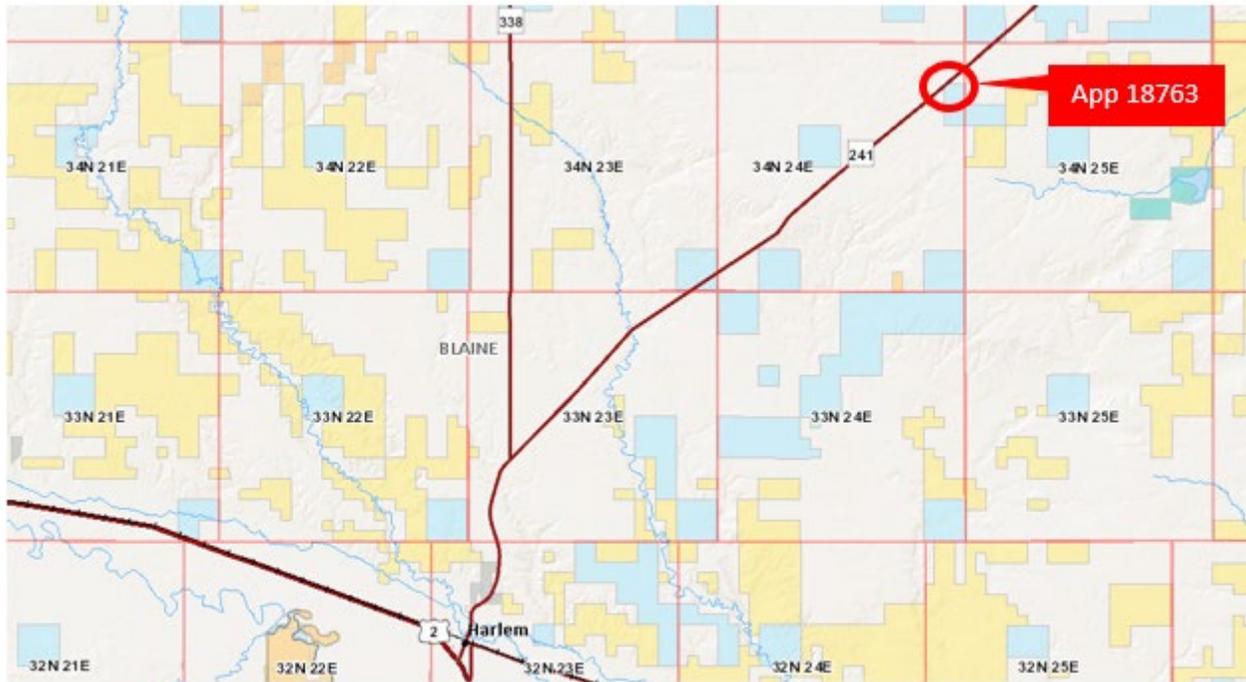
See page 50 for Summary

DNRC Recommendation

See page 50 for Recommendation

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R/W Application 18763



APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Triangle Telephone Coop. Assoc. Inc.  
PO Box 1220  
Havre, MT 59501

Application No.: 18764  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 1.13  
Compensation: \$429.00  
Legal Description: 20-foot strip through E2SW4, Sec. 16, Twp. 35N, Rge. 24E,  
Blaine County  
Trust Beneficiary: Common Schools

Item Summary

See page 50 for Summary

DNRC Recommendation

See page 50 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Triangle Telephone Coop. Assoc. Inc.  
PO Box 1220  
Havre, MT 59501

Application No.: 18765  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 0.69  
Compensation: \$262.00  
Legal Description: 20-foot strip through SE4SE4, Sec. 31, Twp. 35N, Rge. 25E,  
Blaine County  
Trust Beneficiary: Common Schools

Item Summary

See page 50 for Summary

DNRC Recommendation

See page 50 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Triangle Telephone Coop. Assoc. Inc.  
PO Box 1220  
Havre, MT 59501

Application No.: 18766  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 0.71  
Compensation: \$270.00  
Legal Description: 20-foot strip through NE4NE4, Sec. 32, Twp. 35N, Rge. 25E,  
Blaine County  
Trust Beneficiary: Common Schools

Item Summary

See page 50 for Summary

DNRC Recommendation

See page 50 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Triangle Telephone Coop. Assoc. Inc.  
PO Box 1220  
Havre, MT 59501

Application No.: 18767  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 2.50  
Compensation: \$950.00  
Legal Description: 20-foot strip through N2N2, Sec. 33, Twp. 35N, Rge. 25E,  
Blaine County  
Trust Beneficiary: Common Schools

Item Summary

See page 50 for Summary

DNRC Recommendation

See page 50 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Triangle Telephone Coop. Assoc. Inc.  
PO Box 1220  
Havre, MT 59501

Application No.: 18768  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 1.21  
Compensation: \$460.00  
Legal Description: 20-foot strip through E2SE4, Sec. 34, Twp. 35N, Rge. 25E,  
Blaine County  
Trust Beneficiary: Common Schools

Item Summary

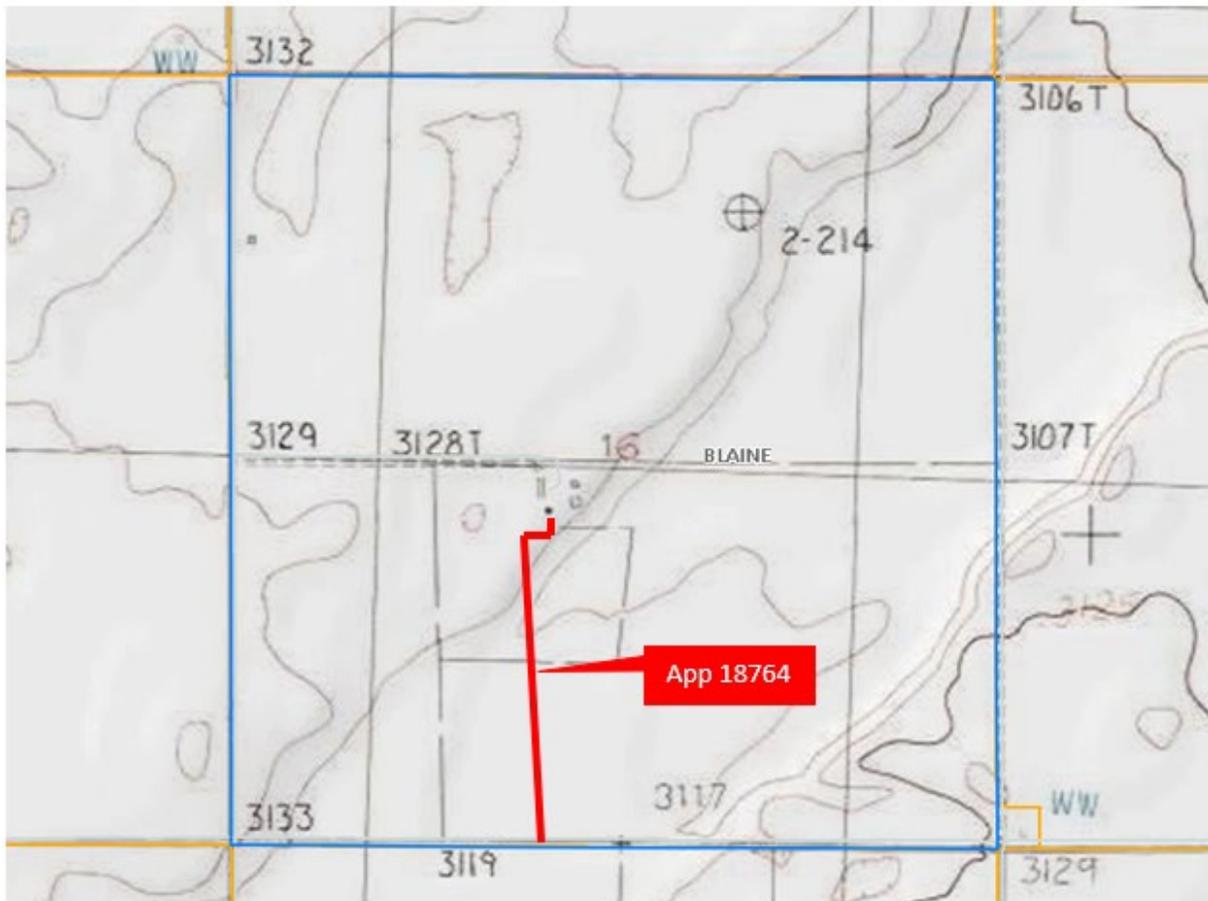
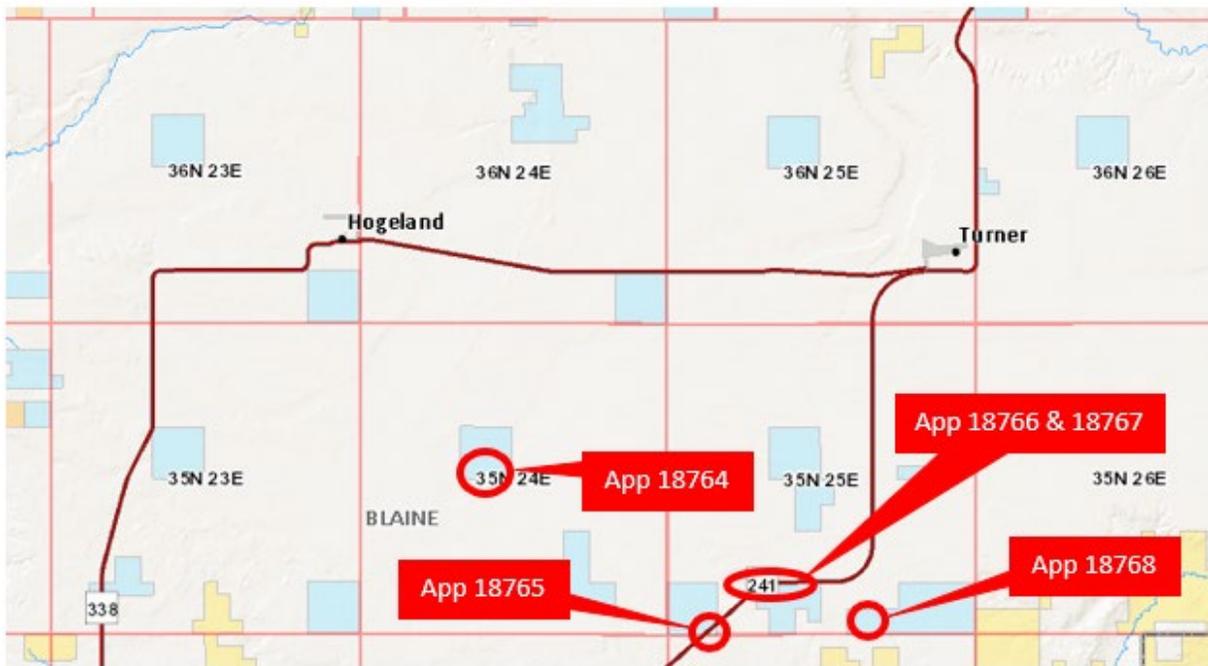
See page 50 for Summary

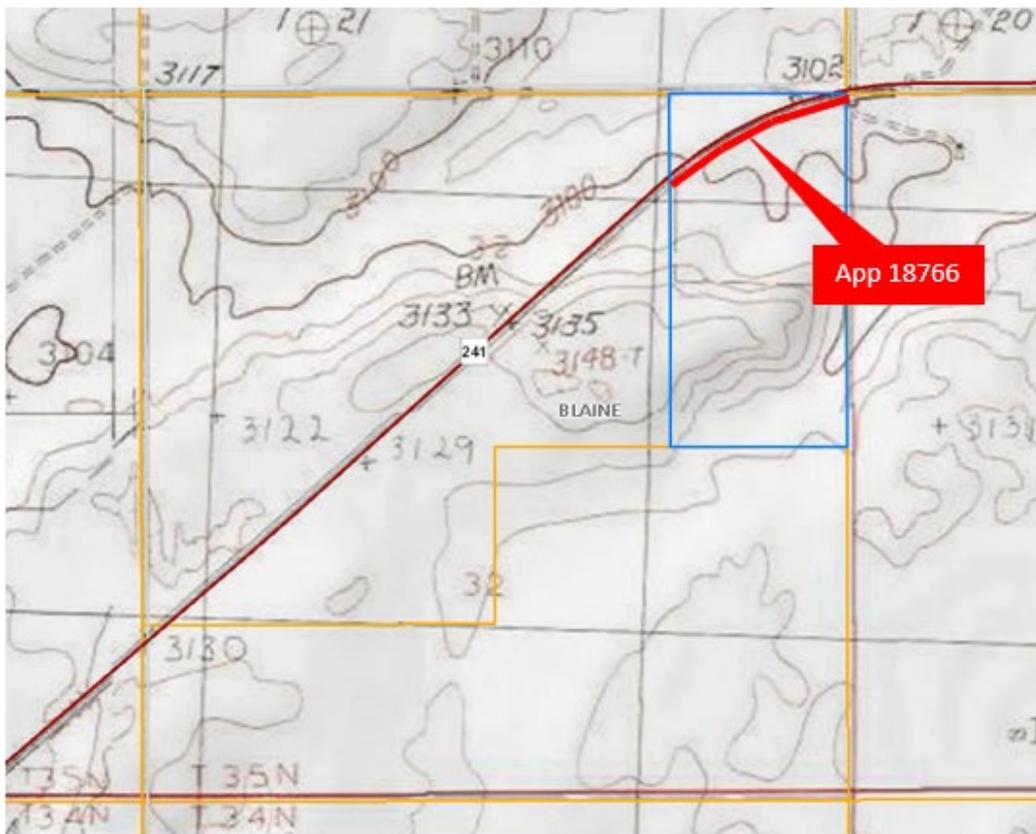
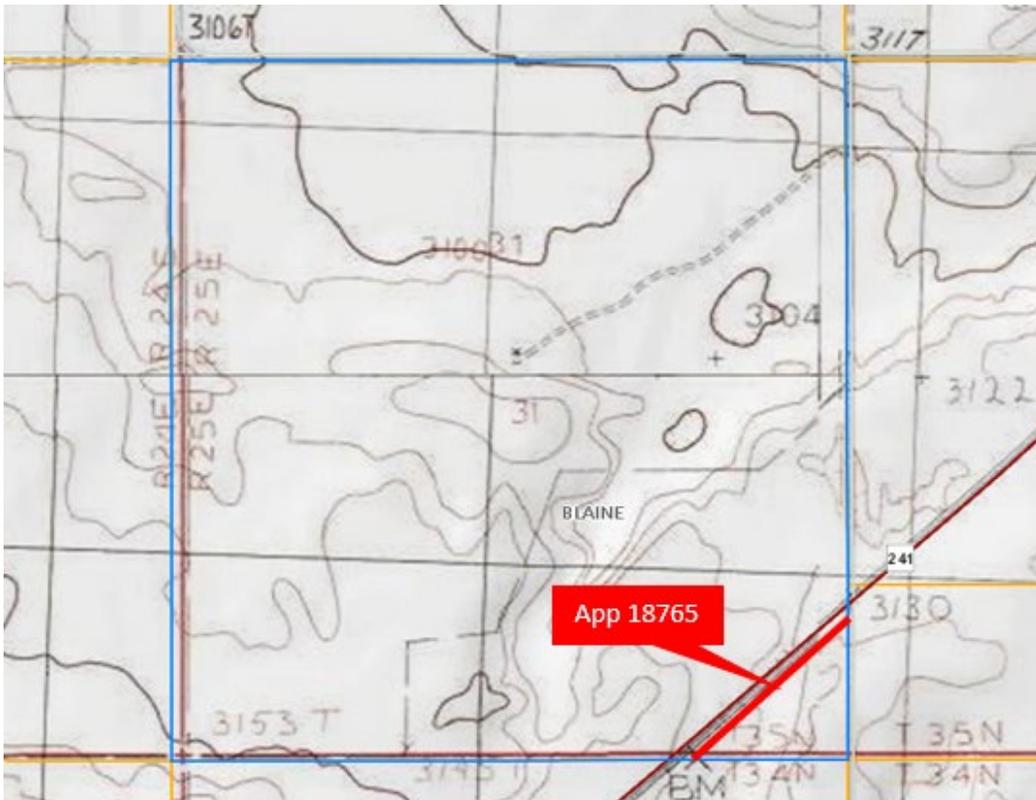
DNRC Recommendation

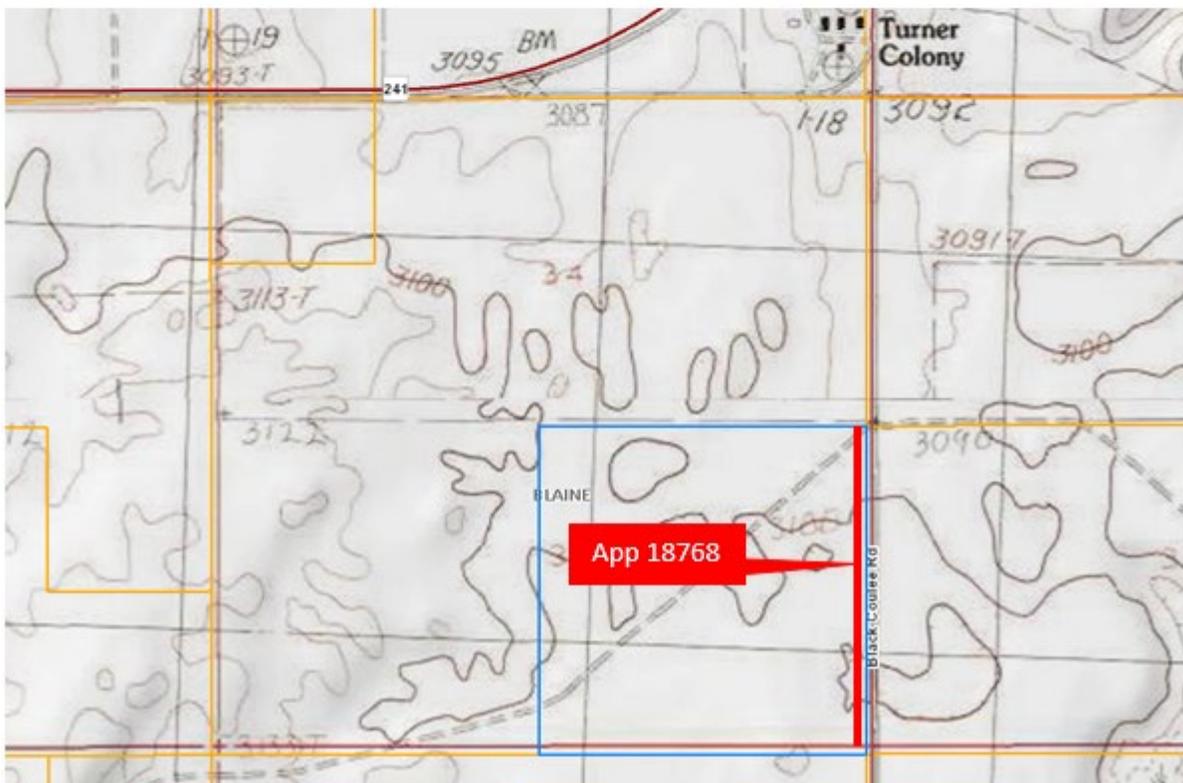
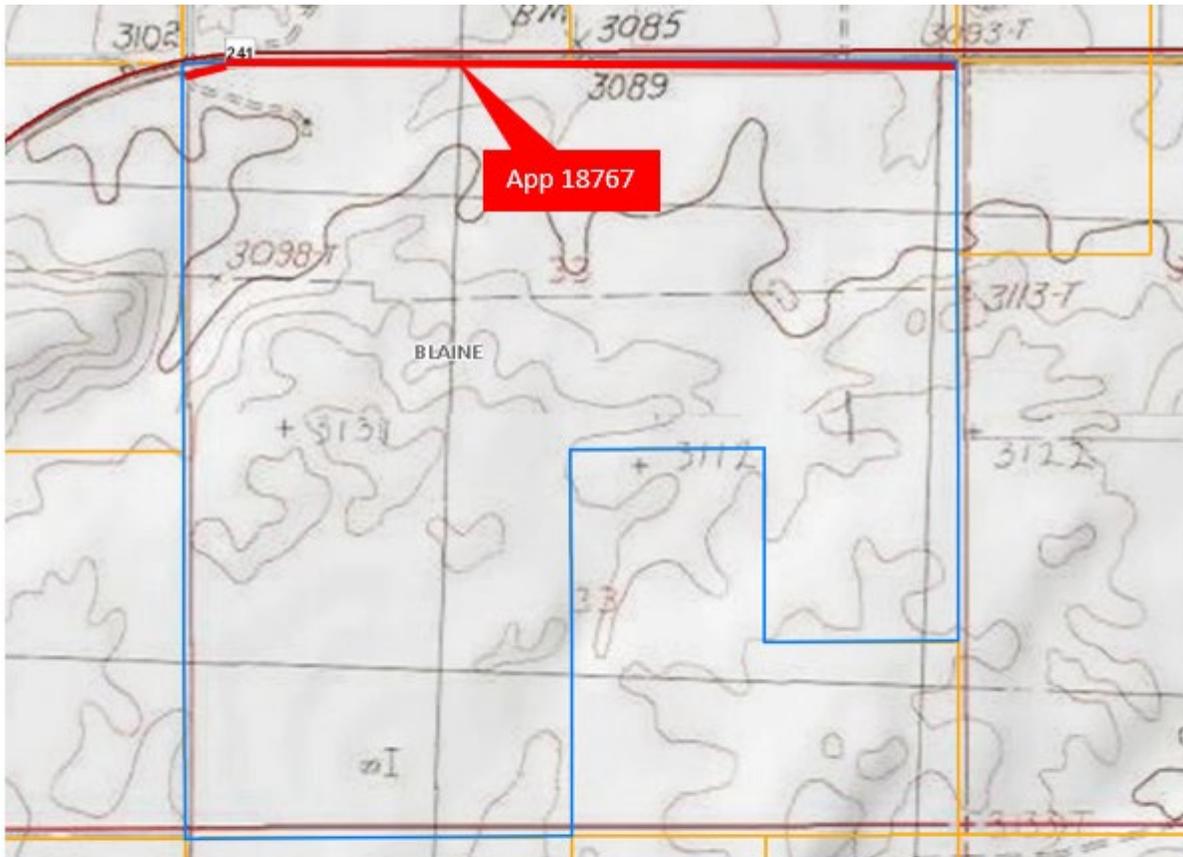
See page 50 for Recommendation

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R/W Application 18764, 18765, 18766, 18767 & 18768







APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Triangle Telephone Coop. Assoc. Inc.  
PO Box 1220  
Havre, MT 59501

Application No.: 18769  
R/W Purpose: a buried telecommunications cable  
Lessee Agreement: ok  
Acreage: 3.67  
Compensation: \$1,395.00  
Legal Description: 20-foot strip through W2NW4, NW4SW4; 20-foot strip through SW4SW4 and 20-foot strip through S2SE4, SE4SW4, Sec. 36, Twp. 37N, Rge. 25E, Blaine County

Trust Beneficiary: Common Schools

Item Summary

See page 50 for Summary

DNRC Recommendation

See page 50 for Recommendation

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## APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Mid-Rivers Telephone Coop. Inc PO Box 280 Circle, MT 59215
Application No.:	18770
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	3.93
Compensation:	\$1,965.00
Legal Description:	16-foot strip through NW4SW4, SW4NW4, NE4NW4, N2NE4; 16-foot strip through NE4NW4; 16-foot strip through N2NE4; and 16-foot strip through E2NE4, NE4SE4, Sec. 16, Twp. 8N, Rge. 25E, Musselshell County
Trust Beneficiary:	Common Schools

### Item Summary

Mid-Rivers Telephone Cooperative is proposing to install a new fiber optic cable in the Roundup exchange area to provide enhanced capabilities for rural customers. The proposed project is intended to replace existing copper cables that are outdated. The proposed route is located along existing roads and previously disturbed ground. Portions of this project lie within general sage grouse habitat and applicant has gone through the Sage Grouse program. Due to the nature of the project lying within existing roadways minimal impacts are anticipated.

### DNRC Recommendation

The director recommends approval of this easement request for Mid-Rivers Telephone.

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Mid-Rivers Telephone Coop. Inc  
PO Box 280  
Circle, MT 59215

Application No.: 18771  
R/W Purpose: a buried fiber optic cable  
Lessee Agreement: ok  
Acreage: 2.01  
Compensation: \$1,000.00  
Legal Description: 16-foot strip through N2NW4, NW4NE4, S2NE4, Sec. 16,  
Twp. 8N, Rge. 24E, Musselshell County  
Trust Beneficiary: Common Schools

Item Summary

See page 64 for Summary

DNRC Recommendation

See page 64 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Mid-Rivers Telephone Coop. Inc  
PO Box 280  
Circle, MT 59215

Application No.: 18772  
R/W Purpose: a buried fiber optic cable  
Lessee Agreement: ok  
Acreage: 1.92  
Compensation: \$960.00  
Legal Description: 16-foot strip through N2N2, Sec. 36, Twp. 8N, Rge. 24E,  
Musselshell County  
Trust Beneficiary: Common Schools

Item Summary

See page 64 for Summary

DNRC Recommendation

See page 64 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Mid-Rivers Telephone Coop. Inc  
PO Box 280  
Circle, MT 59215

Application No.: 18773  
R/W Purpose: a buried fiber optic cable  
Lessee Agreement: ok  
Acreage: 1.63  
Compensation: \$815.00  
Legal Description: 16-foot strip through W2W2, SE4SW4, Sec. 16, Twp. 9N,  
Rge. 25E, Musselshell County  
Trust Beneficiary: Common Schools

Item Summary

See page 64 for Summary

DNRC Recommendation

See page 64 for Recommendation

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APPLICANTS AND RIGHTS OF WAY INFORMATION

---

Applicant: Mid-Rivers Telephone Coop. Inc  
PO Box 280  
Circle, MT 59215

Application No.: 18774  
R/W Purpose: a buried fiber optic cable  
Lessee Agreement: ok  
Acreage: 1.54  
Compensation: \$2,000.00  
Legal Description: 16-foot strip through NW4SW4, S2NW4 and a 16-foot strip  
through S2SW4, Sec. 36, Twp. 9N, Rge. 27E, Musselshell County  
Trust Beneficiary: Common Schools

Item Summary

See page 64 for Summary

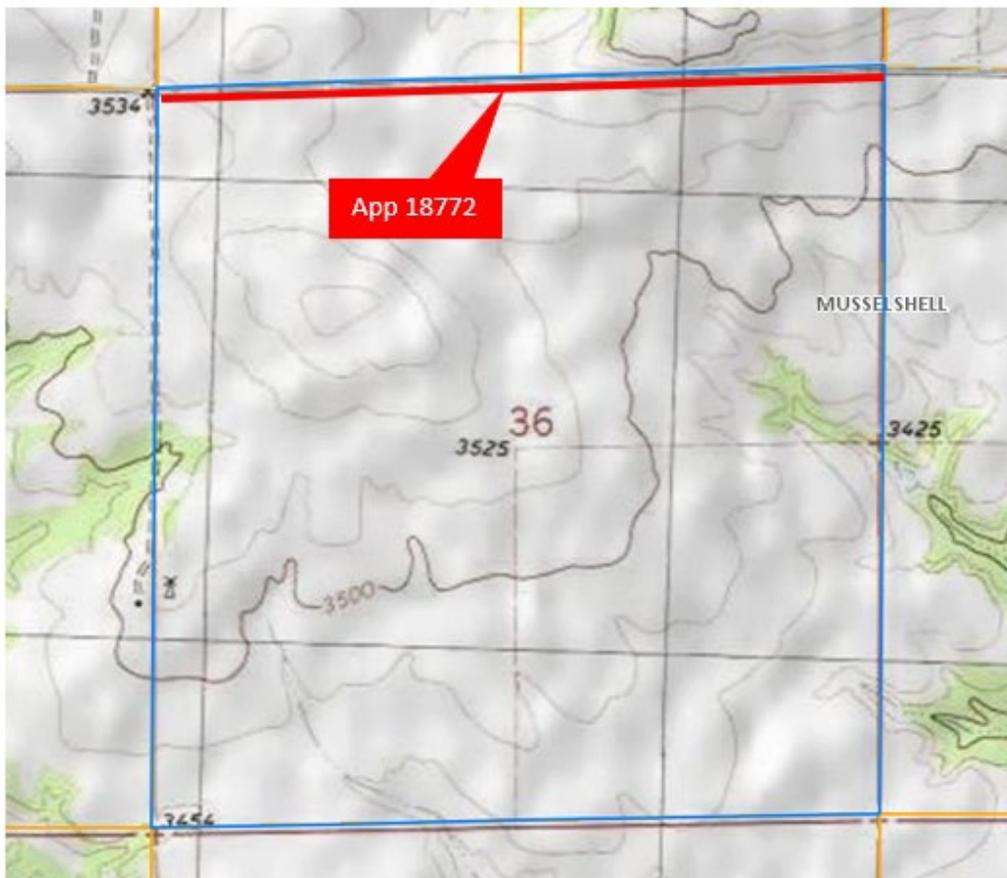
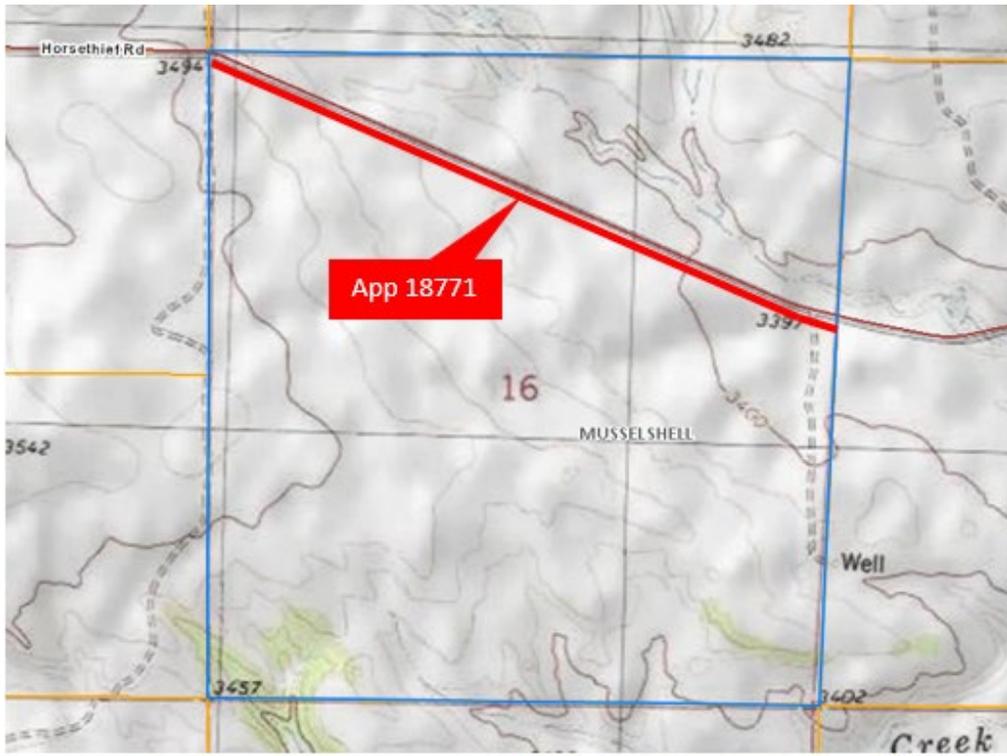
DNRC Recommendation

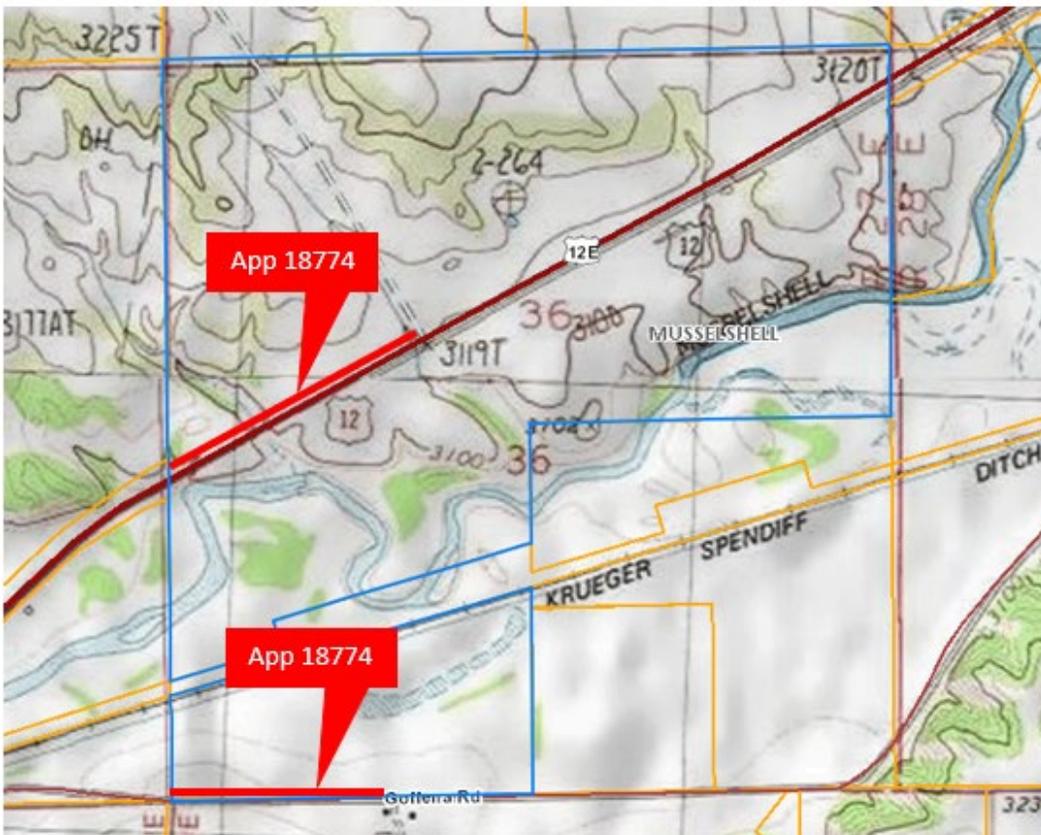
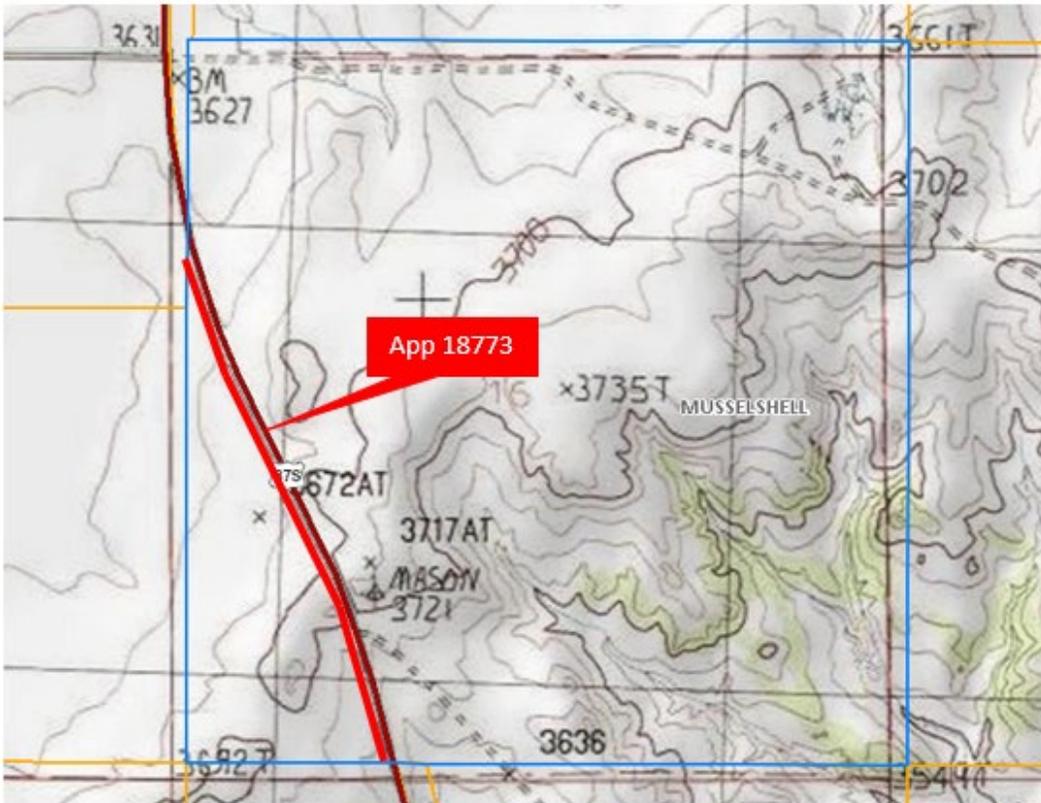
See page 64 for Recommendation

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**Land Board Agenda Item  
July 15, 2019**

**0719-6B Paul Armstrong Private Access**

**Location: Broadwater County**

**Trust Benefits: Common Schools**

**Trust Revenue: Common Schools = \$ 2,780**

Applicant:	Paul Armstrong 285 Lost Trail Road Townsend MT 59644
Application No.:	18751
R/W Purpose:	a private access road to one single-family residence
Lessee Agreement:	needed
Acreage:	2.78
Compensation:	\$2,780.00
Legal Description:	30-foot strip through NE4SW4, NW4SE4, SW4NE4, E2NE4, Sec. 16, Twp. 8N, Rge. 3E, Broadwater County
Trust Beneficiary:	Common Schools

**Item Summary**

Paul Armstrong has made application for a private road easement across State Trust land for the purpose of access to his private, deeded land for residential purposes. Mr. Armstrong's residence was constructed in approximately 2011 and, therefore, does not meet the qualifications under the historic right of way statute. Thus, the Department's review and analysis of Mr. Armstrong's application follows the Land Board's Access Road Policy.

Mr. Armstrong owns the SE4 of Section 9, Township 8 North, Range 3 East. Legal and primary access to this property exists from Duck Creek Road (a county road to the forest boundary) and Lost Trail Road, a private subdivision access road serving Mr. Armstrong's property and multiple property owners within Sections 3, 4 and 9. The existing private subdivision road is approximately 3.5 miles long with some switchbacks and variant grades.

The State Trust land in Section 16 is currently leased for grazing and is heavily used for non-motorized public recreation and hunting. In June 2017 the Land Board approved the Hooligan Billy Mack timber sale on this section with sale operations set to wrap up in late summer of 2019. Prior to the timber sale, the roads within Section 16 were primitive, two track trails used primarily for administrative purposes. Segments of roads were reconstructed and maintained to support the active timber sale, however upon completion of the harvest, the roads will be returned to their native state through implementation of BMP's for erosion, seeded with native

grasses, and gated to prohibit motorized use. Erosion risk is moderate for these soils with increased risk if surface soil is removed or used during wet conditions. Road standards and Best Management Practices applied are consistent with low-standard restricted access road closed to all use during wet periods and spring break-up. Additionally, a segment of the proposed road to be used by Mr. Armstrong is a very primitive trail past the last timber sale harvest unit and would require construction for vehicular use.

Public scoping for the request was conducted with 17 comments being received. Fifteen comments were received from adjoining landowners and recreationists; one comment from the proponent's legal counsel; and one comment from DFWP. Only one comment supported the proponent's proposal with the remaining 16 being opposed for various reasons, the majority being the potential to displace wild game from the parcel due to motorized use, conflicts with livestock grazing, as well as the potential for other landowners to request similar easements from the State.

In analyzing the application of Mr. Armstrong in conformity to the Access Road Policy the Department identified the following:

- The applicant has not demonstrated a necessity for access through the State land that justifies a permanent encumbrance on State Trust Land
- Granting the easement will diminish the value of the State land while enhancing the value of the private, deeded land
- The proposed easement could negatively impact the stability of the soils environment and would reduce the flexibility of Trust Land management by limiting future uses and long-term productivity
- Granting the easement could set a precedent which may result in numerous, similar requests to use the road on State Trust Land as a way of convenience to avoid a longer commute
- Vehicular access is detrimental to the recreation activities on this legally accessible State Trust parcel
- The applicant and lessee cannot agree as to damages to the leasehold interest. Conflicts between vehicular use and livestock management are anticipated

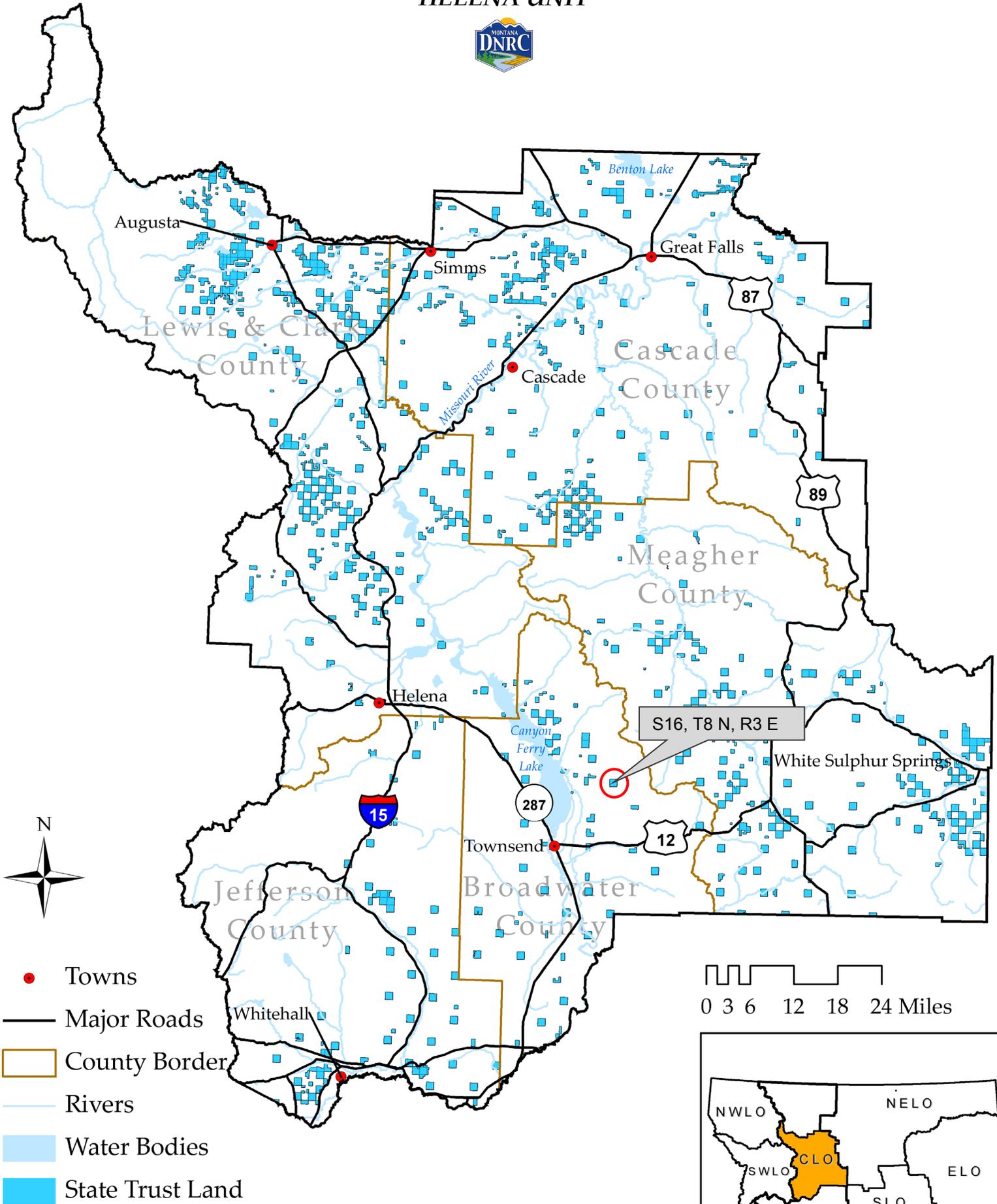
The Department has concluded that the proposed easement request is contrary to the general requirements of the Access Road Policy.

### **DNRC Recommendation**

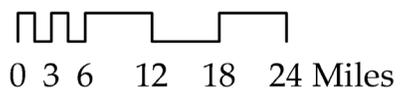
The director recommends the Land Board deny the request of Paul Armstrong for a private access road across Section 16, Township 8 North, Range 3 East.

# PAUL ARMSTRONG PRIVATE ACCESS VICINITY MAP HELENA UNIT

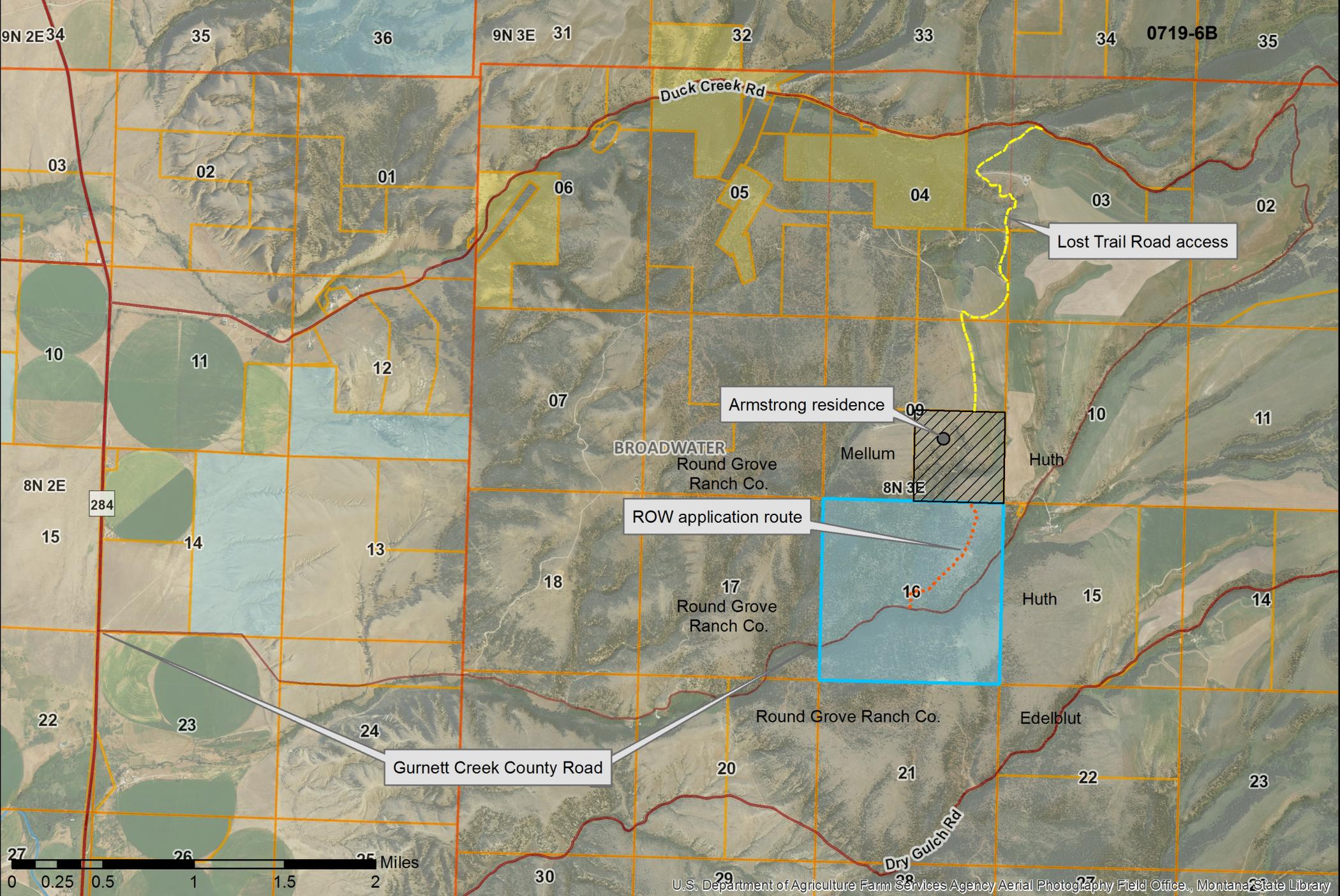
0719-6B



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



6/28/19



U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office., Montana State Library



Location: Broadwater County  
 Prepared on: 19 JUNE 2019  
 Prepared by: RMW  
 Projection: NAD 1983 - MT State Plane

**Legend**

- - - - - Proposed Access
- Existing Access
- Existing Road
- Armstrong
- S16, T8 N, R3 E
- Parcel
- Montana State Trust Land
- United States Forest Service
- Bureau of Land Management

6/28/19





***PAUL ARMSTRONG PRIVATE ACCESS***

# 0719-7

INFORMATIONAL ITEM

2019 Real Estate Project List

**Land Board Agenda Item  
July 2019**

**0719-7 INFORMATIONAL ITEM – 2019 REAL ESTATE PROJECT LIST**

**Location: Gallatin, Custer, Flathead, Lincoln, Sanders, Yellowstone, Missoula**

**Trust Benefits: Common Schools, University of Montana, Pine Hills School,  
State Normal School, Public Buildings**

**Trust Revenue: N/A**

**Item Summary**

The Trust Lands Management Division (TLMD) is required to identify Real Estate Projects annually through a Project Identification Team (PIT) consisting of Real Estate Bureau and land office staff. The PIT must report their identified Real Estate Projects annually to Land Board per ARM 36.25.909(3)(A). According to the Real Estate Management Plan:

*A Real Estate Project (Project) is a proposal to develop state trust land for a commercial, industrial, residential or conservation use, or a public facility where no such use existed previously, when one or more of the following are required by a local government: a) subdivision approval; b) annexation; or c) development or amendment of a growth policy or neighborhood plan. Real estate project also means the development of entitlements on state trust lands proposed for sale or exchange.*

Seven of the fifteen Projects are currently generating annual revenue through commercial leasing, and ten of the Projects are in various stages of the commercial leasing process.

**Background:**

The *Real Estate Management Plan Record of Decision (ROD)* was approved in July 2005. The ROD provides the TLMD with consistent policy and direction in the selection and implementation of real estate activities on state Trust Lands.

The PIT selected the Projects on the following table in adherence to the ROD. The ROD defines a comprehensive process that includes both extensive site investigation and participation of the public and local units of government. These Projects successfully completed the required analysis which ensures development is physically possible and legally permissible. Further, the Projects meet the three goals of the Real Estate Management Plan:

**Goal A: Share in Expected Community Growth** – these Projects capture a share of development taking place in Montana’s communities.

**Goal B: Plan Proactively** – department staff have participated in numerous neighborhood/community meetings and worked closely with local officials during design and ongoing development of these projects. The department works cooperatively with local communities in locating projects in designated growth areas and strategic rural areas.

**Goal C: Increase Revenue for Trust Beneficiaries** – the selected projects increase revenue from the lands proposed for development and generate the greatest amount of revenue per acre.

The Project list will be made available to the public on The Department of Natural Resources and Conservation (DNRC) website.



## 2019 REAL ESTATE PROJECT LIST

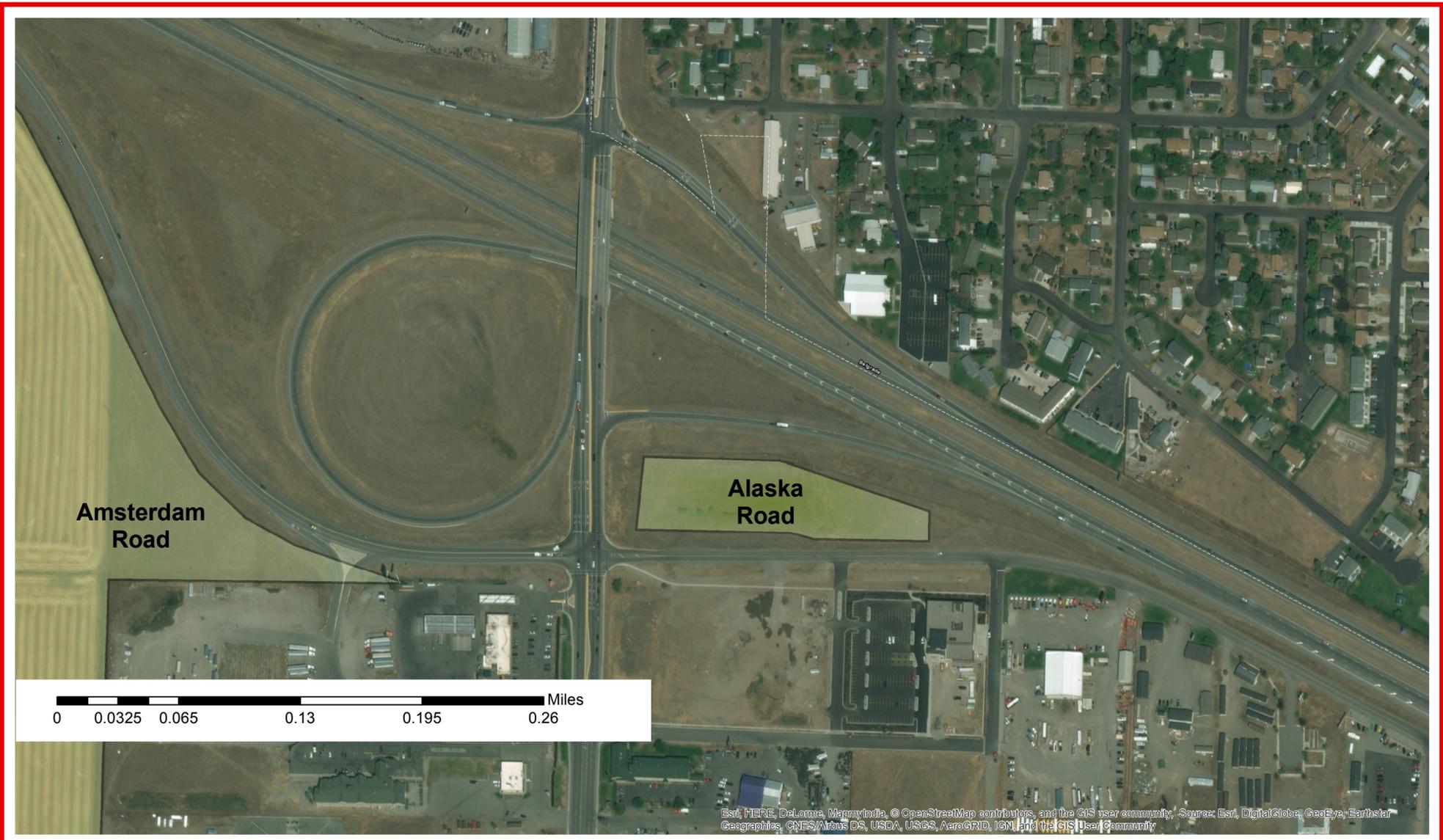
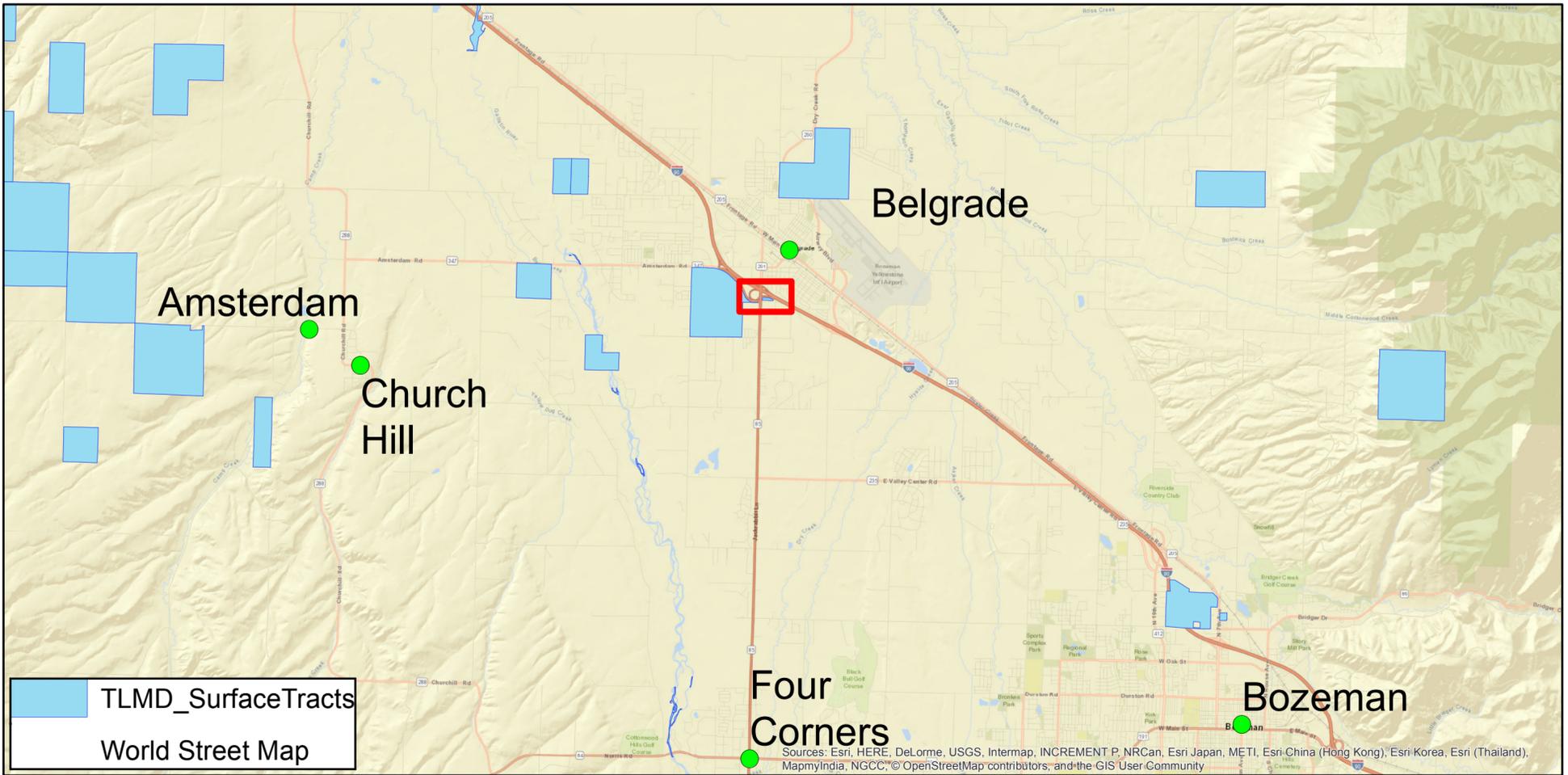
0719-7

DNRC has identified the following Real Estate Projects in compliance with the agency's Real Estate Management Plan.

Real Estate Project	Description	Grant	Office	County	Acres	Urban/ Rural	Status
Alaska Road	<b>Belgrade:</b> Commercial/industrial development.	Common Schools	CLO	Gallatin	3.3	Urban	<b>Active Project:</b> This property is under commercial lease for a McKenzie River Pizza, and two additional pad sites. FY19 rent reflects a prorated amount and includes a rent credit for infrastructure. Rent will more than double in FY20. Income generated in FY19: <b>\$8,900</b>
Amsterdam Road	<b>Belgrade:</b> Anticipated mixed use development; will require annexation and rezoning of parcel.	Common Schools	CLO	Gallatin	450	Urban	<b>Active Project:</b> FY19 the Department released a request for proposal for commercial development and did not receive any qualified proposals. In FY20, the Department will be researching master planning strategies. The property is currently occupied with an active agriculture lease and one home site.
Lewis & Clark Subdivision	<b>Bozeman:</b> Commercial/industrial development.	Common Schools	CLO	Gallatin	28	Urban	<b>Active Project:</b> All lots at Lewis and Clark are under Lease. Development continues on Block 2, Lot 3 which will now include a gymnastics facility. Block 2, Lot 4 is under lease and pending final site plan approval. Income generated through the commercial lease development in FY19: <b>\$293,862</b>
North Park	<b>Bozeman:</b> Commercial/industrial development.	Common Schools	CLO	Gallatin	178	Urban	<b>Active Project:</b> North Park East is currently under an Option to Lease for a multiphase commercial/industrial development. The developer is expected to execute a Lease and begin infrastructure development in early FY20. Income generated through lease option in FY19: <b>\$40,875</b>
Fox Farm	<b>Great Falls:</b> Anticipated mixed use development; will require annexation and rezoning of parcel. A portion of the property fronts the Missouri River.	U of M	CLO	Cascade	90	Urban	<b>Active Project:</b> In FY19, the Department secured an appraisal for the project area and has continued to work with local interest groups on conservation considerations. In FY20, the Department will review any formal proposals received for conservation in lieu of development and determine the next steps for the financial interest of the trust.
Penwell Bridge	<b>Belgrade:</b> Anticipated commercial development; will require annexation and rezoning.	Common Schools	CLO	Gallatin	120	Urban	<b>Active Project:</b> Ten acres of the project area are currently under an option to lease for a storage facility. In FY19, the Department received a letter of interest from the airport for long-term use of portions of the project area. Additionally, the City of Belgrade is planning for expansion of their sewage treatment capacity upon portions of the project area. In FY20, the Department will work on strategic planning for the property to maximize long-term revenue to the trust that includes development of entitlements, considers the airport and the City expansions, and pursues further commercial lease opportunities. Income generated through commercial lease option in FY19: <b>\$3,750</b>
Bull Pasture Subdivision	<b>Miles City:</b> Commercial/industrial development.	Pine Hills School	ELO	Custer	60	Urban	<b>Active Project:</b> One of five lots are currently under lease. Income generated through commercial lease development in FY19: <b>\$7,331</b>

Real Estate Project	Description	Grant	Office	County	Acres	Urban/ Rural	Status
<b>Spring Prairie Commercial Infill (Section 36)</b>	<b>Kalispell:</b> Commercial/professional development.	Common Schools	<b>NWLO</b>	Flathead	530	Urban	<b>Active Project:</b> Lease development on Kalispell's Section 36 is ongoing. In FY19, two Options were exercised and converted to full Leases, including a 25-acre professional project and 8-acre residential project, and one new request for proposals was released for a 22-acre master development site (closing September 18, 2019). Currently there are 11 active leases on the section. Income generated through commercial lease development in FY19: <b>\$886,126</b>
<b>Cripple Horse Creek</b>	<b>Libby:</b> Anticipated commercial recreation development adjacent to an existing commercial resort on Lake Kookanusa.	Public Buildings	<b>NWLO</b>	Lincoln	162.5	Rural	<i>Project pending market interest.</i>
<b>Libby Creek/Ponderosa Plantation</b>	<b>Libby:</b> Anticipated residential development.	Common Schools	<b>NWLO</b>	Lincoln	120	Rural	<i>Project pending market interest. A feasibility study resulted in a conceptual design for a residential subdivision with 2.5 acre lots. ROW issues to serve the property with a county road have been resolved. The county recently constructed a road through the property that could potentially serve residential development.</i>
<b>Libby Golf Club area lands</b>	<b>Libby:</b> Anticipated residential development adjacent to the Libby Golf Club.	Common Schools	<b>NWLO</b>	Lincoln	640	Rural	<i>Project pending market interest.</i>
<b>Libby area lands - Cabinet Range View</b>	<b>Libby:</b> Anticipated low density residential development.	Common Schools	<b>NWLO</b>	Lincoln	800	Rural	<i>Project pending market interest.</i>
<b>Libby area lands – Kooconusa River View</b>	<b>Troy:</b> Anticipated low density residential development.	Common Schools	<b>NWLO</b>	Lincoln	45.9	Rural	<i>Project pending market interest.</i>
<b>Skyview Ridge Subdivision</b>	<b>Billings:</b> Mixed use development including lease for commercial development as well as sale of residential parcels.	Common Schools	<b>SLO</b>	Yellowstone	285	Urban	<b>Active Project:</b> In FY20 the Department will strategize on new approaches to marketing and leasing commercial property on the project area. Income generated through commercial communication site leases in FY19: <b>\$23,773</b>
<b>Reserve Street</b>	<b>Missoula:</b> Commercial/professional development.	Common Schools	<b>SWLO</b>	Missoula	2.8	Urban	<b>Active Project:</b> In FY19 an Option holder on parcel A of the project area relinquished the Option and the Department released a new request for proposal for both Parcel A and Parcel B. The RFP will close in September 25, 2019 and the Department anticipates entering into a lease or option in FY20.

# Alaska Road - Belgrade



## Legend

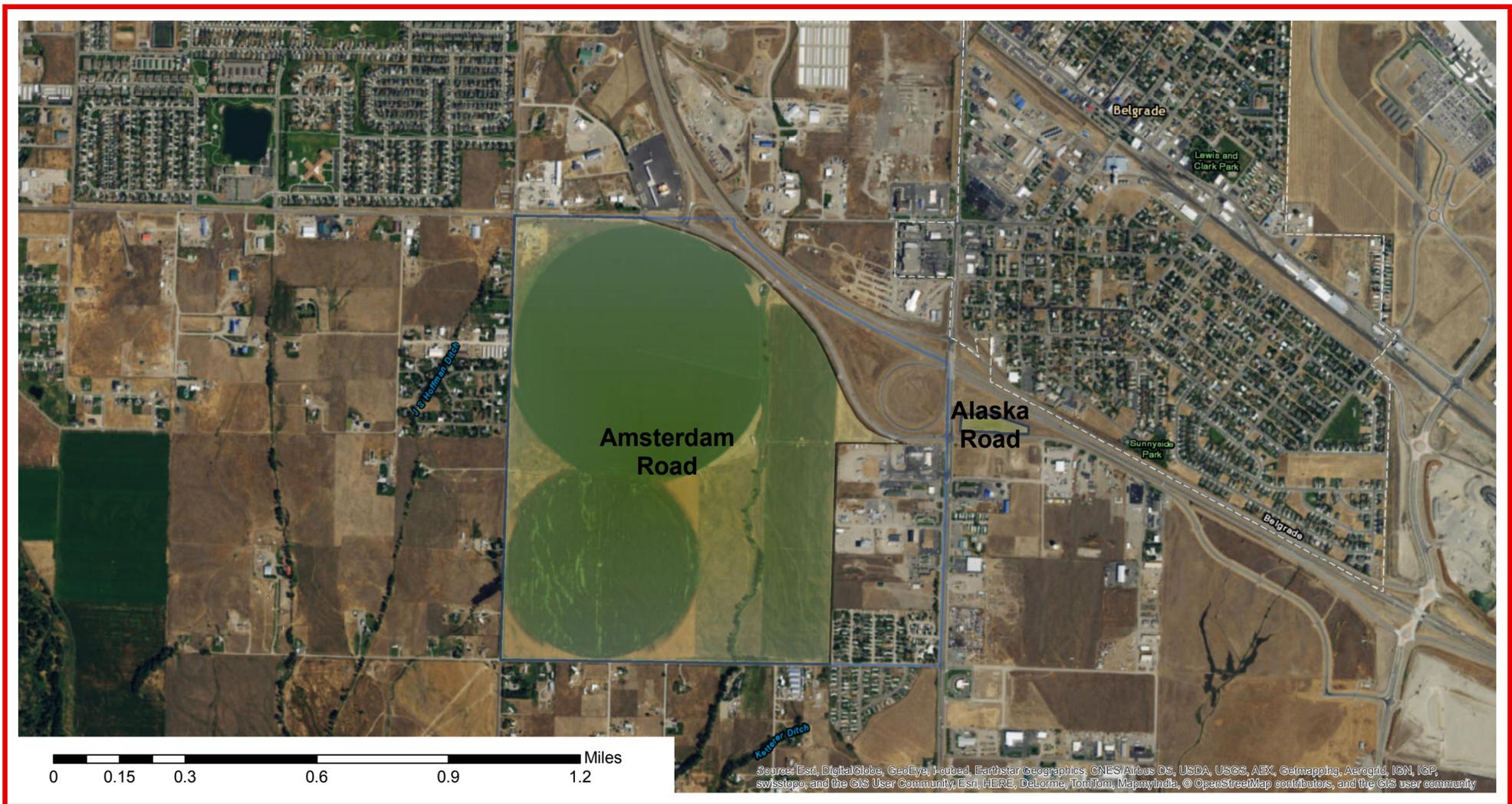
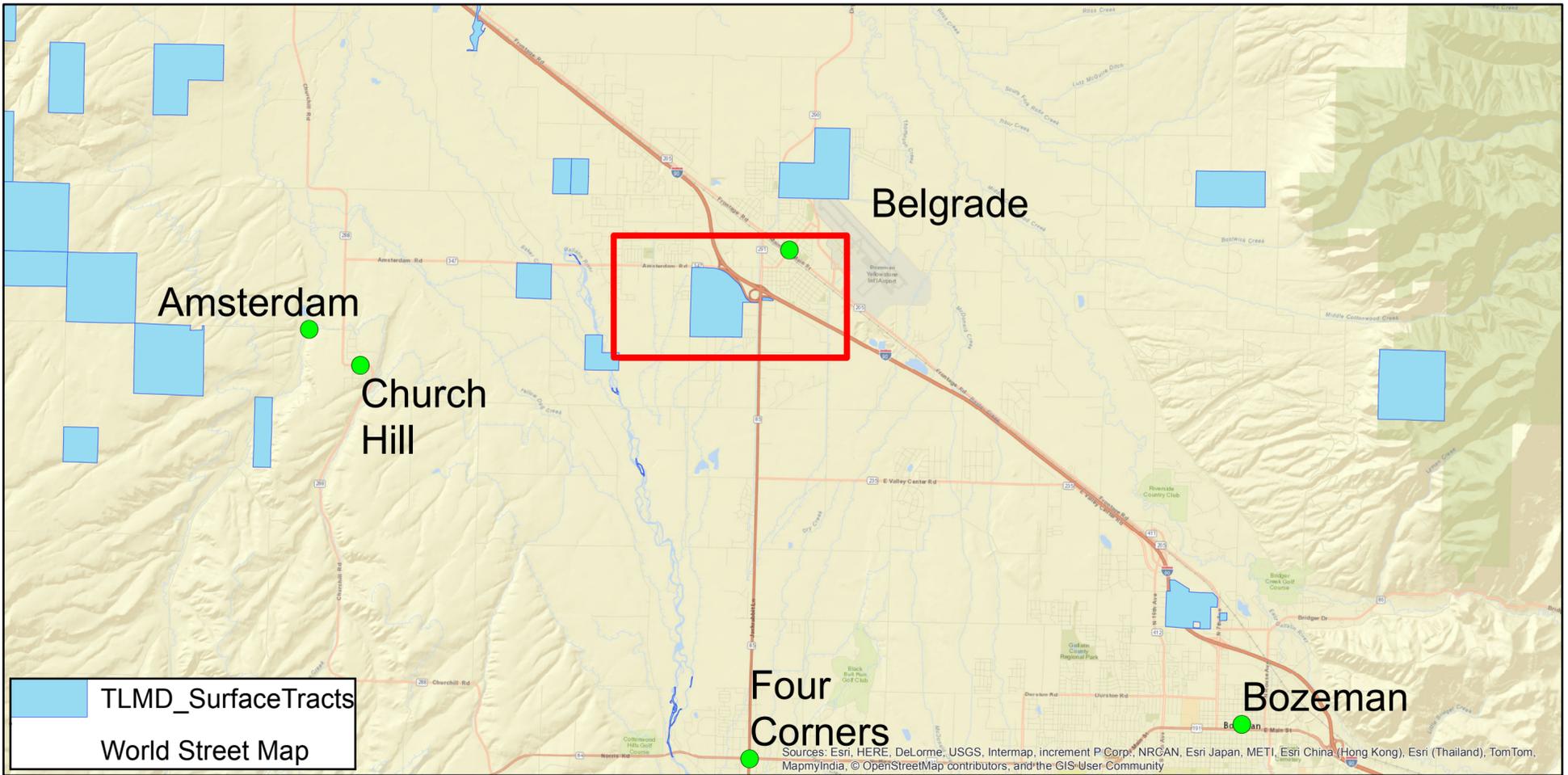
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Gallatin County, MT  
 Date: 6-5-2018  
 Prepared By: REMB Staff Member  
 Projection: NAD83 Montana State Plane



# Amsterdam Road, Alaska Road - Belgrade



## Legend



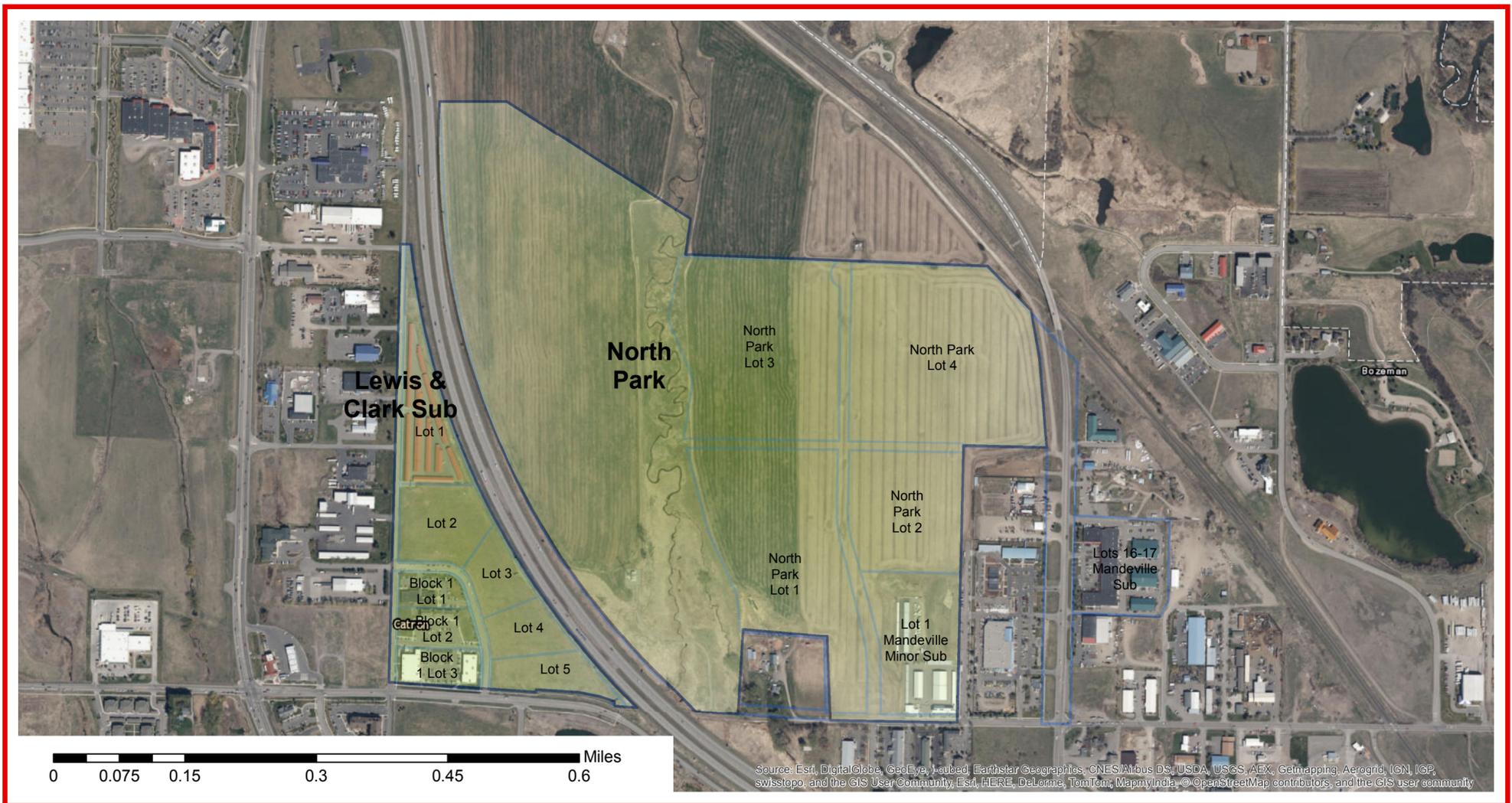
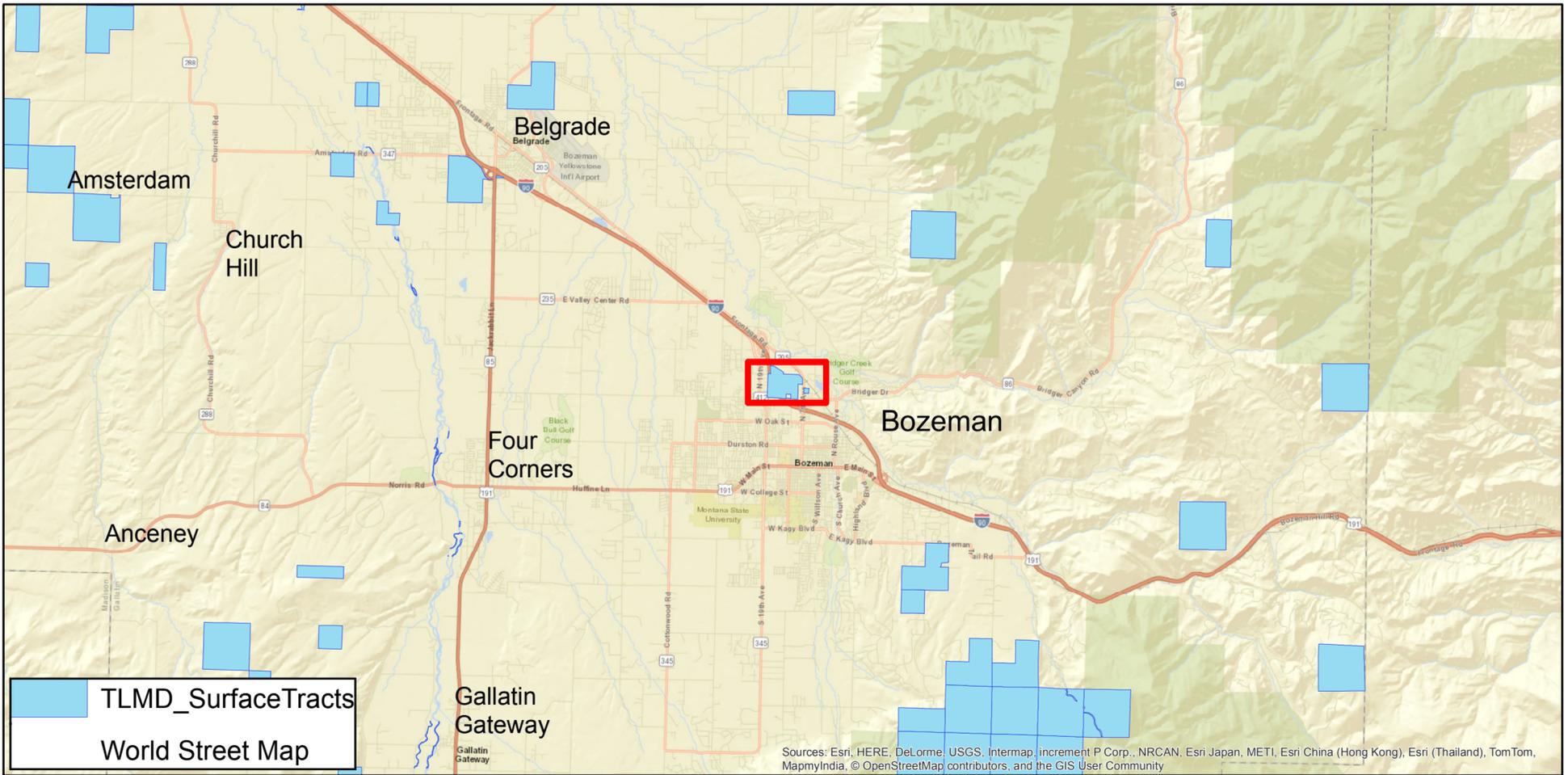
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Gallatin County, MT  
 Date: 8-2-2017  
 Prepared By: REMB Staff Member  
 Projection: NAD83 Montana State Plane



# North Park, Lewis and Clark Sub - Bozeman



## Legend



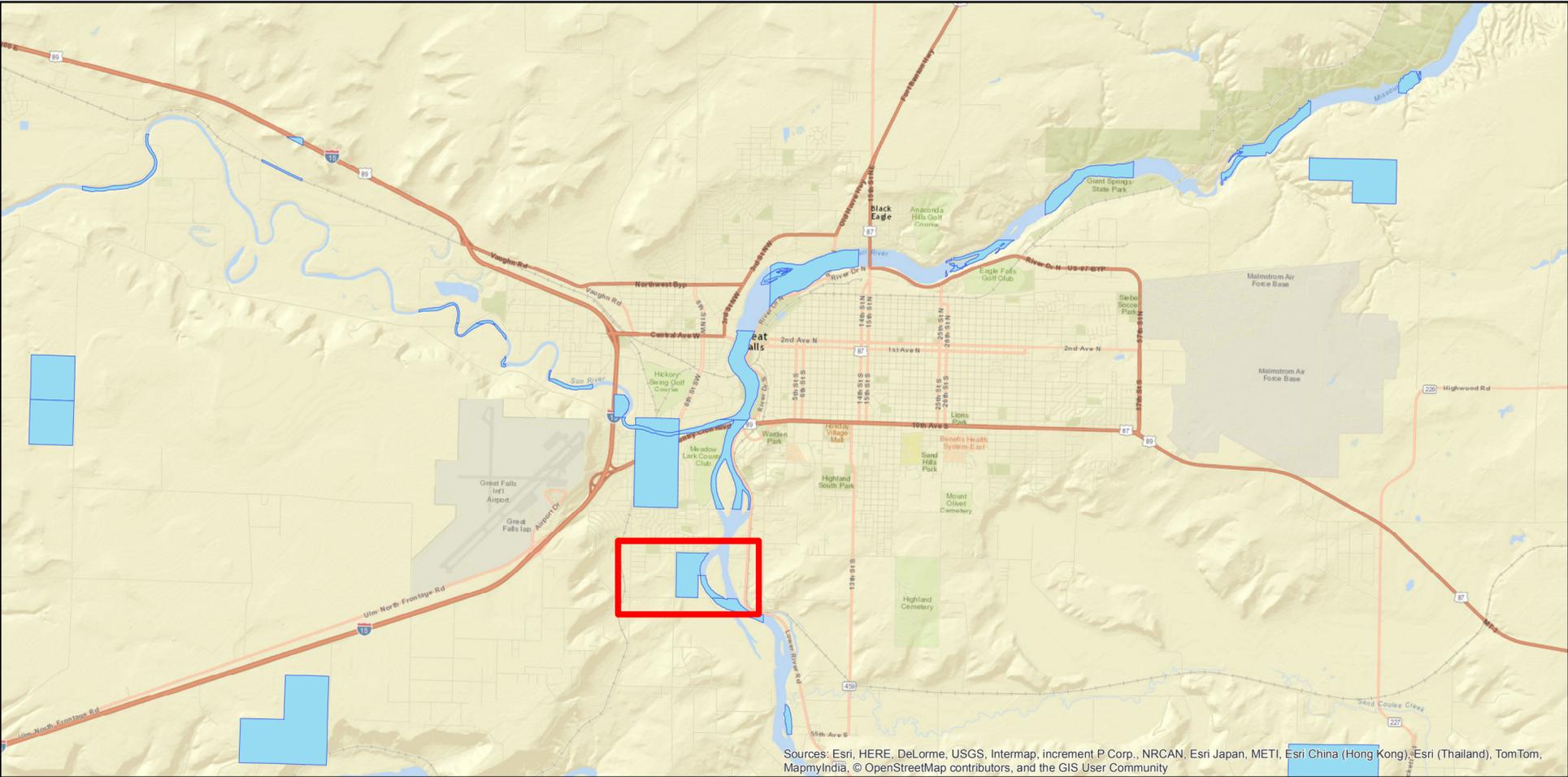
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Inset Area from top map shown in bottom map

**Location: Gallatin County, MT**  
**Date: 8-2-2017**  
**Prepared By: REMB Staff Member**  
**Projection: NAD83 Montana State Plane**



# Fox Farm Road - Great Falls



## Legend

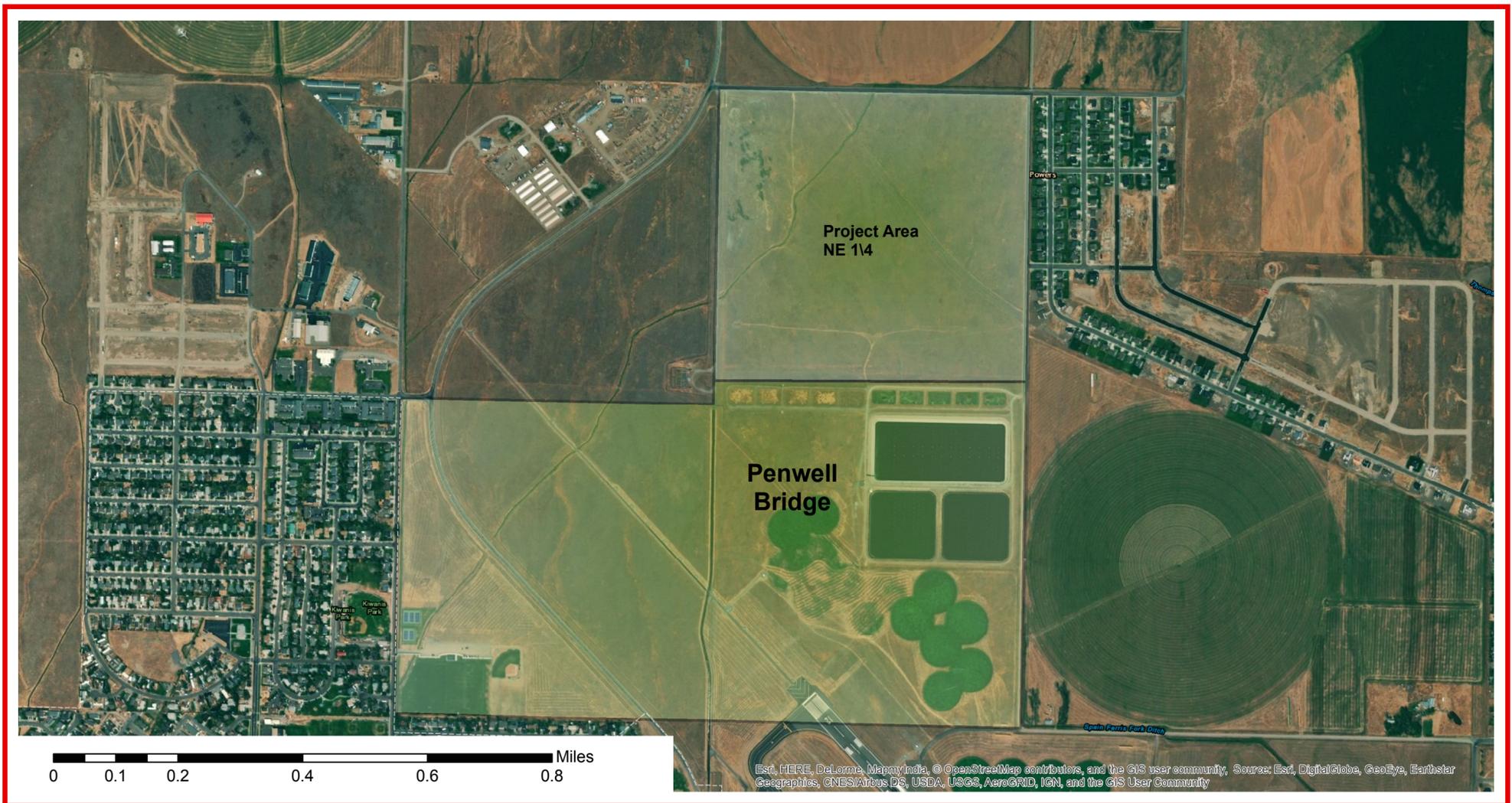
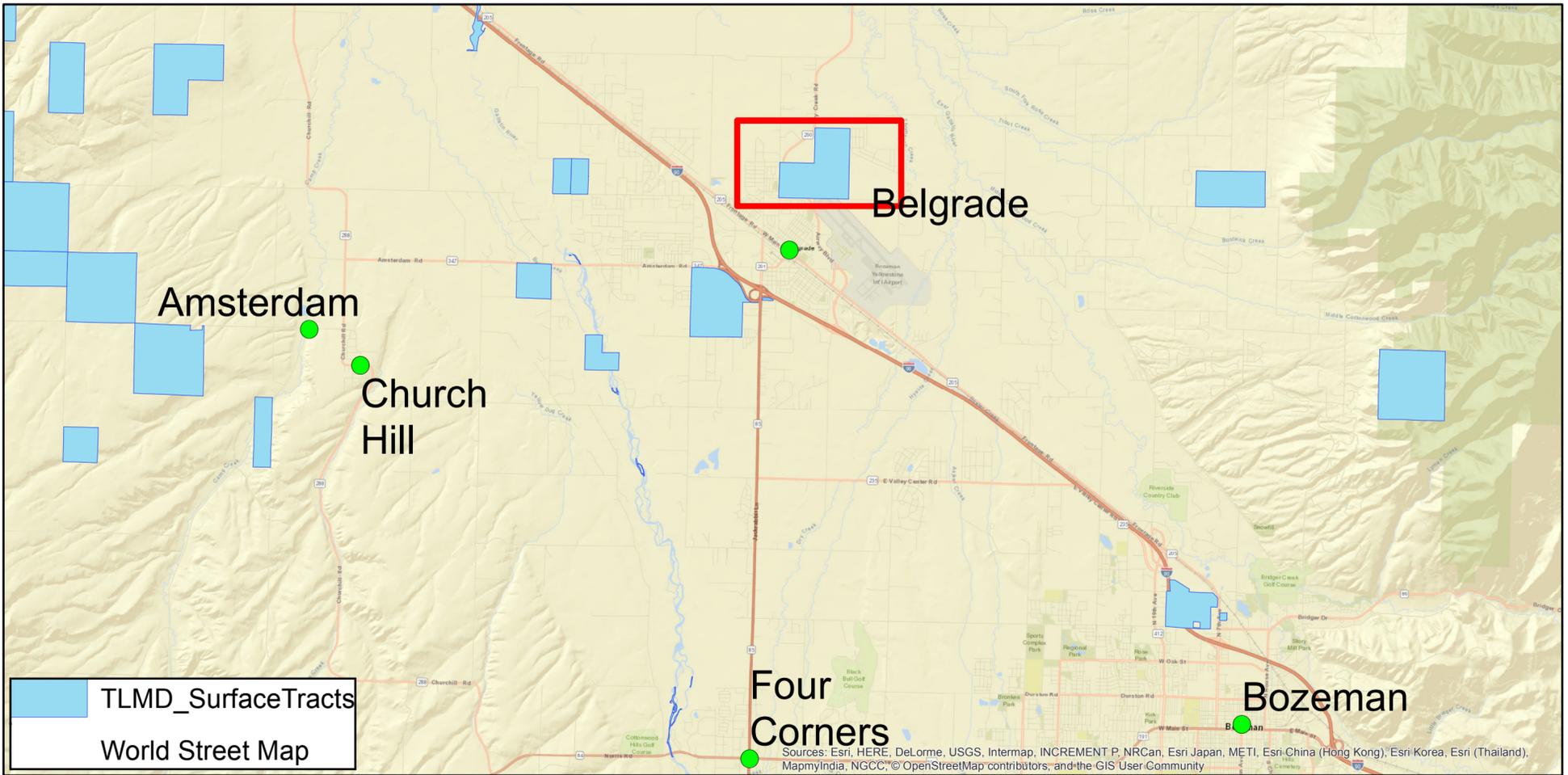


-  World Boundaries and Places
-  Commercial Projects *Development Project Area*
-  World Imagery
-  Trust Land Tracts

Location: Cascade County, MT  
 Date: 8-2-2017  
 Prepared By: REMB Staff Member  
 Projection: NAD83 Montana State Plane



# Penwell Bridge - Belgrade



## Legend

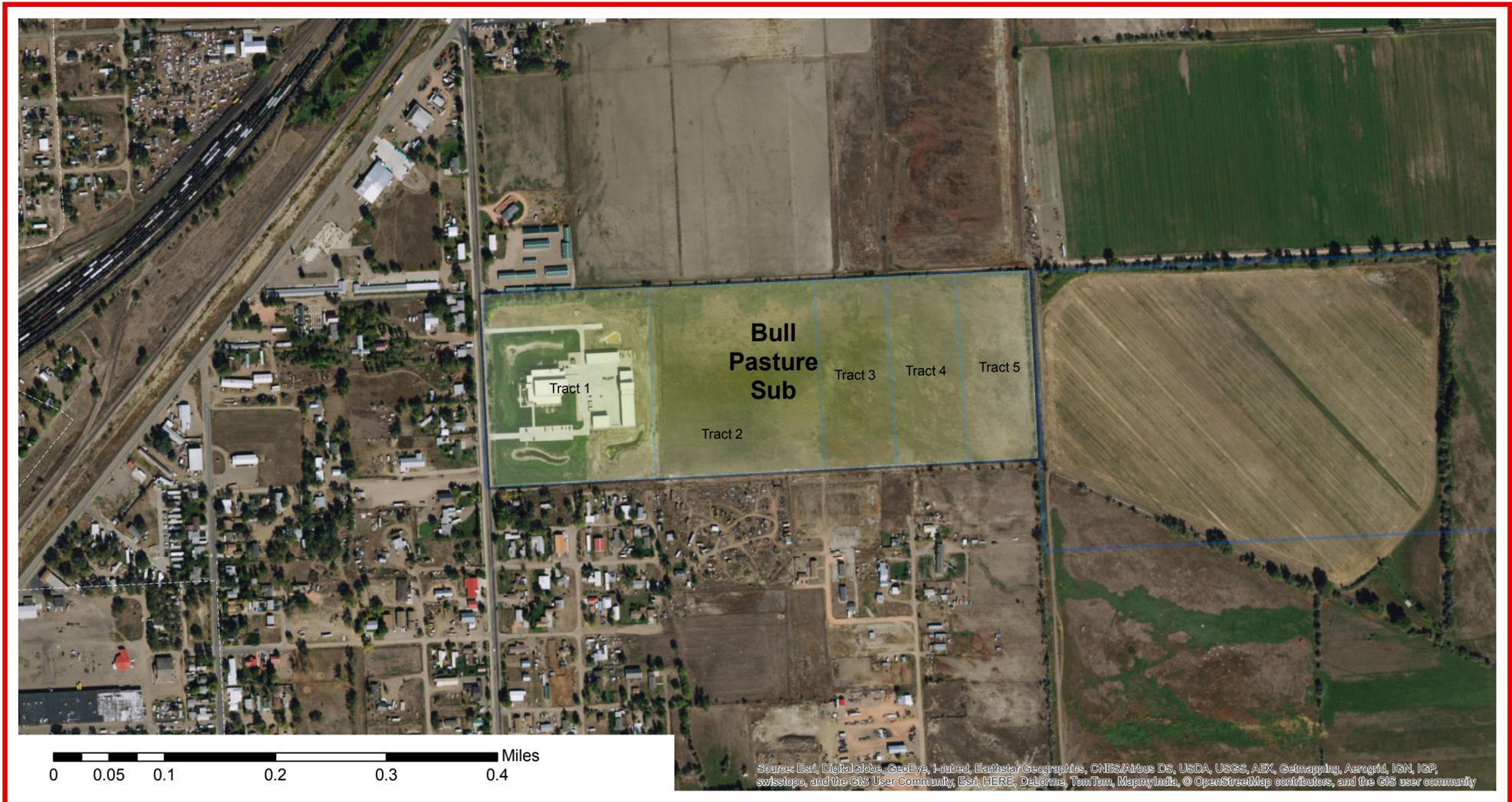
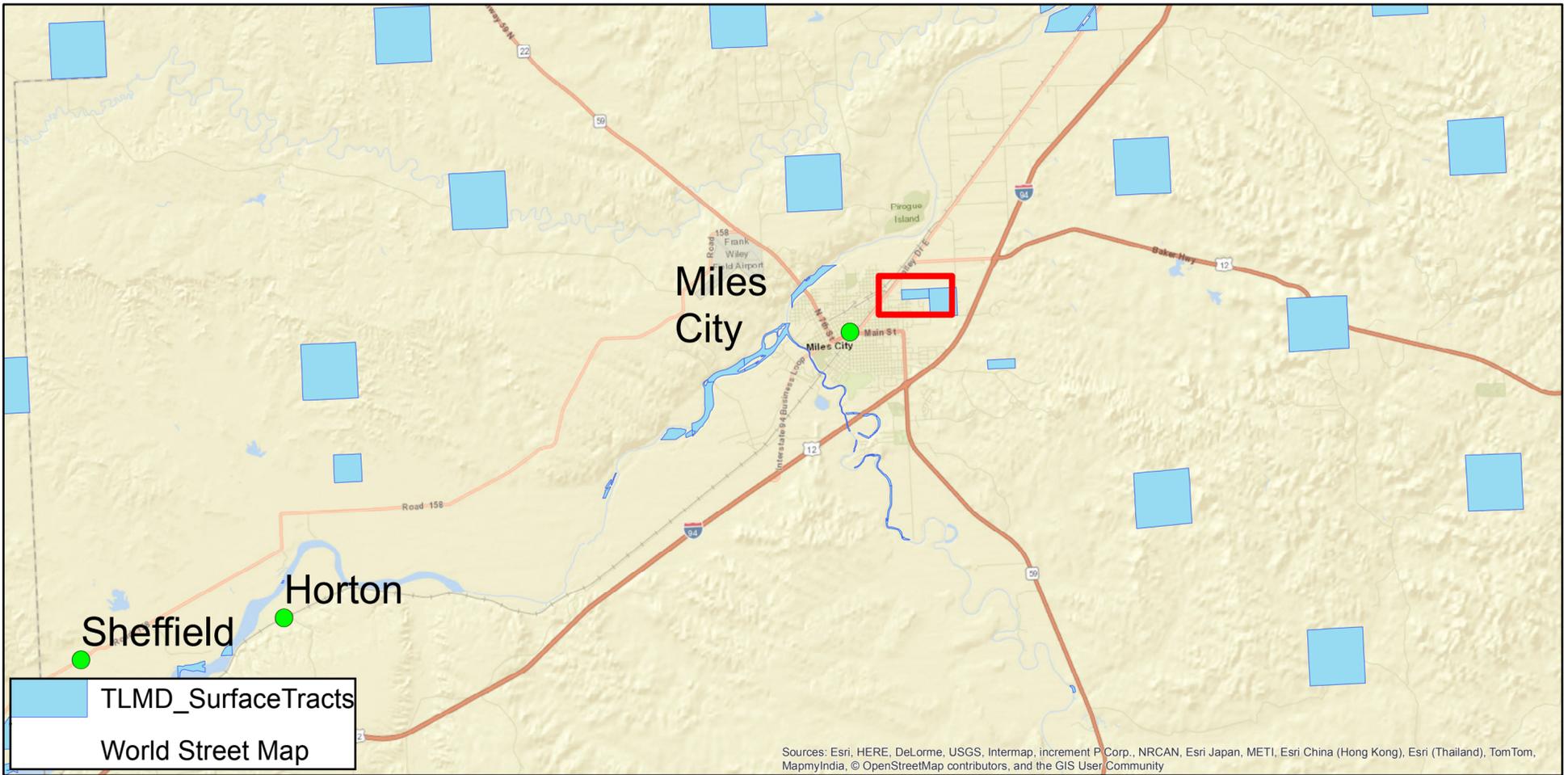
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Gallatin County, MT  
 Date: 6-5-2018  
 Prepared By: REMB Staff Member  
 Projection: NAD83 Montana State Plane



# Bull Pasture Sub - Miles City



## Legend



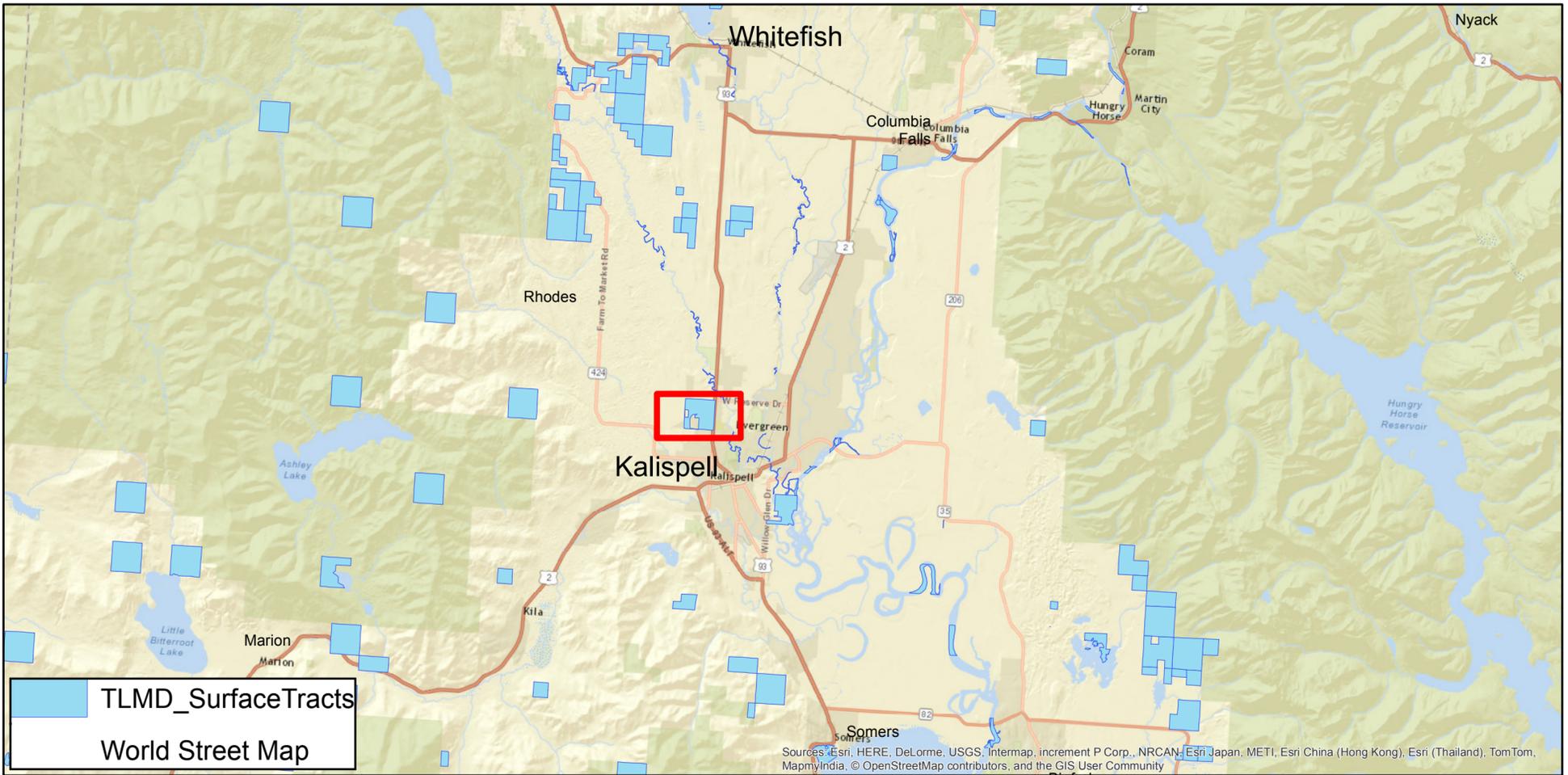
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Custer County, MT  
Date: 8-2-2017  
Prepared By: REMB Staff Member  
Projection: NAD83 Montana State Plane



# Spring Prairie - Kalispell



## Legend



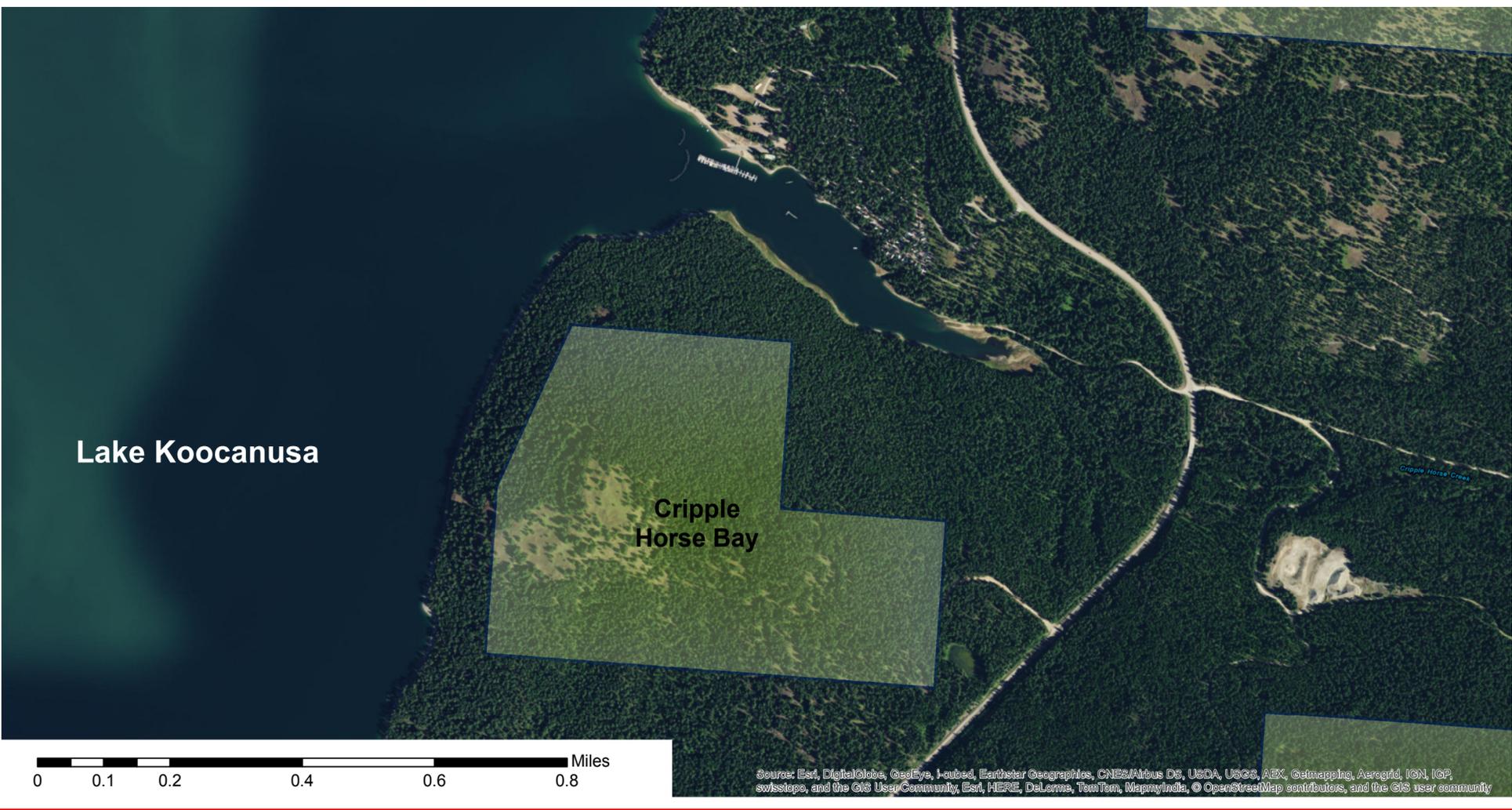
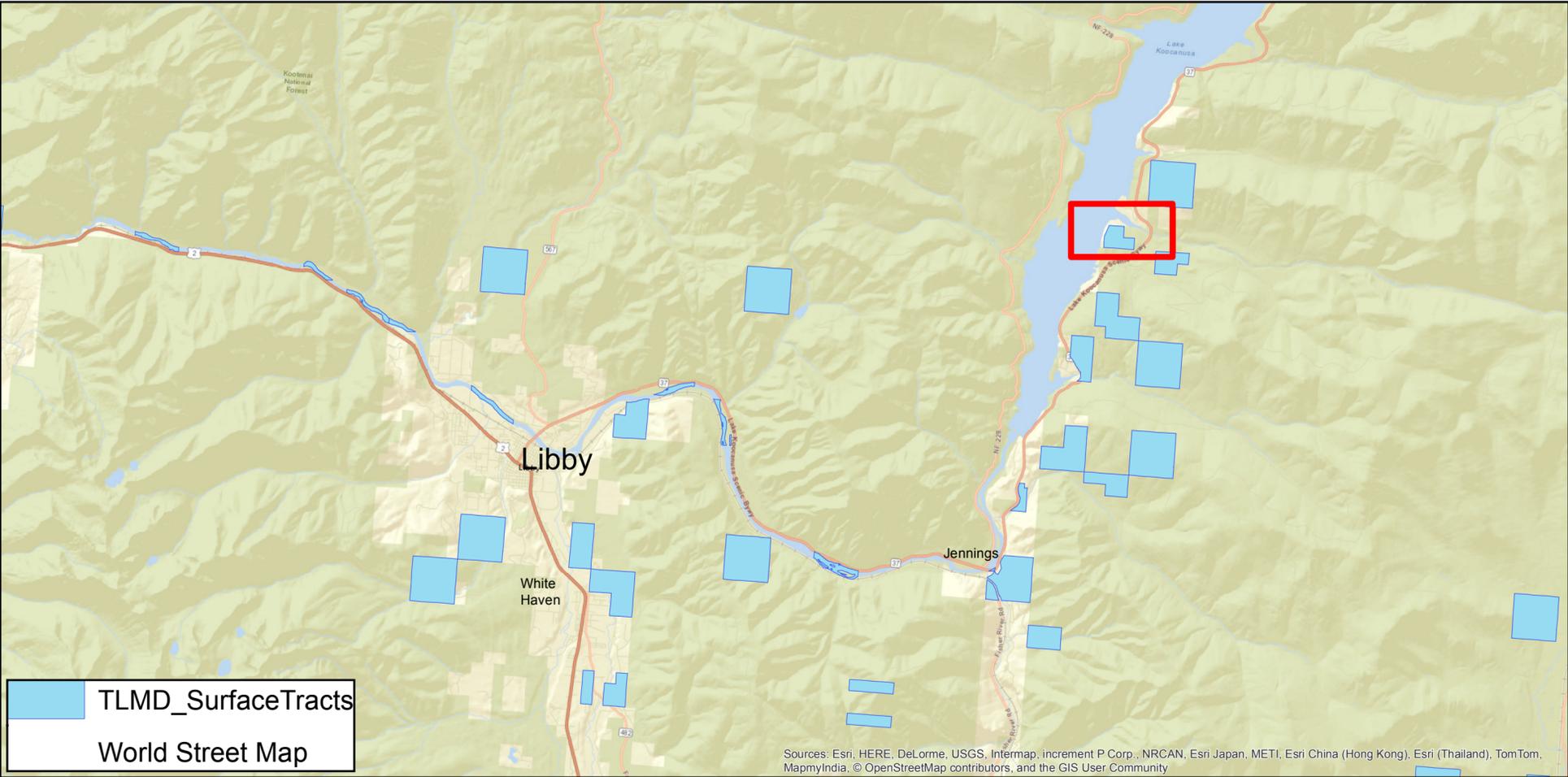
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Flathead County, MT  
 Date: 8-7-2017  
 Prepared By: REMB Staff Member  
 Projection: NAD83 Montana State Plane



# Cripple Horse Creek - Libby Area



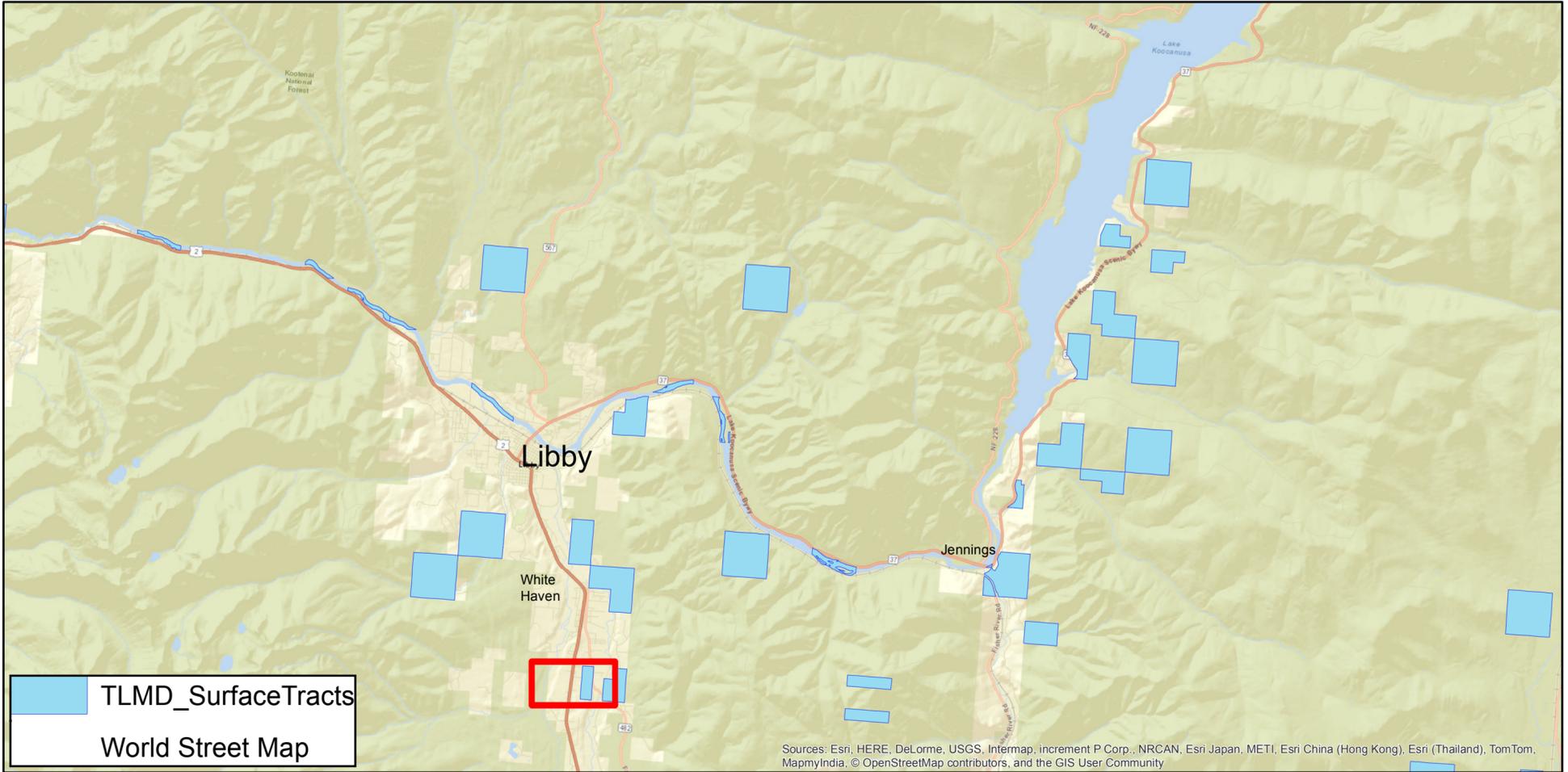
**Legend**

- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Location: Lincoln County, MT  
 Date: 8-7-2017  
 Prepared By: REMB Staff Member  
 Projection: NAD83 Montana State Plane



# Libby Creek/Ponderosa Plantation - Libby Area



## Legend



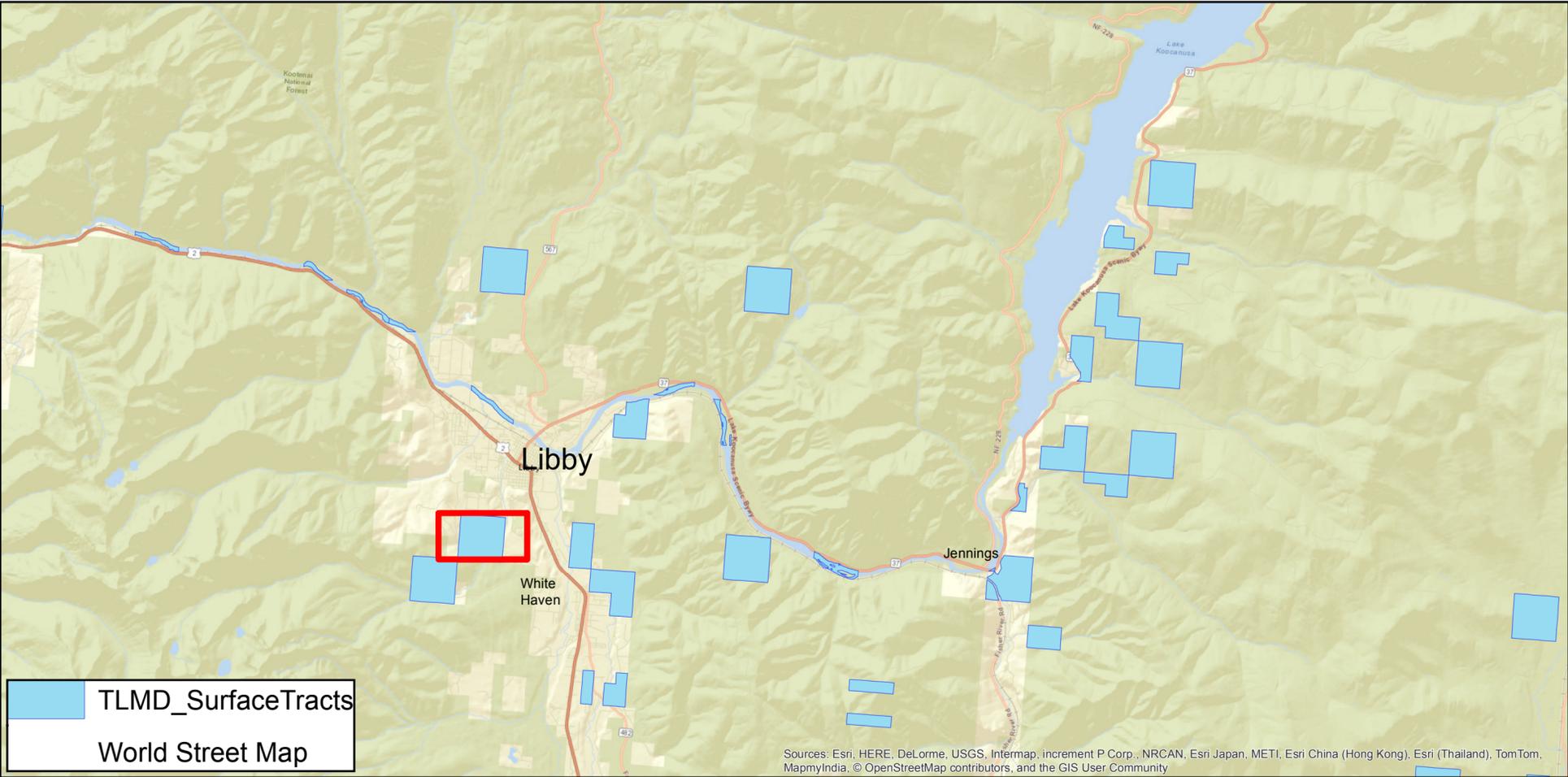
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Lincoln County, MT  
Date: 8-7-2017  
Prepared By: REMB Staff Member  
Projection: NAD83 Montana State Plane



# Libby Golf Club Area - Libby Area



## Legend



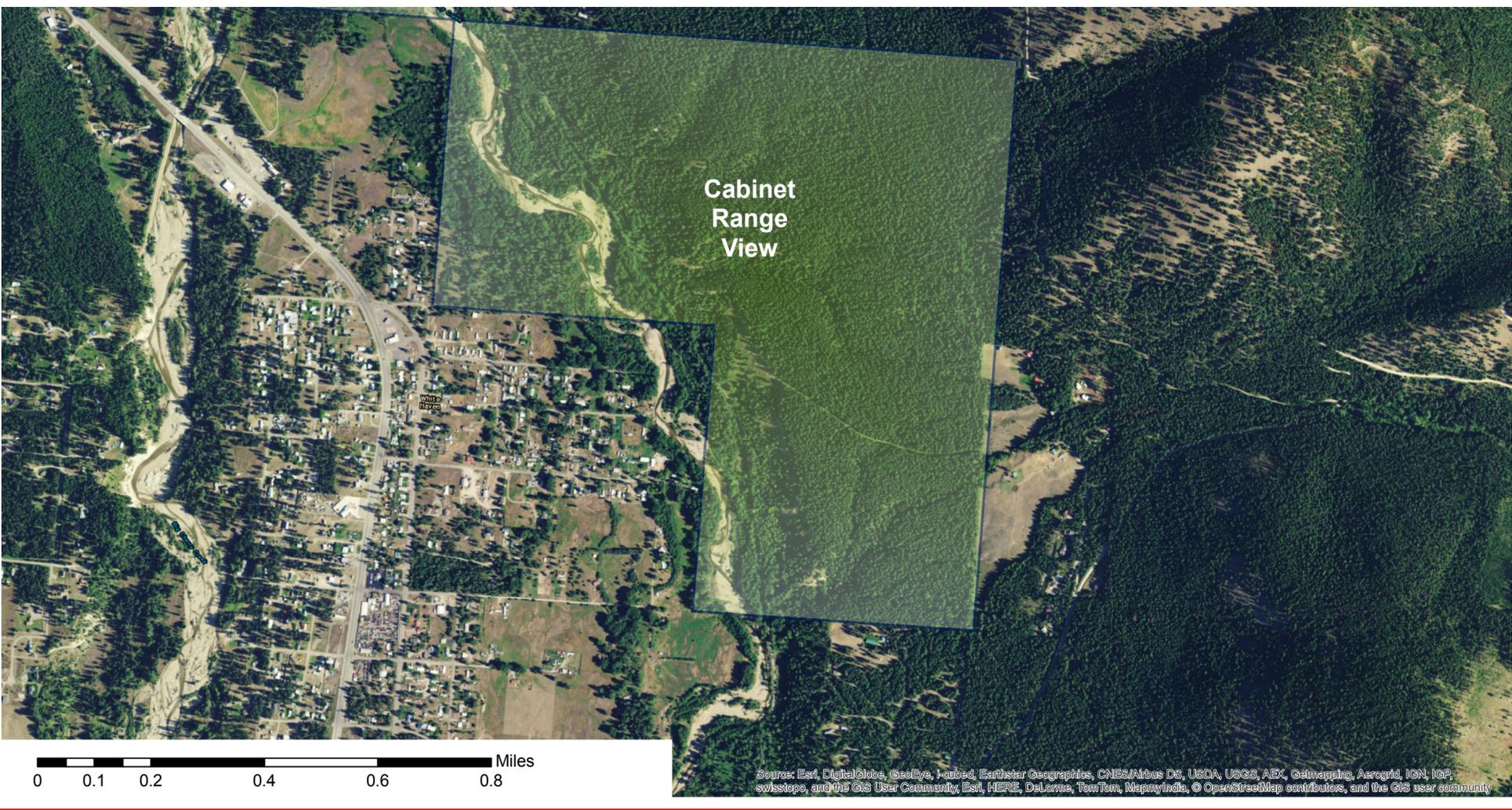
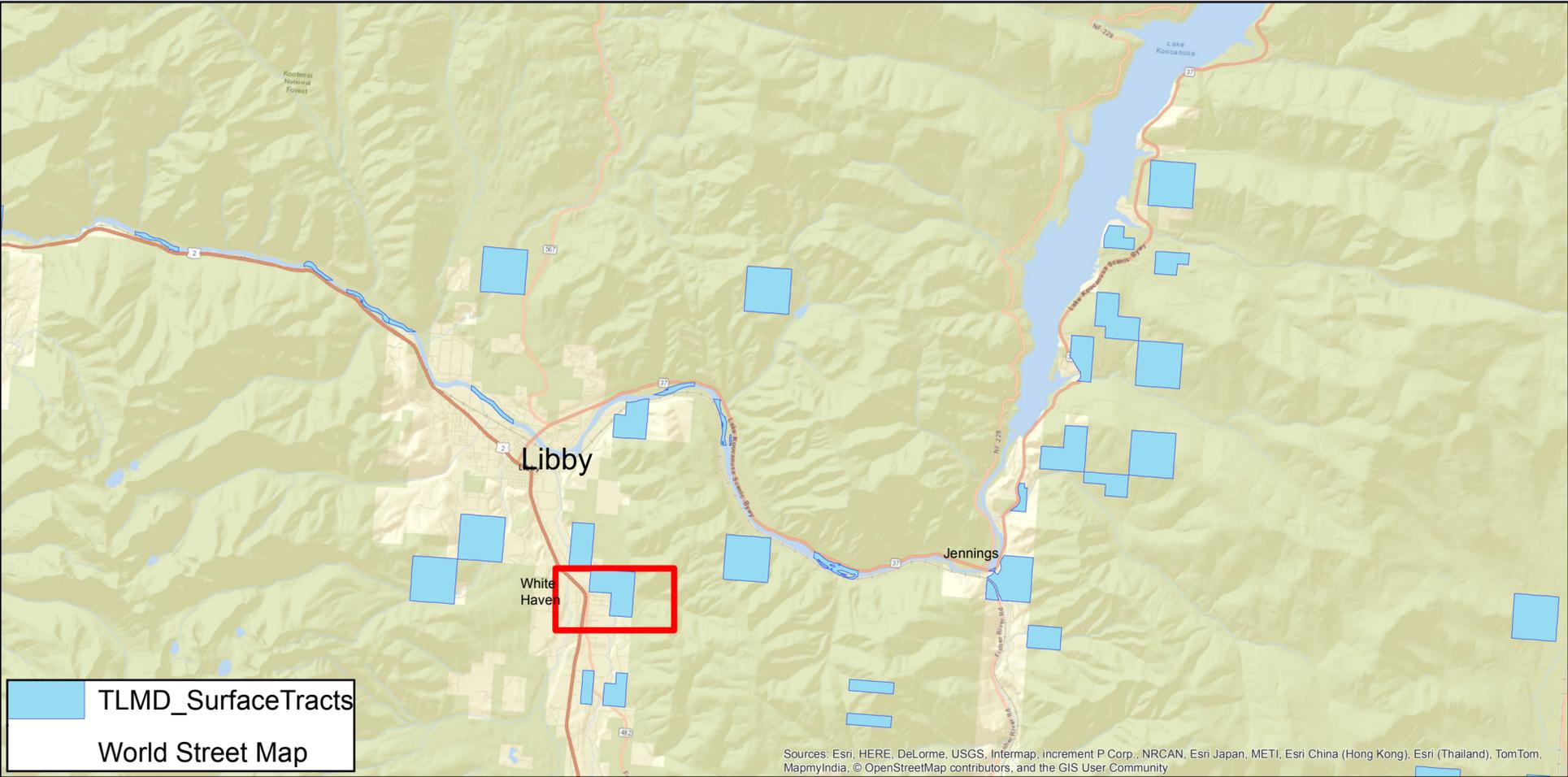
-  World Boundaries and Places
-  Commercial Projects *Development Project Area*
-  World Imagery
-  Trust Land Tracts

 Inset Area from top map shown in bottom map

Location: Lincoln County, MT  
Date: 8-7-2017  
Prepared By: REMB Staff Member  
Projection: NAD83 Montana State Plane



# Cabinet Range View - Libby Area



## Legend



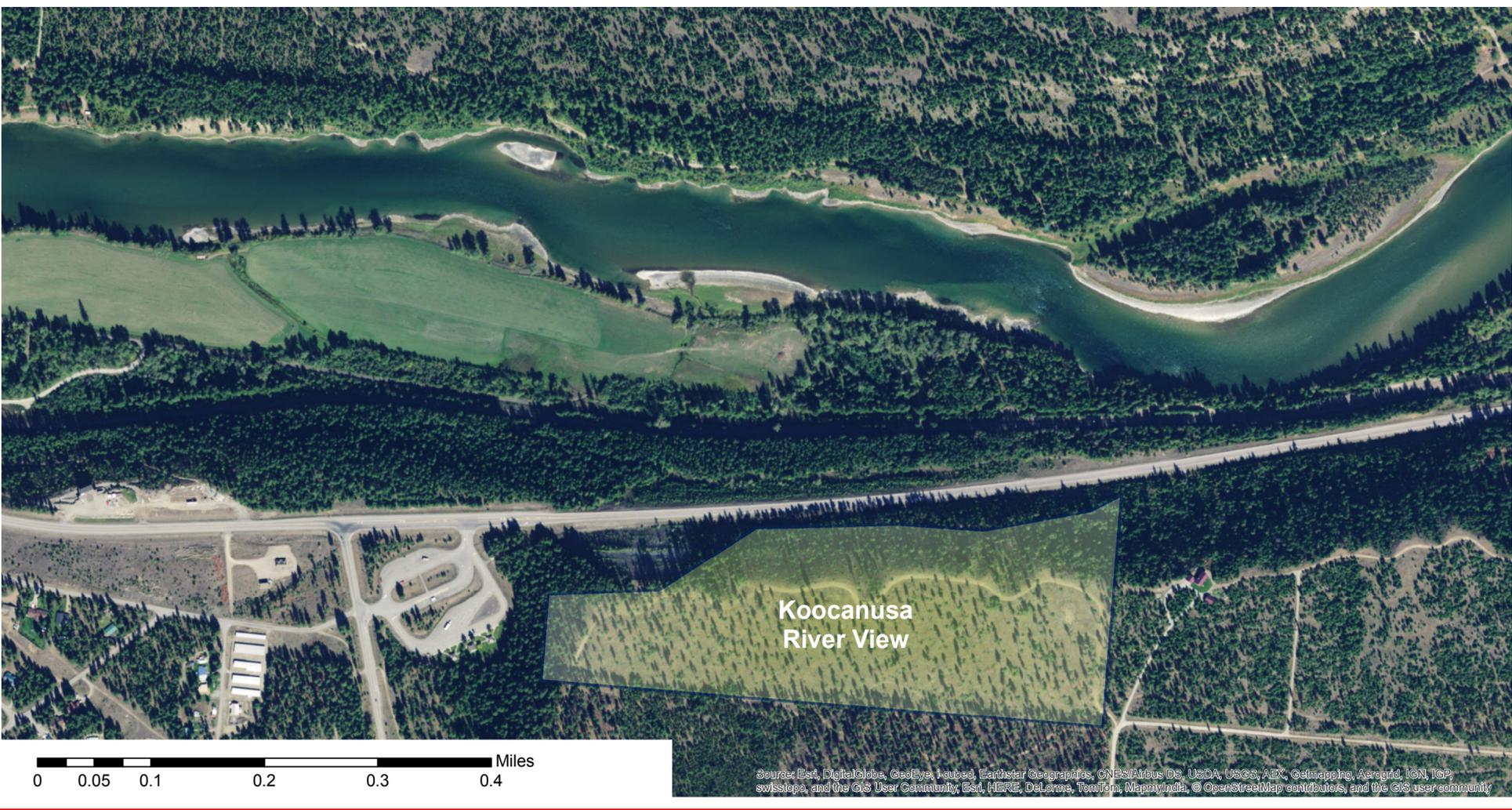
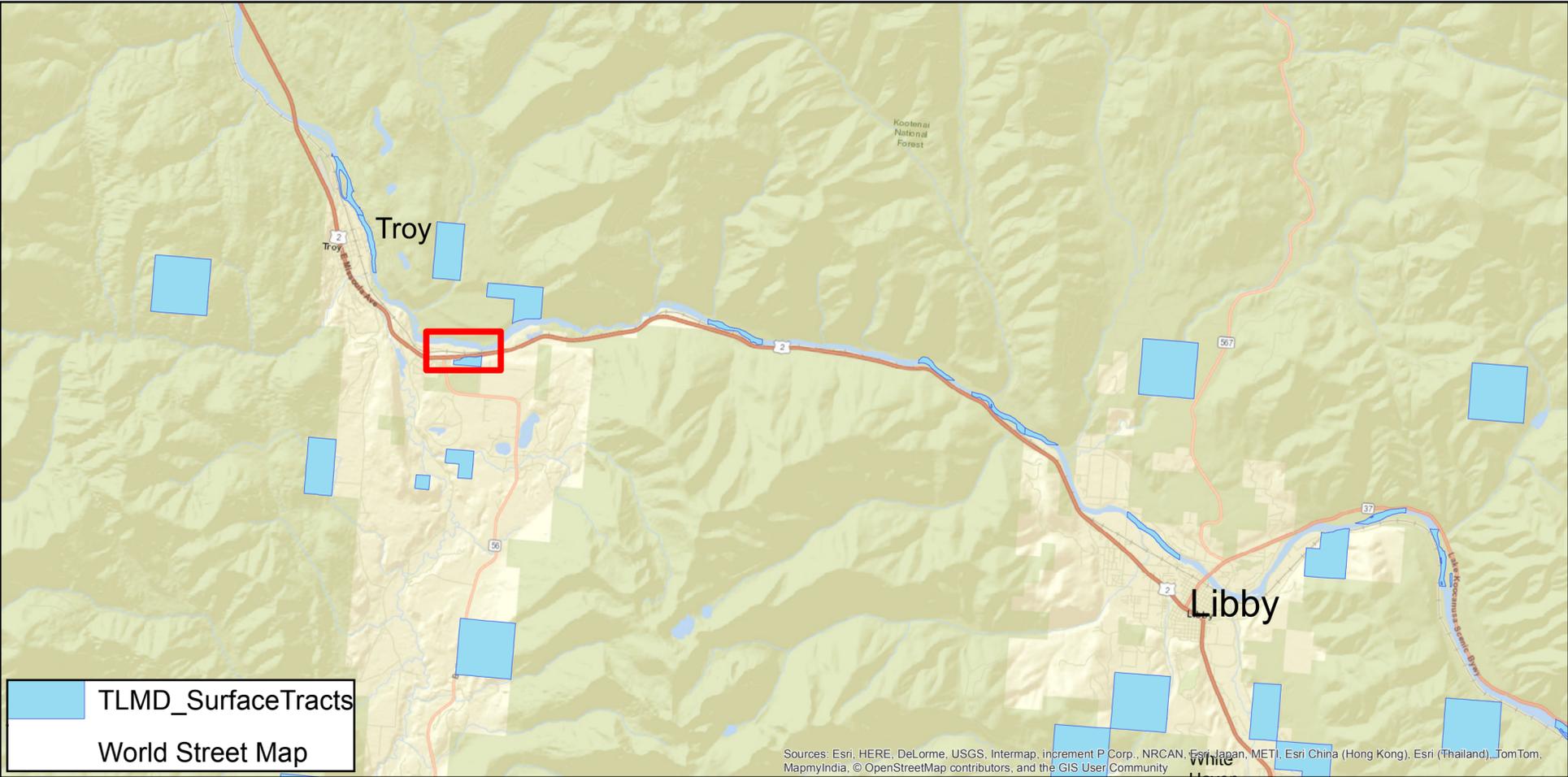
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Lincoln County, MT  
 Date: 8-7-2017  
 Prepared By: REMB Staff Member  
 Projection: NAD83 Montana State Plane



# Kooconusa River View - Libby Area



## Legend



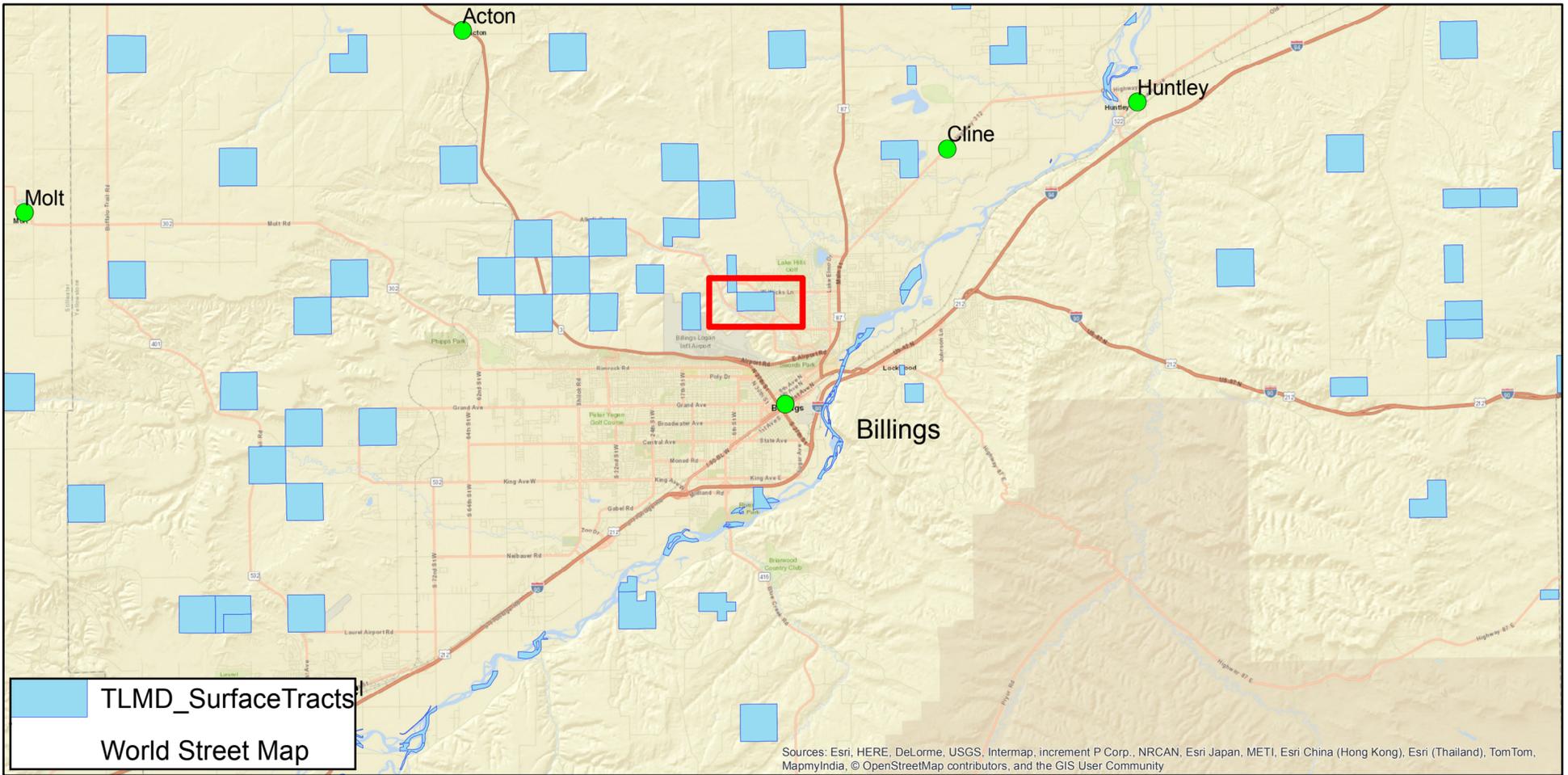
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Lincoln County, MT  
 Date: 8-7-2017  
 Prepared By: REMB Staff Member  
 Projection: NAD83 Montana State Plane



# Skyview Ridge Subdivision - Billings



## Legend



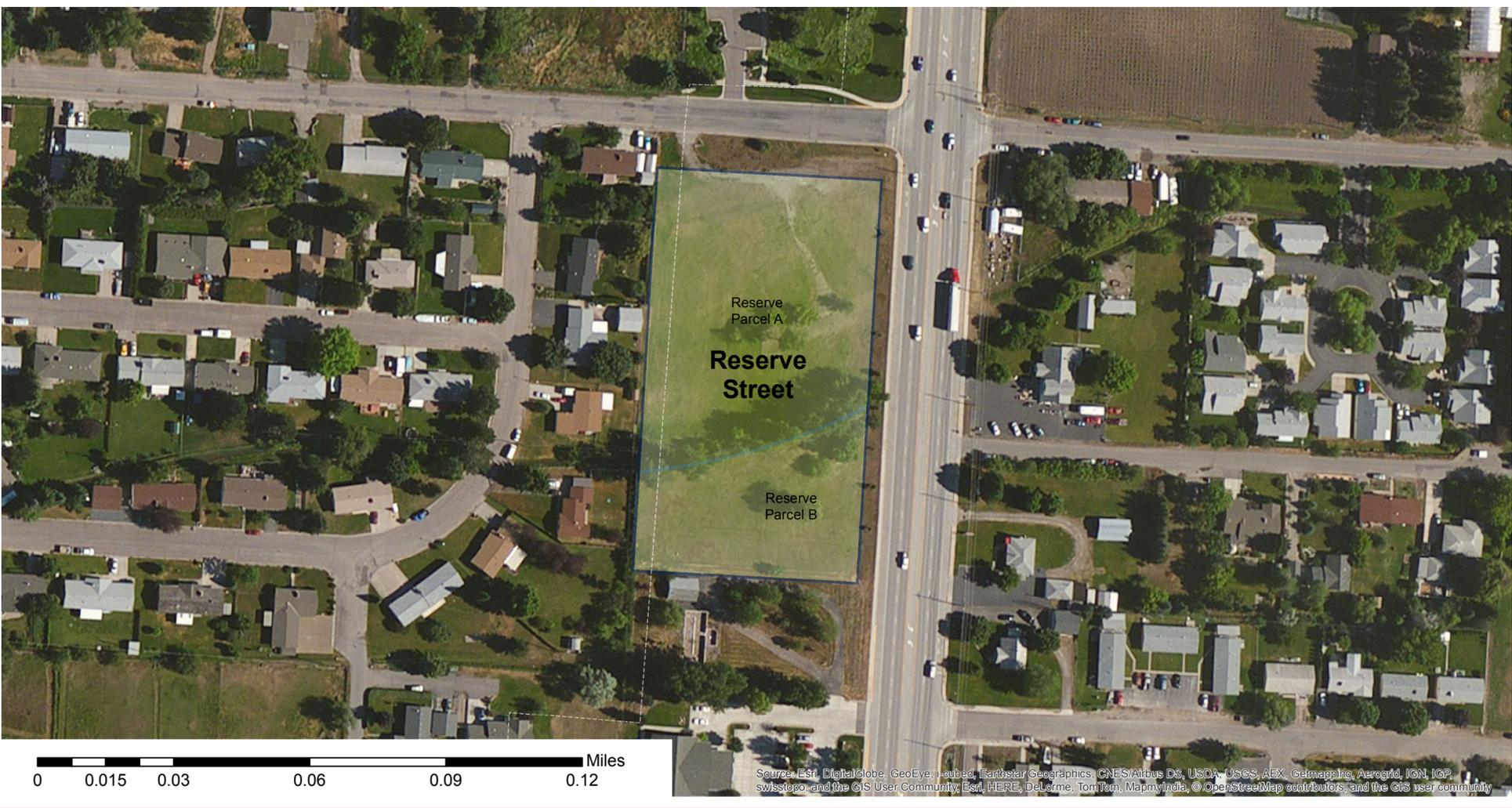
- World Boundaries and Places
- Commercial Projects *Development Project Area*
- World Imagery
- Trust Land Tracts

Inset Area from top map shown in bottom map

Location: Yellowstone County, MT  
Date: 8-2-2017  
Prepared By: REMB Staff Member  
Projection: NAD83 Montana State Plane



# Reserve Street - Missoula



## Legend



-  World Boundaries and Places
-  Commercial Projects *Development Project Area*
-  World Imagery
-  Trust Land Tracts

 Inset Area from top map shown in bottom map

Location: Missoula County, MT  
Date: 8-2-2017  
Prepared By: REMB Staff Member  
Projection: NAD83 Montana State Plane

