

MINUTES
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Monday, June 20, 2016, at 9:00 a.m.
State Capitol, Room 303
Helena, MT

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

Members Present

Governor Steve Bullock
Attorney General Tim Fox
Commissioner of Securities and Insurance Monica Lindeen
Superintendent of Public Instruction Denise Juneau

Members Absent

Secretary of State Linda McCulloch

Testifying Staff

John Tubbs, DNRC Director
Darlene Edge, Department of Fish, Wildlife and Parks (FWP) Lands Program Manager

Attachments

Related Materials, Attachment 1 – sign-in sheet
Related Materials, Attachment 2 – Submitted by Director of Program Development, Montana Aquatic Resources Services

Call to Order

00:00:10 Governor Bullock called the meeting to order.
00:00:28 Ms. Juneau moved to approve May16, 2016, minutes. The motion was seconded by Ms. Lindeen and carried unanimously.

Business Considered

616-1 FWP: Conservation Easement – Pintail Flat

00:00:40 Mr. Tubbs gave an overview of item 616-1.

Board Discussion/ Comments

00:01:10 Ms. Edge
00:03:17 Governor Bullock
00:03:32 Ms. Lindeen moved to approve item 616-1. The motion was seconded by Ms. Juneau and carried unanimously.

616-2 Oil and Gas Lease Sale (June 7, 2016)

00:03:55 Mr. Tubbs gave an overview of item 616-2.
00:04:39 Governor Bullock

00:04:49 Ms. Juneau moved to approve item 616-2. The motion was seconded by Mr. Fox and carried unanimously.

Board Discussion/ Comments

00:04:55 Governor Bullock

616-3 Land Banking Parcel: Preliminary Approval for Sale

00:05:38 Mr. Tubbs gave an overview of item 616-3.

00:06:30 Governor Bullock

00:06:40 Ms. Lindeen moved to approve item 616-3. The motion was seconded by Ms. Juneau.

Board Discussion/ Comments

00:04:48 Governor Bullock

00:06:53 Mr. Tubbs

00:06:58 The motion to approve item 616-3 carried unanimously.

616-4 Sale of Cabin and Home Sites: Final Approval for Sale – Sale 788

00:07:12 Mr. Tubbs gave an overview of item 616-4.

00:08:02 Governor Bullock

00:08:12 Ms. Lindeen moved to approve item 616-4. The motion was seconded by Ms. Juneau and carried unanimously.

616-5 Land Banking Acquisition: Final Approval for Purchase – Clapper Flats

00:08:30 Mr. Tubbs gave an overview of item 616-5.

00:09:17 Governor Bullock

00:09:25 Mr. Fox moved to approve item 616-5. The motion was seconded by Ms. Juneau and carried unanimously.

616-6 Disclaimer of Interest – Larry Rau

00:09:44 Mr. Tubbs gave an overview of item 616-6.

00:10:42 Governor Bullock

Board Discussion/ Comments

00:10:53 Tom Hinz, Montana Aquatic Resources Services Director of Program Development

00:12:57 Governor Bullock

00:13:08 Ms. Lindeen moved to approve item 616-6. The motion was seconded by Ms. Juneau.

00:13:16 Governor Bullock

00:13:34 The motion to approve item 616-6 carried unanimously.

616-7 Settlement Agreement and Cross-Disclaimers of Interest: Burlington Northern Santa Fe

00:13:41 Mr. Tubbs gave an overview of item 616-7.

00:14:23 Governor Bullock

00:14:32 Ms. Juneau moved to approve item 616-7. The motion was seconded by Ms. Lindeen and carried unanimously.

616-8 Easements

00:14:57 Mr. Tubbs gave an overview of item 616-8.

00:15:38 Governor Bullock

00:15:49 Ms. Lindeen moved to approve item 616-8. The motion was seconded by Mr. Fox and carried unanimously.

General Public Comment

None

Adjournment

00:16:26 Adjournment

PRESIDENT

ATTEST

/s/ Steve Bullock
Steve Bullock, Governor

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



20 June 2016

Governor Bullock, Superintendent Juneau, Secretary McCulloch, Commissioner Lindeen, Attorney General Fox, and Director Tubbs,

I'm Tom Hinz, Director of Program Development for Montana Aquatic Resources Services, a natural resource conservation nonprofit corporation registered with the State of Montana and dedicated to the conservation of rivers, riparian areas, and wetlands throughout Montana.

I'm representing today the Rau Family of Rosebud, Montana, MARS Board of Directors and Staff, and The Nature Conservancy of Montana. We've been working together for the past year and a half to complete a conservation easement on the Rau property which lies along the north bank of the mainstem Yellowstone River east of Rosebud, Montana. In order for us to complete this conservation easement, we first needed to work with DNRC Trust Land Management Division Minerals Management Bureau to establish the exact boundaries of the Rau property as they intersect with State of Montana ownership. The Rau parcel boundaries have changed significantly since they were first established in the original meander survey of the Yellowstone in the late 1800s. Teresa Kinley with DNRC has been instrumental in helping us as the project sponsors with the Rau Family to move this important action forward for your consideration today. We applaud DNRC and Ms. Kinley in their timely and responsive consideration of this complex matter.

The purpose of the conservation easement which affects the entire Rau ownership situated between Montana Highway 446 and the Yellowstone River is to conserve the ability of the Yellowstone, Montana's longest undammed river, to move across its floodplain. Channel movement is critical to conserving not only the river itself but the fertility and agricultural productivity of the floodplain. We strongly urge you to support Director Tubbs' recommendation to approve the Disclaimer of Interest covering the Rau land parcels adjacent to the river.

Thank you for the opportunity to comment.

Sincerely,

Tom Hinz, Director of Program Development
Montana Aquatic Resources Services