

REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
AGENDA
February 18, 2025, 9:00 a.m.
Supreme Court Chambers, Mazurek Justice Building
Helena, MT

ACTION ITEMS

- 0225-1 Adopt Roberts Rules Approved 5-0**
Location: NA
Benefits: NA
- 0225-2 Timber Sales Approved 5-0**
A. Marten Creek
Location: Sanders County
Benefits: Public Buildings
- B. Rad Dog**
Location: Flathead County
Benefits: Common Schools and Public Buildings
- C. Whiskey Springs**
Location: Beaverhead County
Benefits: Common Schools
- 0225-3 Cabin and Home Sites: Set Minimum Bid for Sale Approved 5-0**
Location: Chouteau County
Benefits: Common Schools
- 0225-4 Easements Approved 5-0**
Location: Rosebud County
Benefits: Common Schools
- 0225-5 Approval to File Objection on Water Right (Executive Session) Approved 4-1**
Location: Stillwater County
Benefits: Common Schools

PUBLIC COMMENT

For all Trust Lands questions please contact: Ryan Weiss, Deputy Administrator
email: ryanweiss@mt.gov or 406-444-5576

Complete agenda at <https://dnrc.mt.gov/TrustLand/about/land-board>

0225-1

ADOPT ROBERTS RULES

**Land Board Agenda Item
February 18, 2025**

0225-1 Adopt Roberts Rules

Location: NA

Trust Benefits: NA

Trust Revenue: NA

Item Summary

At the January Land Board meeting, Commissioner James Brown made a motion to formally establish the Roberts Rules of Order, and it was supported by all Land Board members.

Robert's Rules of Order is a standardized system of parliamentary procedure designed to facilitate efficient and fair meetings. It provides a framework for constructive and impartial discussions, ensuring that all members have equal rights and opportunities to participate.

The current edition, Robert's Rules of Order Newly Revised 12th Edition, published in 2020, provides detailed information on the types of groups that use the book, decision-making processes, and various meeting situations. By following these rules, organizations can ensure orderly and productive meetings while allowing for fair representation of both majority and minority viewpoints.

Recommendation

The DNRC recommends adopting Roberts Rules of Order.

0225-2

TIMBER SALES

A. Marten Creek

B. Rad Dog

C. Whiskey Springs

**Land Board Agenda Item
February 18, 2025**

0225-2A Timber Sale: Marten Creek

Location: Sanders County

Trust Beneficiaries: Public Buildings

Trust Revenue: \$315,790 (estimated, minimum bid)

Item Summary

Location: The Marten Creek Timber Sale is located approximately 20 miles north of Plains, Montana.

Size and Scope: The sale includes 9 harvest units (*894 acres*) of tractor logging.

Volume: The estimated harvest volume is 30,104 tons (*3.98 MMBF*) of sawlogs.

Estimated Return: The minimum bid is \$10.49 per ton, which would generate approximately \$315,790 for the Public Buildings Trust and approximately \$105,921 in Forest Improvement fees.

Prescription: This sale would utilize individual tree selection and seed tree treatment harvest prescriptions designed to move the stands towards the desired future conditions and help mitigate the effect of Douglas-fir bark beetle and western pine beetle.

Road Construction/Maintenance: The Department of Natural Resources and Conservation (DNRC) is proposing 0.3 miles of new permanent road construction and 13.4 miles of road maintenance.

Access: Access is obtained through the Marten Creek (Stobie) Reciprocal Access Agreement, Lower Thompson River Reciprocal Access Agreement and Cook Mountain Reciprocal Access Agreement.

Public Comments: One comment was received from Montana Department of Fish, Wildlife & Parks (FWP) with concerns about ungulate wintering and summer habitat, as well as impacts on fish bearing streams within the sale area. DNRC considered all concerns during project planning and addressed them in the environmental assessment document. Streamside management zones would be implemented to limit impact to bearing streams.

DNRC Recommendation

The DNRC recommends the Land Board direct DNRC to sell the Marten Creek Timber Sale.

State Trust Land Vicinity Map

Plains Unit

MARTEN CREEK VICINITY MAP



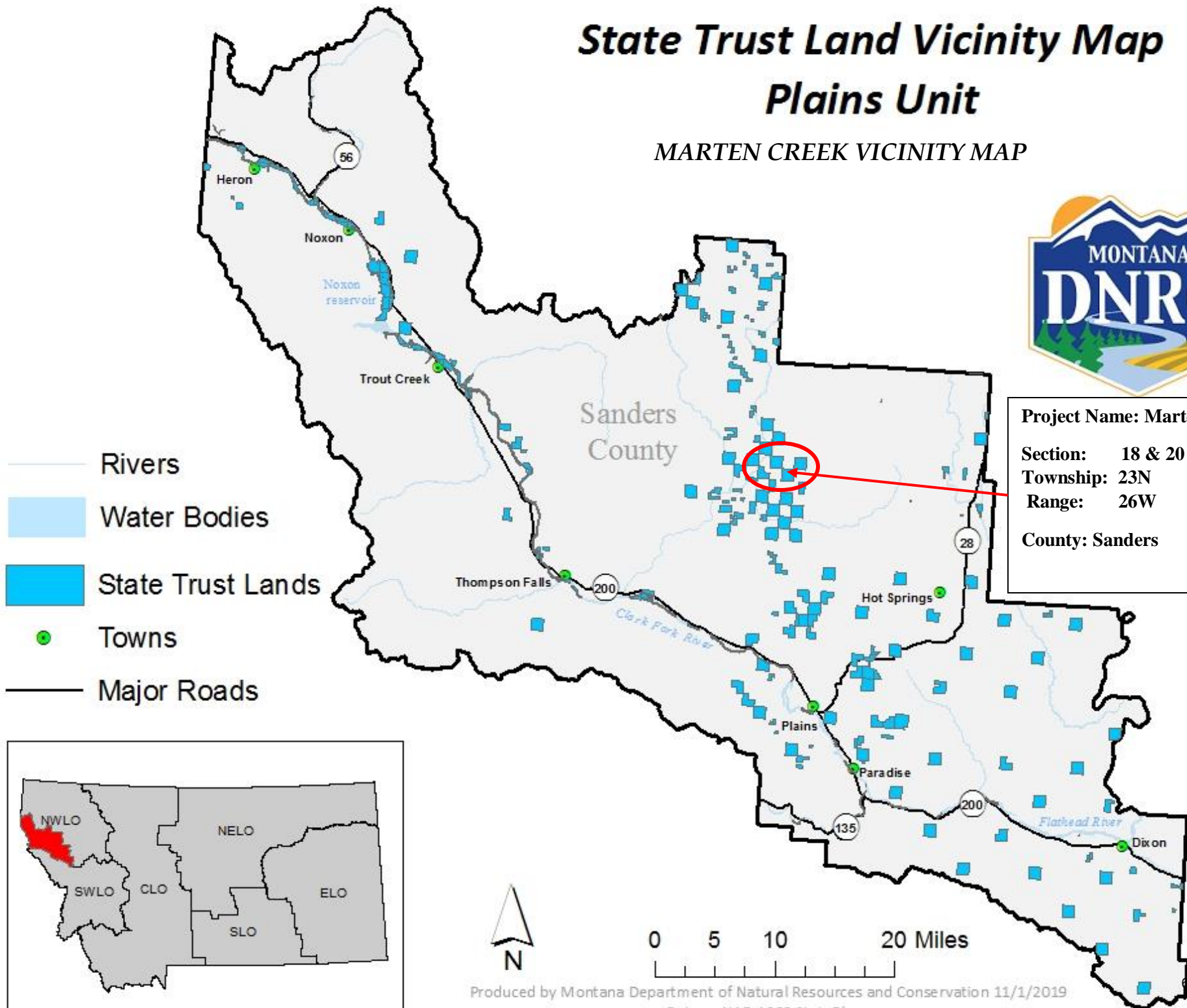
Project Name: Marten Creek

Section: 18 & 20

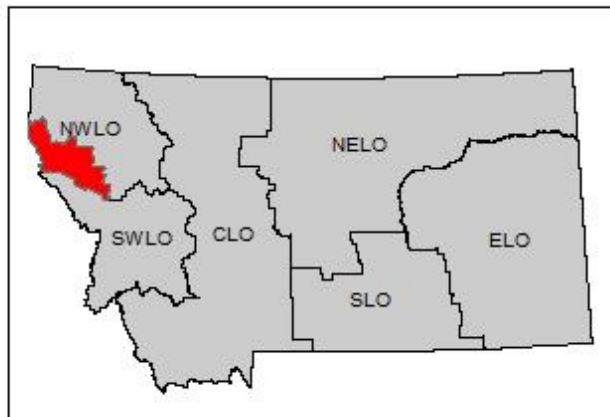
Township: 23N

Range: 26W

County: Sanders



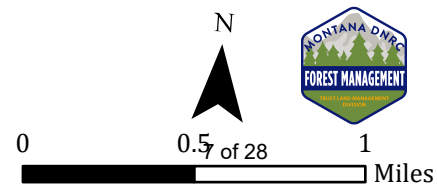
- Rivers
- Water Bodies
- State Trust Lands
- Towns
- Major Roads



0 5 10 20 Miles

Produced by Montana Department of Natural Resources and Conservation 11/1/2019

Datum: NAD 1983 StatePlane

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**Land Board Agenda Item
February 18, 2025**

0225-2B Timber Sale: Rad Dog

Location: Flathead County

Trust Beneficiaries: Common Schools and Public Buildings

Trust Revenue: \$264,667 (estimated, minimum bid)

Item Summary

Location: The Rad Dog Timber Sale is located approximately 2 miles north of Olney, Montana.

Size and Scope: The sale includes 21 harvest units of tractor logging (*391 acres*).

Volume: The estimated harvest volume is 15,523 tons (*2.46 MMBF*) of sawlogs.

Estimated Return: The minimum bid is \$17.05 per ton, which would generate approximately \$264,667 for the Common Schools and Public Buildings Trusts and approximately \$65,436 in Forest Improvement fees.

Prescription: This sale would utilize clear cut, seed tree, shelterwood, commercial thin, old growth maintenance and overstory removal harvest prescriptions designed to regenerate new stands of timber and enhance vigor of existing stands.

Road Construction/Maintenance: Department of Natural Resources and Conservation (DNRC) is proposing 0.5 miles of temporary road construction and 7.5 miles of road maintenance.

Access: Access is obtained through a cost share road with the United States Forest Service.

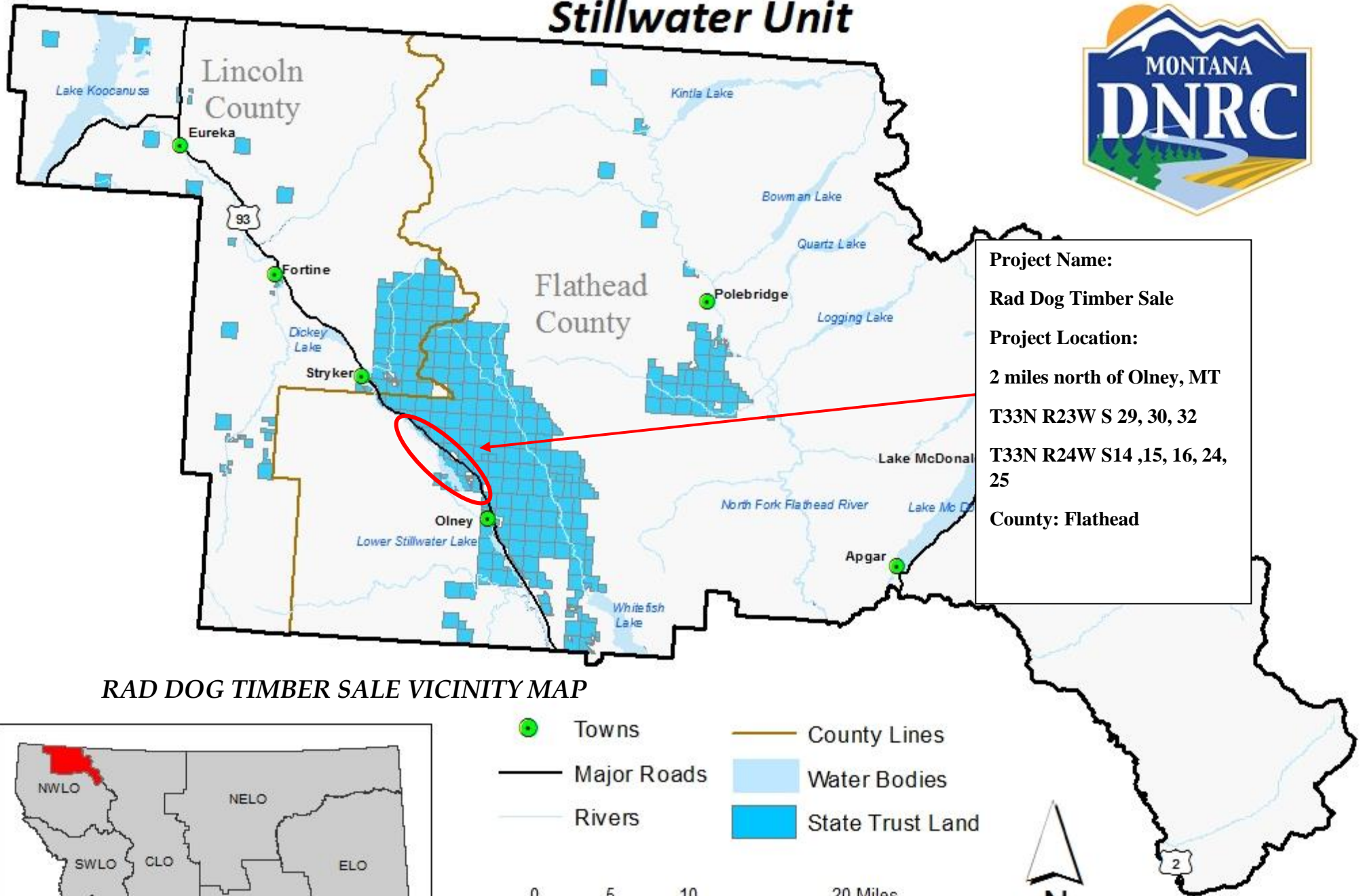
Public Comments: Eighteen comments were received during the scoping of the Upper Stillwater Forest Management Project. Two comments were received from industry representatives which expressed support for the project. Lincoln Electric Cooperative, Inc. (LEC) expressed concern about potential hazard trees along LEC powerline and DNRC determined that there are no hazard trees near LEC powerlines within proposed harvest units. Fifteen comments received from local residents, recreationists and a non-profit group varied from general support for the project to concerns about recreation, silviculture, vegetation, fuels reduction, wildlife, aquatics, economics, roads and traffic safety, climate change, weeds and aesthetics. The DNRC developed specific mitigations to protect local recreational trails and addressed all internal and external issues in the project environmental assessment.

DNRC Recommendation

The DNRC recommends the Land Board direct DNRC to sell the Rad Dog Timber Sale.

State Trust Land Vicinity Map

Stillwater Unit



Project Name:

Rad Dog Timber Sale

Project Location:

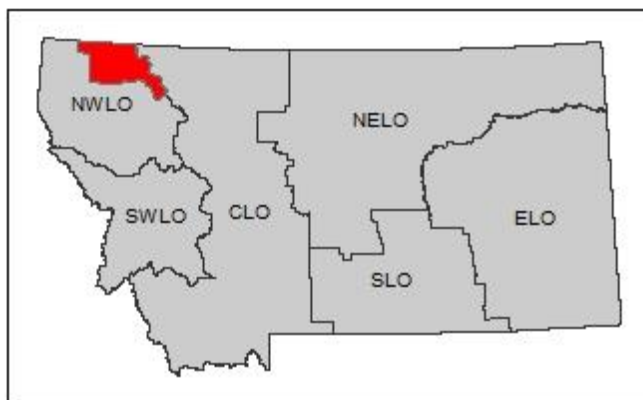
2 miles north of Olney, MT

T33N R23W S 29, 30, 32

T33N R24W S14, 15, 16, 24, 25

County: Flathead

RAD DOG TIMBER SALE VICINITY MAP

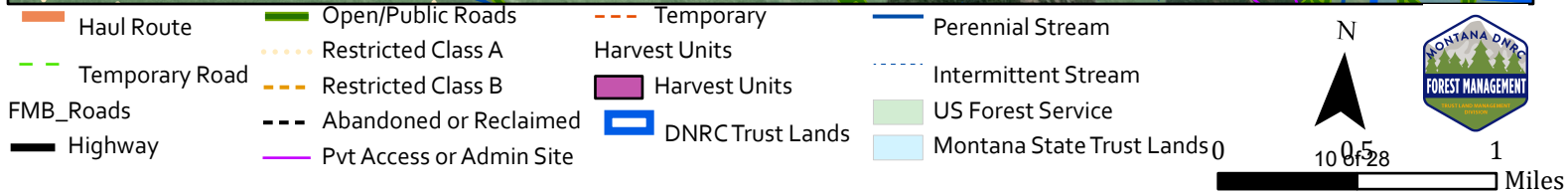
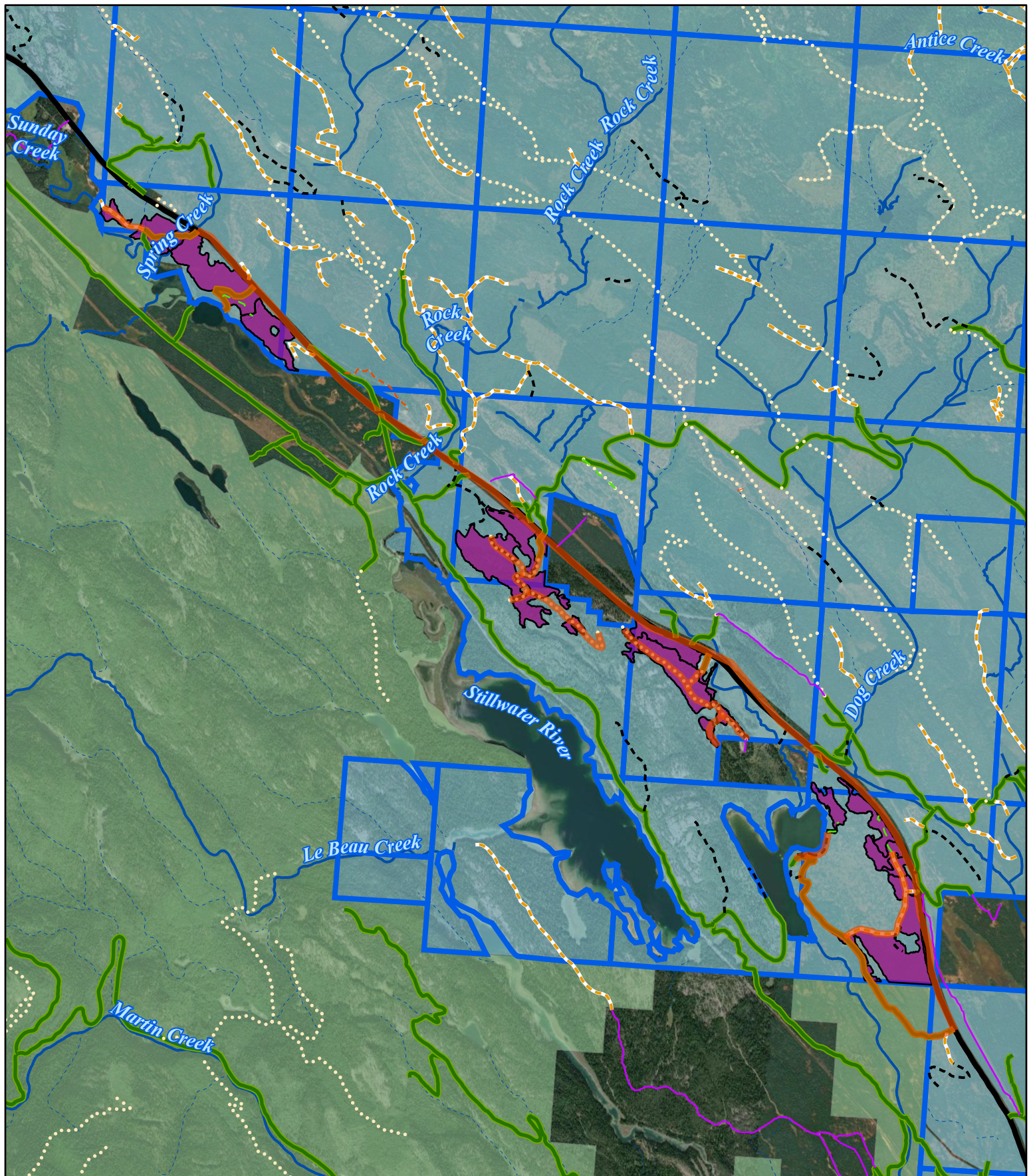


- Towns
- County Lines
- Major Roads
- Rivers
- Water Bodies
- State Trust Land

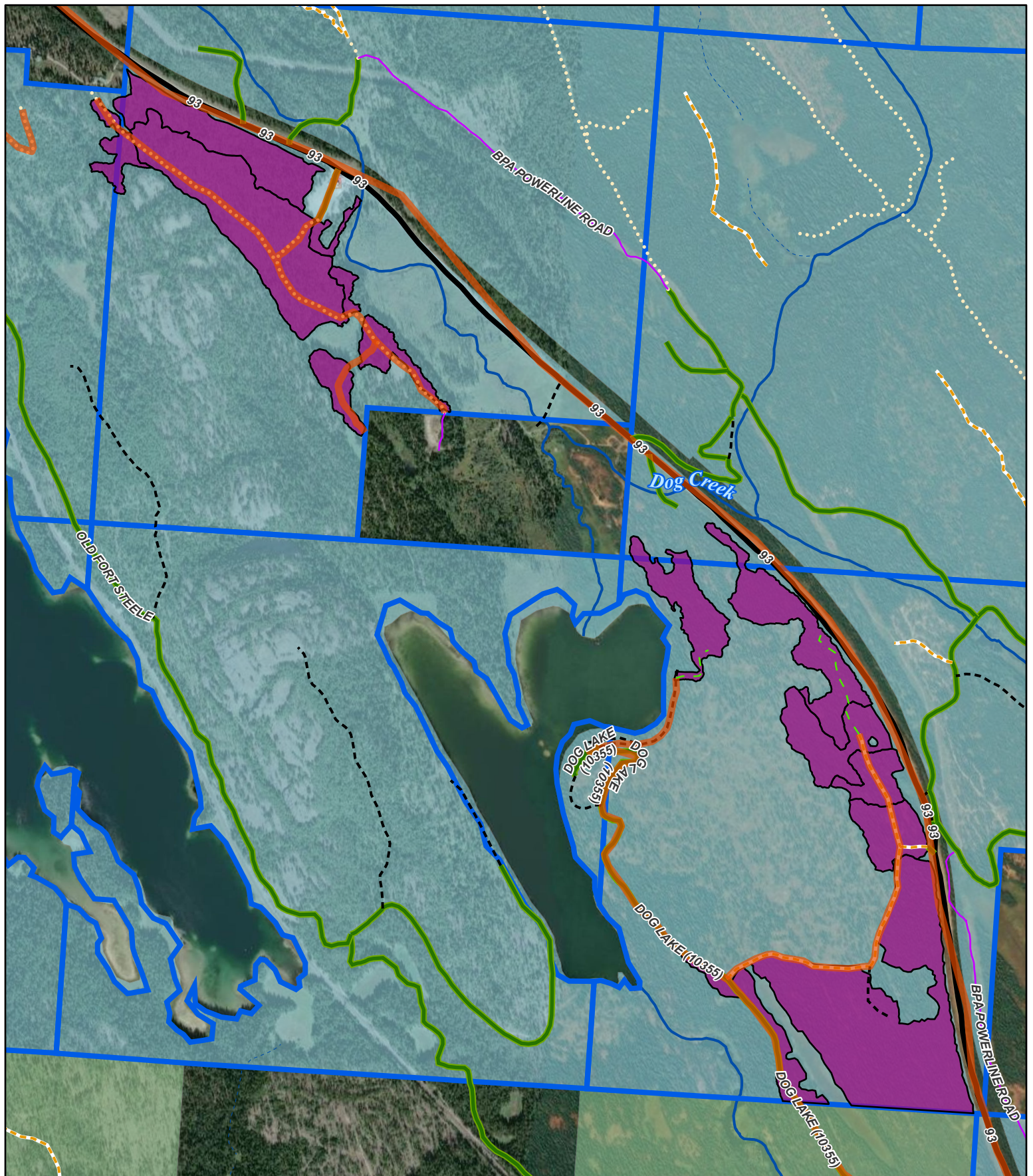
0 5 10 20 Miles



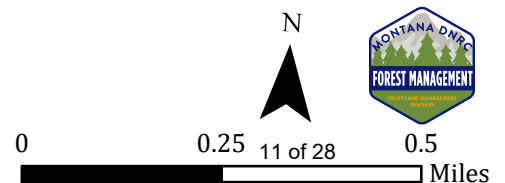
Rad Dog Timber Sale Haul Route



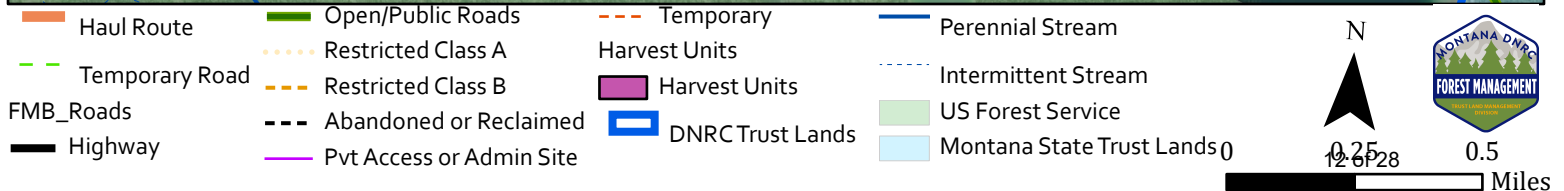
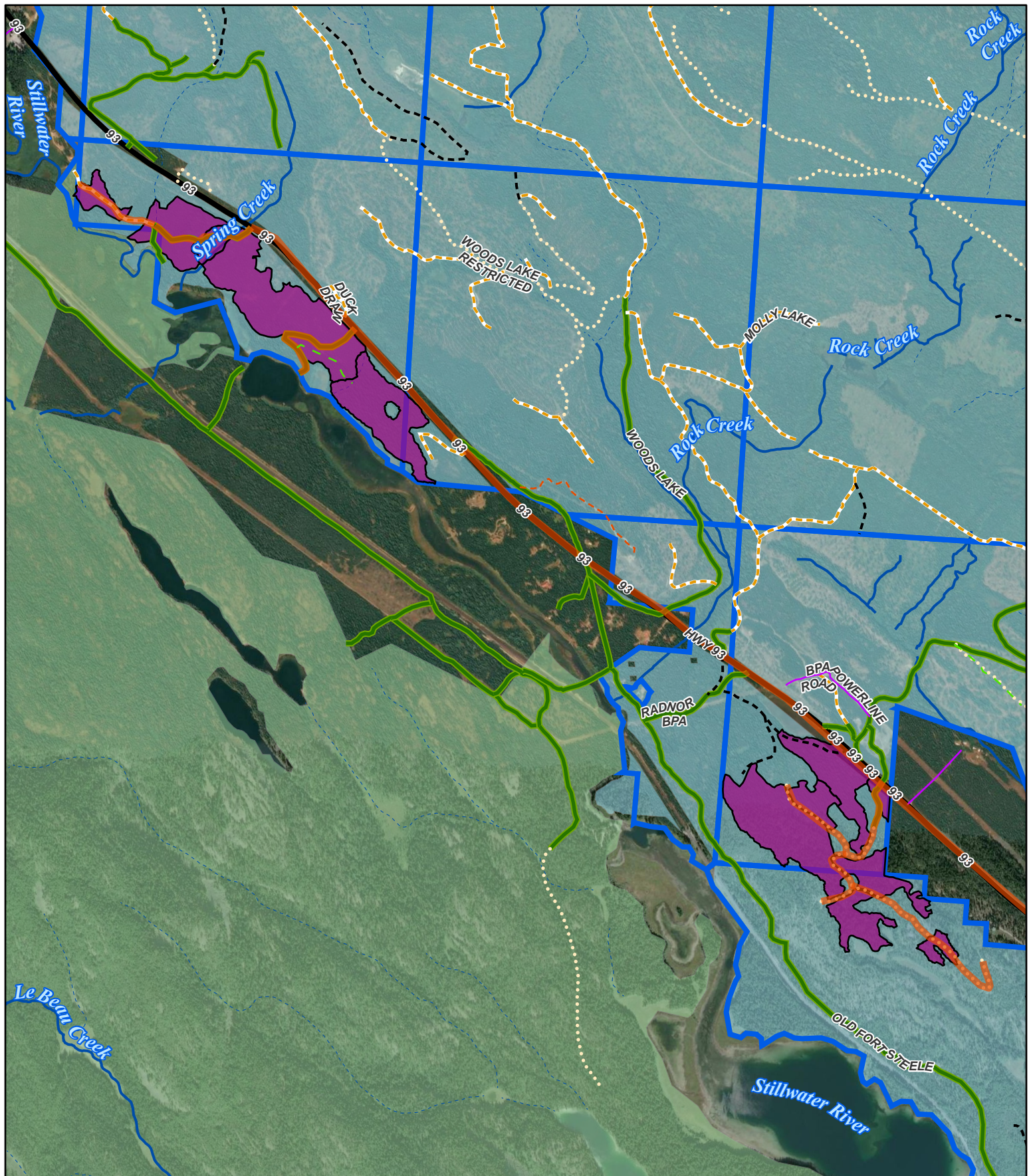
Rad Dog Timber Sale Harvest Units 1-12



- | | | |
|--------------------|--------------------------|---------------------------|
| Haul Route | Restricted Class B | DNR Trust Lands |
| Temporary Road | Abandoned or Reclaimed | Perennial Stream |
| FMB_Roads | Pvt Access or Admin Site | Intermittent Stream |
| Highway | Temporary | US Forest Service |
| Open/Public Roads | Harvest Units | Montana State Trust Lands |
| Restricted Class A | Harvest Units | |



Rad Dog Timber Sale Harvest Units 13-21



**Land Board Agenda Item
February 18, 2025**

0225-2C Timber Sale: Whiskey Springs

Location: Beaverhead County

Trust Beneficiaries: Common Schools

Trust Revenue: \$ 64,816 (estimated, minimum bid)

Item Summary

Location: The Whiskey Springs Timber Sale is located approximately 17 miles northeast of Lima, Montana.

Size and Scope: The sale includes 15 harvest units (*438 acres*) of tractor logging.

Volume: The estimated harvest volume is 16,004 tons (*2.13 MMBF*) of sawlogs.

Estimated Return: The minimum bid is \$4.05 per ton, which would generate approximately \$64,816 for the Common School Trust and approximately \$17,474 in Forest Improvement fees.

Prescription: This sale would utilize shelterwood, seed tree, and overstory removal harvest prescriptions designed to promote forest resilience to wildfire, insects, and disease while maximizing trust revenue and improving infrastructure for future management.

Road Construction/Maintenance: The Department of Natural Resources and Conservation (DNRC) is proposing 4.6 miles of new road construction and 10.76 miles of road maintenance.

Access: Access is obtained through a county right-of-way and a temporary road use agreement with Matador Land and Cattle.

Public Comments: Public comments were received from two agencies. Montana Department of Fish, Wildlife, and Parks (FWP) provided general support for the project as well as some silvicultural recommendations to help mitigate impacts to wildlife. DNRC kept FWP informed of project details during the project development process and FWP expressed approval for the proposal. A representative from Northern Cheyenne Tribe requested a class I and/or class III literature review of the project area. DNRC conducted a class I review, which revealed four different cultural resource sites in the project area. Timber harvest activities are not expected to impact these sites given their relative location to proposed harvest units and new road construction.

DNRC Recommendation

The DNRC recommends the Land Board direct DNRC to sell the Whiskey Springs Timber Sale.

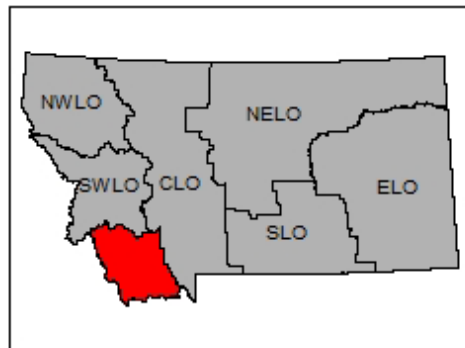
WHISKEY SPRINGS
TIMBER SALE VICINITY
MAP

State Trust Land Vicinity Map
Dillon Unit



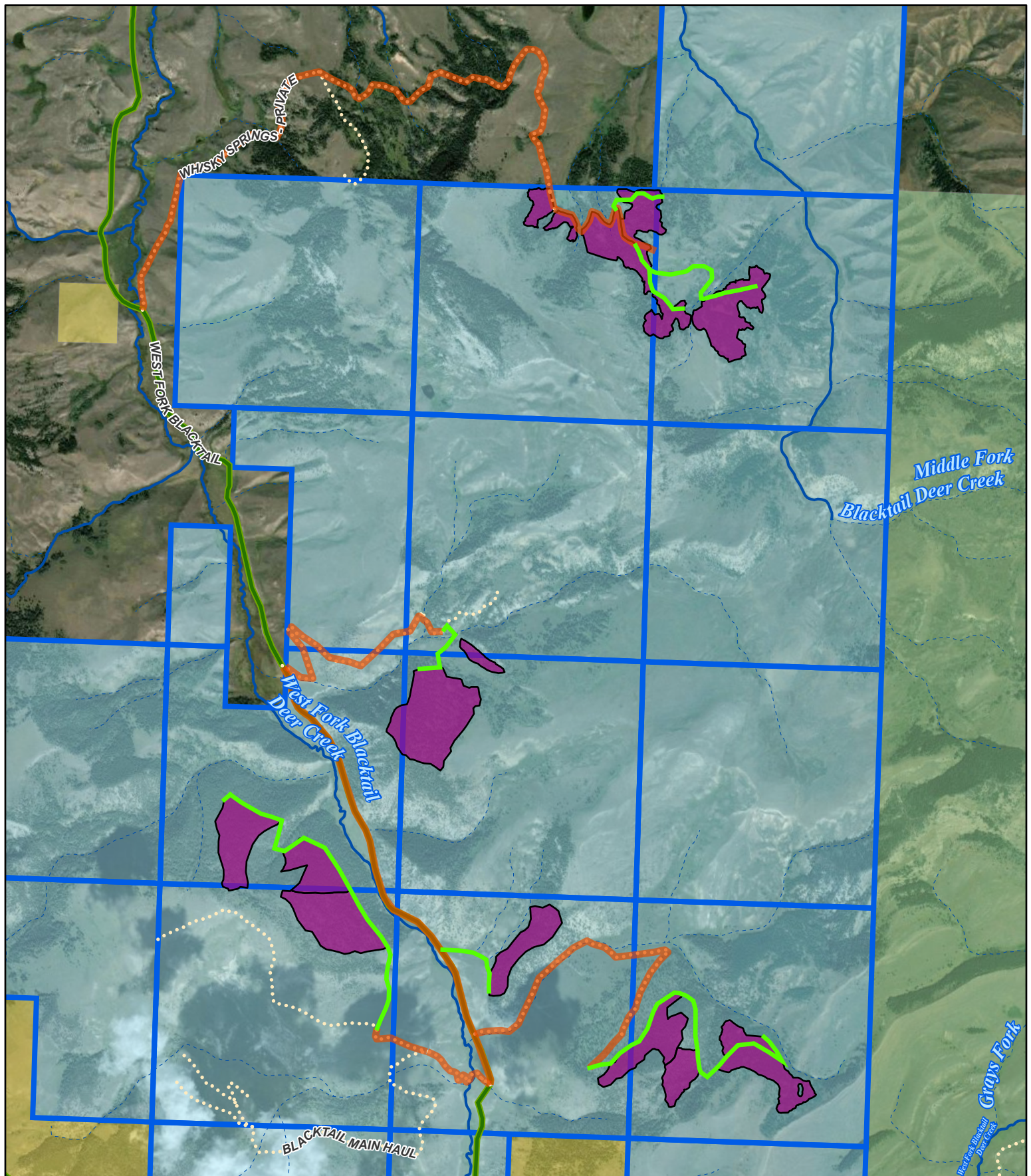
- Towns
- Major Roads
- Interstate
- State Trust Land
- Water Bodies
- County Lines
- Rivers

Whiskey Springs Timber Sale
Project Location:
Sections: 1, 2, 11, 14, 15, 22, 23, 24
Township: 12S Range: 12S 6W
County: Beaverhead



0 10 20 40 Miles

Whiskey Springs Timber Sale Haul Route and Harvest Units



- Haul Route
- New Road
- FMB_Roads
- Highway
- Open/Public Roads
- ... Restricted Class A
- Restricted Class B
- Harvest Units
- DNRCT Trust Lands
- Perennial Stream
- Intermittent Stream
- Bureau of Land Management
- US Forest Service
- State of Montana Misc.
- Montana State Trust Lands



0 0.5 15 of 28 1 Miles

0225-3

CABIN AND HOME SITES:
SET MINIMUM BID FOR SALE

**Land Board Agenda Item
February 18, 2025**

0225-3 Cabin and Home Sites: Set Minimum Bid for Sale

Location: Chouteau County

Trust Benefits: Common Schools

Trust Revenue: \$70,000

The Department of Natural Resources and Conservation (DNRC) is requesting to set minimum bid for one (1) home site nominated for sale in Chouteau County. This sale was nominated by the lessee in conjunction with the 2022-2023 Cabin and Home Site Sales Program.

Sale No.	Acres	Legal Description	Nominator	Trust
2039	8.727±	Tract 3 of Chouteau County COS 223A T22N-R11E, Section 26	Evelyn Sande	Common Schools

This parcel is currently leased as a home site and produces below average income for residential leases statewide.

Background:

Preliminary Land Board approval was granted in December of 2022 (Approved 4-1) for the site to be included as part of the 2022-2023 Cabin and Home Site Sales Program.

Cultural/Paleontological Resources:

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

Access/Recreational Use:

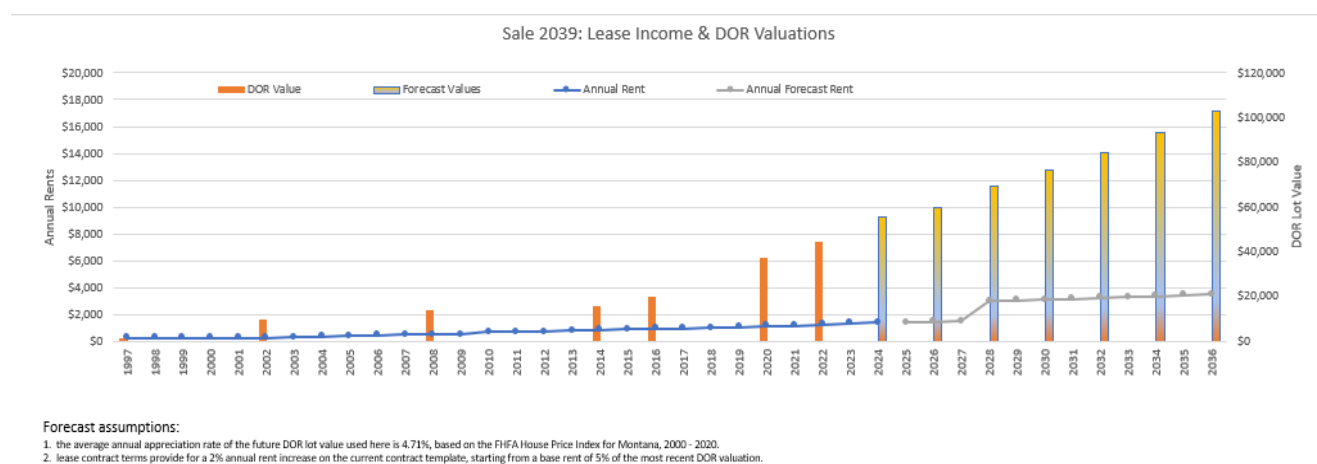
As part of the cabin and home site sale process, the State will convey any access that it has and can be conveyed to the purchaser of the cabin or home site property. Current cabin/home site access is limited to the lessee and does not provide access or recreational use to the general public. State lands classified as cabin or home sites are closed to general recreational use by the public in accordance with ARM 36.25.150(1)(a). Therefore, the State is not selling land under the cabin and home site sale program that the public is permitted to use for recreation. Rather, the funds

generated by these sales will go towards purchasing new lands that will have dedicated public access and recreational opportunities.

Economic Analysis:

Short term – The average rate of return on this sale parcel is 1.516%. The parcel will continue to receive this return if it remains in state ownership. The income rate of return will likely grow smaller over the next 20 years, as average annual value appreciation is greater than the annual rent increase, as shown in Figure 1 below.

Figure 1: Sale 2039-Review of Past Income and Values; Forecast Income & Values



Long term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through DNRC's Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 3.28% on acquisitions with income generated from annual lease payments. However, the rate of return on land acquired within the last ten years has been higher at 3.65%. Figure 2 shows hypothetical lot values derived from the 3-year average net revenue of the current lease, at a sample range of income rates of return that could be anticipated when the sale proceeds are used for a land banking acquisition.

Figure 2: Lot Values derived from 3-year Average Net Income at Sample Rate of Return

Sale Number		Rate of Return at Current Appraised Value for Land	Average Rate of Return on all Land Banking Acquisitions	Average Rate of Return on Land Banking Acquisitions within the last 10 years
	Income Rate of Return	1.516%	3.28%	3.65%
2039	1.516%	\$70,000	\$32,352	\$29,072

Appraised Values of Land and Improvements:

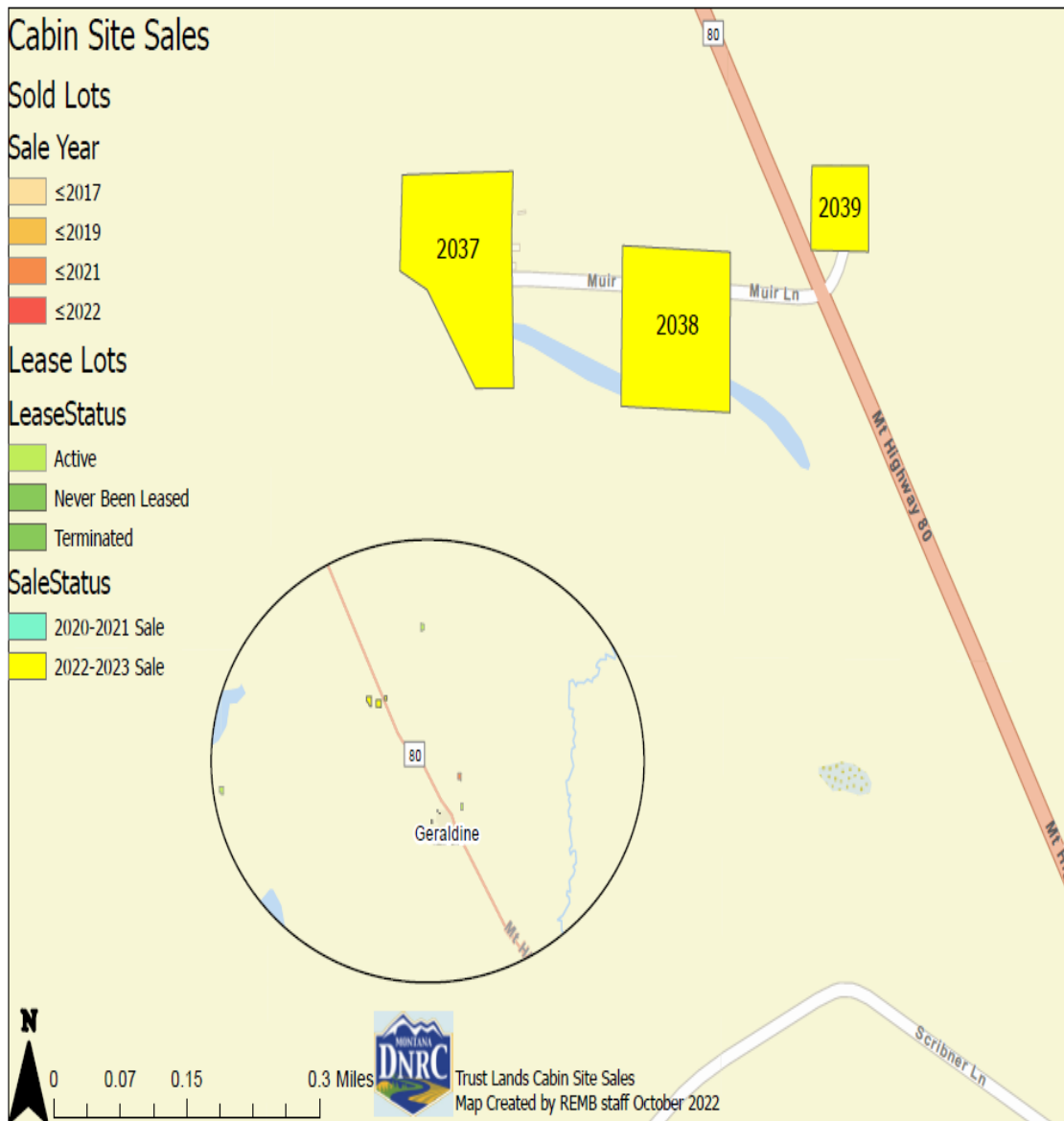
The appraisal was prepared by Montana General Certified Appraiser Ernest F. Goettlich V of Northern Acres Appraisal Services, LLC in Havre.

Sale No.	Appraised Land Value	Appraised Improvements Value
2039	\$70,000	\$130,000

DNRC Recommendation

The DNRC recommends that the Land Board set the minimum bid for this home site at the appraised land value and the maximum value of compensation for the improvements shown above.

Sales 2037, 2038, 2039, Chouteau County



0225-4

EASEMENTS

**Land Board Agenda Item
February 18, 2025**

0225-4 Easements

Location: Rosebud County

Trust Benefits: Common Schools

Trust Revenue: \$1,036.00

Item Table of Contents

Applicant	Right-of-Way Purpose	Term	Page(s)
Montana Department of Transportation	Highway Construction & Maintenance	Permanent	TBD

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Montana Department of Transportation PO Box 201001 Helena, MT 59620-1001
Application No.:	19728
R/W Purpose:	highway construction and maintenance, including occupancy by public utilities as defined in §69-4-101, MCA
Lessee Agreement:	ok
Acreage:	0.13
Compensation:	\$500.00
Legal Description:	a tract of land in NW4NE4, Sec. 36, Twp. 10N, Rge. 34E, Rosebud County
Trust Beneficiary:	Common Schools

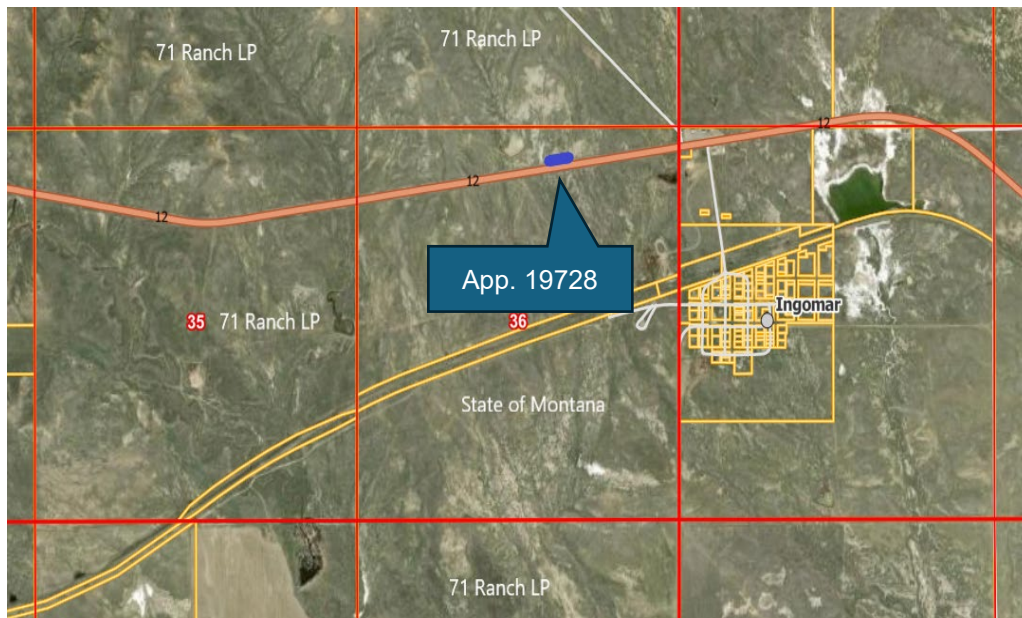
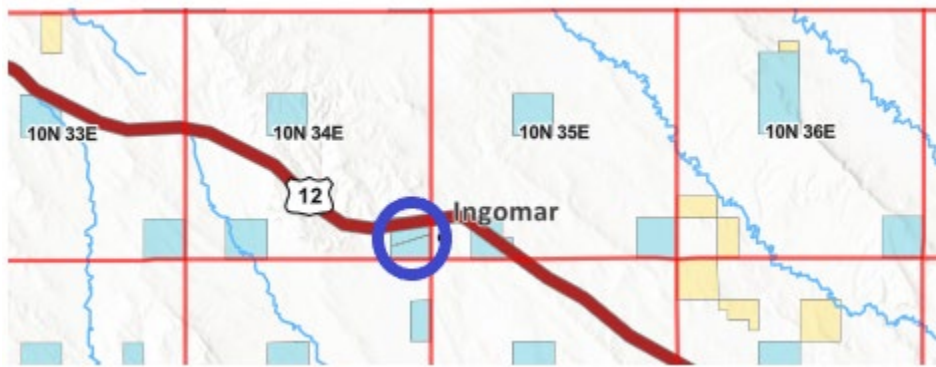
Item Summary

The Montana Department of Transportation is requesting an easement to replace failing timber bridges on US Highway 12 between Ingomar and Forsyth. Two sections of State Trust land are impacted by the proposed replacement project. Culverts will be installed and additional drainage added to the existing highway right of way. Extensive roadway improvements are not anticipated.

DNRC Recommendation

The DNRC recommends approval of the application of Montana Department of Transportation.

Application #19728



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Montana Department of Transportation PO Box 201001 Helena, MT 59620-1001
Application No.:	19729
R/W Purpose:	highway construction and maintenance, including occupancy by public utilities as defined in §69-4-101, MCA
Lessee Agreement:	ok
Acreage:	0.67
Compensation:	\$536.00
Legal Description:	a tract of land through NE4NE4, Sec. 36, Twp. 8N, Rge. 37E, Rosebud County
Trust Beneficiary:	Common Schools

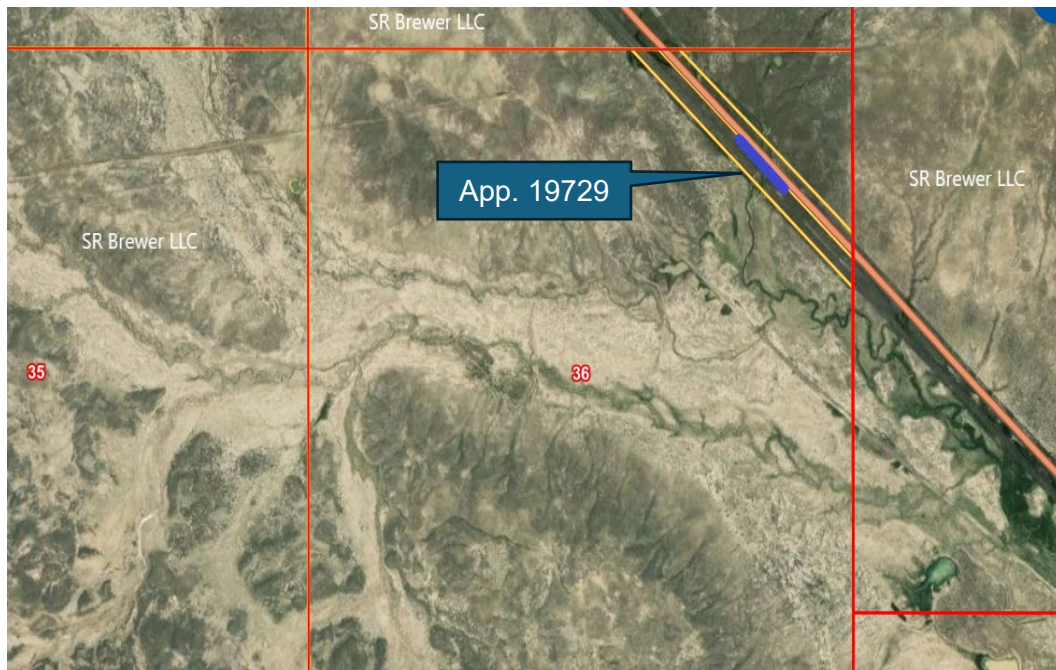
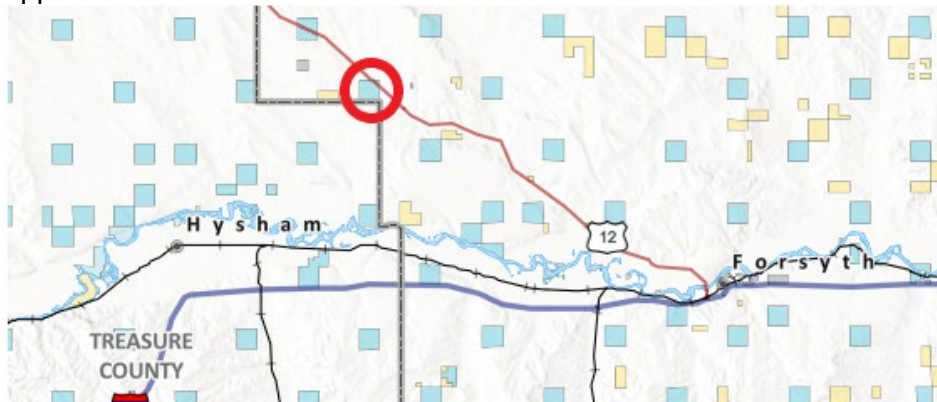
Item Summary

Continuation of Montana Department of Transportation applications.

DNRC Recommendation

The DNRC recommends approval of the application of Montana Department of Transportation.

Application #19729



0225-5

APPROVAL TO FILE OBJECTION
ON WATER RIGHT

**Land Board Agenda Item
February 18, 2025**

0225-5 Approval to File Objection on Water Right

Location: Stillwater County

Trust Benefits: Common Schools

Trust Revenue: NA

Item Summary

In the examination of Basin 43QJ, during the Montana water adjudication process, Department staff identified a statement of claim (#43QJ197394-00) with two points of diversion located off State Trust Land (State Land) and five places of use, one of which is on State Land. The State Board of Land Commissioners (SBLC) is not currently listed as an owner on this water right, even though it appears that a portion of the water right is appurtenant to State Land.

Pursuant to MCA 2-3-203(4), the Board may go into closed session to discuss litigation strategy in relation to this statement of claim.

DNRC Recommendation

The DNRC recommends the Land Board approve the Department's request and grant the authority to file an objection through the water court.