

REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
AGENDA
August 19, 9:00 a.m.
Supreme Court Chambers, Mazurek Justice Building
Helena, MT

ACTION ITEMS

- 0824-1 Department of Military Affairs: Sale of Anaconda Readiness Center** **Approved 5-0**
Benefits: N/A (non-trust land)
Location: N/A
- 0824-2 Fish Wildlife & Parks: Informational Item - Conservation Leases**
Benefits: N/A (non-trust land)
Location: N/A
- 0824-3 Fish Wildlife & Parks: Habitat Conservation Leases** **Approved 5-0**
Benefits: N/A (non-trust land)
Location: Phillips, Carter, Treasure, Rosebud, Garfield, Custer, Yellowstone, and Wibaux counties.
- 0824-4 Timber Sales: Llama Tracks** **Approved 5-0**
Benefits: Common Schools
Location: Lake County
- 0824-5 Easements** **Approved 5-0**
Benefits: Common Schools, Pine Hills, Public Land Trust – Navigable Rivers
Location: Flathead, Lewis & Clark, Meagher, Phillips and Sheridan Counties
- 0824-6 Request to Proceed with Rulemaking to Amend Recreational Use Rules** **Approved 5-0**
Benefits: Common Schools, Public Buildings, Montana State University, MSU Morrill, MSU Eastern/UM Western, Montana Tech, University of Montana, Deaf & Blind School, Pine Hills, Veterans Home, Montanan Development Center, and Montana State Hospital
Location: State of Montana

PUBLIC COMMENT

0824-1

DEPARTMENT OF MILITARY AFFAIRS:

Sale of Anaconda Readiness Center

**Land Board Agenda Item
August 19, 2024**

0824-1 Department of Military Affairs, Sale of Anaconda Readiness Center

Location: Anaconda-Deer Lodge County, Section 2, T4N, R11W

Trust Benefits: N/A (non-trust land)

Trust Revenue: N/A

Item Summary

The Montana Department of Military Affairs (DMA) proposes to sell 5.37 acres located at 101 N. Polk Avenue on the East side of Anaconda along US Highway 1, known as the Anaconda Readiness Center (formerly the Anaconda Armory). The land and structures are no longer needed by DMA because it will be consolidating operations at its new Butte-Silver Bow Readiness Center when construction is completed before the end of 2024.

The 8,769 square-foot building is approximately 63 years old but is structurally sound, and the fixtures and equipment have been updated and repaired as needed. The roof is warrantied until November 25, 2028. A 12x12 foot vault, classrooms, offices, kitchen and restrooms are located inside the building.

The adjacent parcel along the northern boundary of the subject property is also owned by the State of Montana and operated by the Montana Department of Transportation. The two properties have the same assessment code, and both are exempt from property taxation. According to the Department of Revenue, upon transfer of ownership, the subject property will be given a new assessment code.

Sale Price and Process: The sale price of the property would be at or above the appraised value of \$770,000. As required by MCA § 77-2-306(4) (2023), DMA offered the property at appraised value to the City-County of Anaconda-Deer Lodge, through CEO Bill Everett. Mr. Everett inquired of City-County Commissioners, who verbally declined to purchase the property for budgetary reasons, according to Mr. Everett. Upon Land Board approval, the property would be publicly auctioned, pursuant to MCA § 77-2-321 (2023). Pursuant to MCA § 10-8-108 (2023), the sale proceeds will be deposited into the Montana National Guard Land Purchase Account in the state special revenue fund. One private business owner has expressed interest in purchasing the property at the appraised value.

Background Documentation: The recent appraisal, an updated Environmental Baseline Survey (App. D contains remediation data), MEPA document, title history, and maintenance/inspection records are included in the supporting documentation which will be sent separately. The topsoil on the entire property was remediated by 2014 and placed under a recorded Property Management Plan. The building was tested for asbestos in 2007 and lead in 2023, with findings below acceptable levels. These documents are also included in the supporting documentation.

Rationale for Land Board Action: Anaconda-Deer Lodge County would benefit from this acquisition. If auctioned to a private entity, the property would no longer be exempt from

Anaconda Readiness Center



property taxes, and the useful life of the building would be extended, particularly if it is remodeled and/or updated.

Recommendation

DMA recommends the Land Board approve the sale of the Anaconda Readiness Center at the sale price of at least \$770,000.

0824-2

FISH WILDLIFE & PARKS:

Informational Item - Conservation Leases

**Land Board Agenda Item
August 19, 2024**

0824-2 Department of Fish, Wildlife & Parks: Informational Item - Conservation Leases

Location: State of Montana

Trust Benefits: N/A (non-trust land)

Trust Revenue: N/A

Item Summary

Informational Item – Conservation Leases

0824-3

FISH WILDLIFE & PARKS:
Habitat Conservation Leases

**Land Board Agenda Item
August 19, 2024**

0824-3 Department of Fish, Wildlife & Parks: Habitat Conservation Leases

Location: Eastern MT: Phillips, Carter, Treasure, Rosebud, Garfield, Custer, Yellowstone, and Wibaux counties.

Trust Benefits: N/A (non-trust land)

Trust Revenue: N/A

Item Summary: FWP proposes to enroll 8 private properties, totaling 51,635 acres, into the habitat conservation lease program. The resulting 8 habitat conservation leases are denoted as A – H in Table 1 below.

Background: A habitat conservation lease (HCL) is a voluntary, incentive-based agreement with private landowners that helps ensure high-priority prairie habitats are conserved while traditional agricultural activities, primarily livestock grazing, continue. Owners commit to retaining wildlife habitats for 30 or 40-year terms. Prairie species expected to benefit from these agreements include sage-grouse, migratory grassland birds that have experienced long-term population declines, pronghorn, mule deer, elk, and many other species of wildlife. The leases also provide for public hunting and other wildlife-related recreation.

On June 20th of this year, the Fish and Wildlife Commission approved 10 HCL's totaling approximately 53,000 acres and endorsed a goal of enrolling 500,000 acres over the next five-years. Two of those 10 leases are under 500 acres and \$1 million in value and therefore are not included in this proposal. This proposal is for 8 HCL's in FWP regions 6 and 7. All are 40-year leases. The 8 HCL's total 51,635 acres and a price of \$6,044,570. Figure 1 shows the general location of the 8 HCL's and Table one provides acreage and other detail. Funding will be from a combination of Habitat Montana, Pittman Robertson, the Migratory Bird Wetland Program, and other state, federal, or private sources as available.

Valuation: For the region in which a HCL is located FWP will pay 15% of average fee title value for a 30-year lease. A landowner who opts for a 40-year lease will receive 20% of fee title value plus a 5% bonus (5% of 20%). Average fee title values are based on the valuation of State Trust Land by DNRC. See Figure 2; Table 2.

Public Involvement Process & Results: FWP released a programmatic environmental assessment (EA) in fall 2022 and an invitation for applications in summer 2023. On August 12, 2022, following MEPA's required public participation process, FWP published its decision to approve the programmatic EA and proceed with the program. On May 12, 2023, FWP approved a Supplemental Programmatic EA which proposed increasing compensation for HCL's and adding a penalty-free buy out provision for participants who wish to enter a permanent conservation easement.

As required by statute, for each HCL, public notice was posted on FWP's website and emailed to FWP's regional distribution lists. Notice was also mailed to owners of neighboring properties. Public comment for each proposed HCL was taken for 30 days between Late March and early May of this year and public meetings were held in Malta and Miles City. Comments were also received at the Fish, Wildlife and Parks Commission meeting on June 20th, 2024. The Commission unanimously approved the HCL's.

Recommendation: FWP recommends the Land Board approve the 8 proposed 40-year Habitat Conservation Leases.

Figure 1. Location of 8 proposed habitat conservation leases.

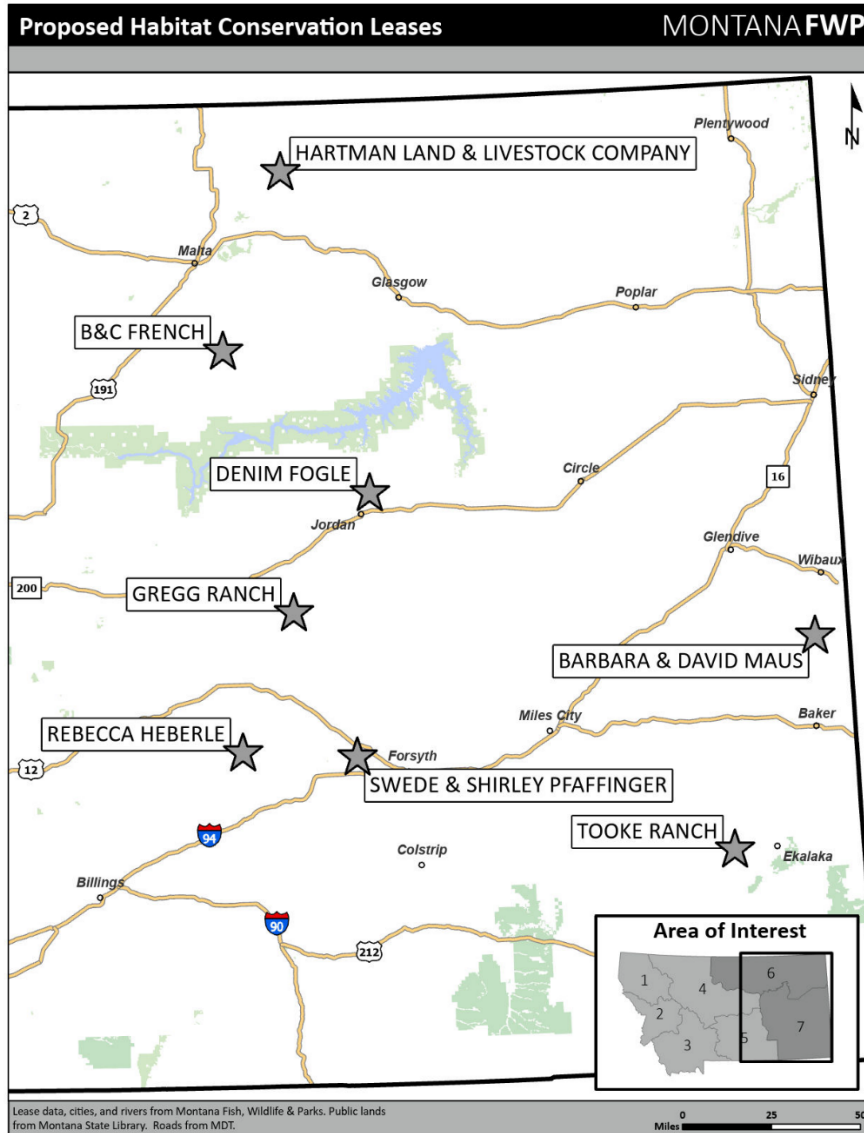


Table 1. Payment rates using FWPs payment formula based on a percentage of average fee title values using DNRC valuation of State trust lands in 2023.

Proposed Habitat Conservation Lease Habitat and Payment Details									MONTANAFWP	
Habitat Conservation Lease	Term	Valuation Area	Rangeland Acres	Hay Land Acres	Cropland Acres	Major River Floodplain/Riparian Acres	Major River Floodplain/Riparian Hay Land Acres	Major River Floodplain / Riparian Cropland Acres	Total Acres	Total Payment
A. Denim Fogle	40 yrs	Eastern MT	6,711	0	1,080	0	0	0	7,791	\$862,869
B. B&C French	40 yrs	Eastern MT	11,612	0	0	0	0	0	11,612	\$1,381,828
C. Hartman Land & Livestock	40 yrs	Eastern MT	1,239	0	287	0	0	0	1,526	\$166,892
D. Gregg Ranch	40 yrs	Eastern MT	3,075	750	0	0	0	0	3,825	\$428,000
E. Rebecca Heberle	40 yrs	Eastern MT	8,507	0	0	0	0	0	8,507	\$1,012,333
F. Barbara & David Maus	40 yrs	Eastern MT	2,342	300	726	0	0	0	3,368	\$346,885
G. Swede & Shirley Pfaffinger	40 yrs	Eastern MT	7,128	0	330	457	0	0	7,915	\$1,091,340
H. Tooke Ranch	40 yrs	Eastern MT	5,511	1,580	0	0	0	0	7,091	\$787,423

*Terms of the lease stipulations require that 50% of acres enrolled must be priority habitat. Hay land, seeded areas that are annually or more frequently harvested, and cropland, land that is annually or more frequently seeded or operates in a crop/fallow, can be enrolled but receives a payment of 70% and 50% respectively, of the per acre value, and does not count toward priority habitat.

Figure 2. Delineation of western and eastern Montana for the purposes of assigning habitat conservation lease values.

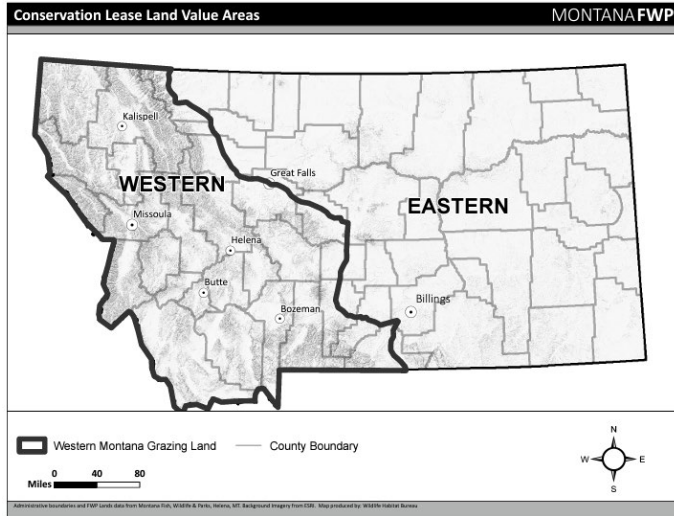
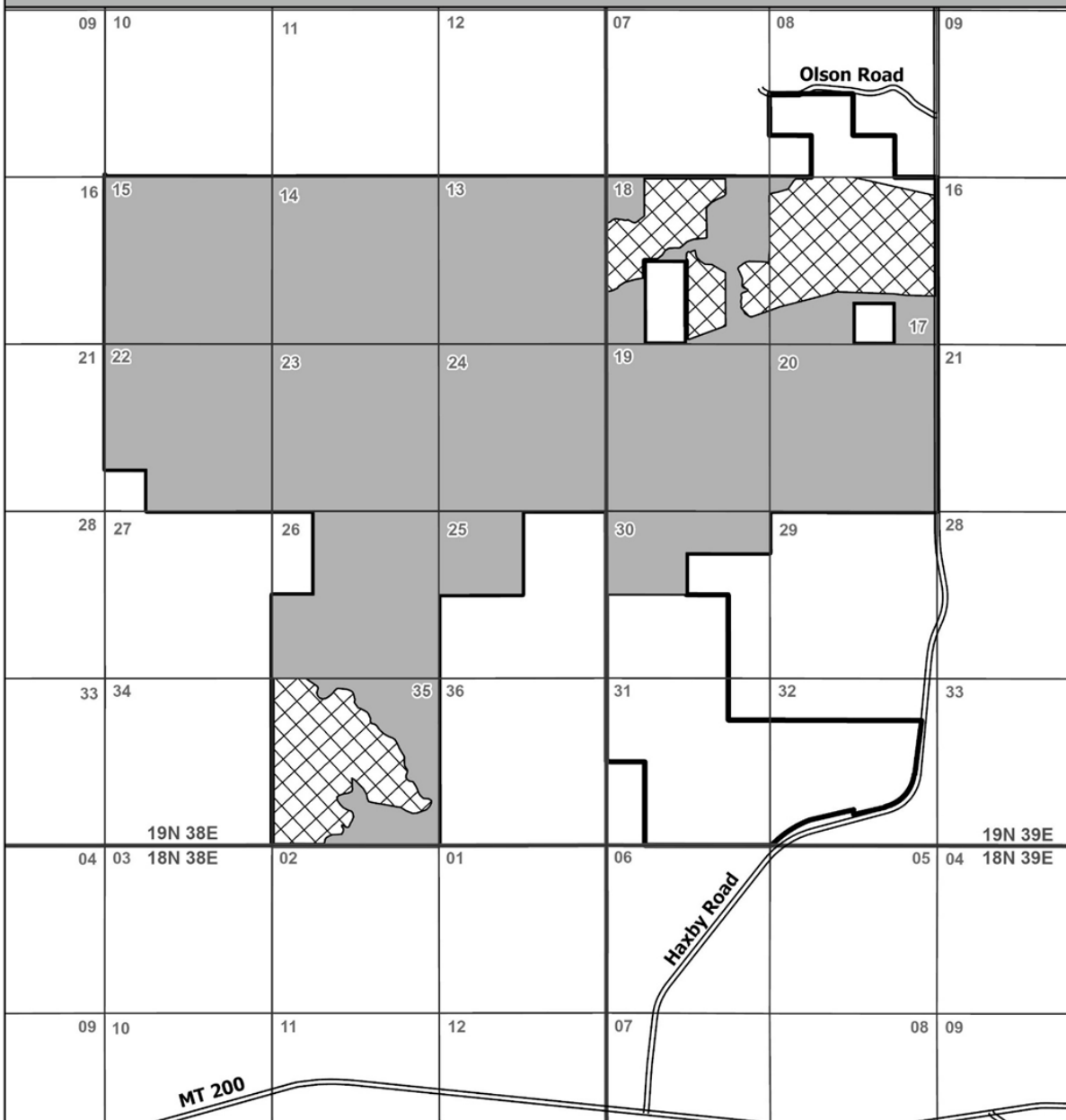


Table 2. 2023 habitat conservation lease values based on 15% of fee value for 30-year lease and 20% of fee value plus a 5% bonus for the 40-year lease.

Conservation Lease Habitat Payments Based on Fee Values		MONTANAFWP
Area and Habitat	30 Year Lease Payment/Acre	40 Year Lease Payment/Acre
Eastern Montana Rangeland	\$85	\$119
Eastern Montana Floodplain/Riparian	\$349	\$489
Western Montana Rangeland	\$218	\$305
Western Montana Floodplain/Riparian	\$729	\$1,021

Fogle Conservation Lease

MONTANA FWP

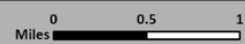


- Township & Range
- Property Boundary
- Sections
- Rangeland
- Cropland
- Excluded
- Roads

Map Produced by
Amber Feddes
Region 7
03/25/2024

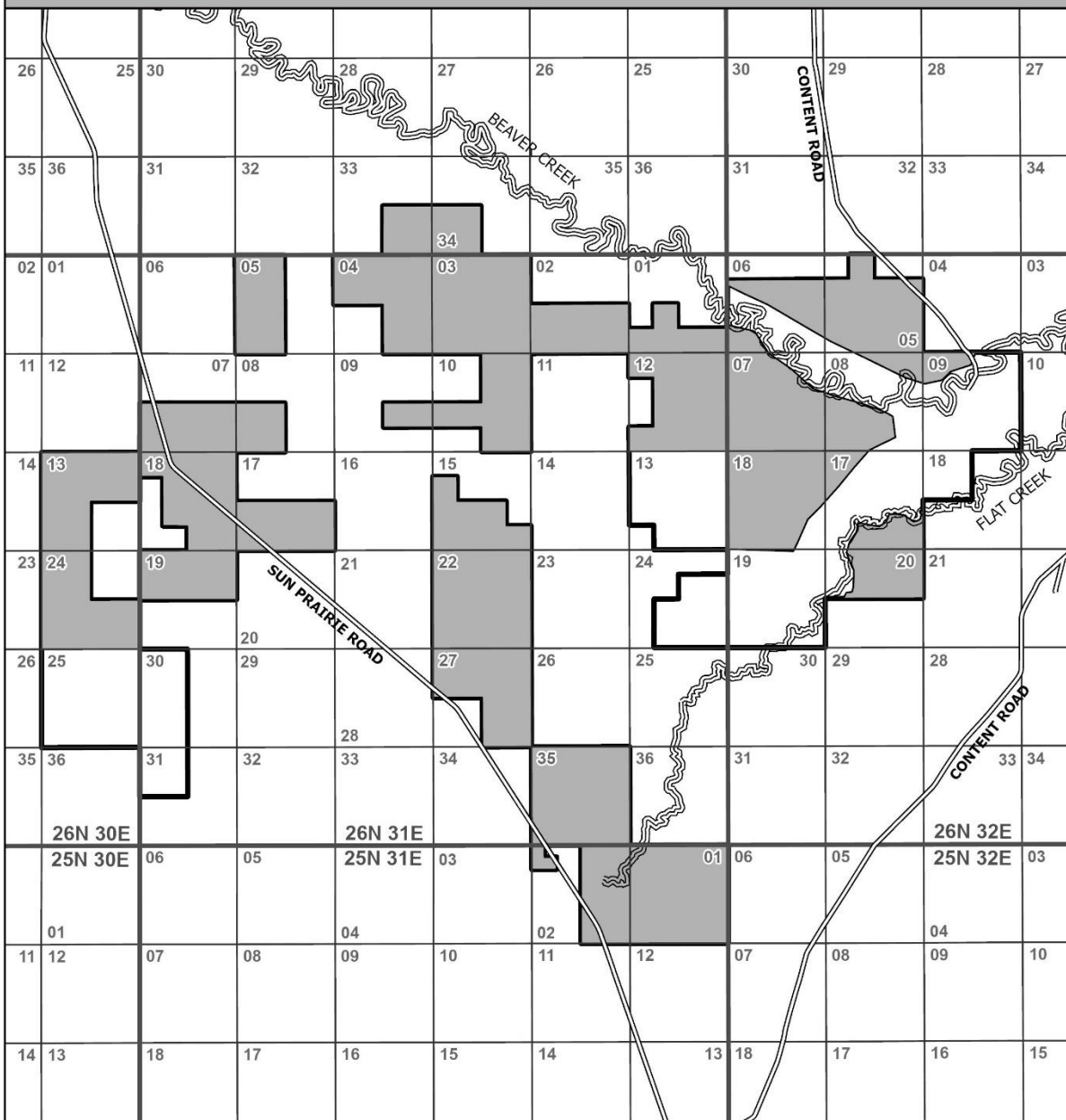


Lease data and rivers from Montana Fish, Wildlife, & Parks. Land ownership, public lands, and TRS data from Montana State Library. Roads from MDT.



B & C French Conservation Lease

MONTANA FWP



Road	Property Boundary
Township & Range	Rangeland
Section	Excluded
Stream	

Map Produced by
Amber Feddes
Montana Fish, Wildlife & Parks
Region 7
03/25/2024

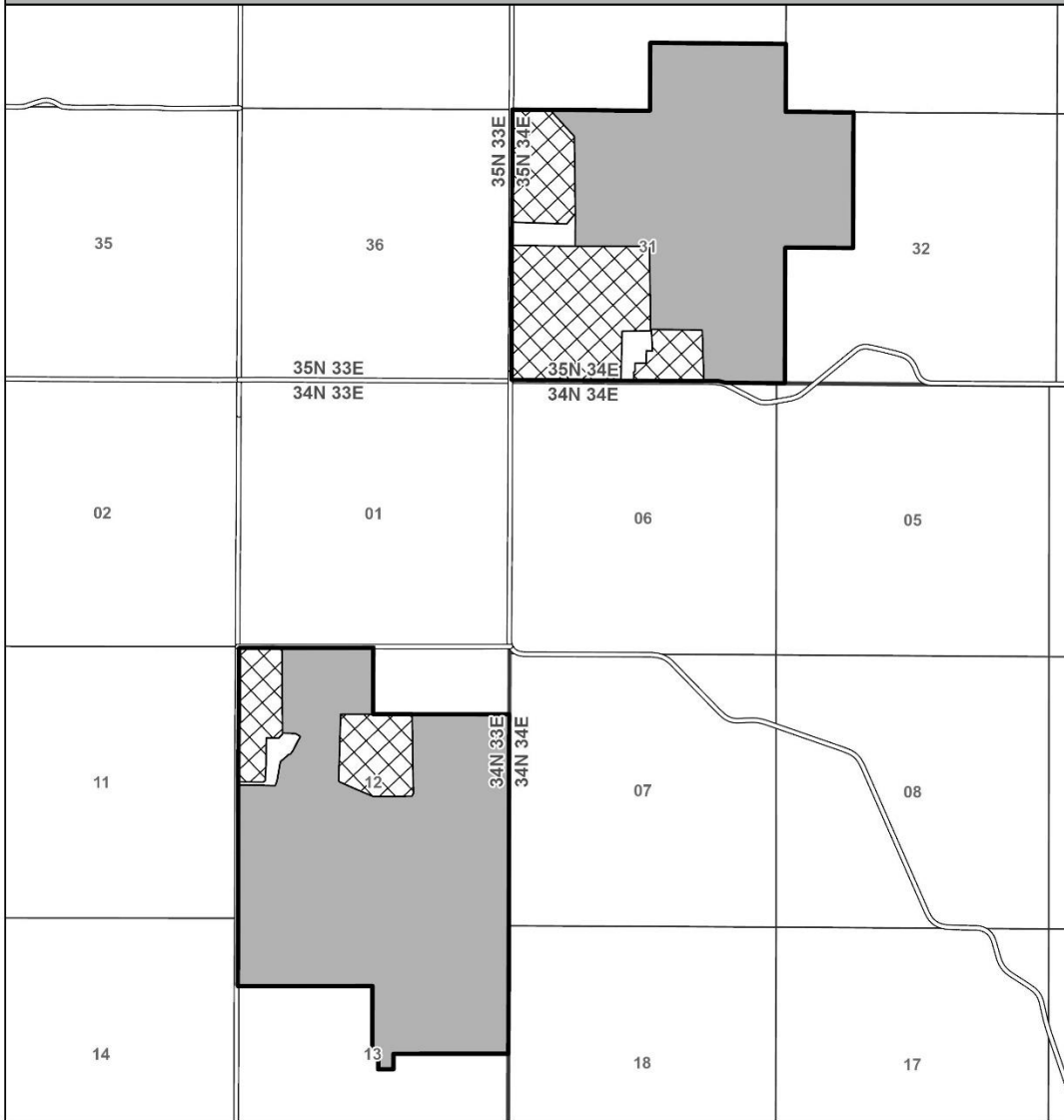
Area of Interest

0 0.5 1
Miles

Lease data and rivers from Montana Fish, Wildlife, & Parks. Land ownership, public lands, and TRS data from Montana State Library. Roads from MDT.

Hartman Land & Livestock Conservation Lease

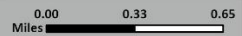
MONTANA FWP

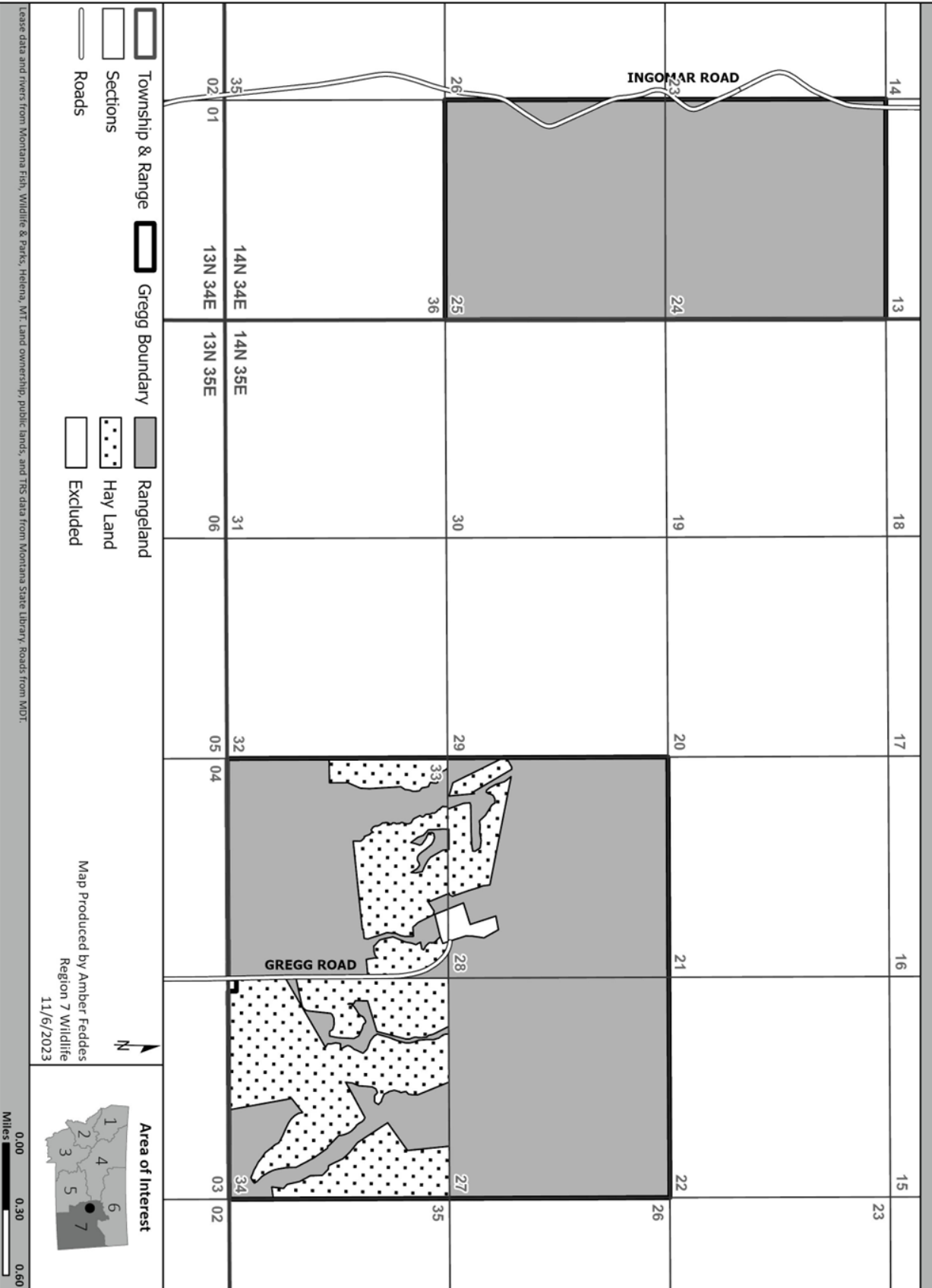


- Roads
- ⊠ Cropfield
- Uplands
- ▭ Boundary
- Excluded



Lease data and rivers from Montana Fish, Wildlife & Parks, Helena, MT. Land ownership, public lands, and TRS data from Montana State Library. Roads from MDT.





Heberle Conservation Lease

MONTANA FWP

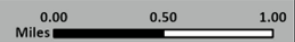


- Township & Range
- Heberle Boundary
- Sections
- Rangeland
- Roads
- Excluded

Map Produced by
Amber Feddes
Region 7 Wildlife
11/7/2023



Lease data and rivers from Montana Fish, Wildlife & Parks, Helena, MT. Land ownership, public lands, and TRS data from Montana State Library. Roads from MDT.



Barbara & David Maus Conservation Lease

MONTANA FWP

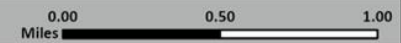


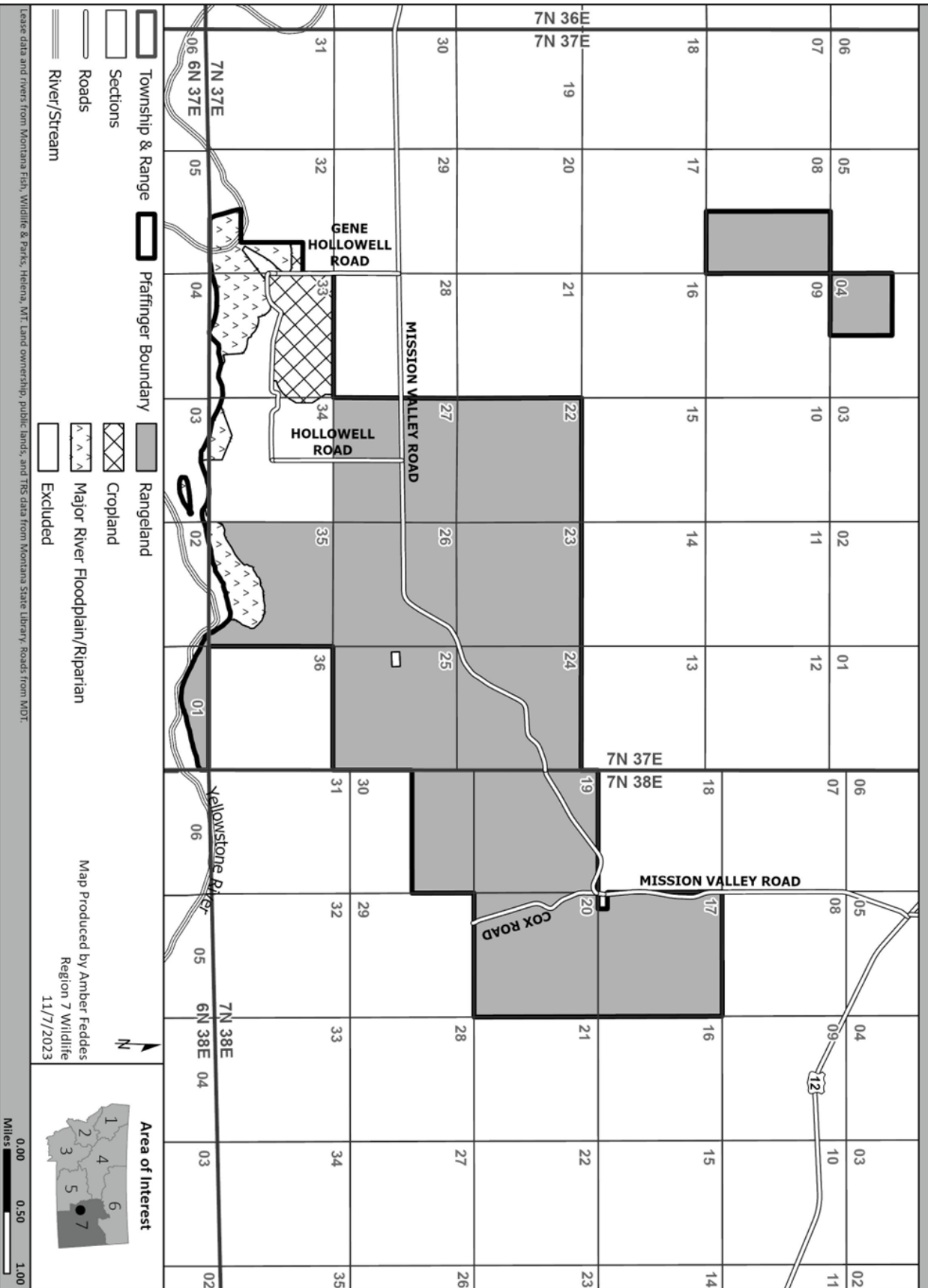
- Roads
- Sections
- Township & Range
- Stream
- Maus Boundary
- Rangeland
- Hay land
- Cropland
- Excluded

Map Produced by
Amber Feddes
R7 Wildlife
11/1/2023



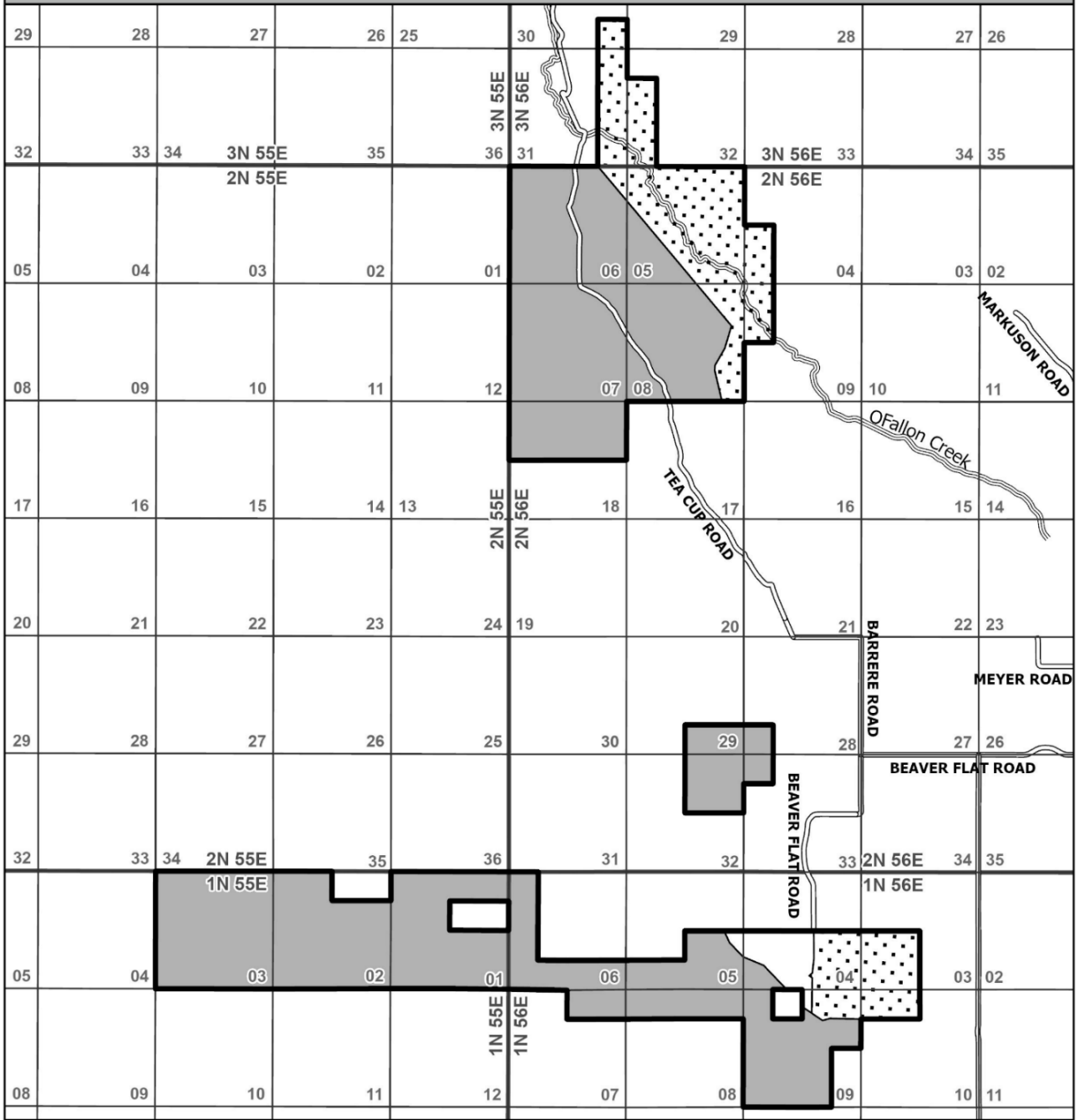
Lease data and rivers from Montana Fish, Wildlife & Parks, Helena, MT. Land ownership, public lands, and TRS data from Montana State Library. Roads from MDT.





Tooke Conservation Lease

MONTANA FWP

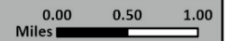


- Township & Range
- Tooke Boundary
- Sections
- Rangeland
- Rivers
- Hay Land
- Roads
- Excluded



Map Produced by
Amber Feddes
Region 7 Wildlife
11/2/2023

Lease data and rivers from Montana Fish, Wildlife & Parks, Helena, MT. Land ownership, public lands, and TRS data from Montana State Library. Roads from MDT.



0824-4

TIMBER SALES:

Llama Tracks

**Land Board Agenda Item
August 19, 2024**

0824-4 Timber Sale: Llama Tracks

**Location: Lake County
Sections 17, 18 and 20, T24N, R17W**

Trust Beneficiaries: Common Schools

Trust Revenue: \$167,929 (estimated, minimum bid)

Item Summary

Location: The Llama Tracks Timber Sale is located approximately 5 miles southeast of Swan Lake, Montana.

Size and Scope: The sale includes 4 harvest units (*202 acres*) of ground-based logging.

Volume: The estimated harvest volume is 7,000 tons (*1.1 MMBF*) of sawlogs.

Estimated Return: The minimum bid is \$23.99 per ton, which would generate approximately \$167,929 for the Common School Trust and approximately \$30,029 in Forest Improvement fees.

Prescription: This sale would utilize a combination of seed tree, overstory removal, and commercial thin harvest prescriptions designed to reduce insect and disease issues and fuel loading, while promoting forest health.

Road Construction/Maintenance: Department of Natural Resources and Conservation (DNRC) is proposing 3 miles of road maintenance.

Access: Access is obtained through State-owned roads.

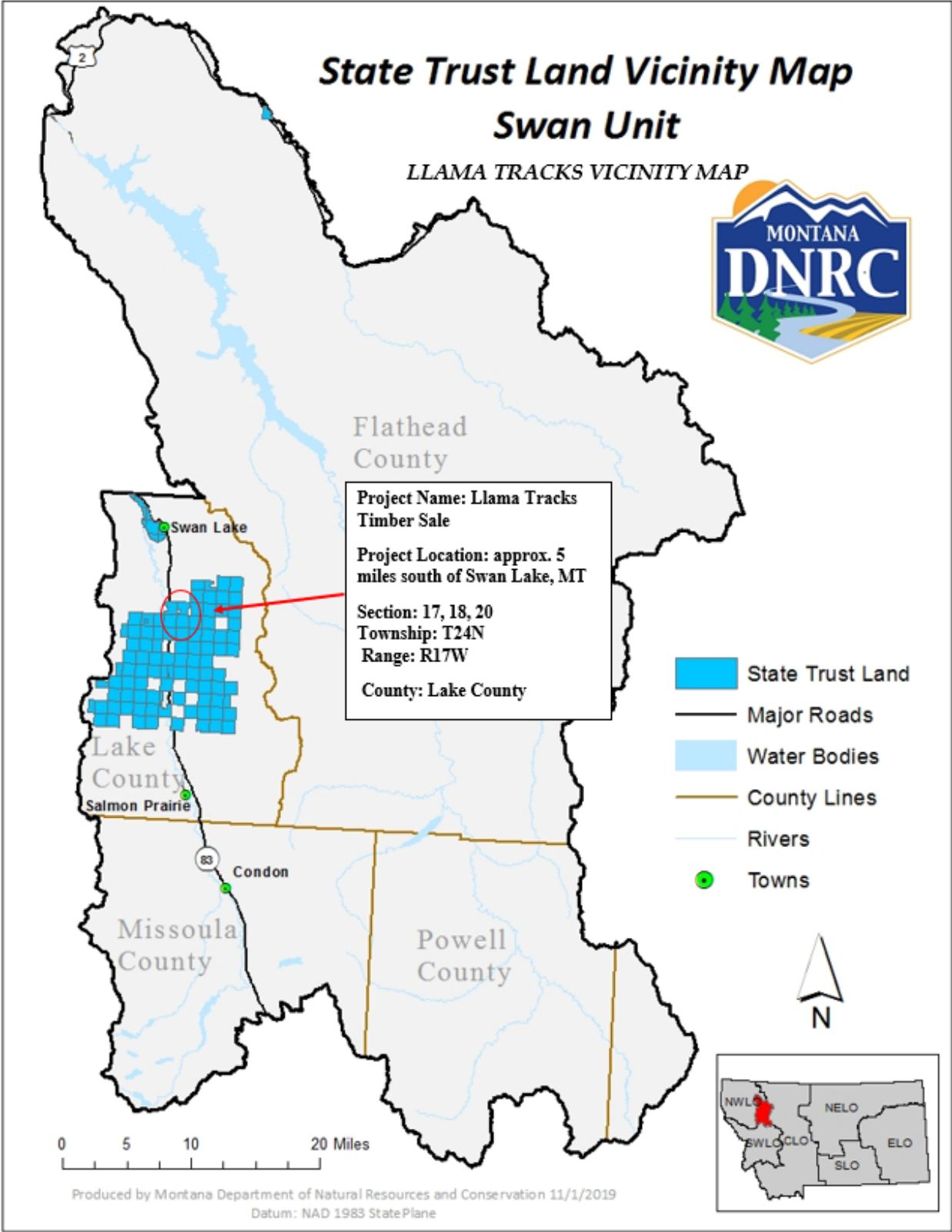
Public Comments: This timber sale is covered under the Squeezer Meadow Environmental Impact Statement (EIS). Twenty public comments were received during the scoping of the Squeezer Meadow EIS and an additional five individuals indicated that they had no comments but would like to stay informed during project development. Nine comments expressed general support for the project, six comments were neutral, and five comments were opposed to the project. Commenters expressed concern about wildlife, silviculture, hydrology and soils, roads and traffic, fisheries, climate change, visual aesthetics, air quality, cultural resources, and economics. All public comments and concerns were considered and addressed in the Squeezer Meadow Final EIS.

DNRC Recommendation

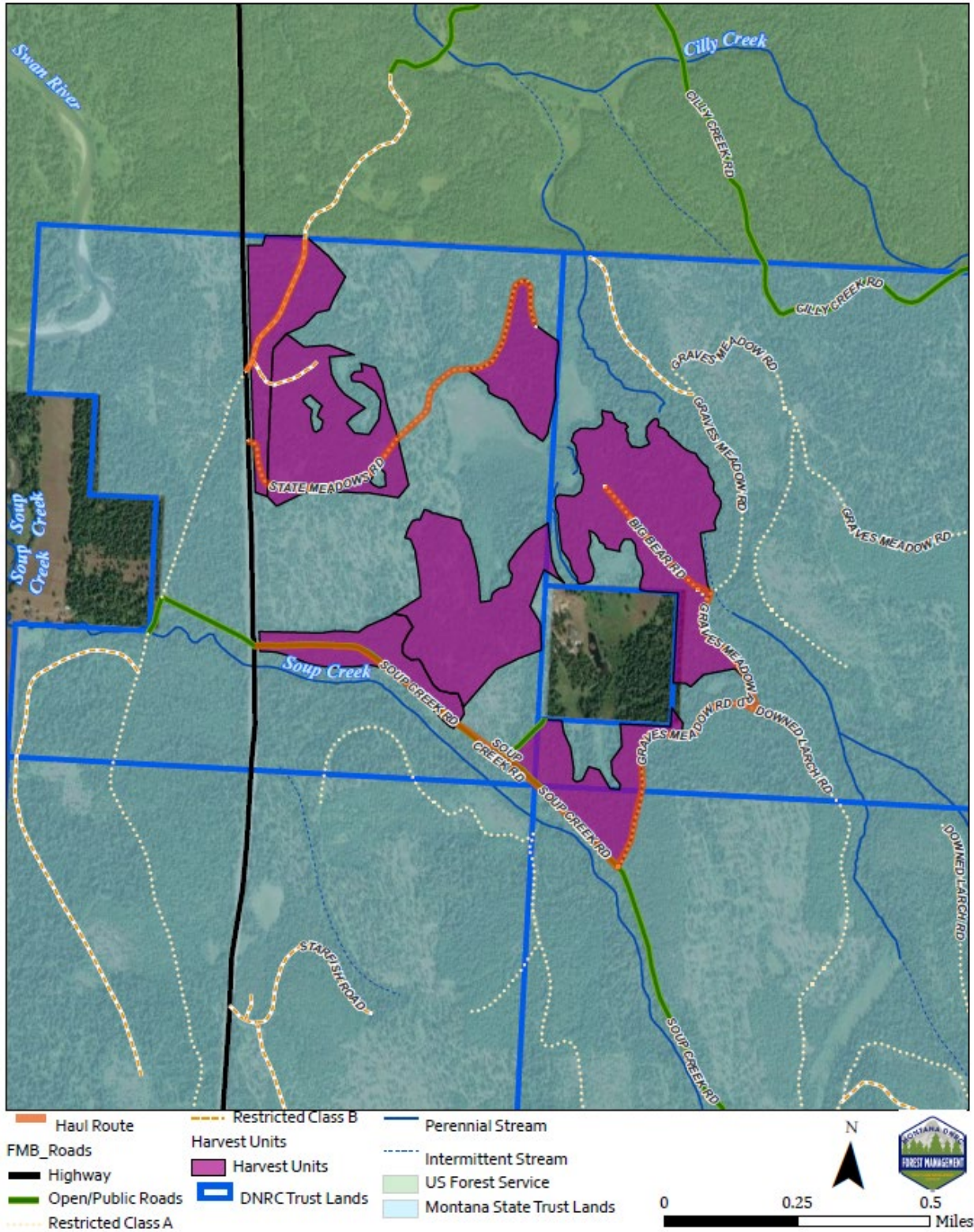
The DNRC recommends the Land Board direct DNRC to sell the Llama Tracks Timber Sale.

State Trust Land Vicinity Map Swan Unit

LLAMA TRACKS VICINITY MAP



Llama Tracks Timber Sale Haul Route and Harvest Units



0824-5

EASEMENTS

**Land Board Agenda Item
August 19, 2024**

0824-5 Easements

Location: Flathead, Lewis & Clark, Meagher, Phillips and Sheridan Counties

Trust Benefits: Common Schools, Pine Hills School, Public Land Trust – Nav Rivers

**Trust Revenue: Common Schools = \$105,460
Pine Hills School = \$ 16,000
Public Land Trust = \$ 99,743**

Item Table of Contents

Applicant	Right-of-Way Purpose	Term	Page(s)
NorthWestern Energy	Buried Natural Gas Pipeline	30 years	29-30
Dry Prairie Rural Water Authority	Buried Water Pipeline	Permanent	31-42;45-60
Triangle Telephone Cooperative Association, Inc.	Buried Fiber Optic Cable	Permanent	43-44
NorthWestern Corporation	Buried Electrical Line	Permanent	61-62
Haymaker Energy Project, LLC	Overhead Powerline	30-Year Term	63-68
Flathead County (MDT)	Public Bridge Replacement	Permanent	69-70
Charter Communications	Buried Fiber Optic Line	Permanent	71-72

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: NorthWestern Energy
1903 S. Russell St.
Missoula MT 59801

Application No.: 17464 (Amended)
R/W Purpose: a buried 8" natural gas pipeline
Lessee Agreement: N/A (Nav. Water)
Acreage: 0.05
Compensation: \$11,542
Legal Description: 20-foot strip across the Swan River in NE4SE4, Sec. 36,
Twp. 27N, Rge. 20W, Flathead County
Trust Beneficiary: Public Land Trust – Nav Rivers

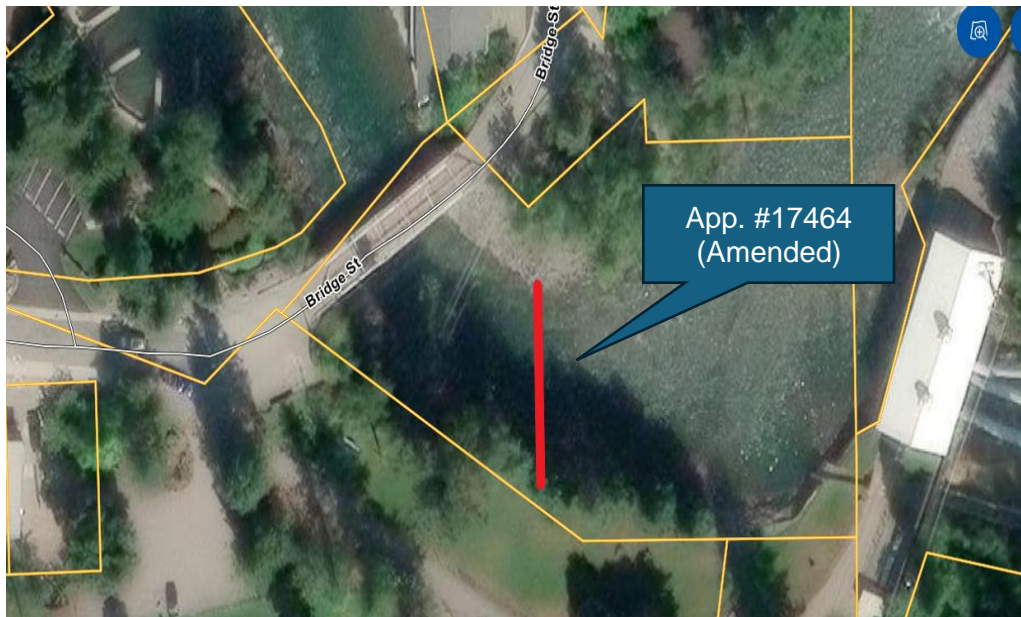
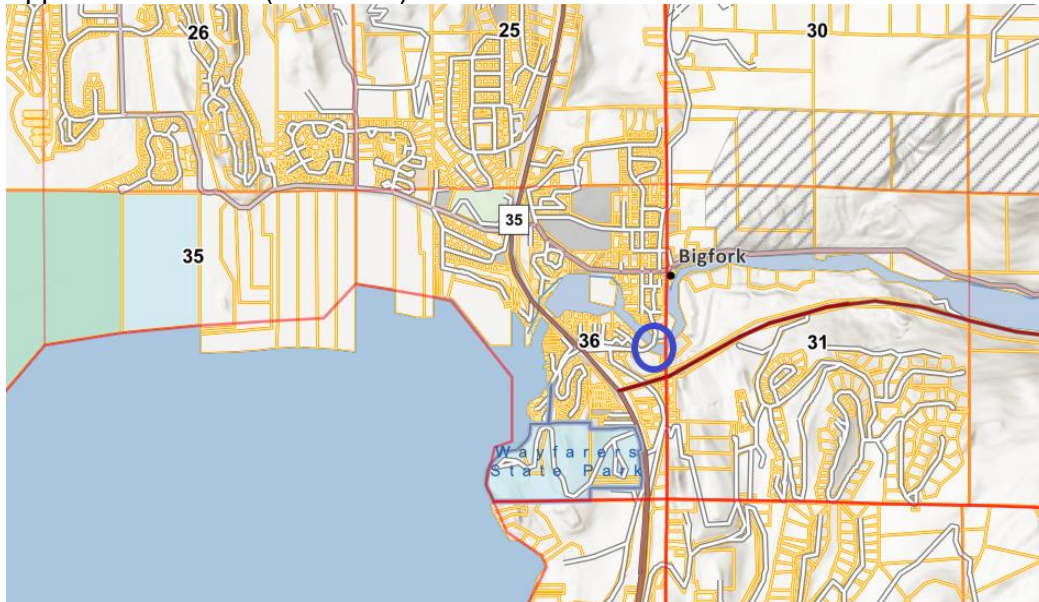
Item Summary

NorthWestern Energy is requesting an amendment to an existing historic easement acquired in 2018 for a natural gas pipeline crossing the Swan River. Due to the planned replacement of the Bridge Street bridge in Bigfork, NorthWestern Energy will need to relocate the existing pipeline that is currently located on the old bridge. The pipeline will be directional drilled beneath the bed of the river just south of the proposed new bridge alignment.

DNRC Recommendation

The DNRC recommends approval of the amendment application of NorthWestern Energy.

Application #17464 (Amended)



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19672
R/W Purpose: a buried 2" water pipeline and a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 5.4
Compensation: \$4,860
Legal Description: 30-foot strips through E2E2, Sec. 25, Twp. 36N, Rge. 54E,
Sheridan County
Trust Beneficiary: Common Schools

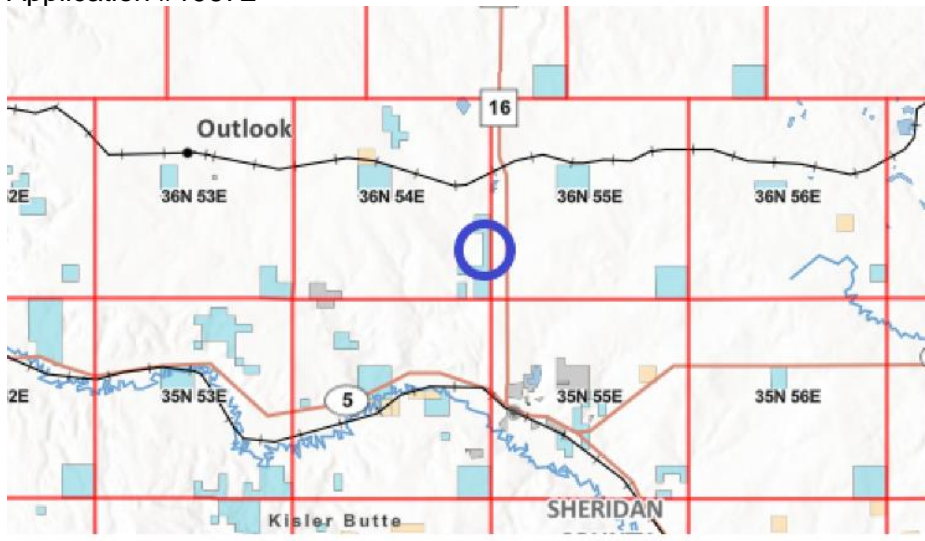
Item Summary

Dry Prairie Rural Water Authority has requested an easement for two water pipelines, 2 and 3-inch diameter. These pipelines are associated with the federally funded water system under construction to bring quality drinking water to the residents of Sheridan County. The selected route across state lands is the most cost effective route. Other routes were rejected based upon engineering design requirements, topographical features, and increased cost.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19672



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19673
R/W Purpose: a buried 2" water pipeline
Lessee Agreement: ok
Acreage: 1.82
Compensation: \$1,638
Legal Description: 30-foot strip through S2SE4, Sec. 36, Twp. 36N, Rge. 54E,
Sheridan County
Trust Beneficiary: Common Schools

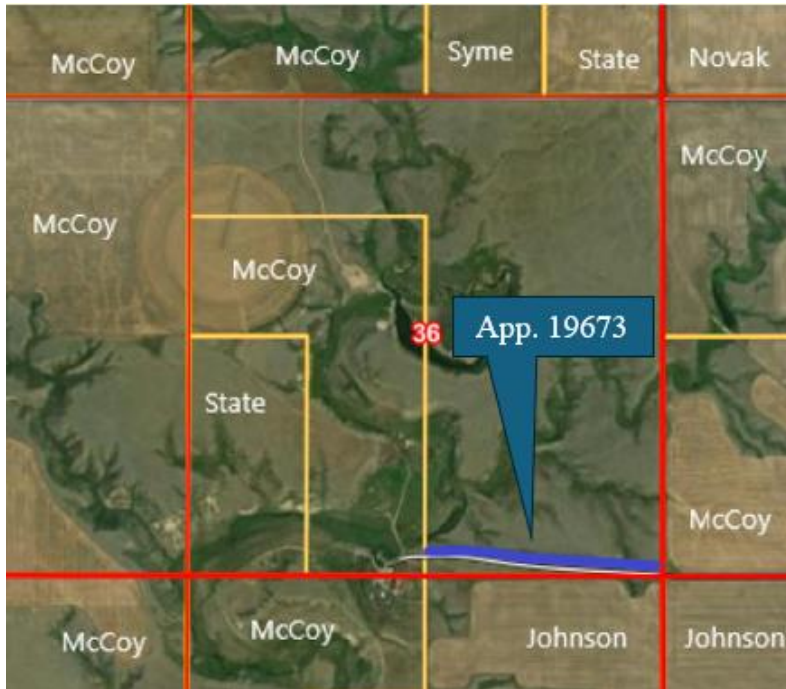
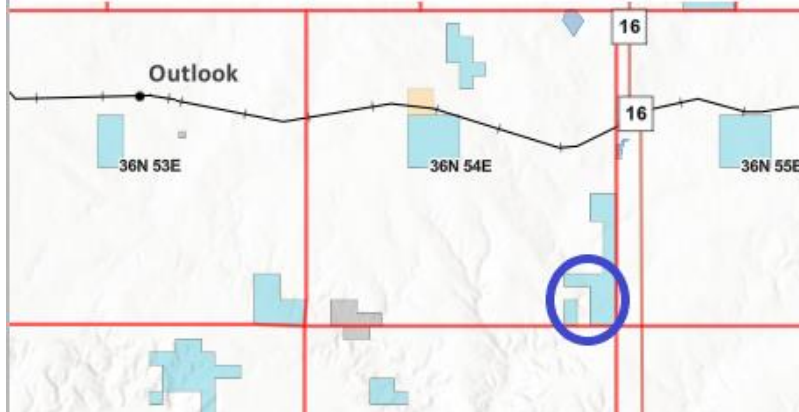
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19673



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19674
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 3.64
Compensation: \$3,276
Legal Description: 30-foot strip through N2S2, Sec. 16, Twp. 36N, Rge. 56E,
Sheridan County
Trust Beneficiary: Common Schools

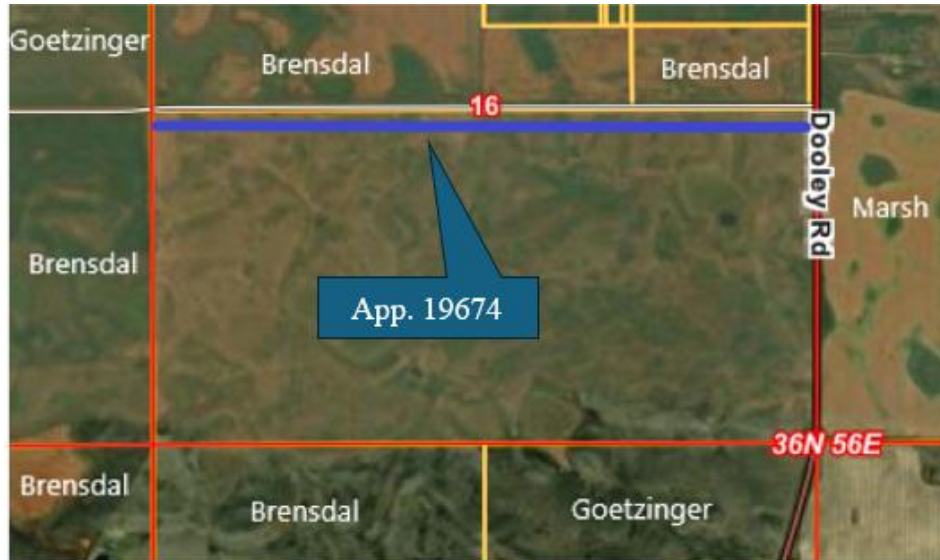
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19674



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19675
R/W Purpose: a buried 2" water pipeline and a buried 4" water pipeline
Lessee Agreement: ok
Acreage: 7.15
Compensation: \$6,435
Legal Description: 30-foot strips through N2NW4, E2E2, NW4SE4, Sec. 16,
Twp. 36N, Rge. 58E, Sheridan County
Trust Beneficiary: Common Schools

Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19675



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19676
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 0.44
Compensation: \$396
Legal Description: 30-foot strip through SW4SW4, Sec. 36, Twp. 37N, Rge. 56E,
Sheridan County
Trust Beneficiary: Common Schools

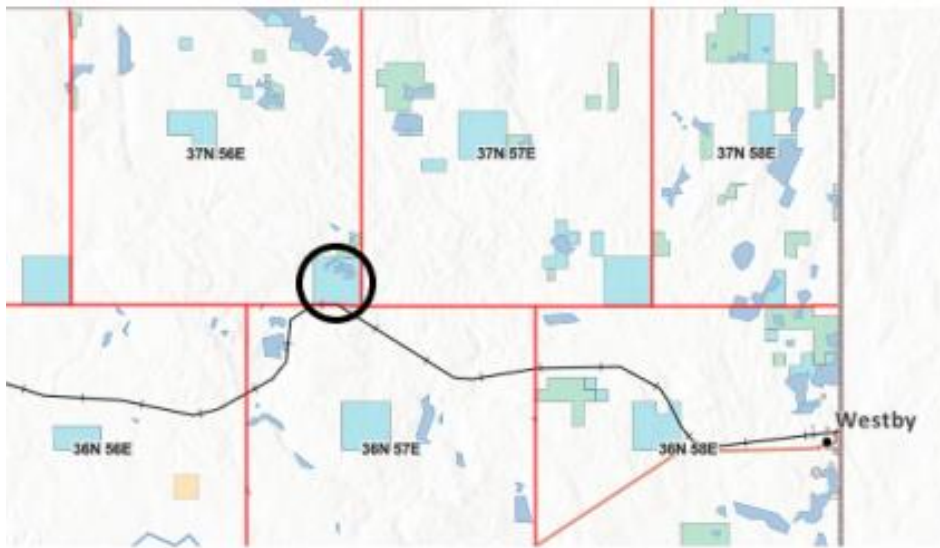
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19676



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19677
R/W Purpose: a buried 2" water pipeline
Lessee Agreement: ok
Acreage: 4.48
Compensation: \$4,032
Legal Description: 30-foot strip through N2N2, NW4NE4, SW4NE4, Sec. 16,
Twp. 37N, Rge. 57E, Sheridan County
Trust Beneficiary: Common Schools

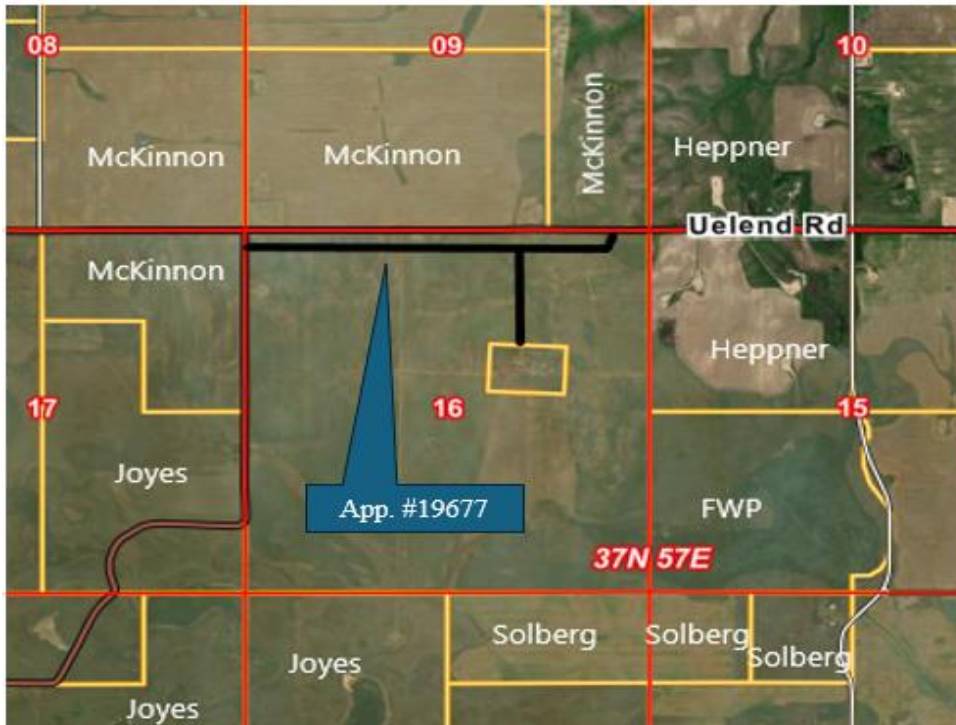
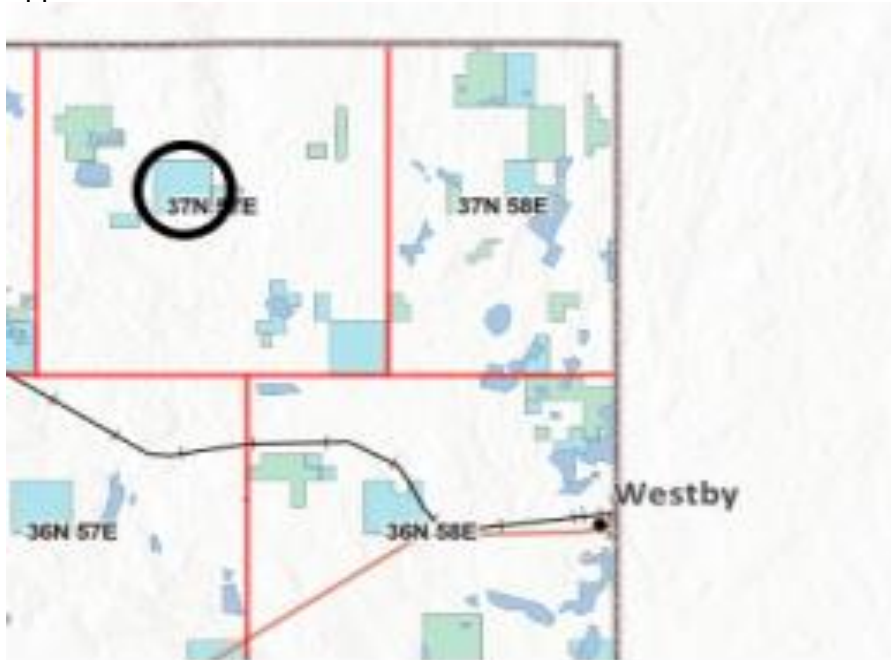
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19677



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Triangle Telephone Cooperative Association, Inc.
PO Box 1220
Havre, MT 59501

Application No.: 19679
R/W Purpose: a buried fiber optic cable
Lessee Agreement: ok
Acreage: 1.91
Compensation: \$764
Legal Description: 20-foot strip through W2W2, Sec. 16, Twp. 24N, Rge. 26E,
Phillips County
Trust Beneficiary: Common Schools

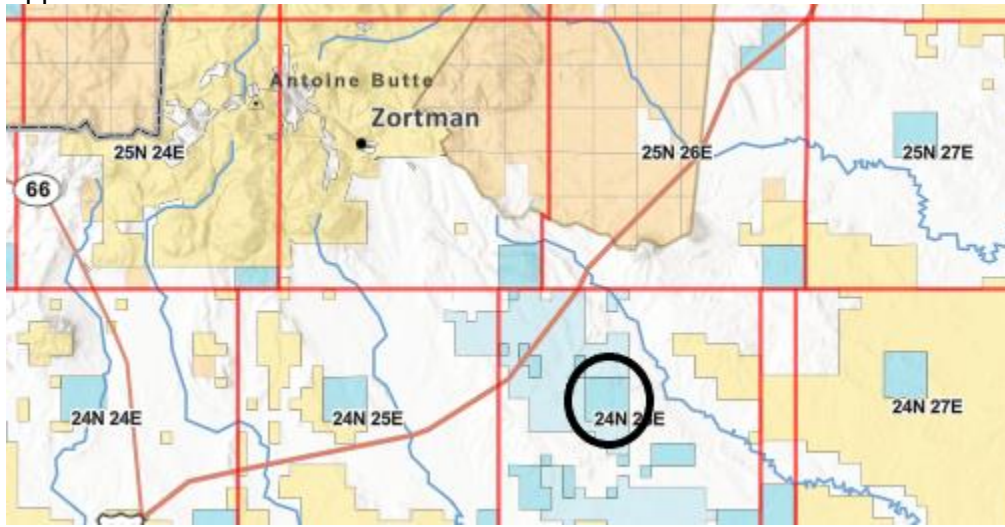
Item Summary

Triangle Telephone Cooperative Association, Inc. is requesting an easement to install new fiber optic cables in the Hays exchange area. The current copper facilities in the area are reaching capacity to serve the area due to growth and aging facilities in the serving area in and around Zortman, Montana. The improvements will offer state-of-the-art telecommunications toll and distribution facilities, as well as future growth capabilities. The route is the most direct route between terminus locations and is located primarily along existing roadways.

DNRC Recommendation

The DNRC recommends approval of the application of Triangle Telephone Cooperative Association, Inc.

Application #19679



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19680
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 2.21
Compensation: \$1,989
Legal Description: 30-foot strip through N2NW4, Sec. 16, Twp. 36N, Rge. 53E,
Sheridan County
Trust Beneficiary: Common Schools

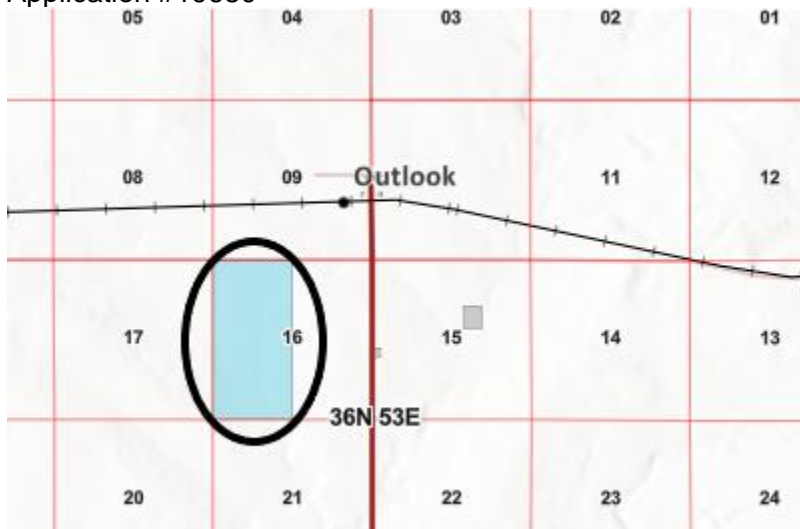
Item Summary

Continuation of previous Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19680



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19681
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 0.10
Compensation: \$100
Legal Description: 30-foot strip through SW4SW4, Sec. 3, Twp. 36N, Rge. 54E,
Sheridan County
Trust Beneficiary: Common Schools

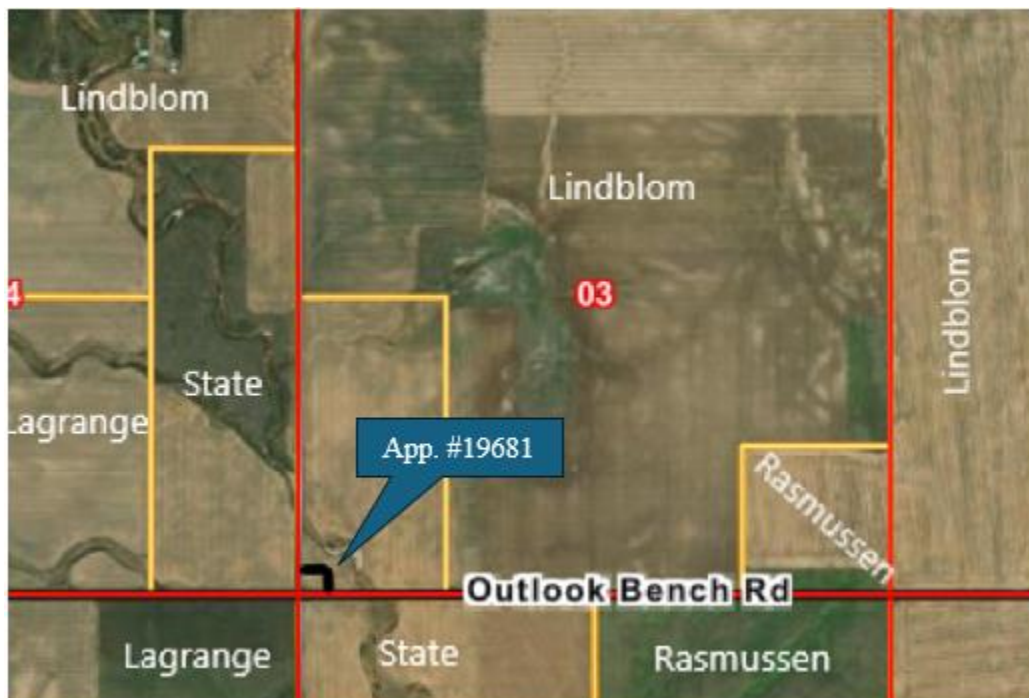
Item Summary

Continuation of previous Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19681



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19682
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 2.18
Compensation: \$1,962
Legal Description: 30-foot strip through SE4NE4, E2SE4, Sec. 4, Twp. 36N,
Rge. 54E, Sheridan County
Trust Beneficiary: Common Schools

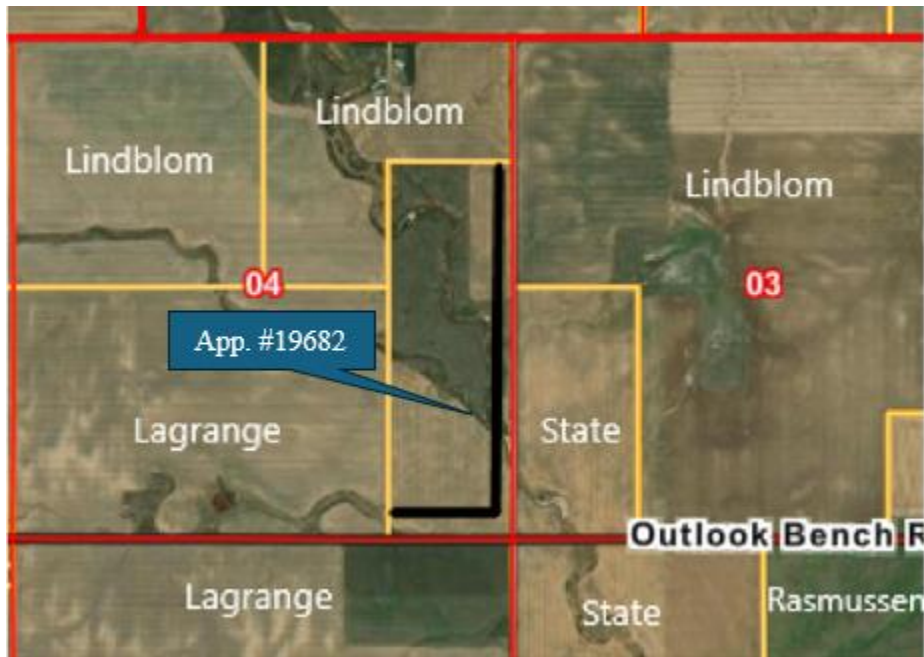
Item Summary

Continuation of previous Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19682



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19683
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 1.82
Compensation: \$1,638
Legal Description: 30-foot strip through W2NW4, Sec. 10, Twp. 36N, Rge. 54E,
Sheridan County
Trust Beneficiary: Common Schools

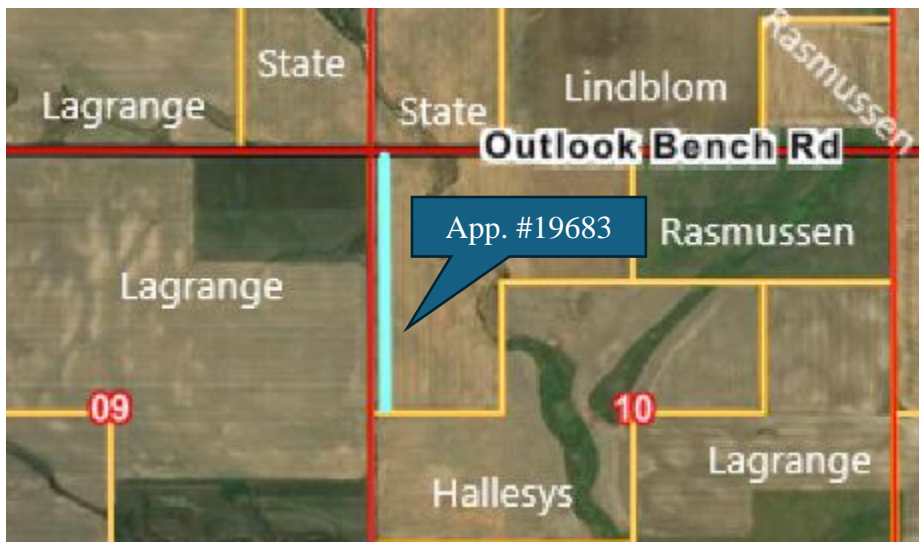
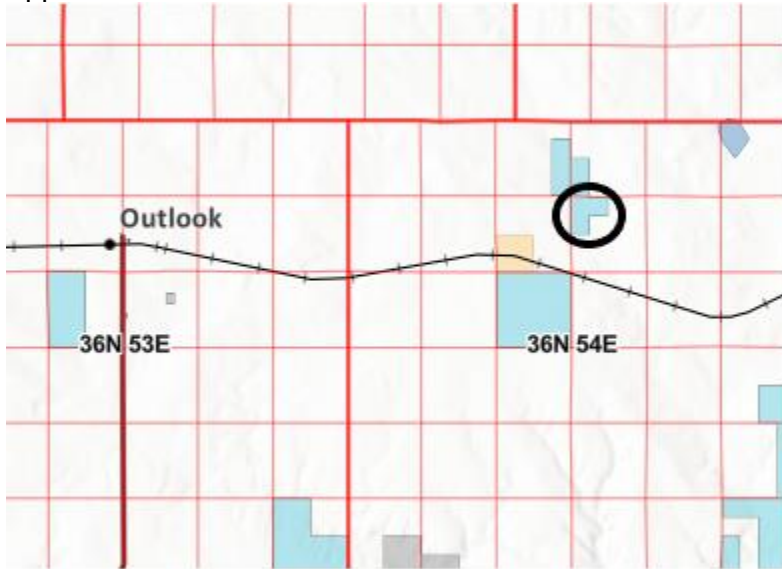
Item Summary

Continuation of previous Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19683



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19684
R/W Purpose: a buried 8" water pipeline
Lessee Agreement: Ok
Acreage: 3.71
Compensation: \$3,339
Legal Description: 30-foot strip through N2N2, Sec. 16, Twp. 36N, Rge. 54E,
Sheridan County
Trust Beneficiary: Common Schools

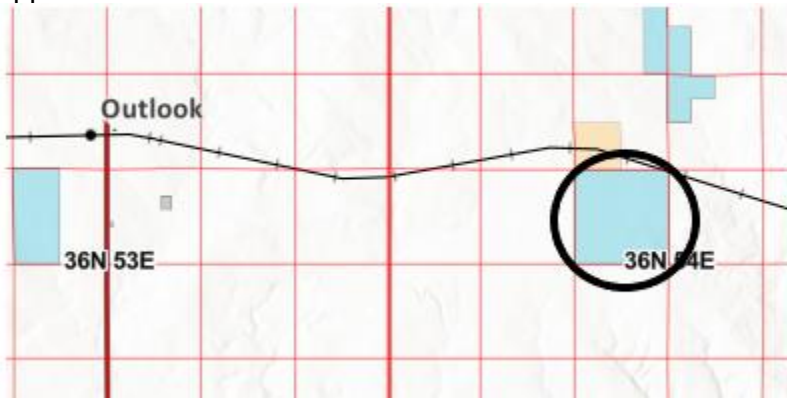
Item Summary

Continuation of previous Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19684



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19685
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 1.11
Compensation: \$999
Legal Description: 30-foot strip through SE4SE4, Sec. 23, Twp. 37N, Rge. 51E,
Sheridan County
Trust Beneficiary: Common Schools

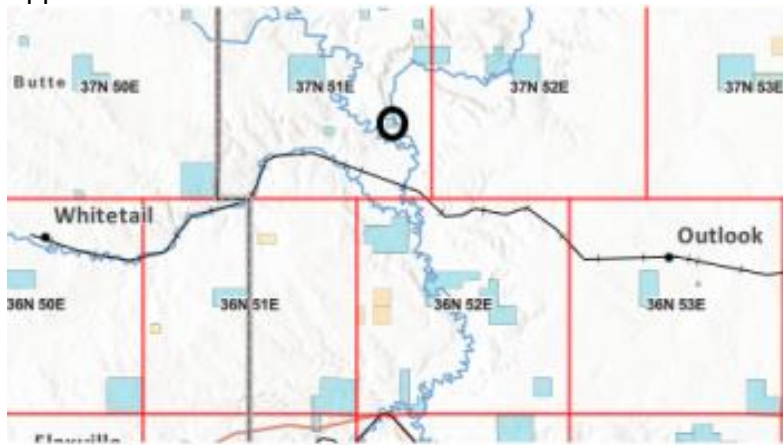
Item Summary

Continuation of previous Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19685



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19686
R/W Purpose: a buried 2" water pipeline and a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 4.05
Compensation: \$3,645
Legal Description: 30-foot strips through N2NE4, SW4NE4, NE4SW4, NW4SE4,
Sec. 16, Twp. 37N, Rge. 52E, Sheridan County
Trust Beneficiary: Common Schools

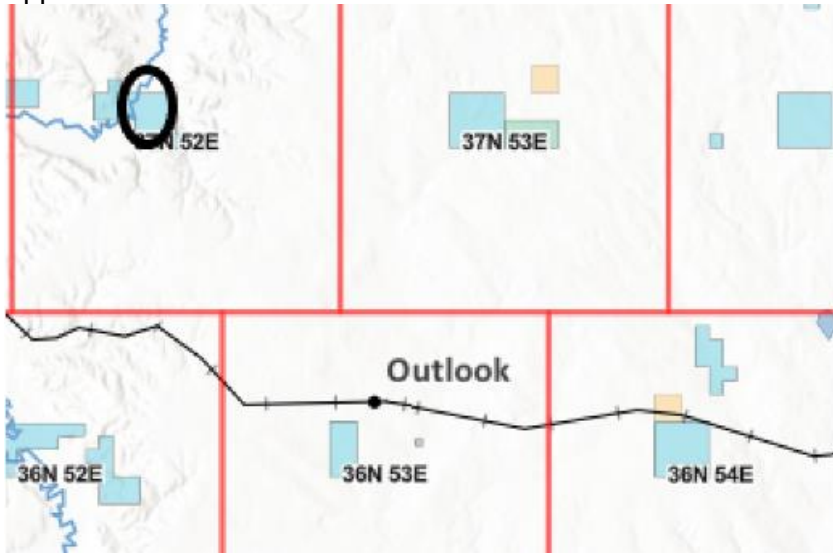
Item Summary

Continuation of previous Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19686



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19687
R/W Purpose: a buried 2" water pipeline
Lessee Agreement: ok
Acreage: 0.91
Compensation: \$819
Legal Description: 30-foot strip through SE4SE4, Sec. 18, Twp. 37N, Rge. 54E,
Sheridan County
Trust Beneficiary: Common Schools

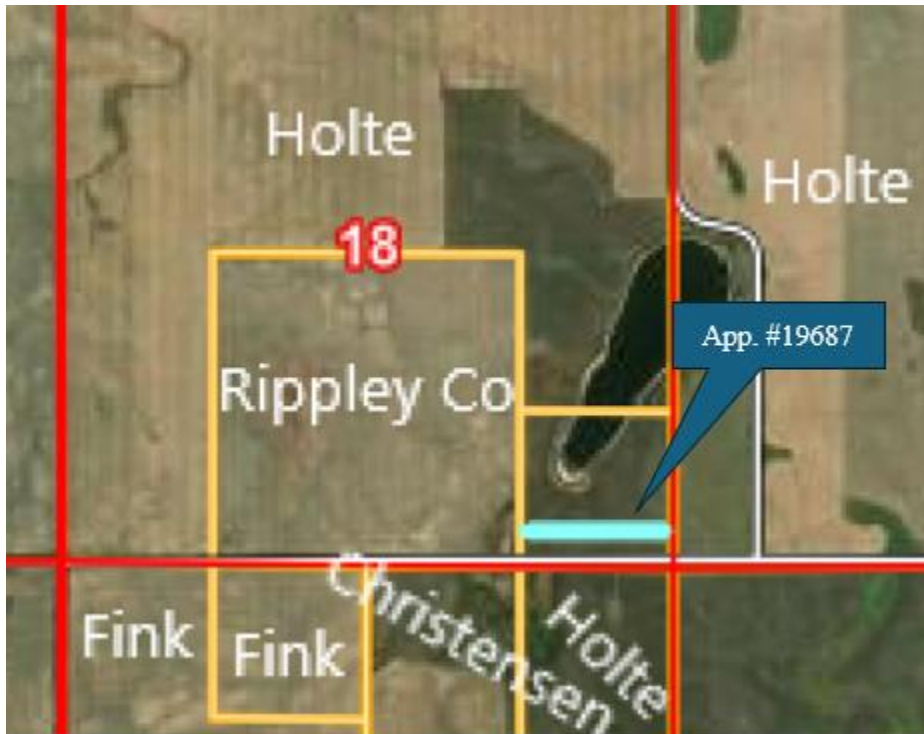
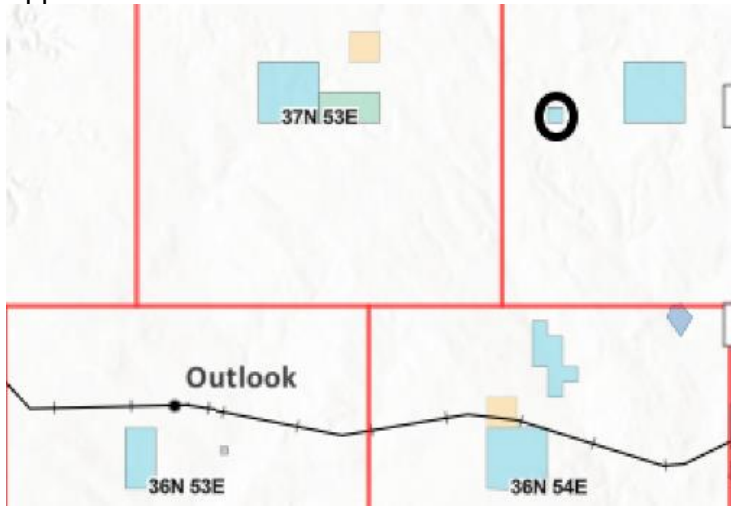
Item Summary

Continuation of previous Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19687



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: NorthWestern Corporation
11 East Park Street
Butte, MT 59701

Application No.: 19688
R/W Purpose: a buried electric line
Lessee Agreement: ok
Acreage: 0.62
Compensation: \$1,116
Legal Description: 30-foot strip through NE4NE4, Sec. 16, Twp. 11N, Rge. 5W,
Lewis & Clark County
Trust Beneficiary: Common Schools

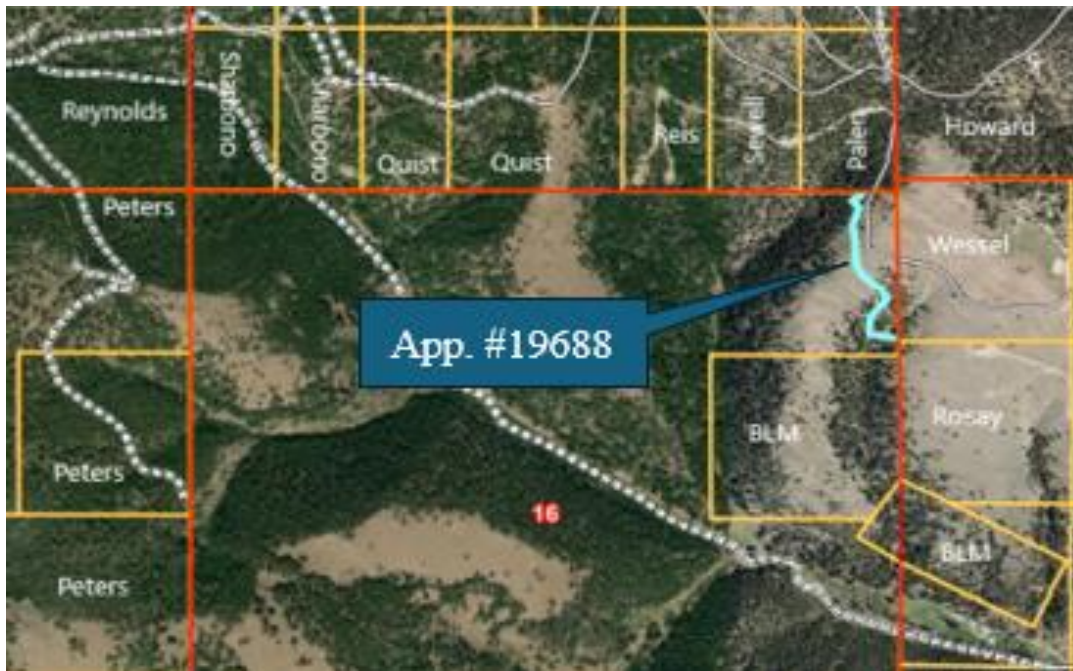
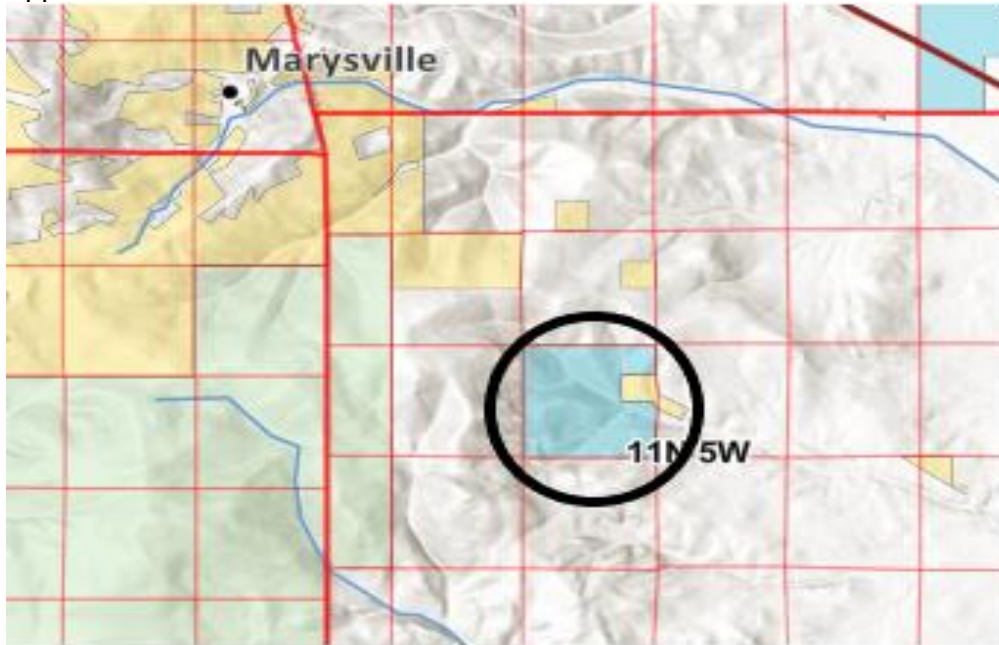
Item Summary

NorthWestern Corporation has requested an easement to install a buried electrical line through State land, including along a portion of Turk Road on State land. The project would provide power to the local residents north of the State land. A shorter route, one following Turk Road exclusively, was considered but private landowners along a portion of Turk Road were unwilling to grant easements across their property. Thus, the most viable and least costly route was to obtain easement through a willing landowner south of Turk Road and traverse through State Land for approximately 700 feet to connect to Turk Road on State Land. Impacts will be minimal as the electric line will be trenched in and reclaimed and reseeded immediately following installation.

DNRC Recommendation

The DNRC recommends approval of the application of NorthWestern Corporation.

Application #19688



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Haymaker Energy Project, LLC
100 California Street, Suite 650
San Francisco, CA 94111

Application No.: 19689
R/W Purpose: an overhead 230 kV electric transmission line
Lessee Agreement: ok
Acreage: 0.04
Compensation: \$400
Legal Description: 150-foot strip through SE4SE4, Sec. 4, Twp. 7N, Rge. 11E,
Meagher County
Trust Beneficiary: Common Schools

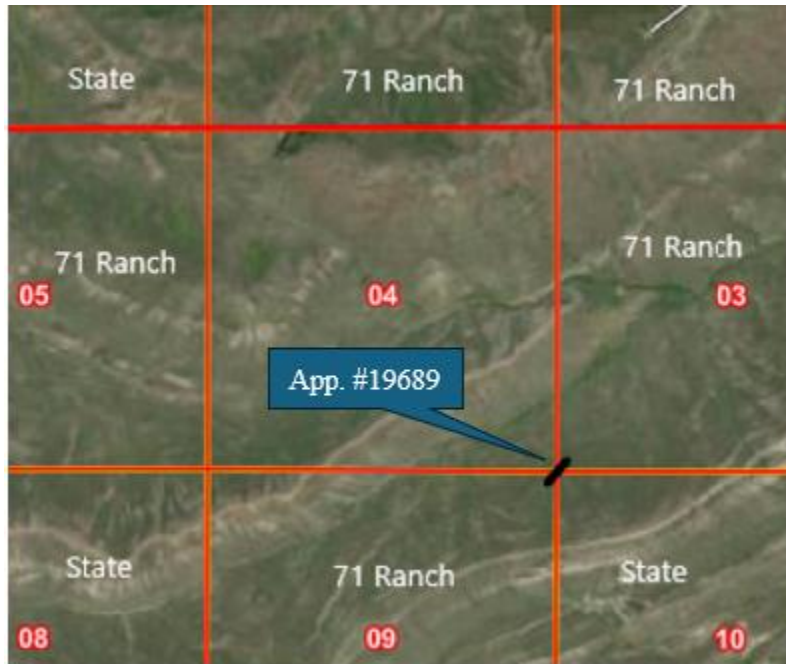
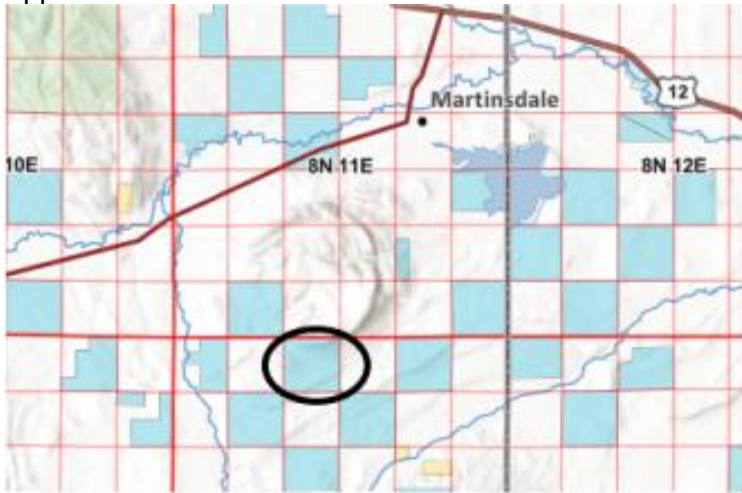
Item Summary

Haymaker Energy Project, LLC is requesting an easement to install a 230 kV overhead electric transmission line across State land. The project would connect wind generation in Wheatland County to a proposed substation on private land in Meagher County that is a point of interconnection on the electric transmission grid of the Colstrip Transmission system. The project is exempt from the Montana Major Facility Siting Act, with DEQ issuing the exemption in September, 2023. The proposed route minimizes environmental impact, respects landowner interests, and adheres to engineering and operational feasibility, while ensuring the economic viability of the project. Because this project is tied solely to wind energy project which likely has a limited term of operation, it is recommended that only a 30-year term easement be issued.

DNRC Recommendation

The DNRC recommends approval of the application of Haymaker Energy Project, LLC for a 30-year term.

Application #19689



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Haymaker Energy Project, LLC
100 California Street, Suite 650
San Francisco, CA 94111

Application No.: 19690
R/W Purpose: an overhead 230 kV electric transmission line
Lessee Agreement: ok
Acreage: 1.60
Compensation: \$16,000
Legal Description: 150-foot strip through NW4NW4, Sec. 10, Twp. 7N, Rge. 11E,
Meagher County
Trust Beneficiary: Pine Hills School

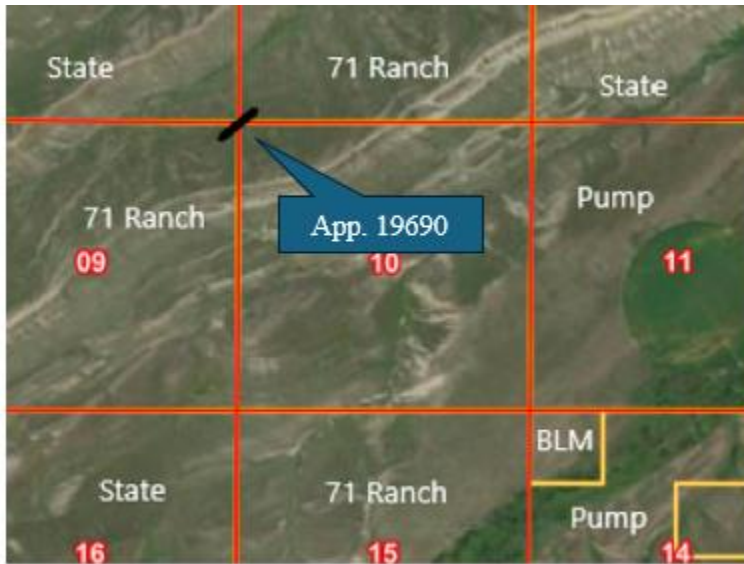
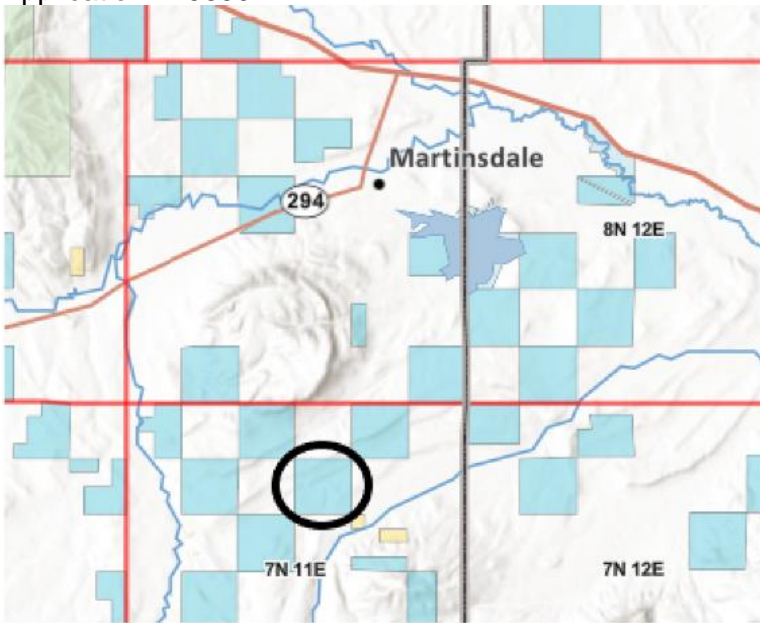
Item Summary

Continuation of Haymaker Energy Project, LLC applications.

DNRC Recommendation

The DNRC recommends approval of the application of Haymaker Energy Project, LLC for a 30-year limited term.

Application #19690



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Haymaker Energy Project, LLC
100 California Street, Suite 650
San Francisco, CA 94111

Application No.: 19691
R/W Purpose: an overhead 230 kV electric transmission line
Lessee Agreement: ok
Acreage: 5.78
Compensation: \$57,800
Legal Description: 150-foot strip through NW4NW4, Sec. 16, Twp. 7N, Rge. 11E,
Meagher County
Trust Beneficiary: Common Schools

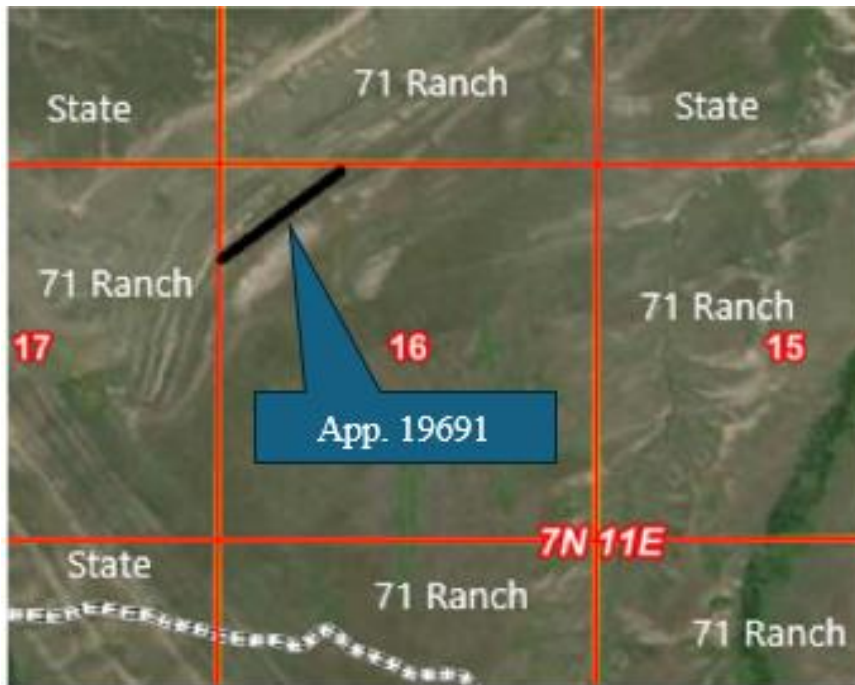
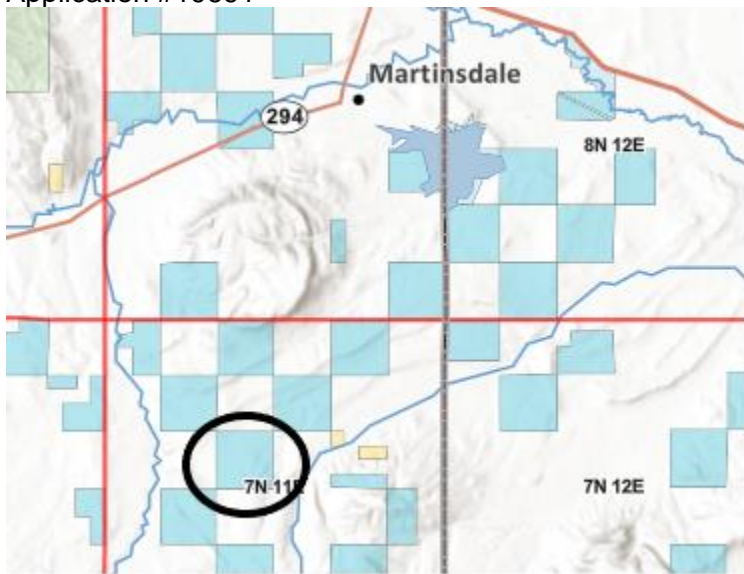
Item Summary

Continuation of Haymaker Energy Project, LLC applications.

DNRC Recommendation

The DNRC recommends approval of the application of Haymaker Energy Project, LLC for a 30-year limited term.

Application #19691



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Flathead County
%Montana Dept. of Transportation
P O Box 201001
Helena, MT 59620-1001

Application No.: 19692
R/W Purpose: a public highway bridge
Lessee Agreement: N/A (Nav. Water)
Acreage: 0.13
Compensation: \$88,201
Legal Description: tract of land across the Swan River in NE4SE4, SE4NE4,
Sec. 36, Twp. 27N, Rge. 20W, Flathead County
Trust Beneficiary: Public Land Trust – Nav Waters

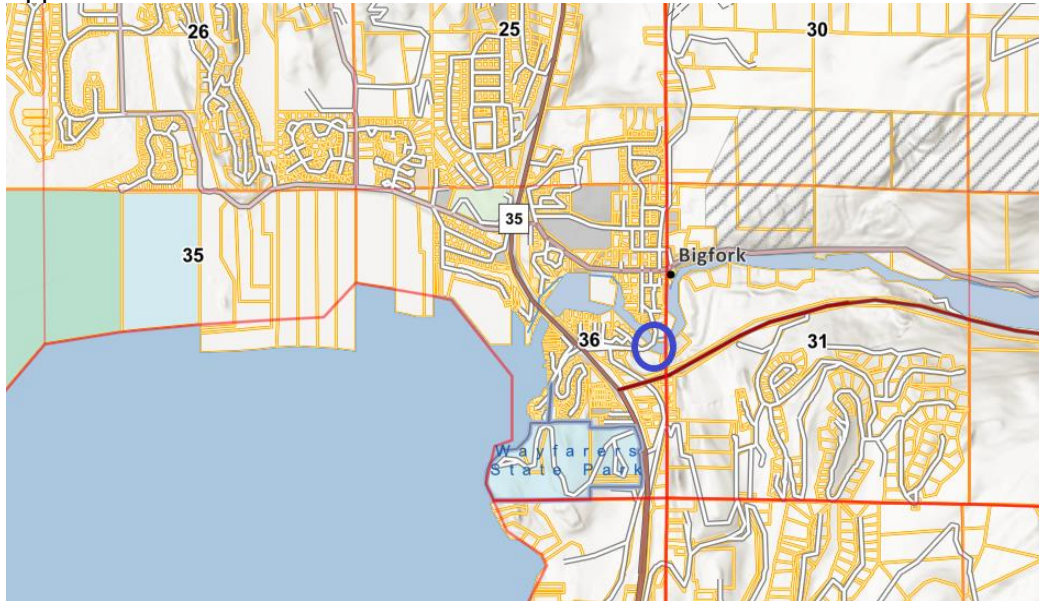
Item Summary

Montana Department of Transportation, on behalf of Flathead County, has made application for a public bridge crossing the Swan River. The Bridge Street bridge is on a secondary roadway under jurisdiction of Flathead County and the aging structure was closed for public safety recently. A new truss bridge structure will be constructed in the fall of 2024 and will provide for improved single-lane traffic and pedestrian access to the residents of Bigfork and the traveling public.

DNRC Recommendation

The DNRC recommends approval of the application of Montana Department of Transportation on behalf of Flathead County.

Application #19692



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Charter Communications
1860 Monad Rd
Billings, MT 59102

Application No.: 19694
R/W Purpose: a buried fiber optic cable
Lessee Agreement: N/A (Unleased)
Acreage: 0.54
Compensation: \$10,252
Legal Description: 16-foot strip of land through SW4NW4, NW4SW4, Sec. 27,
Twp. 10N, Rge. 4W, Lewis & Clark County
Trust Beneficiary: Common Schools

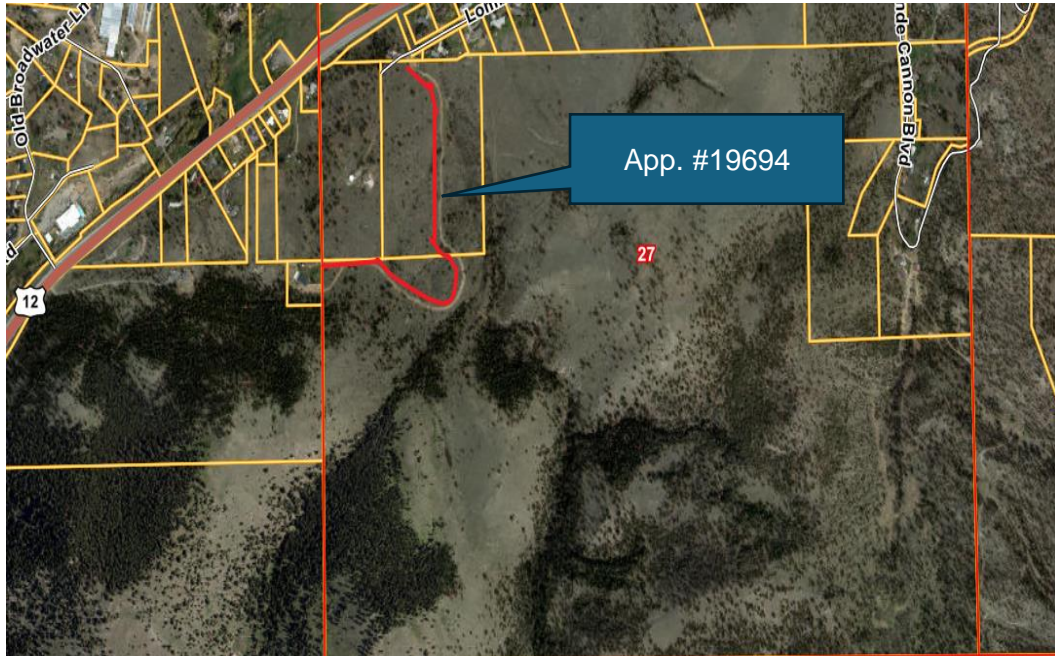
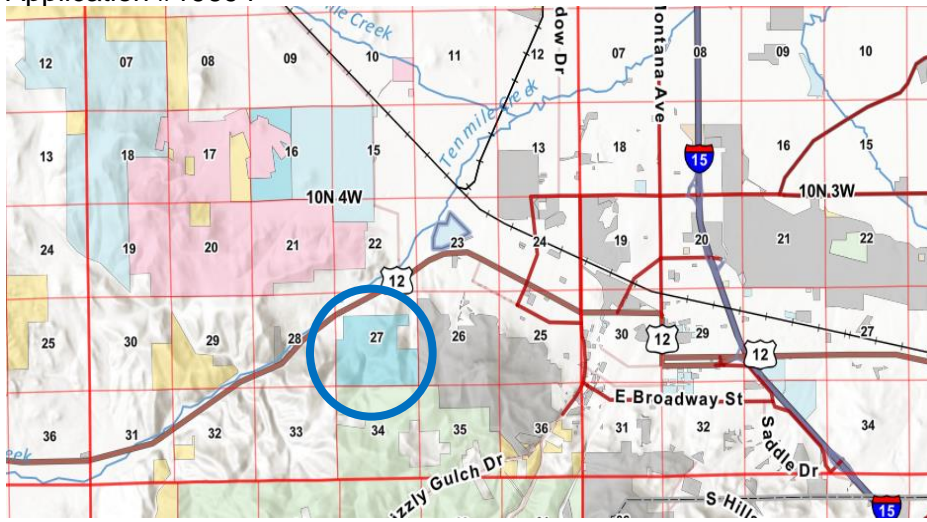
Item Summary

Charter Communications is proposing to install a fiber optic cable to provide service upgrades in an area west of Helena. The route follows an existing road easement on the State land which is the shortest route to provide connectivity to existing systems, the least environmentally impactful, and most cost effective.

DNRC Recommendation

The DNRC recommends approval of the application of Charter Communications.

Application #19694



0824-6

RECREATIONAL USE:

Request To Proceed with Rulemaking to Amend
Recreational Rules

**Land Board Agenda Item
August 19, 2024**

0824-6 Request to Proceed with Rulemaking to Amend Recreational Use Rules

Location: State of Montana

Trust Benefits: Common Schools, Public Buildings, Montana State University, MSU Morrill, MSU Eastern/UM Western, Montana Tech, University of Montana, Deaf & Blind School, Pine Hills, Veterans Home, Intensive Behavior Center, and Montana State Hospital

Trust Revenue: Unknown

Item Summary

The Department of Natural Resources and Conservation (DNRC) Forestry and Trust Lands Division requests Land Board approval to initiate rulemaking to amend recreational use rules (ARM 36.25.145, 36.25.146, 36.25.149, 36.25.150, 36.25.152, 36.25.157, 36.25.158, and 36.25.159). This rulemaking is necessary to align administrative rules with applicable statute as amended by HB 521 (2023), SB 326 (2015), SB 65 (2009), and to adopt food storage requirements for public safety in grizzly bear habitat.

If approved, the proposal notice will be filed with the Secretary of State's office. There will be a 30-day comment period and a public hearing. After notice and hearing, but prior to filing the adoption notice, the DNRC would seek final Land Board approval.

DNRC Recommendation

The DNRC recommends Land Board approval of this request for amendment of administrative rules regarding recreational use.

BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the amendments of) NOTICE OF PUBLIC HEARING ON
ARM 36.25.145, 36.25.146,) PROPOSED AMENDMENTS
36.25.149, 36.25.150, 36.25.152,)
36.25.157, 36.25.158, and 36.25.159)
pertaining to recreational use of state)
lands)

TO: All Concerned Persons

1. On September 26, 2024, at 10:00 a.m., the Department of Natural Resources and Conservation (DNRC) will hold a public hearing at the DNRC building in the Montana Conference Room, First Floor, located at 1539 Eleventh Avenue, Helena, Montana, and via Zoom, to consider the proposed amendments of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting: <https://mt.gov.zoom.us/j/83088268413?pwd=FpXj9Lt28EFB4kG41LGEdvIVxMC> Rup.1; Meeting ID: 830 8826 8413; Password: 459807; or
- b. Dial by Telephone: +1 646 558 8656; Meeting ID: 830 8826 8413; Password: 459807; Find your local number: <https://mt.gov.zoom.us/u/kdTimrwcsV>

2. The department will provide reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require accommodation, contact the department no later than 5:00 p.m. on September 20, 2024, to advise us of the nature of the accommodation that you need. Please contact Jamie Price, Department of Natural Resources and Conservation, 1539 Eleventh Avenue, P.O. Box 201601, Helena, Montana, 59620-1601; telephone (406) 444-6615; Montana Relay 711; or e-mail DNRCOAH@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

36.25.145 DEFINITIONS Wherever used in ARM 36.25.143 through ARM 36.25.162, unless a different meaning clearly appears from the context:

(1) through (7) remain the same.

(8) "Director" means the director of natural resources and conservation, ~~provided for in 2-15-3202, MCA.~~ The director is the chief administrative officer of the department of natural resources and conservation.

(9) through (17) remain the same.

~~(18) "Recreational use account" means the account established by 77-1-808, MCA, in which revenues generated from general recreational use of state lands are deposited and from which expenses of the general recreational use program are paid.~~

(19) through (21) remain the same but are renumbered (18) through (20).

~~(22)~~(21) "Special recreational use" means:

(a) remains the same.

(b) non-commercial recreational activities conducted by an organization, such as a lodge, business, church, union, or club; and

(c) overnight recreational use on leased or licensed lands by one or more persons outside a designated campground and more than 200 feet from a customary and legal access point or water body; ~~and~~

~~(d) overnight horse use.~~

(22) "Trust land administration account" means the account established by 77-1-108, MCA, from which expenses of the recreational use program are paid.

AUTH: 77-1-209, 77-1-804, 77-1-806, MCA

IMP: 77-1-101, 77-1-801 through 77-1-806, MCA

REASON: The proposed amendments to this section are reasonably necessary to implement SB 65 (2009), which eliminated the recreation use account, to implement SB 326 (2015), which authorized overnight horse use, and to remove the citation to 2-15-3202, MCA, which has been repealed.

36.25.146 GENERAL RECREATIONAL USE OF STATE LANDS: LICENSE REQUIREMENT

~~(1) Subject to restrictions imposed pursuant to ARM 36.25.149 and 36.25.153 and closures imposed pursuant to ARM 36.25.150, 36.25.152, and 36.25.153, state lands administered by the department, except those lands described in ARM 36.25.144, are open to general recreational use to a person under the age of 12 years or a person 12 years old or older who obtains a recreational use license, signs that license, and has a valid signed license in his or her possession. Under 77-1-801, MCA, general recreational use without a license is a misdemeanor.~~

(2) A recreational use license is required by any person 12 years of age or older for general recreational use on state lands administered by the department or on private lands that have been opened to the public pursuant to an exchange under ARM 36.25.152.

(a) If the department and the department of fish, wildlife and parks consent to and sign an agreement for general recreational use pursuant to 77-1-815, MCA, a conservation license is required for general recreational use of legally accessible trust land.

(b) If the department and the department of fish, wildlife and parks do not have an agreement for general recreational use pursuant to 77-1-815, MCA, a state lands recreational use license is required for general recreational use of legally accessible trust land.

~~(2)~~(3) A general state lands recreational use license is issued for a 12-month period beginning on March 1 of each year and expiring on the last day of February of

the next year. The cost of a general recreational use license is \$5 before March 1, 1996. After February 29, 1996, the cost of the license is \$5 for persons 17 years of age or younger or 60 years of age or older. The cost of the license for persons who are older than 17 and younger than 60 is \$10. Family members living within the same household may obtain recreational use licenses by paying a family fee of \$20. The license is personal and non-transferable. It may be purchased at any authorized license agent of the department of fish, wildlife and parks. Any person may purchase a recreational use license for a spouse, parent, child, brother, or sister, but the license is not valid until signed by the person in whose name it is issued.

~~(3)~~(4) A person who uses state lands for general recreational use shall abide by the restrictions imposed pursuant to ARM 36.25.149 and may not use for general recreational purposes state lands that have been closed pursuant to ARM 36.25.150, 36.25.152, or 36.25.153. ~~Violations of this provision subjects the violator to civil penalties pursuant to ARM 36.25.157.~~

~~(4)~~(5) No lessee or other person may interfere with a person who is making lawful general recreational use of state lands in accordance with this rule. ~~Violation of this provision subjects the violator to civil penalties pursuant to ARM 36.25.157.~~ The lessee may, without such interference, make inquiry concerning the status of those using state lands.

~~(5)~~(6) Under 77-1-801(2) and (3)-, MCA, a person who is engaging in general recreational use on state land, or on private land that has been opened pursuant to an exchange under ARM 36.25.152, must, upon request of a fish and game warden or department employee, present for inspection his or her recreational use license. ~~Failure to present the license is a misdemeanor.~~

~~(6) A person who is engaging in general recreational use on state land shall, upon request of a department employee, present his or her recreational use license for inspection. Failure to present the license subjects the recreationist to a civil penalty pursuant to ARM 36.25.157.~~

~~(7) A person who is engaging in general recreational use on private land that has been opened pursuant to an exchange under ARM 36.25.152 shall, upon request of a department employee or a fish and game warden, present his or her recreational use license for inspection. Failure to present the license subjects the recreationist to a civil penalty pursuant to ARM 36.25.157.~~

AUTH: 77-1-106, 77-1-209, 77-1-802, 77-1-804, MCA

IMP: 77-1-106, 77-1-801, 77-1-802, 77-1-804, 77-6-210, MCA

REASON: The proposed amendments in this section are reasonably necessary to streamline the language, remove the signature requirement for licenses, and to implement HB 521 (2023), which amended licensing requirements and the penalties for violations. Penalties are addressed in ARM 36.25.157.

36.25.149 GENERAL RECREATIONAL USE OF STATE LANDS:
RESTRICTIONS

(1) through (d) remain the same.

(e) Overnight recreational use on leased or licensed land must take place within 200 feet of a legal and customary access point or water body that is navigable

for recreational purposes under 23-2-302, MCA. The person may not drive or park a vehicle more than 50 feet from the access point. A recreationist's overnight use of state lands must not exceed the following time limits:

(i) remains the same.

(ii) for a designated campground - ~~14 consecutive~~ 16 days in a 30-day period;

(iii) for unleased, unlicensed lands outside a campground ~~14 - 16 days per calendar year~~ in a 30-day period, unless permission for a longer period is obtained from the department.

(f) A recreationist may ~~not~~ keep horses on state land overnight, subject to the following restrictions:-

(i) horses may not remain in a stream riparian zone for more than 1 hour;

(ii) only certified noxious weed seed free forage may be brought onto state land; and

(iii) horses must be restrained in a manner that minimizes impacts to vegetation.

(g) A recreationist shall keep pets on a leash or otherwise in control. A recreationist may not allow the pet to harass livestock or wildlife.

(h) through (j) remain the same.

(k) From March 1 to December 1, or for an extended period of time if posted on site, the acts described under ARM 12.12.109(1)(a), (b), and (c) are prohibited on state land:

(i) located in any county west of the continental divide; or

(ii) in Glacier, Toole, Pondera, Teton, Lewis and Clark, Cascade, Jefferson, Broadwater, Meagher, Beaverhead, Madison, Gallatin, Park, Sweet Grass, Stillwater, Carbon, Liberty, Blaine, Hill, Chouteau, Fergus, Judith Basin, Wheatland, or Golden Valley County.

(2) remains the same.

AUTH: 77-1-209, 77-1-804, MCA

IMP: 77-1-804, MCA

REASON: The proposed amendments in this section are reasonably necessary to implement SB 326 (2015), which authorized motorized vehicle use on designated trails, amended camping limitations, and authorized overnight horse use. Food storage requirements are necessary to regulate recreational use on state trust lands located in bear country. These changes provide consistency with existing rules/orders meant to reduce wildlife-human conflicts on neighboring state and federal lands.

36.25.150 GENERAL RECREATIONAL USE OF STATE LANDS:
CATEGORICAL CLOSURES

(1) and (2) remain the same.

(3) Except for closure for fire danger pursuant to (1)(e)-, the lessee or department shall post categorically closed lands at all customary access points with signs provided by the department or duplicated from signs provided by the department.

AUTH: 77-1-209, 77-1-804, MCA
IMP: 77-1-804, MCA

REASON: The proposed amendments in this section are reasonably necessary to implement SB 326 (2015).

36.25.152 GENERAL RECREATIONAL USE OF STATE LANDS:
PROCEDURE FOR SITE SPECIFIC CLOSURES AFTER SEPTEMBER 1, 1992

(1) The department may close specific tracts of state land pursuant to this rule ~~after September 1, 1992~~, for any of the following reasons:

(a) through (9) remain the same.

(10) If the petition is granted, the lessee or department shall post the closed lands at all customary access points with signs provided by the department or duplicated from signs provided by the department. For temporary closures, the lessee shall remove closure signs at the end of the closure period.

(11) through (14) remain the same.

AUTH: 77-1-209, 77-1-804, MCA
IMP: 77-1-804, MCA

REASON: The proposed amendments in this section are reasonably necessary to streamline the language and implement SB 326 (2015).

36.25.157 GENERAL RECREATIONAL USE OF STATE LANDS: CIVIL
PENALTIES

(1) Pursuant to 77-1-804(8), MCA, if the department and the department of fish, wildlife and parks consent to and sign an agreement for general recreational use as provided in 77-1-815, MCA, a person who violates a department rule that governs general recreational use is guilty of a misdemeanor.

~~(1)(2)~~ Pursuant to 77-1-804(8), MCA, ~~the~~ The department may assess against a recreationist, lessee, or other person a civil penalty of up to \$1,000 for each per day of for violation violations of a department rule that governs general or special recreational use of ARM 36.25.146, ARM 36.25.149, ARM 36.25.150, ARM 36.25.152, ARM 36.25.153, or ARM 36.25.163. The department may waive the civil penalty for minor or technical violations and shall waive the civil penalty if a criminal penalty has been assessed for the violation.

(2) remains the same but is renumbered (a).

(a) through (c) remain the same but are renumbered (i) through (iii).

(3) through (5) remain the same but are renumbered (b) through (d).

AUTH: 77-1-209, 77-1-804, MCA
IMP: 77-1-804, MCA

REASON: The proposed amendments in this section are reasonably necessary to streamline the language and to implement HB 521 (2023), which amended penalties for violations.

36.25.158 GENERAL RECREATIONAL USE OF STATE LANDS: DAMAGE REIMBURSEMENT

(1) through (5) remain the same.

(6) The department shall, on or before July 1 of each fiscal year, designate a portion of the ~~recreational use~~ trust land administration account for damage reimbursement. Claims that are granted may be paid only to the extent that funds are available for damage reimbursement in the ~~recreational use~~ trust land administration account and must be paid in the order they have been filed with the department.

AUTH: 77-1-209, 77-1-804, MCA

IMP: 77-1-809, MCA

REASON: The proposed amendments to this section are reasonably necessary to implement SB 65 (2009), which eliminated the recreation use account.

36.25.159 GENERAL RECREATIONAL USE OF STATE LANDS: WEED CONTROL MANAGEMENT

(1) The lessee is responsible for weed control on leased state land. However, weed control cost share funds designated pursuant to (2) are available to lessees from the ~~recreational trust land administration~~ account for control of noxious weed infestations caused by general recreational use after February 29, 1992. "Noxious weeds" are those weeds designated as noxious weeds by the Montana department of agriculture.

(2) The department shall, on or before July 1 of each fiscal year, designate a portion of the ~~general recreational use~~ trust land administration account for weed control.

(3) through (5) remain the same.

AUTH: 77-1-209, 77-1-810, MCA

IMP: 77-1-810, MCA

REASON: The proposed amendments to this section are reasonably necessary to implement SB 65 (2009), which eliminated the recreation use account.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Martin Balukas, Department of Natural Resources and Conservation, 1539 Eleventh Avenue, P.O. Box 201601, Helena, Montana, 59620-1601; or e-mail DNRCOAH@mt.gov, and must be received no later than 5:00 p.m. on October 4, 2024.

5. Martin Balukas, Department of Natural Resources and Conservation, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have

their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 2 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors for SB 326 (2015) and HB 521 (2023) were contacted by e-mail on June 21, 2024. The primary bill sponsor for SB 65 (2009) was contacted by mail on July 12, 2024.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Jason Kampman
Jason Kampman
Rule Reviewer

/s/ Amanda Kaster
Amanda Kaster
Director
Natural Resources and Conservation

Certified to the Secretary of State August 27, 2024.