

**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS**  
**AGENDA**  
**June 16, 2025 AT 9:00 A.M.**  
**SUPREME COURT CHAMBERS, MAZUREK JUSTICE BUILDING**  
**HELENA, MT**

**ADMINISTRATIVE ITEMS**

1. Approval of the June Land Board Agenda **APPROVED 5-0**
2. Approval of the May Land Board Meeting Minutes **APPROVED 5-0**

**ACTION ITEMS**

**0625-1 Timber Sales **APPROVED 5-0****

**A. Antice Flats**

*Location: Flathead County*  
*Benefits: Common Schools*

**B. Sheep Canyon Limited Access**

*Location: Beaverhead County*  
*Benefits: Common Schools*

**0625-2 Communitization Agreement: Bullion Wells **APPROVED 5-0****

*Location: Roosevelt County*  
*Benefits: Common Schools and Public Land Trust*

**0625-3 Oil and Gas Lease Sale (June 3, 2025) **APPROVED 5-0****

*Location: Fallon, Liberty, Musselshell, Sheridan, Toole, and Yellowstone Counties*  
*Benefits: Common Schools*

**0625-4 Cabin and Homesite: Final Approval for Sale **APPROVED 5-0****

**A.** *Location: Chouteau County*  
*Benefits: Common Schools*

**B.** *Location: Missoula County*  
*Benefits: MSU 2nd*

**0625-5 Easements **APPROVED 4-0****

*Location: Daniels, Lewis & Clark, Mineral, and Valley Counties*  
*Benefits: Capitol Buildings, Common Schools, and Public Land Trust*

**0625-6 Request for Approval to Initiate Rulemaking to Amend Recreational Use Rules **APPROVED 5-0****

*Location: State of Montana*  
*Benefits: Common Schools, Capitol Buildings, MSU 2<sup>nd</sup>, MSU Morrill, MSU Eastern/UM Western, MT Tech, U of M, Deaf & Blind School, Pine Hills, Veterans Home, Intensive Behavior Center, MT State Hospital, Lands Acquired-Public School, and Public Land Trust*

**0625-7 Informational Item – DNRC Quarterly Litigation Update**

*Location: N/A*  
*Benefits: N/A*

**PUBLIC COMMENT**

# 0625-1

## TIMBER SALES

- A. Antice Flats
- B. Sheep Canyon Limited  
Access

**Land Board Agenda Item  
June 16, 2025**

**0625-1A Timber Sale: Antice Flats**

**Location:** Flathead County

**Trust Beneficiaries:** Common Schools

**Trust Revenue:** \$393,827 (estimated, minimum)

**Item Summary:**

**Location:** The Antice Flats Timber Sale is located approximately 10 miles northeast of Olney, Montana.

**Size and Scope:** The sale includes 13 harvest units (638 acres) of ground-based logging.

**Volume:** The estimated harvest volume is 27,931 tons (3.7 MMBF) of sawlogs.

**Estimated Return:** The minimum bid is \$14.10 per ton, which would generate approximately \$393,827 for the Common School Trust and approximately \$102,676 in Forest Improvement fees.

**Prescription:** The Antice Flats sale would utilize commercial thinning and clear cut with reserves harvest prescriptions designed to improve the long-term productivity of timber stands and reduce the occurrence and risk of insect and disease damage throughout the stands.

**Road Construction/Maintenance:** The Department of Natural Resources and Conservation (DNRC) is proposing 23.6 miles of road maintenance.

**Access:** Access is obtained through State owned roads.

**Public Comments:** One comment was received from Montana Department of Fish, Wildlife, and Parks (FWP) regarding the maintenance and improvement of moose habitat. DNRC addressed FWP's concerns at the project level by incorporating specific habitat considerations into harvest unit prescriptions.

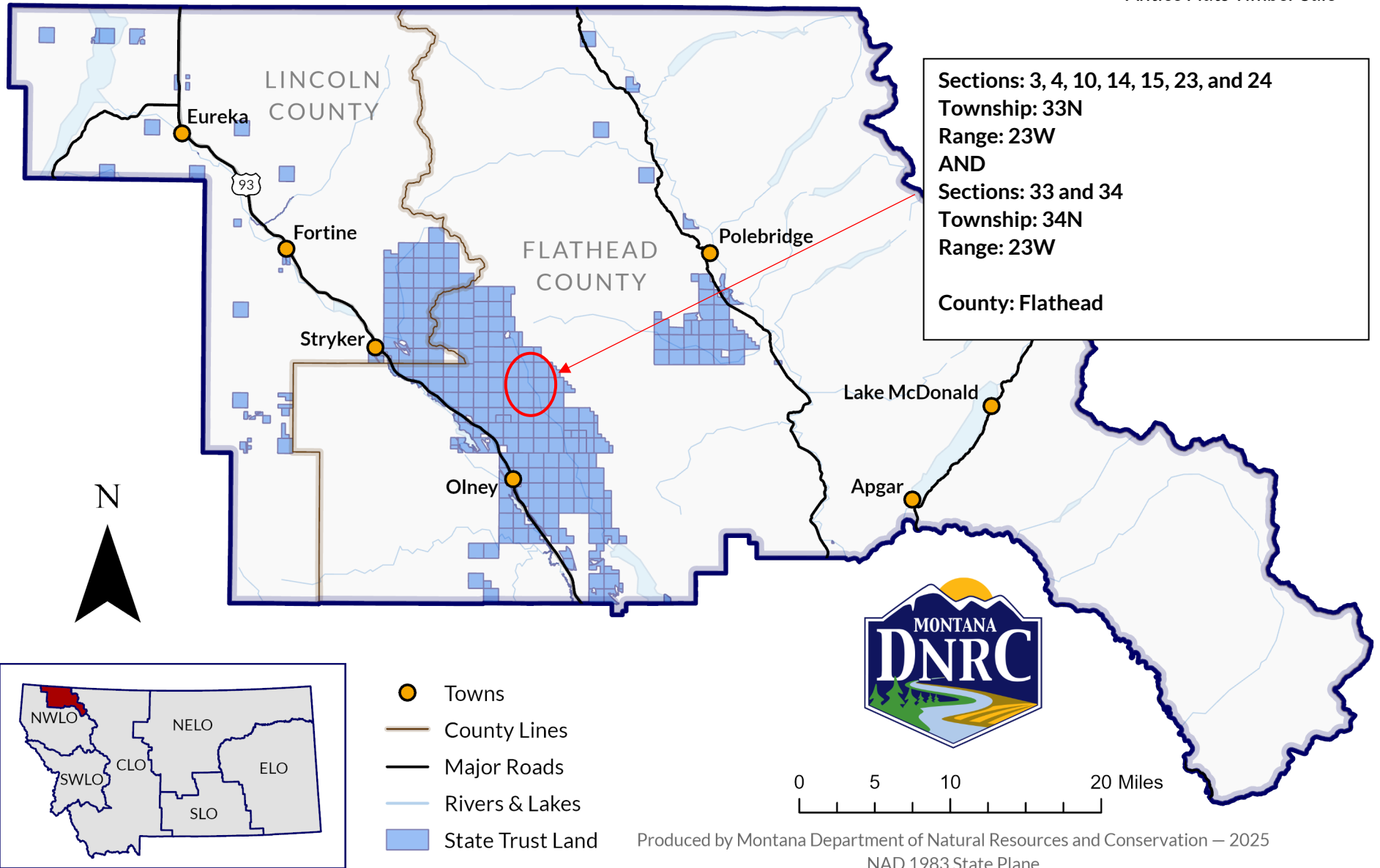
**DNRC Recommendation:**

The DNRC recommends the Land Board direct DNRC to sell the Antice Flats Timber Sale.

# State Trust Land Vicinity Map

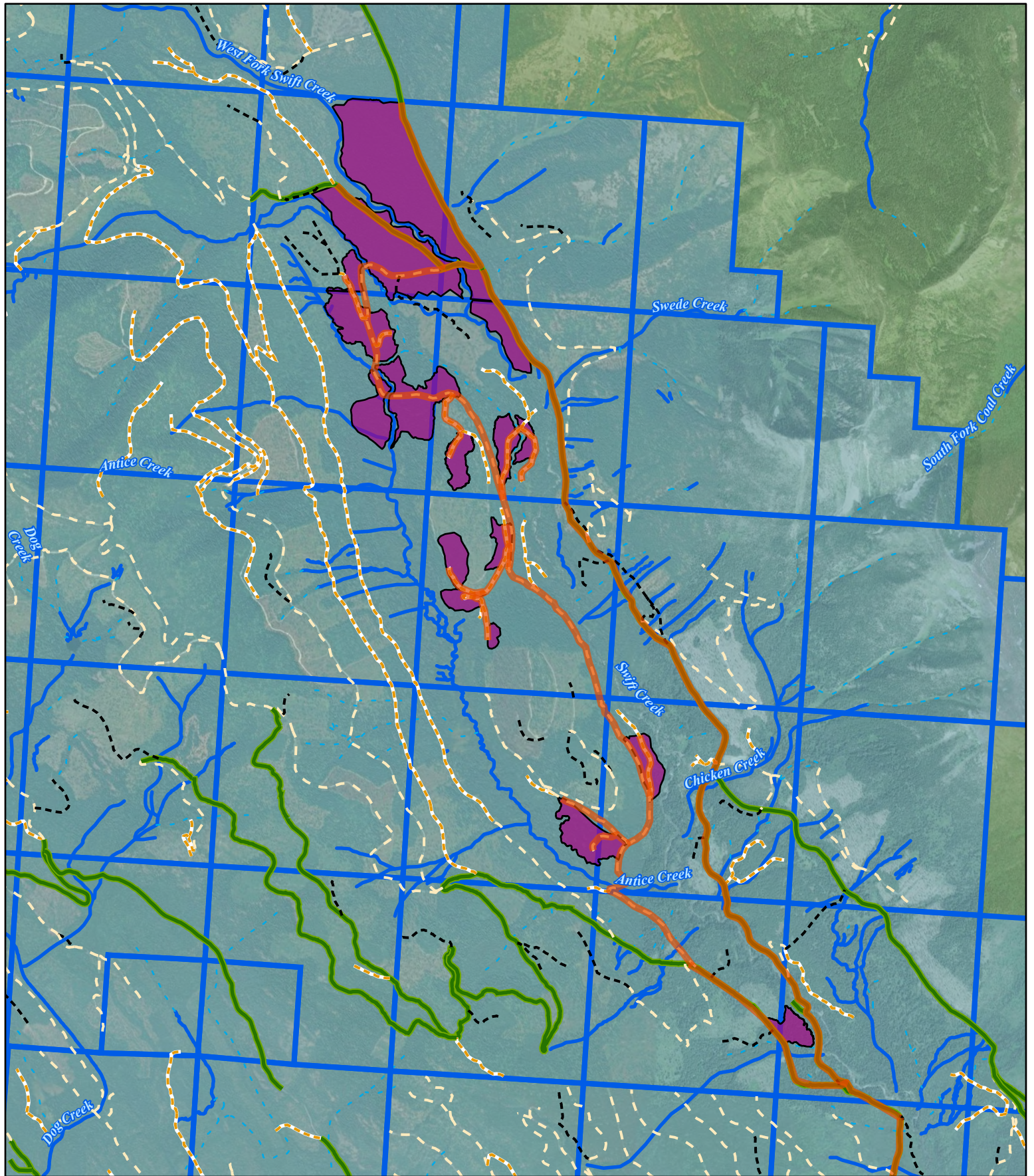
## Stillwater Unit

*Antice Flats Timber Sale*

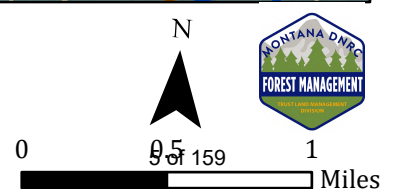




# Antice Flats Timber Sale Harvest Units

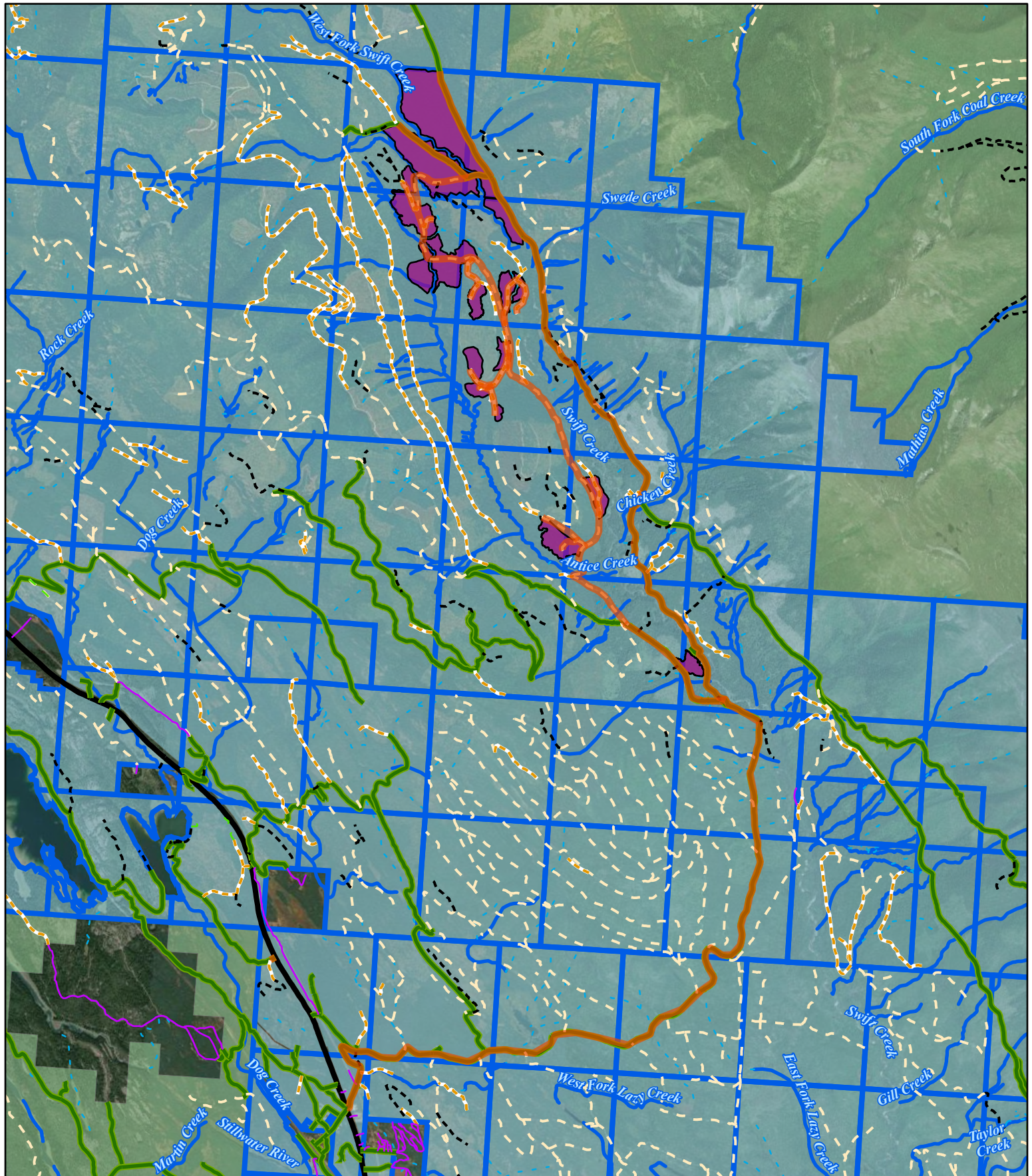


- |                    |                        |                           |
|--------------------|------------------------|---------------------------|
| Haul Route         | Restricted Class B     | Streams                   |
| FMB_Roads          | Abandoned or Reclaimed | Perennial                 |
| Highway            | Harvest Units          | Intermittent              |
| Open/Public Roads  | TLMD_SurfaceTracts     | US Forest Service         |
| Restricted Class A |                        | Montana State Trust Lands |

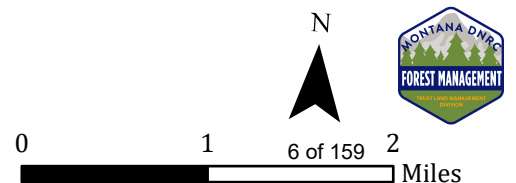




# Antice Flats Timber Sale Haul Route



- |  |   |  |
|--|---|--|
| <span style="color: orange;">—</span> Haul Route             | <span style="color: orange;">- - -</span> Restricted Class B    | Streams  |
| <span style="color: green;">- - -</span> Temporary Road      | <span style="color: black;">- - -</span> Abandoned or Reclaimed | Hydrograph   |
| <span style="color: black;">—</span> FMB_Roads               | <span style="color: magenta;">—</span> Pvt Access or Admin Site | <span style="color: blue;">—</span> Perennial                      |
| <span style="color: black;">—</span> Highway                 | Harvest Units   | <span style="color: blue;">- - -</span> Intermittent               |
| <span style="color: green;">—</span> Open/Public Roads       | <span style="color: purple;">■</span> Harvest Units             | <span style="color: lightgreen;">■</span> US Forest Service        |
| <span style="color: orange;">- - -</span> Restricted Class A | <span style="color: blue;">—</span> TLMD_SurfaceTracts          | <span style="color: lightblue;">■</span> Montana State Trust Lands |



**Land Board Agenda Item  
June 16, 2025**

**0625-1B Timber Sale: Sheep Canyon Limited Access**

**Location:** Beaverhead County

**Trust Beneficiaries:** Common Schools

**Trust Revenue:** \$29,478 (estimated, minimum)

**Item Summary:**

**Location:** The Sheep Canyon Limited Access Timber Sale is located approximately 14 miles south of Dillon, Montana.

**Size and Scope:** The sale includes five harvest units (*135 acres*) of ground-based logging.

**Volume:** The estimated harvest volume is 4,316 tons (*614 MMBF*) of sawlogs.

**Estimated Return:** The minimum bid is \$6.83 per ton, which would generate approximately \$29,478 for the Common School Trust and approximately \$5,034 in Forest Improvement fees.

**Prescription:** The Sheep Canyon Limited Access sale would utilize a seed tree harvest prescription designed to establish a new, healthy age class of Douglas-fir and lodgepole pine in stands where insects and disease have diminished forest health and resilience to wildfire.

**Road Construction/Maintenance:** The Department of Natural Resources and Conservation (DNRC) is proposing 1.5 miles of new permanent road construction, 1.5 miles of road reconstruction, and 1.5 miles of road maintenance.

**Access:** Access is obtained through easements with the following adjacent landowners: Alan Conover, Conover Sheep Canyon LLC and Matador Ranch and Cattle.

**Public Comments:** One comment was received from Montana Department of Fish, Wildlife and Parks (FWP) expressing support for the enhancement of grazing and browsing opportunities and encouraged DNRC to remove conifers in and around aspen groves, retain large trees and mitigate the spread of noxious weeds and invasive species. DNRC has designed the project to incorporate FWP's requests.

**DNRC Recommendation:**

The DNRC recommends the Land Board direct DNRC to sell the Sheep Canyon Limited Access Timber Sale.



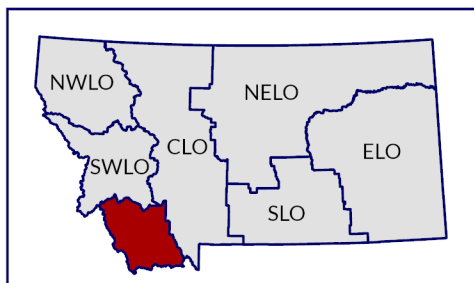
# State Trust Land Vicinity Map

## Dillon Unit

*Sheep Canyon Limited Access Timber Sale*

Section: 36  
Township: 09S  
Range: 09W  
County: Beaverhead

- Towns
- County Lines
- Interstate
- Major Roads
- Rivers & Lakes
- State Trust Land

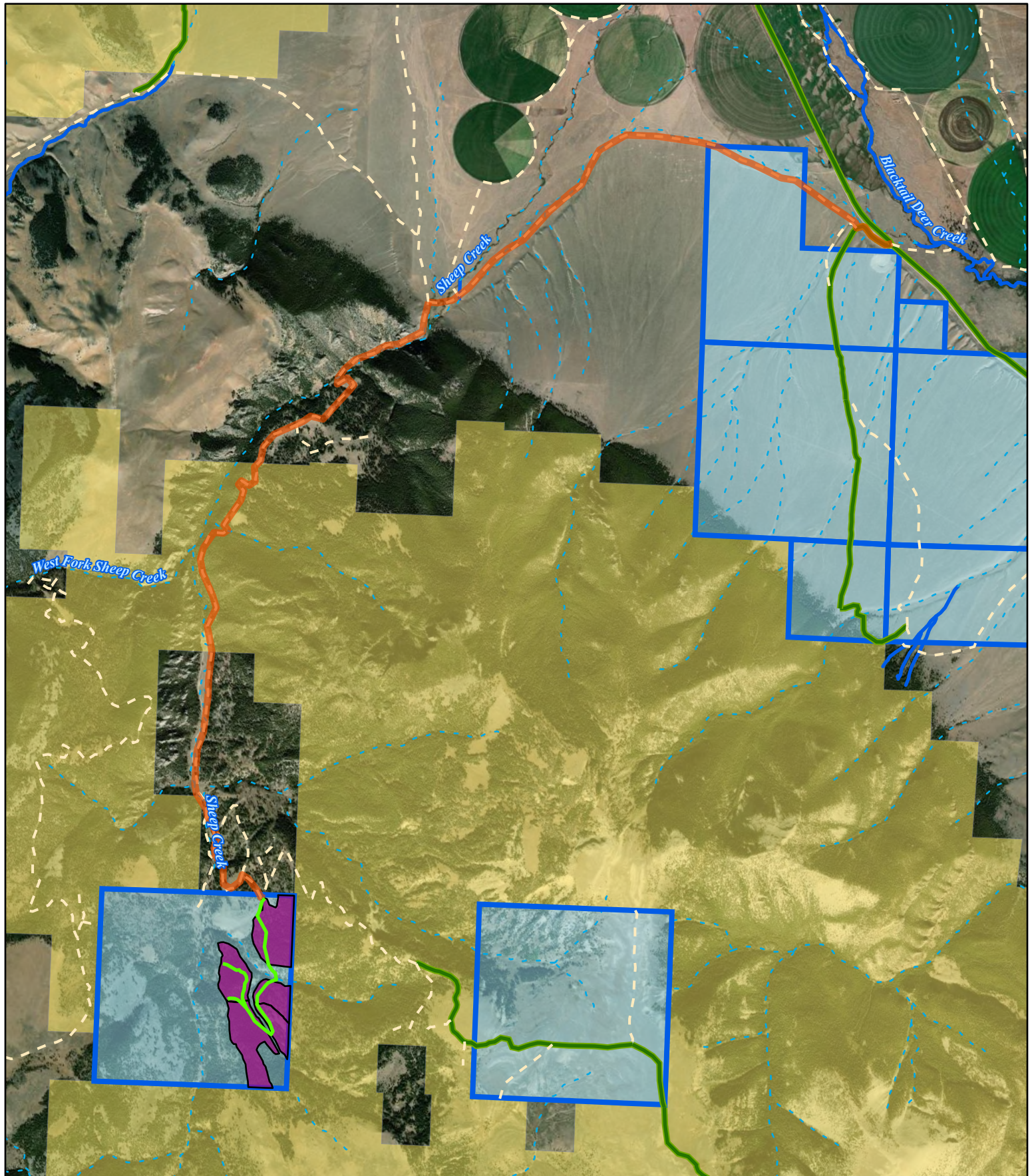


0 5 10 20 Miles

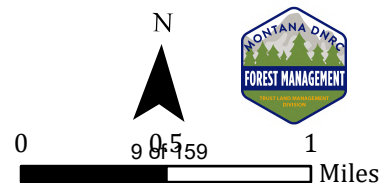
Produced by Montana Department of Natural Resources and Conservation — 2025  
NAD 1983 State Plane



# Sheep Canyon Timber Sale Haul Route and Harvest Units



- Haul Route
- New Road
- Highway
- Open/Public Roads
- Restricted Class A
- Intermittent
- Harvest Units
- TLMD\_SurfaceTracts
- Bureau of Land Management
- Montana State Trust Lands
- Streams
- Hydrograph
- Perennial



# 0625-2

COMMUNITIZATION AGREEMENT

BULLION WELLS

**Land Board Agenda Item  
June 16, 2025**

**0625-2 Bullion Wells Communitization Agreement**

**Location: Roosevelt County**

**Trust Beneficiaries: Common Schools and Public Land Trust**

**Trust Revenue: Common Schools \$379,000 and Public Land Trust \$201,000**

**Item Summary:**

The Department of Natural Resources and Conservation (DNRC) is requesting approval of the Bullion Wells Communitization Agreement. This communitization agreement is for two Bakken Formation oil and gas wells in Roosevelt County. The Bullion 1H and 2H wells were drilled by Prima Exploration, Inc. and have produced oil and natural gas from the Bakken Formation since November 2024.

Based on forecasted production, using decline curve analysis and assuming an average of \$65/bbl oil and \$3.50/mcf gas, these two wells are expected to contribute approximately \$379,000 in oil and gas royalties to the Common Schools Trust and \$201,000 to the Public Land Trust.

A communitization agreement is a formal declaration of the State of Montana's oil and gas ownership percentage within the wells spacing unit. It is signed by the operator of the wells and the DNRC Director on behalf of the Land Board, for the proper distribution of oil and gas royalties. The State of Montana owns approximately 3.75% of the mineral acreage within the spacing unit.

**DNRC Recommendation:**

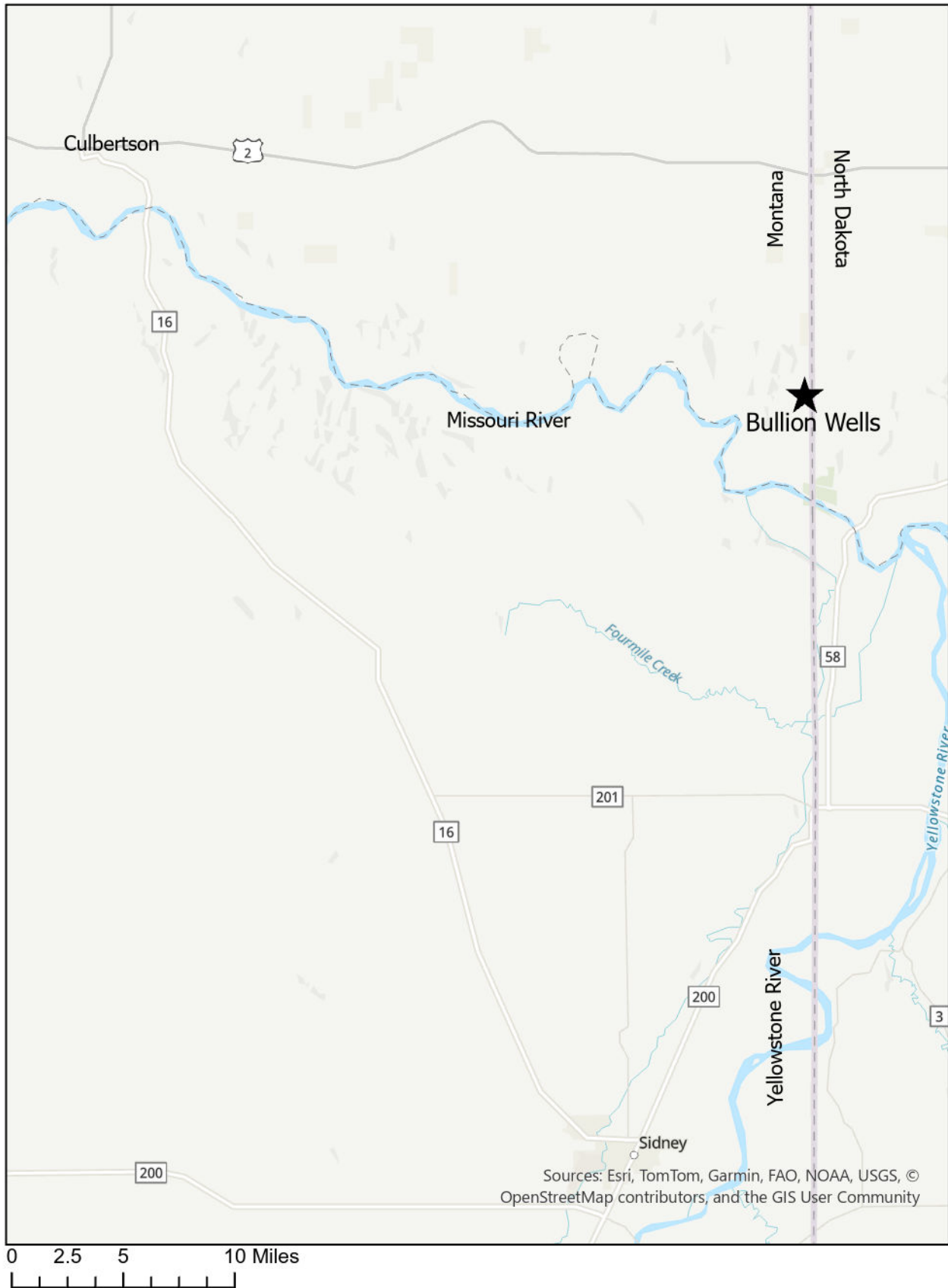
The DNRC recommends that the Land Board approve the communitization agreement for the Bullion unit wells.



# Vicinity Map

## Bullion Wells

### Roosevelt County, Montana

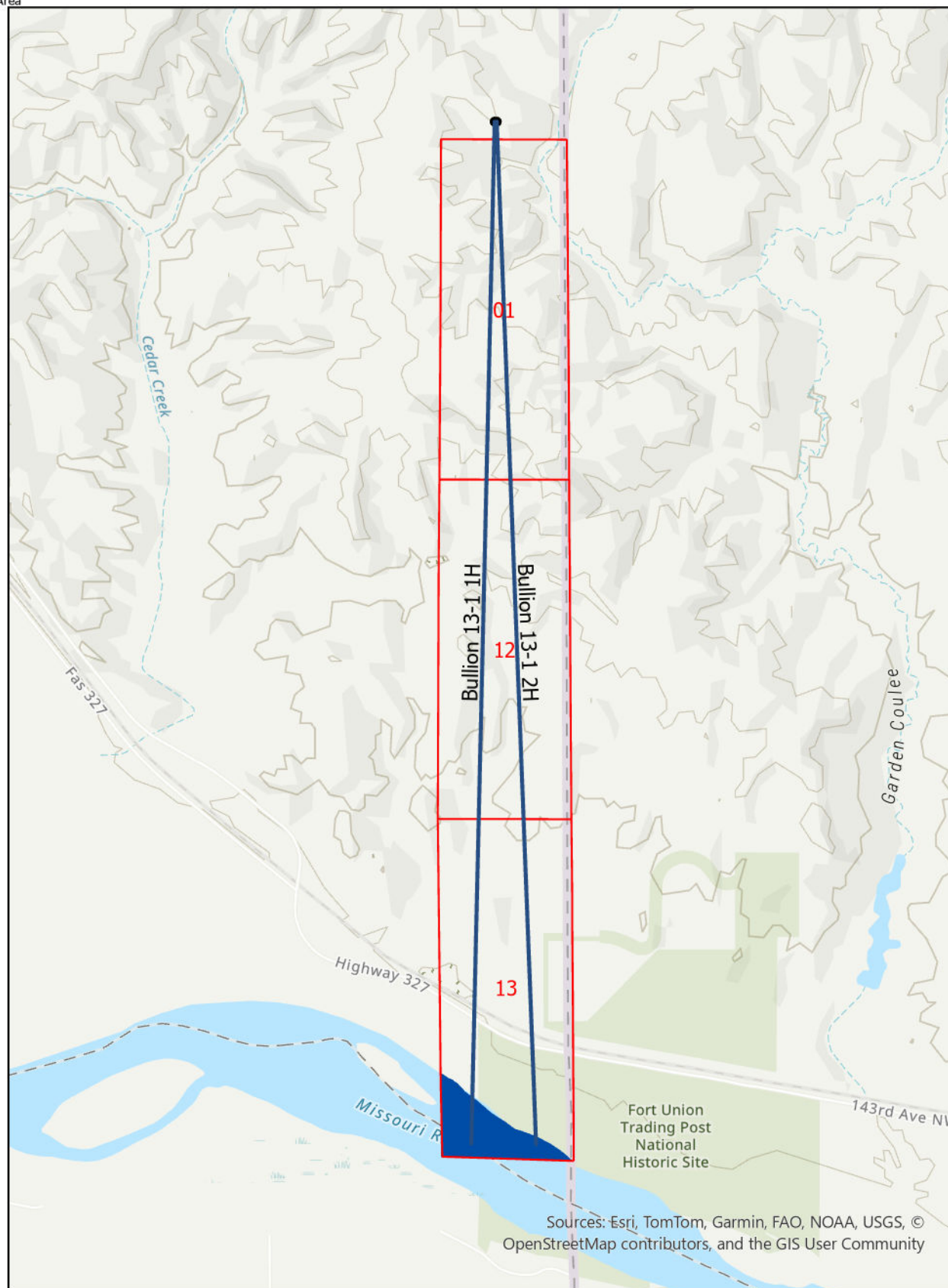




# Legend

- Bullion Paths
- Bullion Wellheads
- Communitized Area with Section Numbers
- State of Montana Trust Lands Mineral Ownership in CA Area

## Communitized Area -Bullion 13-1 1H and 2H Wells Township 26N Range 59E Roosevelt and Richland Counties, MT



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

0 0.5 1 2 Miles



Sec. 13, T26N, R59E  
State Ac. Estimate: ~ 28 ac.  
Breakdown on NAIP 2023  
Aerial Photo.  
TKinley, MT-DNRC,  
June 9, 2025

Section 13

ROOSEVELT CO.

26N 59E

MISSOURI RIVER

Part Attached Island(s) &  
Accretions [Common Schools  
Grant]

~16.7 ac.

~1.6 ac ~3.7 ac ~6 ac.

Part of Accretion  
to Attached Sec. 14  
Island [Common  
Schools Grant]

River Areas  
[PLT Grant]

RICHLAND CO.

NORTH DAKOTA



Recapitulation Table

Tract Number	Owner	Acreage	Unit Acreage	% ownership	Royalty	Net Owner's Interest
1	State of Montana	28	746.12	3.752748%	16.67%	0.6255830%
2	All Others	718.12	746.12	96.247252%	Unknown	Unknown

**APPROVAL AND CERTIFICATION OF A COMMUNITIZATION  
AGREEMENT CONCERNING LANDS IN  
ROOSEVELT COUNTY, MONTANA, DESCRIBED AS FOLLOWS:**

Township 26 North, Range 59 East, M.P.M.

Section 13: ALL

Section 12: ALL

Section 01: ALL

Acting under the authority vested in the Board of Land Commissioners of the State of Montana under Section 77-1-201, MCA, et seq., and in order to secure the proper protection of the State's mineral interests, the Board of Land Commissioners of the State of Montana hereby:

A. Ratifies and approves the Communitization Agreement dated November 1, 2024; concerning the above-described lands, and recognizes the interests of the parties therein stated;

B. Approves the inclusion of the following lands of the State of Montana in the above-described Communitized Area for the development and operation of the area, County of Roosevelt, State of Montana; provided, that said Communitization Agreement shall become effective as to the following State of Montana lands now or hereafter included within the limits of the area as to which lands the leases have been committed by the working interest owners, to-wit:

Township 26 North, Range 59 East, M.P.M.

Section 13: Missouri Riverbed Related Acreage

C. Certifies that lands of the State of Montana included in said Communitization Agreement shall, from the effective date thereof and concurrently therewith, become subject thereto, all upon the conditions hereinafter set forth;

This Approval and Certification is subject to the conditions that nothing in the Communitization Agreement shall be construed as altering or waiving any of the following provisions or conditions relating to State of Montana lands:

1. The Communitization Agreement herein referred to is made subject to the laws of the State of Montana and the United States of America and shall be construed in conformity therewith.
2. The Board agrees that the leases covering State of Montana lands described above can be extended beyond their primary lease term only upon the happening of one of two events. However, the extension of the primary term of the lease by these events shall not relieve the lessee of any obligations of the lease, and the violation of any lease provisions may justify the cancellation of the lease regardless of any of the provisions of the Communitization Agreement.
  - a. If the above-described state lands are included in a Communitized Area in which a

well is completed and is capable of production in economic quantities, or;

- b. If drilling or completion operations are diligently performed on some portion of the communitized area, such operations will extend the lease. Within the meaning of this paragraph, such operations shall be deemed to be diligently performed if not more than ninety (90) days elapse between the drilling, completion, or abandonment of one well and the commencement of drilling of another well or reworking of the same well or between cessation of drilling operations on a well, and recommencement of drilling operations on that same well.
3. That, regardless of any of the provisions of the said Communitization Agreement, actual or implied, the State of Montana does not warrant title to its lands.
4. That, regardless of any of the provisions of the said Communitization Agreement, actual or implied, no liens may be levied against the State of Montana for any of its lands in said pooled area, nor shall any taxes be charged to or against the State of Montana.
5. That, regardless of any of the provisions of the said Communitization Agreement, actual or implied, the State of Montana, pursuant to Section 77-3-434, Montana Code Annotated, shall be paid for its share of the oil and gas produced from the Communitized Area, the posted field price existing on the date such oil or gas is run into any pipeline or storage tank to the credit of the operator, plus any bonus actually paid or agreed to be paid to the lessee for such oil or gas; or, at the option of the state exercised in writing by the State Board of Land Commissioners not more often than every thirty (30) days, the operator shall deliver the state's royalty oil or gas free of cost or deductions into the pipeline to which the wells of the Communitized Area may be connected or into any storage designated by the state and connected with such wells.
6. It is understood that in the event any such dispute arises affecting State of Montana lands under the agreement, the Department may authorize royalties payable to the royalty interest in dispute to be withheld to be deposited in an escrow account which bears interest until such time as the dispute is finally settled or determined. Royalty reports continue to be required pursuant to Section 77-3-431, MCA, et seq., and shall report the total amount claimed by the State, the amount withheld and deposited into the escrow account, and the net amount paid to the State for any undisputed State interest.
7. That, regardless of any of the provisions of the said Communitization Agreement, actual or implied, no enlargement or contraction of the size of the Communitized Area shall be accepted unless approved by the State Board of Land Commissioners of the State of Montana.
8. The State of Montana is not liable, and the operator is not authorized to withhold or deduct from the State of Montana's share of any disbursements, a sufficient sum to pay ad valorem taxes assessed on said oil and gas.
9. The Department's joinder in the above-described Communitization is subject to the power

of the Director of the Department of Natural Resources and Conservation under Section 77-3-444, MCA, to suspend overriding royalties in excess of 5% above the royalty due the Department.

10. That, regardless of any of the provisions of the said Communitization Agreement, actual or implied, the State of Montana does not waive any right of inspection concerning the State of Montana lands committed to the Communitized area.
11. That, the state's lessee, or the operator of the above-described Communitized Area, shall have no obligation to offset any well or wells completed upon separate component tracts within this Communitized Area and producing from the same formation covered by this Communitization Agreement. However, the State's lessee and the Operator of the Communitized Area shall retain the obligation to protect the Communitized Area from drainage from wells completed outside the Communitized Area.

This Approval and Certification shall likewise encompass and apply to any additional wells drilled and completed in conformity with the approved Board of Oil and Gas spacing unit and producing from the Bakken/Three Forks formation underlying the communitized area.

The Board of Land Commissioners does hereby alter, change modify and revoke the drilling, production and royalty requirements of such lease or leases included in this Agreement to the extent necessary to conform the same to the approved Board of Oil and Gas Commission spacing unit, the corresponding Communitization Agreement, and the aforesaid provisions pertaining to the well.

Executed on behalf of the State of Montana, acting by and through its Board of Land Commissioners on this \_\_\_\_ day of \_\_\_\_\_, 2025.

BY:  
Trevor Taylor, MMB Chief  
For Amanda Kaster, Director  
Department of Natural Resources  
and Conservation

# 0625-3

OIL AND GAS LEASE SALE

**Land Board Agenda Item  
June 16, 2025**

**0625-3 Oil and Gas Lease Sale**

**Location: Fallon, Liberty, Musselshell, Rosebud, Sheridan, Toole  
and Yellowstone Counties**

**Trust Beneficiaries: Common Schools**

**Trust Revenue: Common Schools \$232,708**

**Item Summary:**

The Department of Natural Resources and Conservation (DNRC) conducted an oil and gas lease sale from May 28 through June 3, utilizing the online auction platform EnergyNet. A total of 32 tracts, covering 18,503 acres, were offered for lease. The sale generated \$232,708, with all proceeds benefiting the Common Schools Trust.

**DNRC Recommendation:**

The DNRC recommends Land Board approval to issue the leases auctioned in the June 3<sup>rd</sup> oil and gas lease sale.



May 28 - June 3, 2025 Oil & Gas Lease Sale

RecapByGrantandCounty20250603.xlsx

Lease Results by Grant

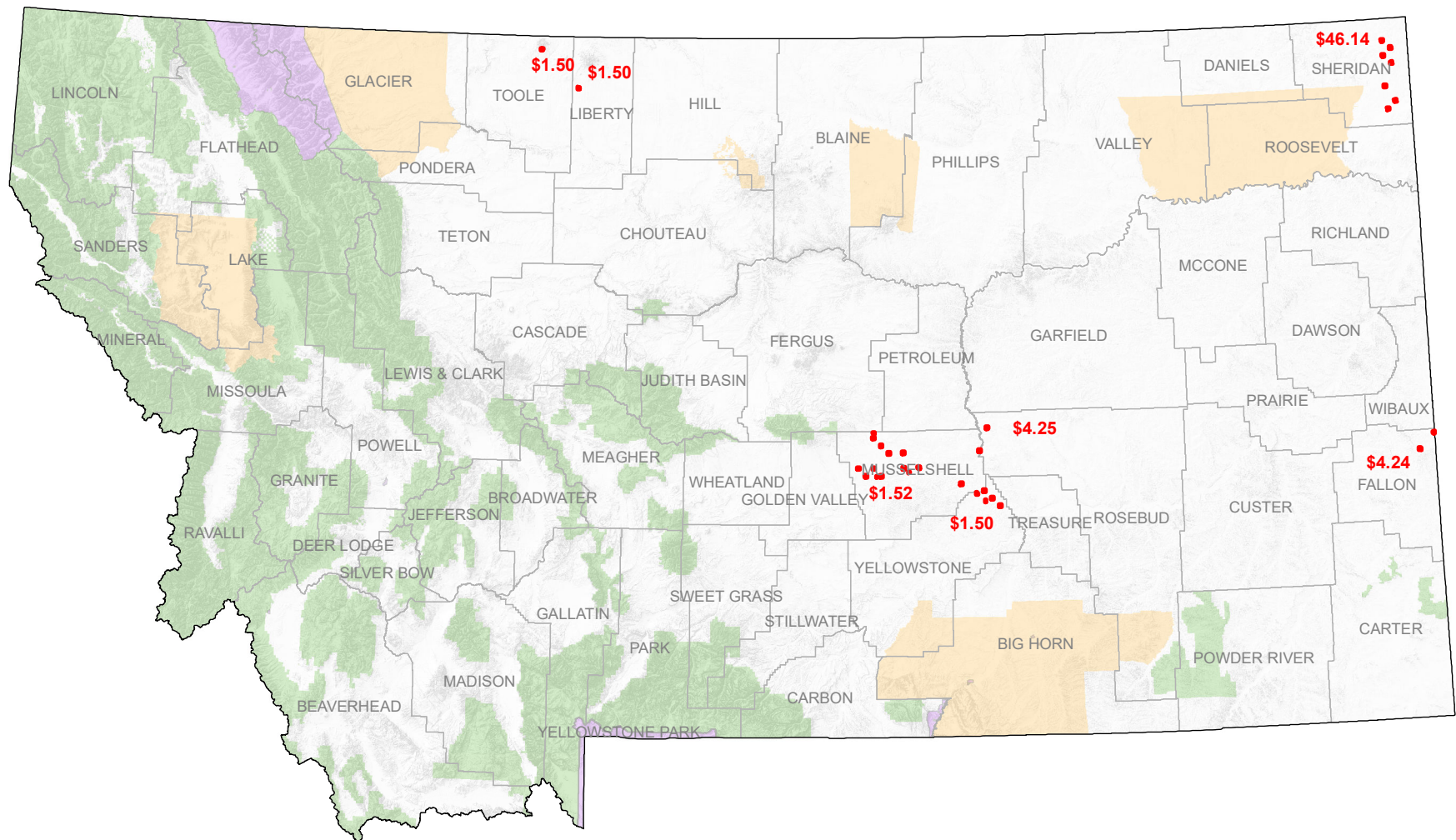
GrantID	Grant	Net Acres	Total Bid
CS	Common Schools	18,503.42	\$232,708.41
		18,503.42	\$232,708.41

Lease Results by County

County	Leases	Lease Acres	Total Bid	Avg/Acre
Fallon	2	1,093.12	\$4,632.96	\$4.24
Liberty	1	640.00	\$960.00	\$1.50
Musselshell	16	8,920.00	\$13,580.00	\$1.52
Rosebud	1	640.00	\$2,720.00	\$4.25
Sheridan	7	4,480.00	\$206,720.00	\$46.14
Toole	1	640.00	\$960.00	\$1.50
Yellowstone	4	2,090.30	\$3,135.45	\$1.50
	32	18,503.42	\$232,708.41	\$12.58

# State of Montana March 28 - June 3, 2025 O&G Lease Sale

## County Average Bid/Acre



*Tracts are Highlighted in Red*

# State of Montana

## Oil and Gas Lease Sale - June 3, 2025

### Lease Sale Results

The following described lands were offered for oil and gas leasing through an online bidding service, EnergyNet, beginning May 28, 2025 and closed on June 3, 2025.

Tract	Stipulations	Twp Rng Sec	Description	*	Acres	Bid/Acre	Total Bid	Lessee
<b>Fallon</b>								
1	1, 2, 3, 4, 5, 6, 8	9N 60E 16	ALL		640.00	\$6.00	\$3,840.00	PURIFIED RESOURCE PARTNERS LLC
2	1, 2, 3, 4, 5, 6	10N 61E 16	LOTS 1, 2, 3, 4, W2		453.12	\$1.75	\$792.96	PURIFIED RESOURCE PARTNERS LLC
<b>Liberty</b>								
3	1, 2, 3, 4, 5, 6, 12	34N 4E 16	ALL, BELOW THE BASE OF THE BLACKLEAF FORMATION	*	640.00	\$1.50	\$960.00	THOR RESOURCES USA, LLC
<b>Musselshell</b>								
4	1, 2, 3, 4, 5, 6, 7	8N 30E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
5	1, 2, 3, 4, 5, 6, 7, 8	8N 31E 36	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
6	1, 2, 3, 4, 5, 6, 9	9N 23E 16	ALL		640.00	\$1.75	\$1,120.00	PURIFIED RESOURCE PARTNERS LLC
7	1, 2, 3, 4, 5, 6, 9	9N 23E 36	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
8	2, 3, 4, 5, 6, 8, 9, 11, 13	9N 24E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
9	1, 2, 3, 4, 5, 6, 8	9N 24E 34	SE4		160.00	\$1.75	\$280.00	PURIFIED RESOURCE PARTNERS LLC
10	1, 2, 3, 4, 5, 6, 8	9N 24E 36	ALL	*	640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
11	1, 2, 3, 4, 5, 6, 9	9N 26E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
12	1, 2, 3, 4, 5, 6, 8, 15	9N 26E 26	NE4, E2NW4		240.00	\$1.50	\$360.00	COLORADO LAND MANAGEMENT LLC
13	1, 2, 3, 4, 5, 6, 8	9N 27E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
14	1, 2, 3, 4, 5, 6, 9, 15	10N 25E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
15	1, 2, 3, 4, 5, 6, 9	10N 26E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
16	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 15	10N 31E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
17	1, 2, 3, 4, 5, 6, 8	11N 24E 4	S2NE4, SE4NW4, E2SE4		200.00	\$1.50	\$300.00	COLORADO LAND MANAGEMENT LLC
18	1, 2, 3, 4, 5, 6, 8	11N 24E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
19	1, 2, 3, 4, 5, 6, 7, 8, 9, 15	11N 24E 36	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
<b>Rosebud</b>								
20	1, 2, 3, 4, 5, 6, 7, 9	12N 31E 36	ALL		640.00	\$4.25	\$2,720.00	MAVERICK OIL, INC.

Tract	Stipulations	Twp Rng Sec	Description	*	Acres	Bid/Acre	Total Bid	Lessee
<b>Sheridan</b>								
21	1, 2, 3, 4, 5, 6, 14, 16	32N 57E 36	ALL		640.00	\$36.00	\$23,040.00	IRISH OIL & GAS, INC.
22	2, 3, 4, 5, 6, 11, 13, 14	32N 58E 16	ALL		640.00	\$56.00	\$35,840.00	IRISH OIL & GAS, INC.
23	1, 2, 3, 4, 5, 6, 11, 14	33N 57E 16	ALL		640.00	\$56.00	\$35,840.00	IRISH OIL & GAS, INC.
24	1, 2, 3, 4, 5, 6, 14	35N 57E 16	ALL	*	640.00	\$47.00	\$30,080.00	IRISH OIL & GAS, INC.
25	1, 2, 3, 4, 5, 6, 14	35N 57E 36	ALL	*	640.00	\$54.00	\$34,560.00	IRISH OIL & GAS, INC.
26	1, 2, 3, 4, 5, 6, 11, 14	36N 57E 16	ALL		640.00	\$35.00	\$22,400.00	IRISH OIL & GAS, INC.
27	1, 2, 3, 4, 5, 6, 14	36N 57E 36	ALL		640.00	\$39.00	\$24,960.00	IRISH OIL & GAS, INC.
<b>Toole</b>								
28	2, 3, 4, 5, 6, 7, 13	37N 1E 36	ALL		640.00	\$1.50	\$960.00	HEIMMER, DON H
<b>Yellowstone</b>								
29	1, 2, 3, 4, 5, 6, 8	7N 31E 4	LOTS 3, 4, S2NW4, S2		490.30	\$1.50	\$735.45	COLORADO LAND MANAGEMENT LLC
30	1, 2, 3, 4, 5, 6, 8	7N 31E 24	E2		320.00	\$1.50	\$480.00	COLORADO LAND MANAGEMENT LLC
31	1, 2, 3, 4, 5, 6, 8	7N 32E 16	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC
32	1, 2, 3, 4, 5, 6, 7, 8	7N 32E 36	ALL		640.00	\$1.50	\$960.00	COLORADO LAND MANAGEMENT LLC

\* Part or all of tract is not state-owned surface

## Summary By Lessor

	Total Acres	Total Tracts
Dept. Of Natural Resources and Conservation	18503.42	32

## Oil And Gas Lease Summary

Total Tracts	32
Total Acres	18,503.42
Total Bid Revenue	\$232,708.41
Average Bid Per Acre	\$12.58

**State of Montana**  
**Oil & Gas Lease Sale - June 3, 2025**  
**Stipulations**

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- 1 Lessee shall notify and obtain approval from the Department's Forestry and Trust Lands Division (FTLD) prior to constructing well pads, roads, power lines, and related facilities that may require surface disturbance on the tract. Lessee shall comply with any mitigation measures stipulated in FTLD's approval.
  - 2 Prior to the drilling of any well on or into the lease premises, lessee shall send one copy of the well prognosis, including Form 22 "Application for Permit" to the Department's Forestry and Trust Lands Division (FTLD). After a well is drilled and completed, lessee shall send one copy of all logs run, Form 4A "Completion Report", and geologic report to FTLD. A copy of Form 2 "Sundry Notice and Report of Wells" or other appropriate Board of Oil and Gas Conservation form shall be sent to FTLD whenever any subsequent change in well status or operator is intended or has occurred. Lessee shall also notify and obtain approval from the FTLD prior to plugging a well on the lease premises.
- Issuance of this lease in no way commits the Land Board to approval of coal bed methane production on this lease. Any coal bed methane extraction wells would require subsequent review and approval by the board.
- 3 The FTLD will complete an initial review for cultural resources and, where applicable, paleontological resources of the area intended for disturbance and may require a resources inventory. Based on the results of the inventory, the FTLD may restrict surface activity for the purpose of protecting significant resources located on the lease premises.
  - 4 The lessee shall be responsible for controlling any noxious weeds introduced by lessee's activity on State-owned land and shall prevent or eradicate the spread of those noxious weeds onto land adjoining the lease premises. The lessee's methods of control shall be reviewed and approved by the Department's Unit Office that has jurisdiction for that locale.
  - 5 The definitions of "oil" and "gas" provided in 82-1-111, MCA, do not apply to this lease for royalty calculation purposes.
  - 6 If the State does not own the surface, the lessee must contact the owner of the surface in writing at least 30 days prior to any surface activity. A copy of the correspondence shall be sent to FTLD.
  - 7 Due to unstable soil conditions on this tract and/or topography that is rough and/or steep, surface use may be restricted or denied. Seismic activity may be restricted to poltershots.
  - 8 This lease is located within designated sage grouse general habitat. Proposed activities are subject to, and shall comply with, all provisions, stipulations and mitigation requirements of the Montana Sage Grouse Habitat Conservation Strategy, as implemented by Governor's Executive Orders 10-2014, 12-2015, and amendments thereto. Contact the FTLD prior to preparing a project proposal.
  - 9 This lease is located within designated sage grouse core habitat. Proposed activities are subject to, and shall comply with, all provisions, stipulations and mitigation requirements of the Montana Sage Grouse Habitat Conservation Strategy, as implemented by Governor's Executive Orders 10-2014, 12-2015, and amendments thereto. Contact the FTLD prior to preparing a project proposal.
  - 10 Unless otherwise approved by the Department in writing, wells and related surface infrastructure, including new road construction, are prohibited within 1/2 mile of the centerline of a navigable river, lake or reservoir, and within 1/4 mile of direct perennial tributary streams of navigable waterways, on or adjacent to the tract. No surface occupancy is allowed within the bed of a river, stream, lake or reservoir, islands and accretions or abandoned channels.
  - 11 Due to the floodplain/wetlands area(s), surface use may be restricted or denied.
  - 12 No surface occupancy of the school area and/or related facilities is permitted without written approval of FTLD.
  - 13 This lease includes areas that may be environmentally sensitive. Therefore, if the lessee intends to conduct any activities on the lease premises, the lessee shall submit to FTLD one copy of an Operating Plan or Amendment to an existing Operating Plan, describing in detail the proposed activities. No activities shall occur on the tract until the Operating Plan or Amendments have been approved in writing by the Director of the Department. FTLD shall review the Operating Plan or Amendment and notify the lessee if the Plan or Amendment is approved or disapproved.

After an opportunity for an informal hearing with the lessee, surface activity may be denied or restricted on all or portions of any tract if the Director determines in writing that the proposed surface activity will be detrimental to trust resources and therefore not in the best interests of the trust.

- 14 If whooping cranes are observed on-site, construction and/or maintenance activities shall be suspended until birds leave the area.
- 15 Wildlife species of concern have been identified on or near this tract. Identified species will be avoided, unless otherwise authorized by the FTLD. Additional mitigation measures may also be required.
- 16 Plant species of concern have been identified on or near this tract. Identified species will be avoided, unless otherwise authorized by the FTLD. Additional mitigation measures may also be required.

# 0625-4

CABIN AND HOMESITES:

FINAL APPROVAL OF SALE

A. CHOUTEAU COUNTY

B. MISSOULA COUNTY

**Land Board Agenda Item  
June 16, 2025**

**0625-4A Cabin and Homesites: Final Approval for Sale**

**Location: Chouteau County**

**Trust Beneficiaries: Common Schools**

**Trust Revenue: \$70,000**

**Item Summary:**

The Department of Natural Resources and Conservation (DNRC) is requesting final approval for sale of 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

**Background:**

Preliminary Land Board approval was granted in December of 2022 (Approved 4-1) for this site to be included as part of the 2022-2023 Cabin Site Sales Program. 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 in February of 2025 (Approved 5-0).

**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 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 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, as average annual value appreciation is greater than the annual rent increase.

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 3.17% on acquisitions with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher at 3.42% for lands acquired within the last ten years.

**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.

<b>Sale No.</b>	<b>Appraised Land Value</b>	<b>Appraised Improvements Value</b>	<b>Final Sale Price</b>
2039	\$70,000	\$130,000	\$70,000

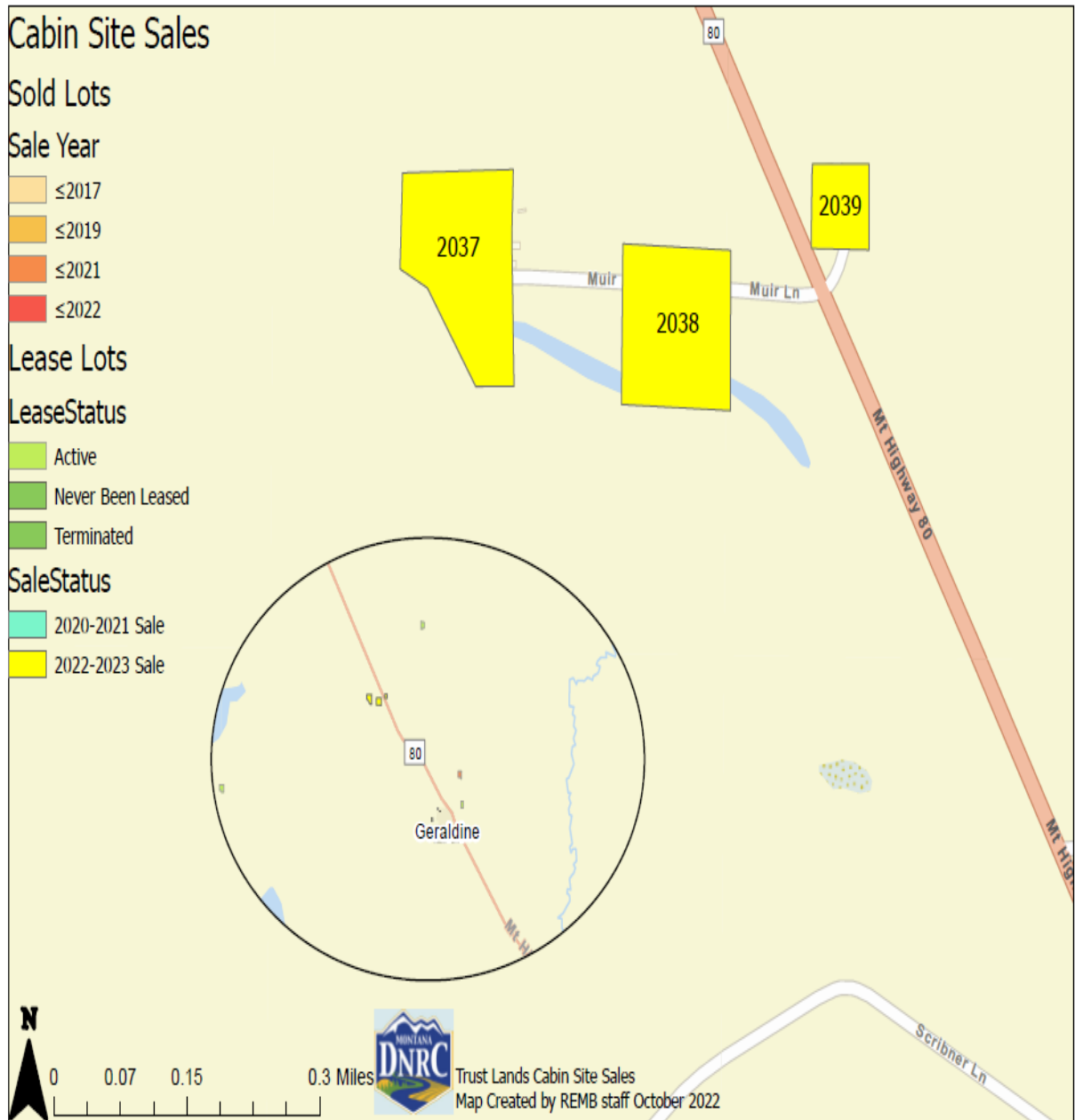
**Sale Price:**

This home site sold at public auction on May 1, 2025. There was one qualified bidder for this sale. The site sold for the final sale price listed above.

**DNRC Recommendation:**

The DRNC recommends the Land Board grant final approval for the sale of this home site at the value shown above.

## Sales 2037, 2038, 2039, Chouteau County



**Land Board Agenda Item  
June 16, 2025**

**0625-4B Cabin and Homesites: Final Approval for Sale**

**Location: Missoula County**

**Trust Beneficiaries: MSU 2<sup>nd</sup>**

**Trust Revenue: \$290,000**

**Item Summary:**

The Department of Natural Resources and Conservation (DNRC) is requesting final approval for sale of one (1) cabin site nominated for sale in Missoula County. This sale was nominated by the lessee in conjunction with the 2024-2025 Cabin and Home Site Sales Program.

Sale No.	Acres	Legal Description	Nominator	Trust
2067	1.803±	Lot 23, Seeley Lake Outlet West COS 5140 T16N-R15W, Section 4	Jonathan Espenschied	MSU 2 <sup>nd</sup>

**Background:**

Preliminary Land Board approval was granted in May of 2024 (Approved 5-0) for this site to be included as part of the 2024-2025 Cabin Site Sales Program. The Land Board set the minimum bid for this cabin site at the appraised land value and the maximum value of compensation for the improvements in March of 2025 (Approved 5-0).

**Cultural/Paleontological Resources:**

Home sites typically contain numerous privately owned structures and the ground surfaces within most home sites have been extensively disturbed over the course of many years of occupation and development.

For State Antiquities Act compliance, a Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search results revealed that no cultural or paleontological resources have been identified in the APE of each homesite boundary. It should be noted that previous Class III level inventories have been conducted in or around many of the tracts proposed for sale. These sales will have no effect to state-owned heritage properties, and no additional archaeological investigative work will be conducted.

**Access/Recreational Use:**

As part of the cabin 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 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 1.689%. The parcel will continue to receive this return if it remains in state ownership. The income rate of return will likely grow smaller, as average annual value appreciation is greater than the annual rent increase.

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 3.17% on acquisitions with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher at 3.42% for lands acquired within the last ten years.

**Appraised Values of Land and Improvements:**

The appraisal was prepared by Montana General Certified Appraiser Nicholas J. Hogan, MAI of Hogan Real Estate Appraisal Group, LLC in Missoula, Montana. The sale proponent appealed the land value determined by the appraiser and requested a hearing regarding the appraised land value. The administrative hearing was held on January 22, 2025. Administrative Law Judge Martin Balukas' recommendation to the Land Board was to set minimum bid at the appraised land value shown below.

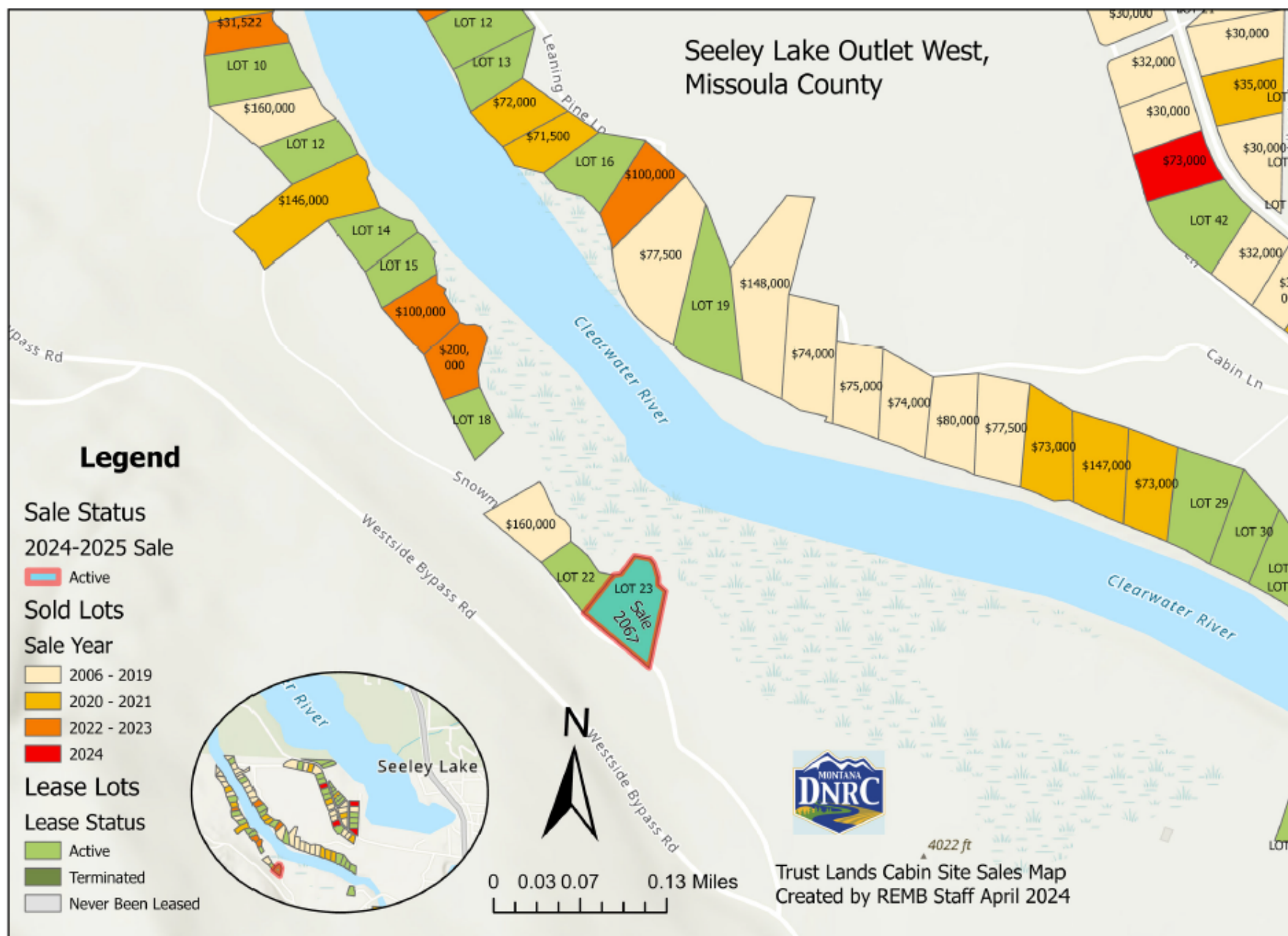
Sale No.	Appraised Land Value	Appraised Improvements Value	Final Sale Price
2067	\$290,000	\$650,000	\$290,000

**Sale Price:**

This cabin site sold at public auction on May 29, 2025. There was one qualified bidder for this sale. The site sold for the final sale price listed above.

**DNRC Recommendation:**

The DNRC recommends the Land Board grant final approval for the sale of this cabin site at the value shown above.



# 0625-5

## EASEMENTS

**Land Board Agenda Item  
June 16, 2025**

**0625-5 Easements**

**Location: Daniels, Lewis & Clark, Mineral, and Valley Counties**

**Trust Beneficiaries: Capitol Buildings, Common Schools, and Public Land Trust**

**Trust Revenue: Capitol Buildings \$3,746, Common Schools \$50,933, and  
Public Land Trust \$17,978**

**Item Table of Contents:**

<b>Applicant</b>	<b>Right-of-Way Purpose</b>	<b>Term</b>	<b>Page(s)</b>
Bear Gulch Road Users Association, Inc.	Private Access Road	Permanent	36-37
Montana Department of Transportation	Bridge Construction	Permanent	38-39
Dry Prairie Rural Water Authority	Water Pipeline	Permanent	40-93

## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant: Bear Gulch Road Users Association, Inc.  
3100 5th Avenue South  
Great Falls, MT 59405

Application No.: 18434 (amendment)  
R/W Purpose: a private access road to twenty-nine (29)  
parcels of land for the purpose of accessing one single-family  
residence and associated outbuildings and conducting normal  
resource management activities per parcel

Lessee Agreement: ok  
Acreage: 1.14  
Compensation: \$3,746.00  
Legal Description: 30-foot strip through S2SW4, Sec. 34, Twp. 14N, Rge. 9W,  
Lewis and Clark County  
Trust Beneficiary: Capitol Buildings

### **Item Summary:**

The Bear Gulch Road Users Association, Inc. has requested an amendment to their existing easement for access to 23 subdivision lots for the purpose of adding six additional residential properties to the easement. These six parcels within the subdivision had originally been invited to join the RUA when the initial easement application was made in 2018, however the owners chose to not participate. They were made aware that they did not have legal access unless they joined the RUA and paid a share of the cost of the easement. In the past two years these six parcels have all come up for sale and the purchasers of those lots, some of whom are existing members of the RUA, have requested to become members of the RUA and obtain full legal access to the purchased parcels. The valuation for the easement includes updated cost of the land value for the easement minus the original cost; plus a 1% conveyance fee associated with the market value of each lot to be added to the RUA.

### **DNRC Recommendation:**

The DNRC recommends approval of the amendment application for Bear Gulch Road Users Association, Inc.



Application #18434 (amendment)



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Montana Department of Transportation PO Box 201001 Helena, MT 59620-1001
Application No.:	19798
R/W Purpose:	highway bridge construction and maintenance, including occupancy by utilities as defined in §69-4-101, MCA
Lessee Agreement:	N/A (Navigable River)
Acreage:	0.85
Compensation:	\$17,978.00
Legal Description:	a tract of land across the Clark Fork River between Gov. Lots 1 and 2, Sec. 32, Twp. 15N, Rge. 24W, Mineral County
Trust Beneficiary:	Public Land Trust – Navigable Rivers

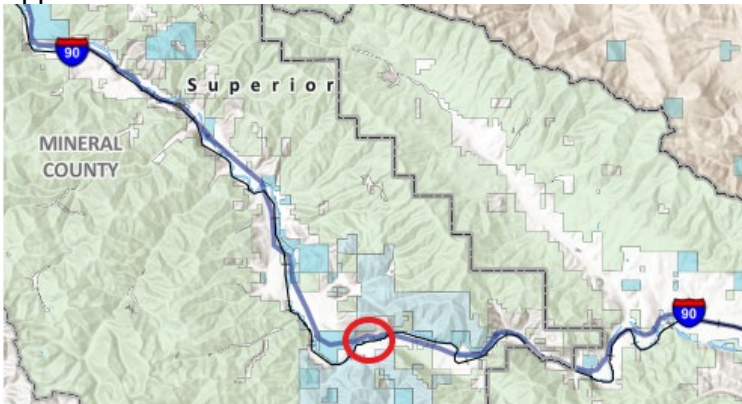
### **Item Summary:**

The Department of Transportation is requesting an easement to address the deterioration of two bridges crossing the Clark Fork River and Cyr Interchange of I-90 west of Alberton. Due to the extent of deterioration, both bridges were recommended for complete replacement. Traffic flow will be managed by site specific detours and minimal impact to the traveling public will occur during construction. There will be temporary closure of the Clark Fork River to protect the public during certain construction activities, such as beam setting, and removal of existing substructures. Replacement of the Cyr Interchange on ramp will also provide a higher vertical clearance for truck traffic.

### **DNRC Recommendation:**

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

Application #19798



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19799
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.64
Compensation:	\$2,711.00
Legal Description:	30-foot strip through E2E2, Sec. 36, Twp. 34N, Rge. 41E, Valley County
Trust Beneficiary:	Common Schools

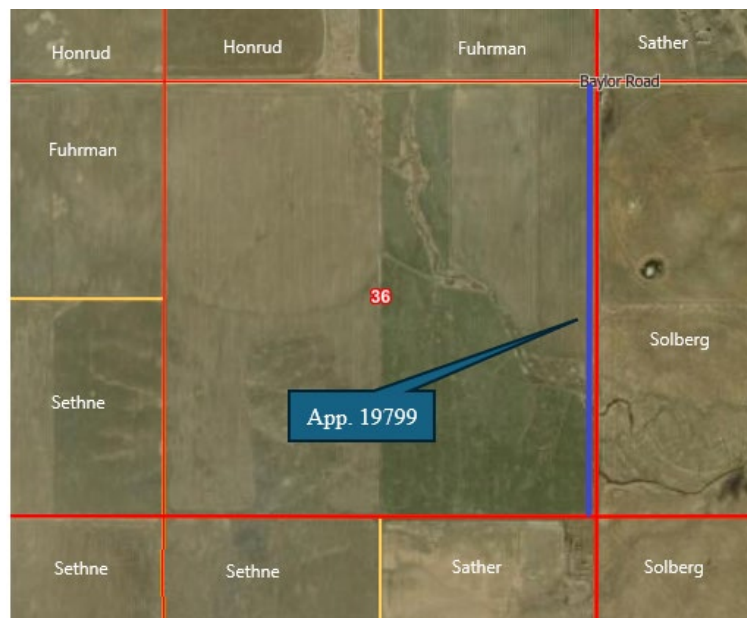
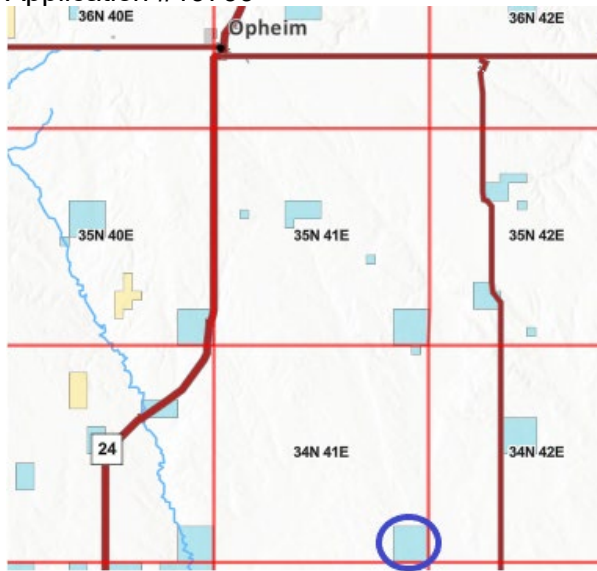
### **Item Summary:**

Dry Prairie Rural Water Authority has requested easements to construct water pipelines across State land. The pipelines vary from 2-inch to 6-inch in diameter. In total, 20.5 miles of pipeline would be constructed across State lands. This pipeline will serve rural customers in northern Valley and Daniels counties. Due to the geography of the area, the absence of additional road infrastructure, and the increased cost of routing the proposed pipeline around State lands, no alternate routes were considered feasible.

### **DNRC Recommendation:**

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

Application #19799



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19800
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.71
Compensation:	\$2,789.00
Legal Description:	30-foot strip through W2W2, Sec. 2, Twp. 34N, Rge. 43E, Valley County
Trust Beneficiary:	Common Schools

### **Item Summary:**

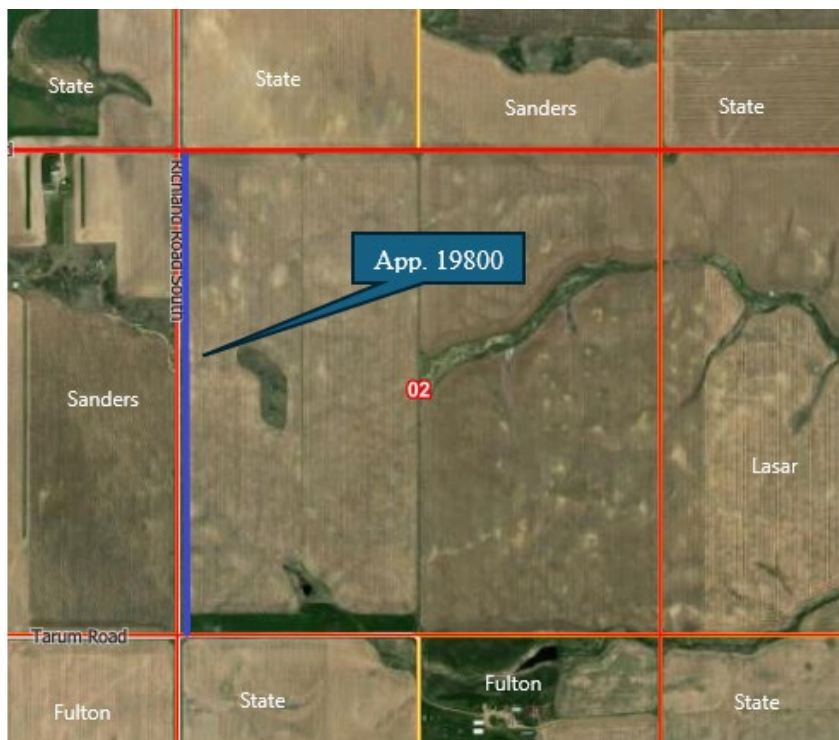
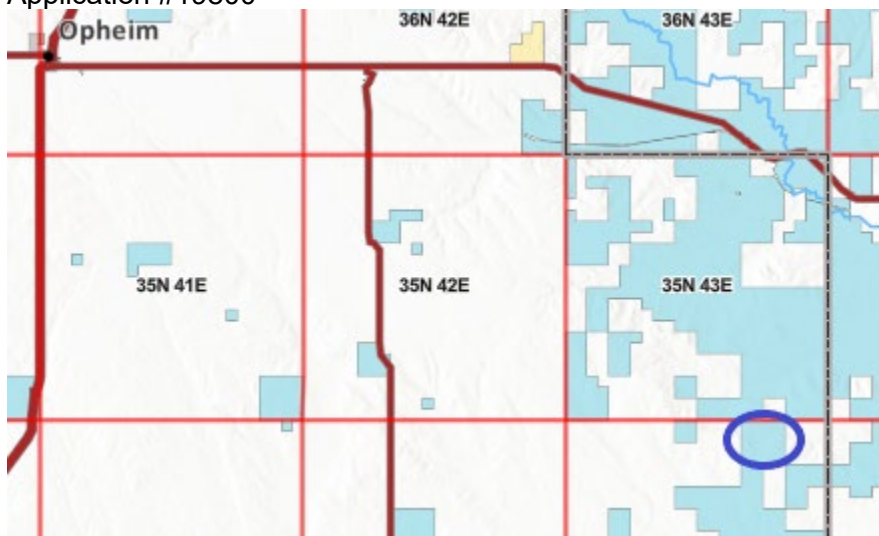
Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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



Application #19800





## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19801
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	2.18
Compensation:	\$1,732.00
Legal Description:	30-foot strip through N2W4, Sec. 11, Twp. 34N, Rge. 43E, Valley County
Trust Beneficiary:	Common Schools

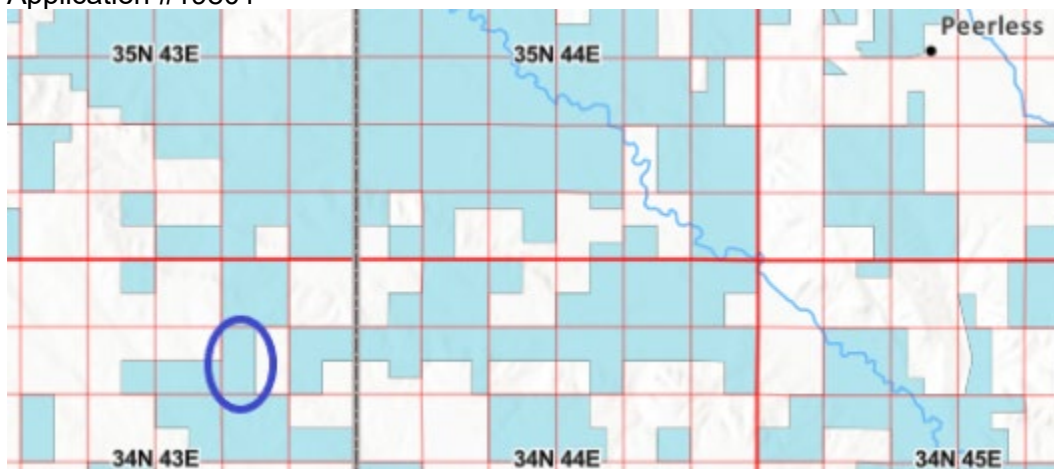
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19801



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19802
R/W Purpose:	a buried 6-inch water pipeline
Lessee Agreement:	ok
Acreage:	2.69
Compensation:	\$1,389.00
Legal Description:	30-foot strip through W2SE4, SE4SE4, Sec. 8, Twp. 35N, Rge. 42E, Valley 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 #19802



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19803
R/W Purpose:	a buried 6-inch water pipeline
Lessee Agreement:	ok
Acreage:	1.13
Compensation:	\$636.00
Legal Description:	30-foot strip through E2SE4, Sec. 29, Twp. 35N, Rge. 42E, Valley County
Trust Beneficiary:	Common Schools

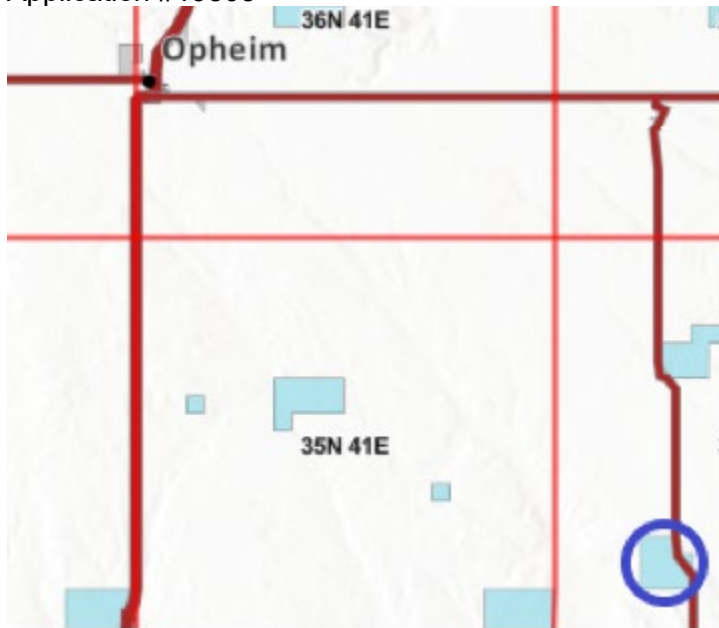
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19803



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19804
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	1.41
Compensation:	\$672.00
Legal Description:	30-foot strip through E2SE4, Sec. 3, Twp. 35N, Rge. 43E, Valley County
Trust Beneficiary:	Common Schools

### **Item Summary:**

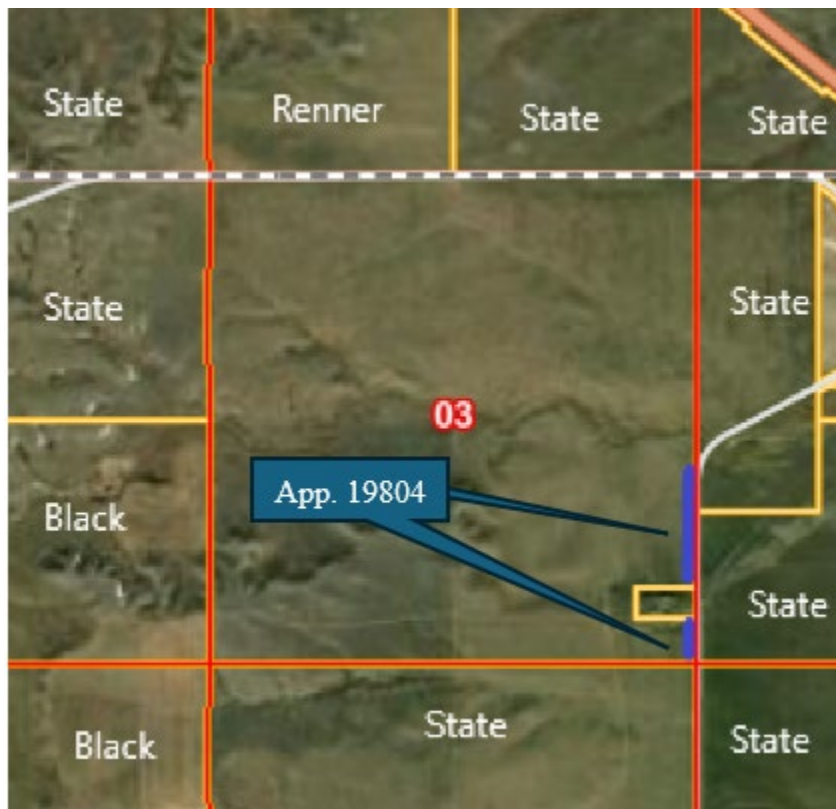
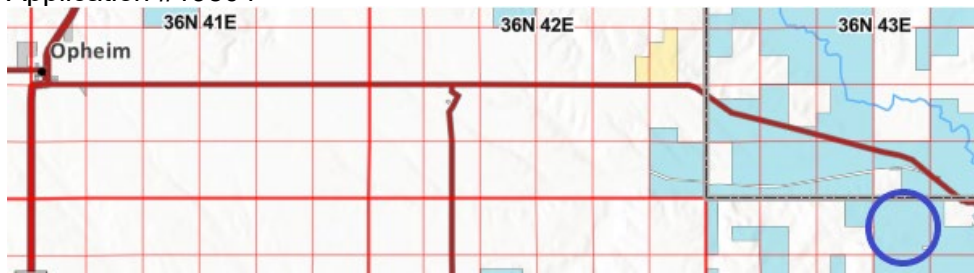
Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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



Application #19804



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19805
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	5.92
Compensation:	\$3,197.00
Legal Description:	30-foot strip through E2E2, S2SE4, SE4SW4, Sec. 10, Twp. 35N, Rge. 43E, Valley County
Trust Beneficiary:	Common Schools

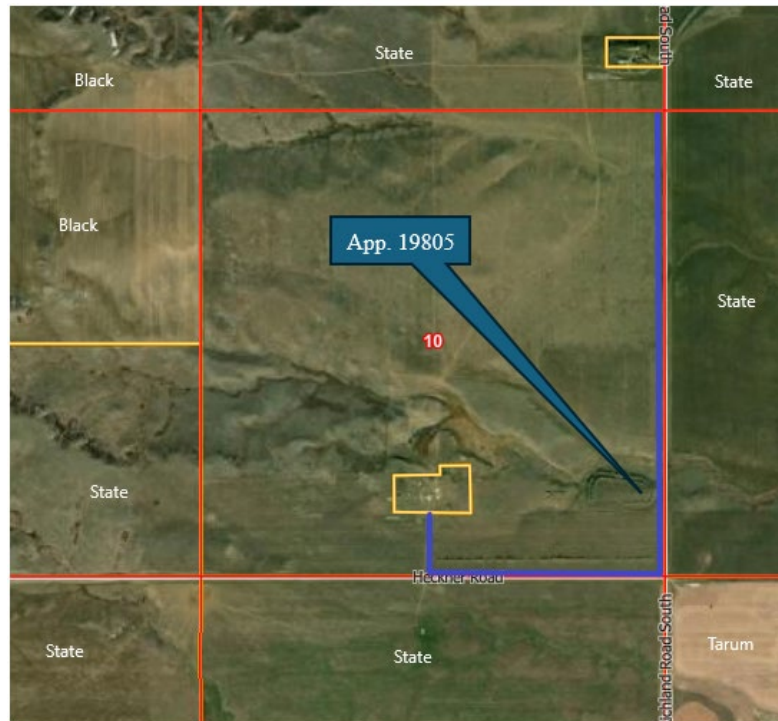
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

# Application #19805



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19806
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.64
Compensation:	\$2,791.00
Legal Description:	30-foot strip through N2N2, Sec. 18, Twp. 35N, Rge. 43E, Valley County
Trust Beneficiary:	Common Schools

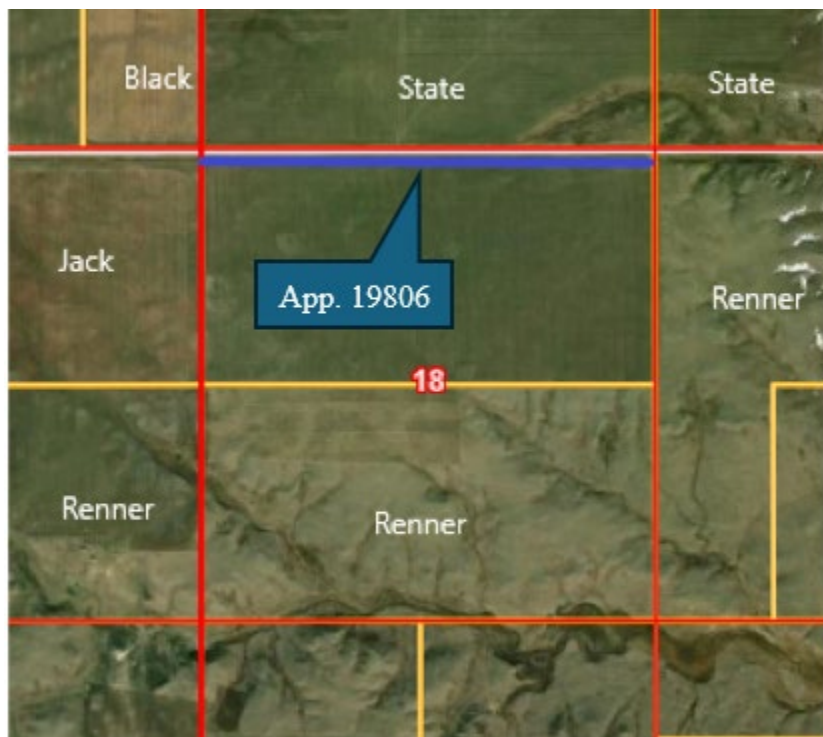
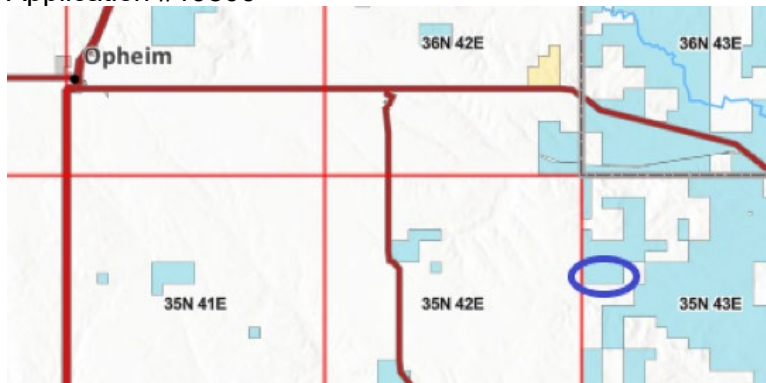
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19806



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19807
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	2.73
Compensation:	\$1,700.00
Legal Description:	30-foot strip through N24NW4, NW4NE4, Sec. 31, Twp. 35N, Rge. 43E, Valley County
Trust Beneficiary:	Common Schools

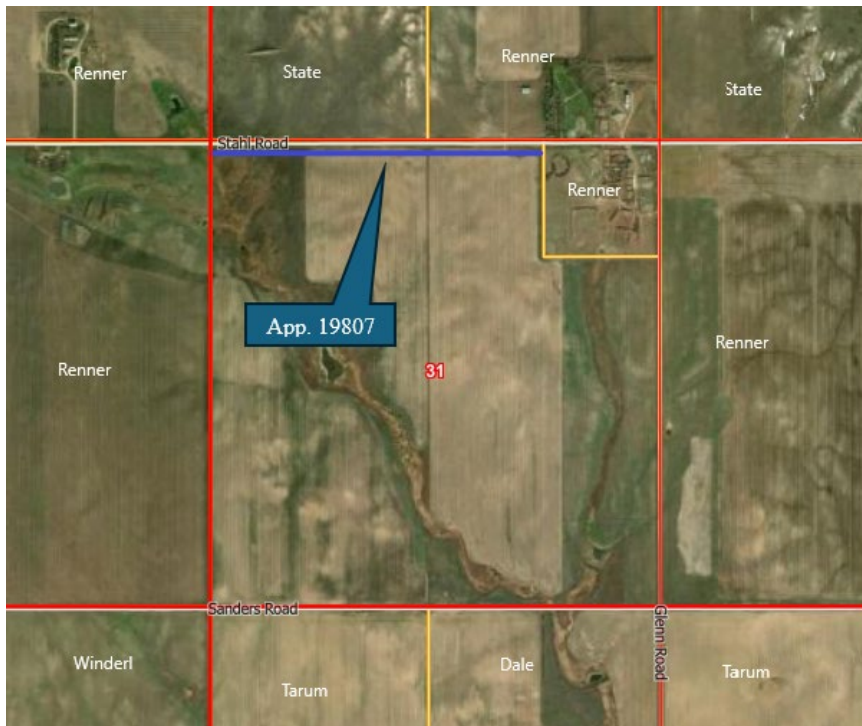
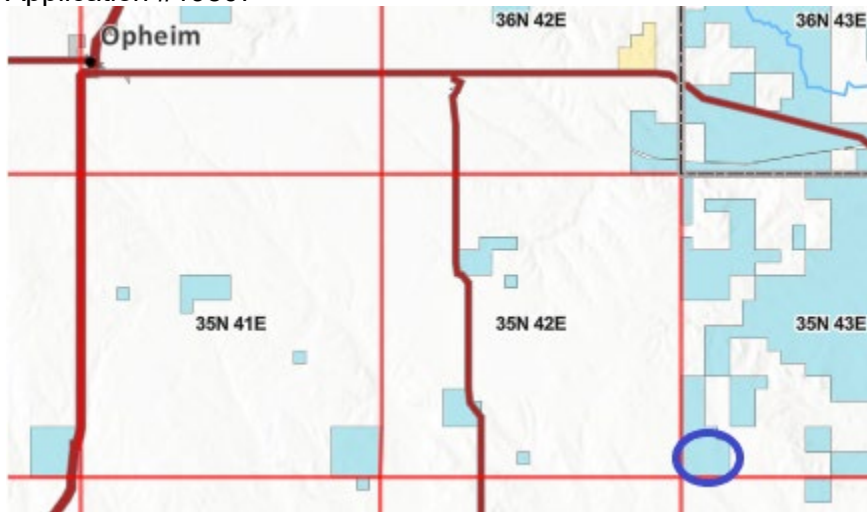
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19807





## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19808
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.15
Compensation:	\$2,112.00
Legal Description:	30-foot strip through W2W2, Sec. 35, Twp. 35N, Rge. 43E, Valley County
Trust Beneficiary:	Common Schools

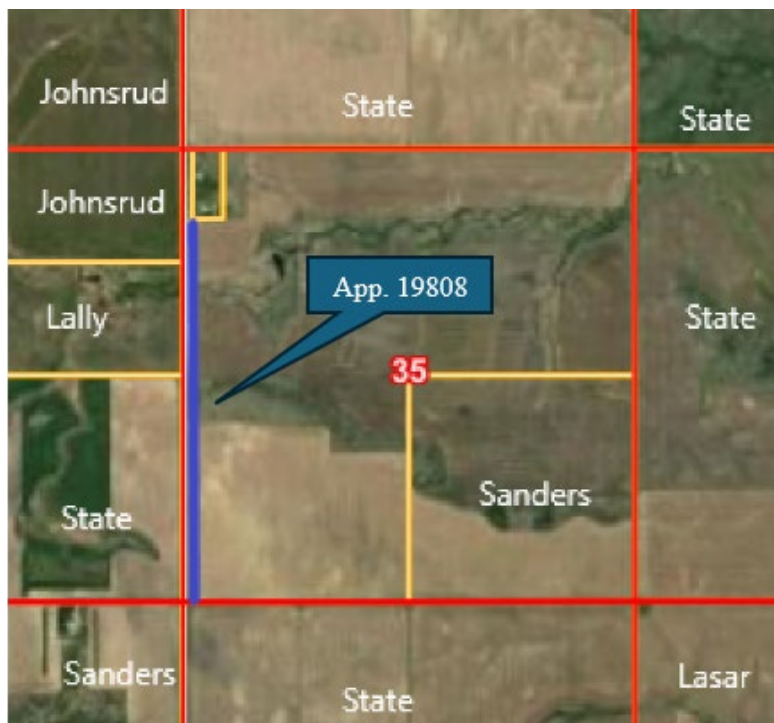
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19808



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19809
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.50
Compensation:	\$1,678.00
Legal Description:	30-foot strip through E2E2, Sec. 1, Twp. 35N, Rge. 44E, Daniels County
Trust Beneficiary:	Common Schools

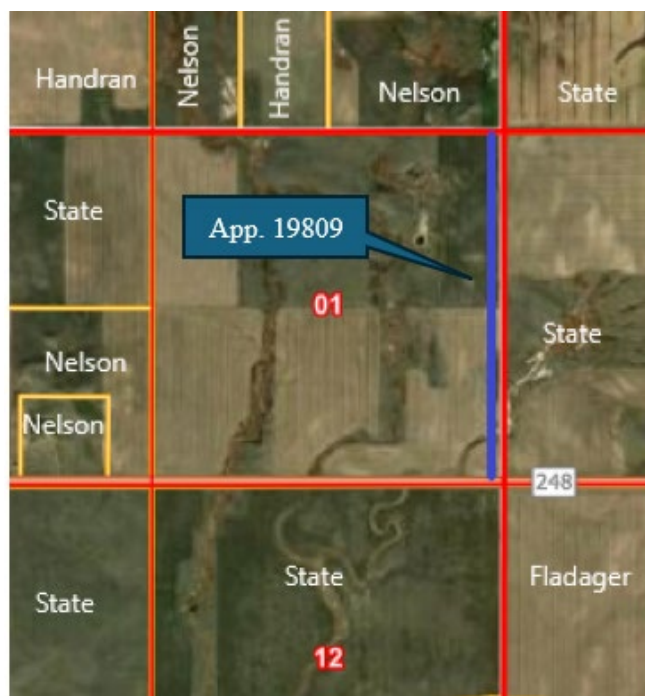
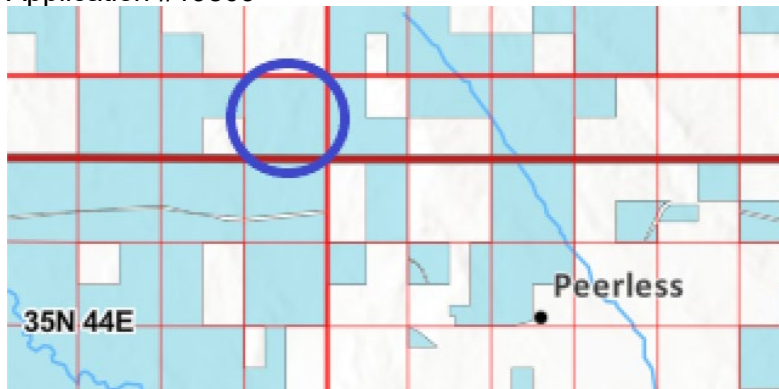
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19809



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19810
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	1.84
Compensation:	\$828.00
Legal Description:	30-foot strip through N2SW4, NW4SE4, Sec. 11, Twp. 36N, Rge. 43E, Daniels County
Trust Beneficiary:	Common Schools

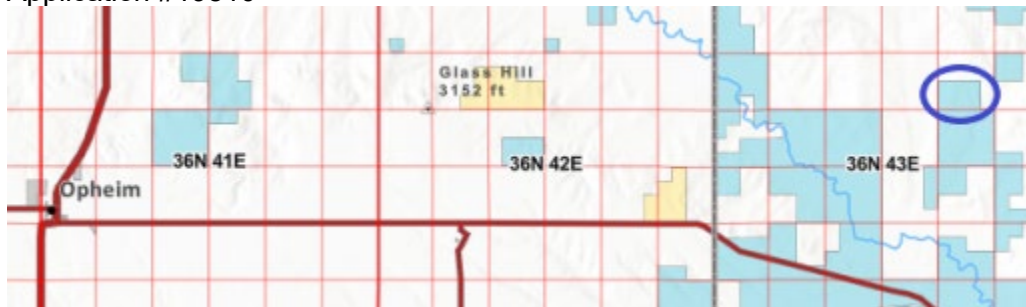
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19810





## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19811
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	1.92
Compensation:	\$924.00
Legal Description:	30-foot strip through E2SE4, Sec. 26, Twp. 36N, Rge. 43E, Daniels County
Trust Beneficiary:	Common Schools

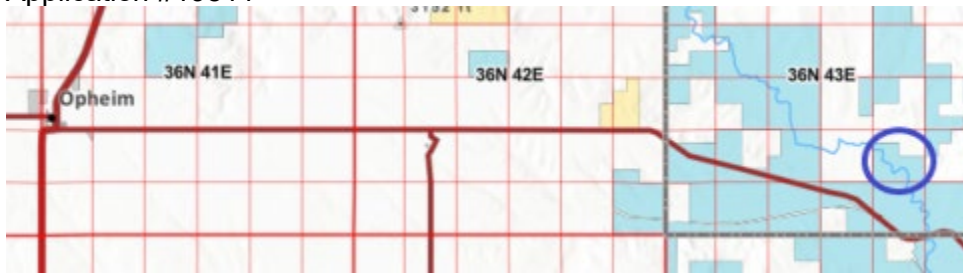
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19811



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19812
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	2.73
Compensation:	\$1,870.00
Legal Description:	30-foot strip through W2NW4, SE4NW4, E2SW4, Sec. 36, Twp. 36N, Rge. 43E, Daniels 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 #19812



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19813
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.64
Compensation:	\$2,333.00
Legal Description:	30-foot strip through W2W2, Sec. 8, Twp. 36N, Rge. 44E, Daniels County
Trust Beneficiary:	Common Schools

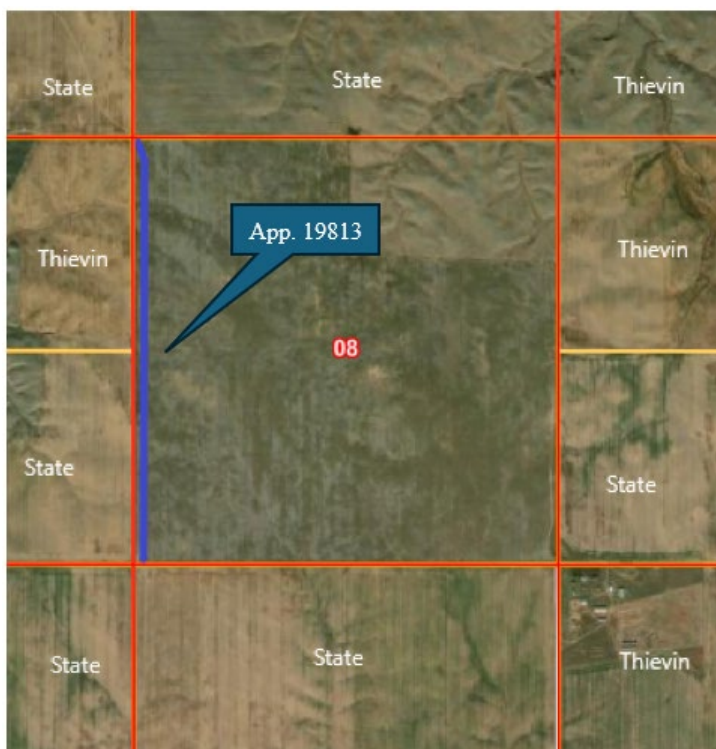
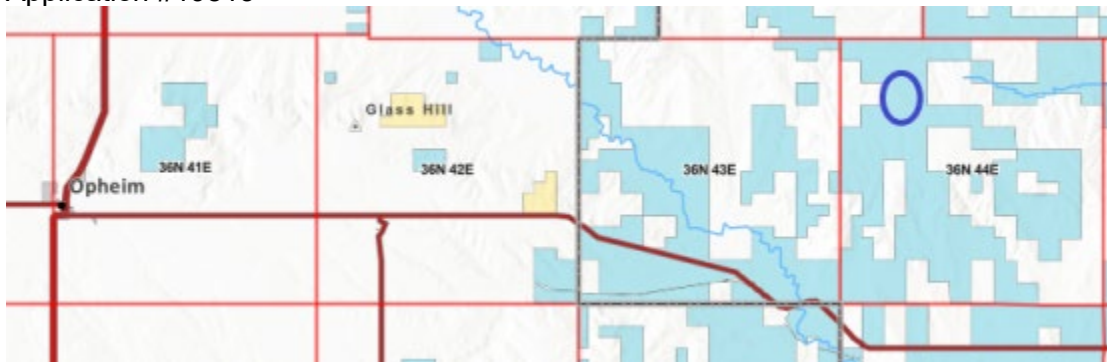
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19813





## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19814
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.68
Compensation:	\$2,571.00
Legal Description:	30-foot strip through N2N2, Sec. 17, Twp. 36N, Rge. 44E, Daniels County
Trust Beneficiary:	Common Schools

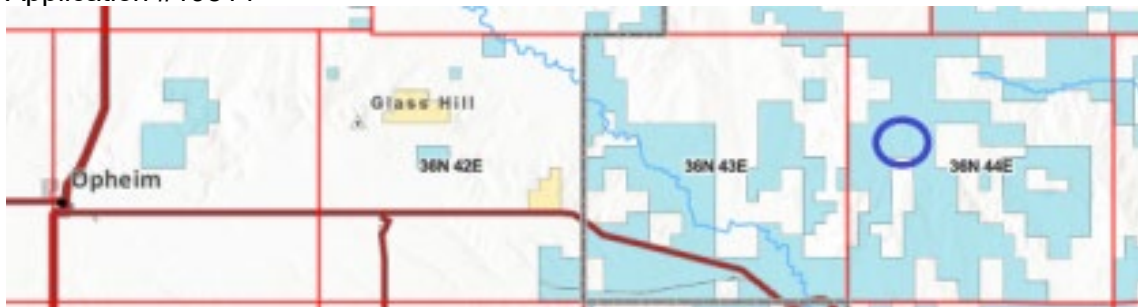
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19814



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19815
R/W Purpose:	a buried 2-inch water pipeline
Lessee Agreement:	ok
Acreage:	1.89
Compensation:	\$1,228.00
Legal Description:	30-foot strip through N2NE4, Sec. 14, Twp. 37N, Rge. 41E, Valley County
Trust Beneficiary:	Common Schools

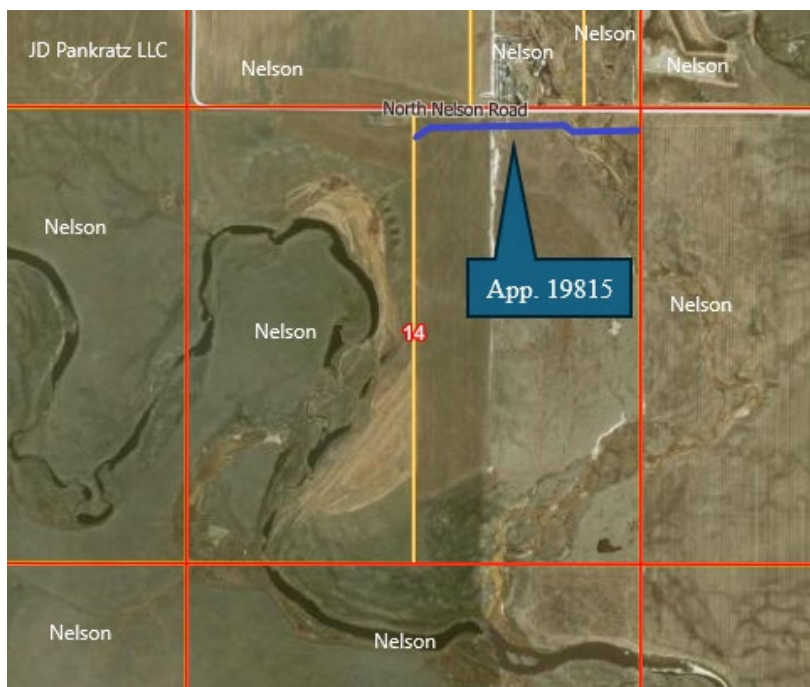
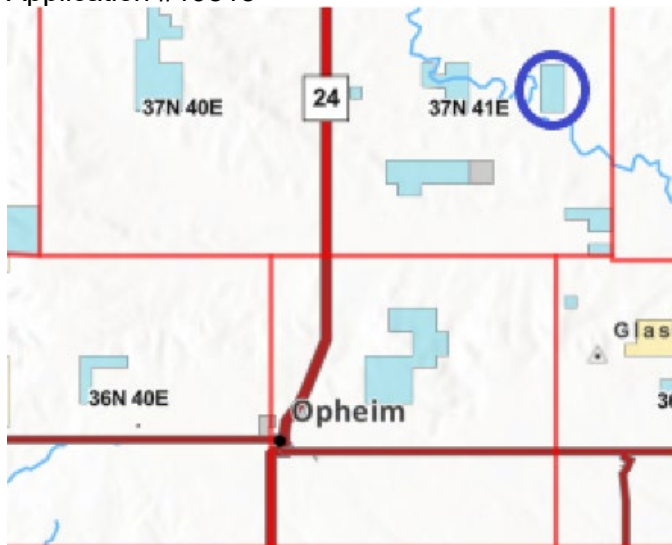
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19815



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19816
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	1.91
Compensation:	\$1,448.00
Legal Description:	30-foot strip through S2SE4, Sec. 36, Twp. 37N, Rge. 41E, Valley County
Trust Beneficiary:	Common Schools

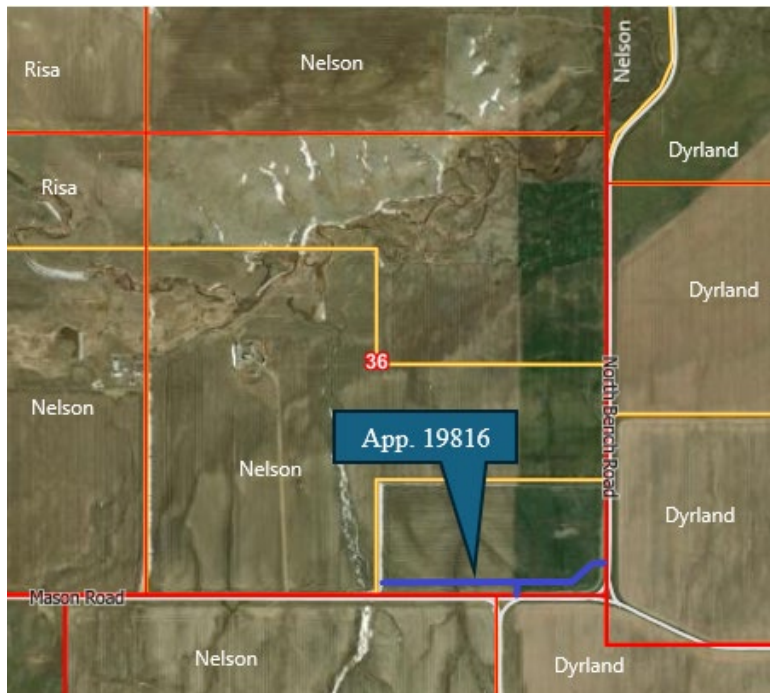
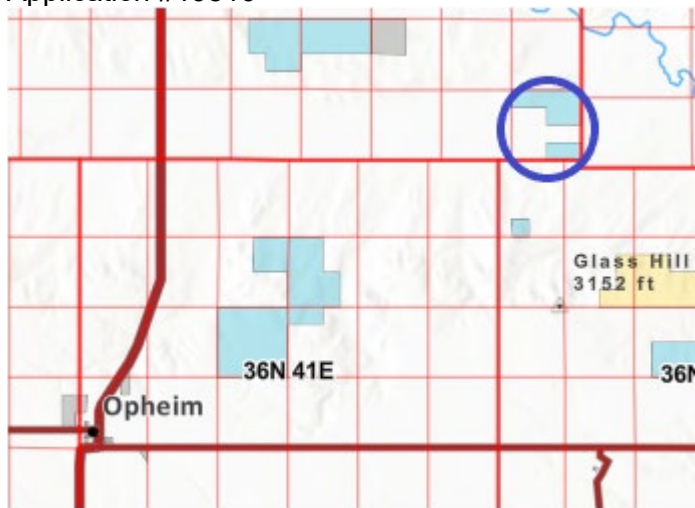
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19816





## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19817
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.64
Compensation:	\$2,830.00
Legal Description:	30-foot strip through S2S2, Sec. 7, Twp. 37N, Rge. 43E, Daniels County
Trust Beneficiary:	Common Schools

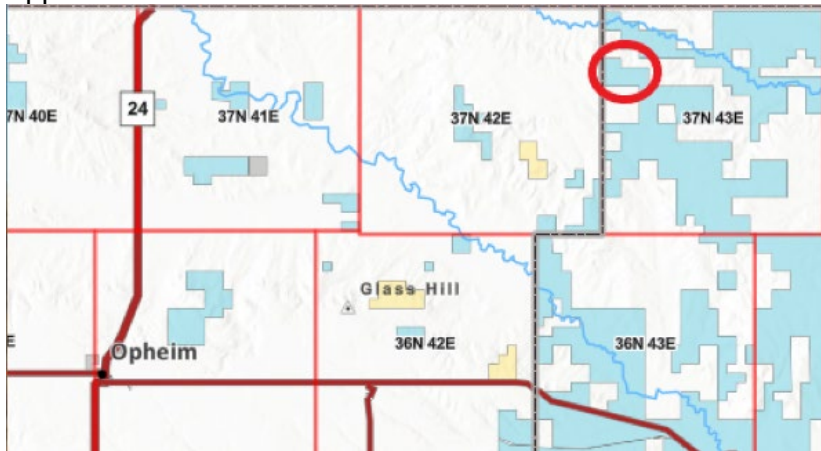
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19817



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19818
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	0.91
Compensation:	\$542.00
Legal Description:	30-foot strip through SW4SW4, Sec. 8, Twp. 37N, 43E, Daniels County
Trust Beneficiary:	Common Schools

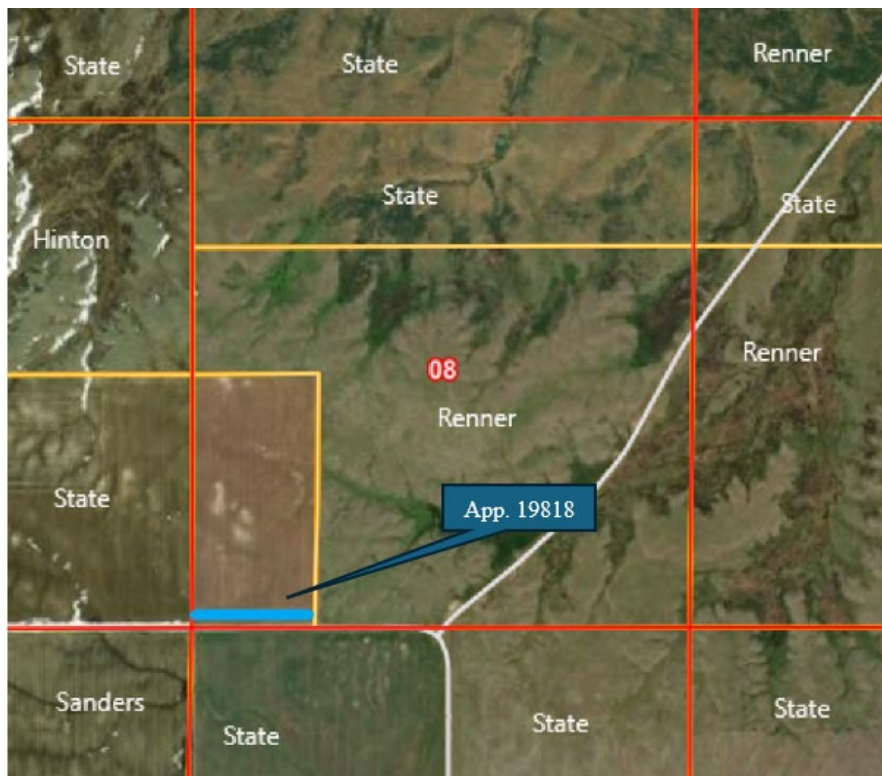
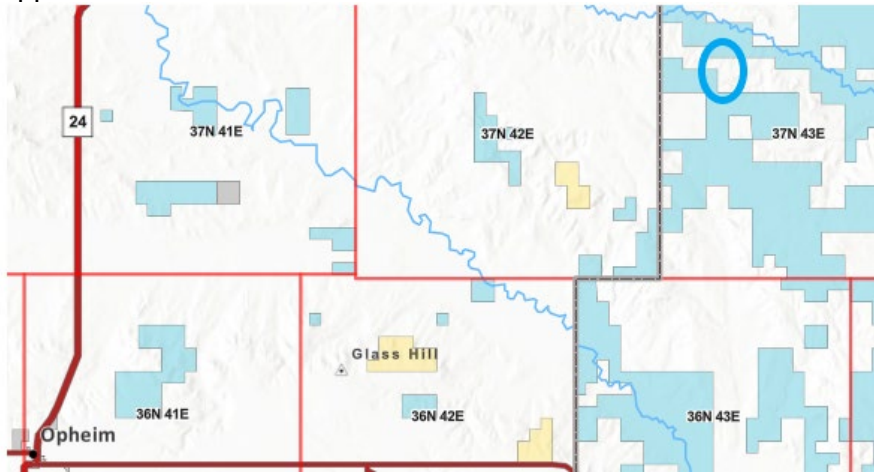
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19818



## APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19819
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	1.13
Compensation:	\$508.00
Legal Description:	30-foot strip through N2NW4, Sec. 9, Twp. 37N, Rge. 43E, Daniels County
Trust Beneficiary:	Common Schools

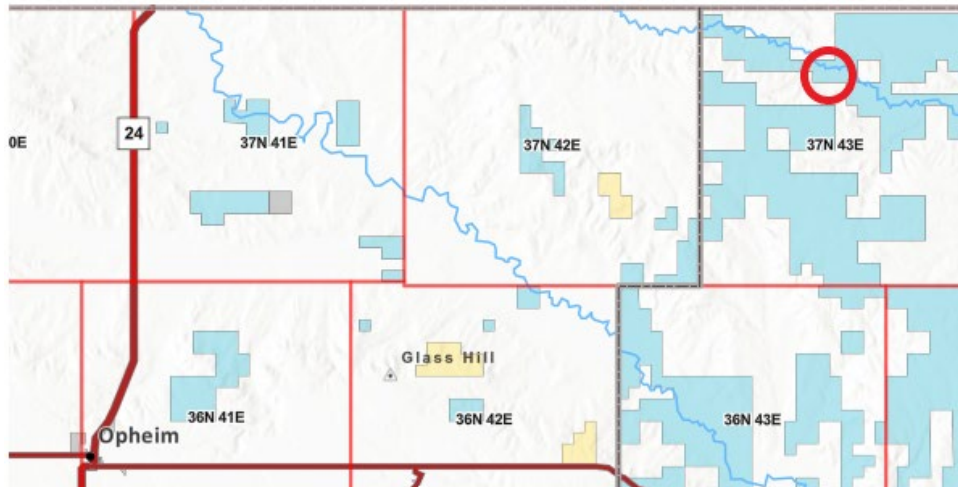
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19819





## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19820
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.68
Compensation:	\$2,745.00
Legal Description:	30-foot strip through E2W2, Sec. 17, Twp. 37N, Rge. 43E, Daniels County
Trust Beneficiary:	Common Schools

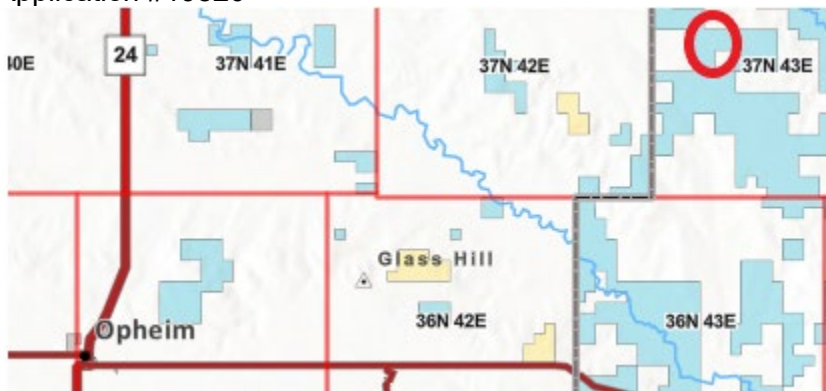
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19820



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19821
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.64
Compensation:	\$2,494.00
Legal Description:	30-foot strip through E2W2, Sec. 20, Twp. 37N, Rge. 43E, Daniels County
Trust Beneficiary:	Common Schools

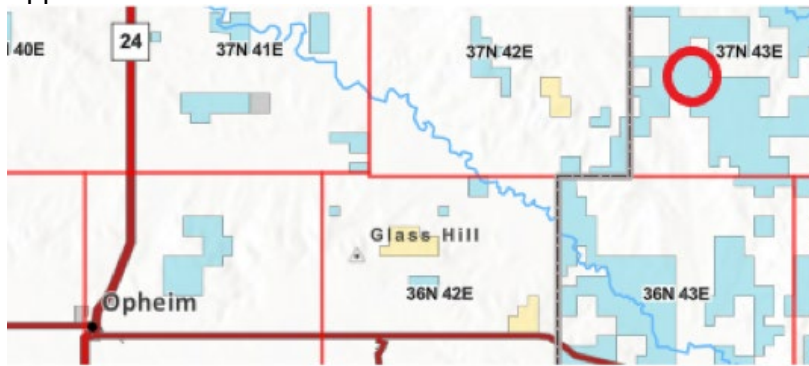
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19821



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19822
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.52
Compensation:	\$2,816.00
Legal Description:	30-foot strip through N2NE4, E2NE4, Sec. 29, Twp. 37N, Rge. 43E, Daniels County
Trust Beneficiary:	Common Schools

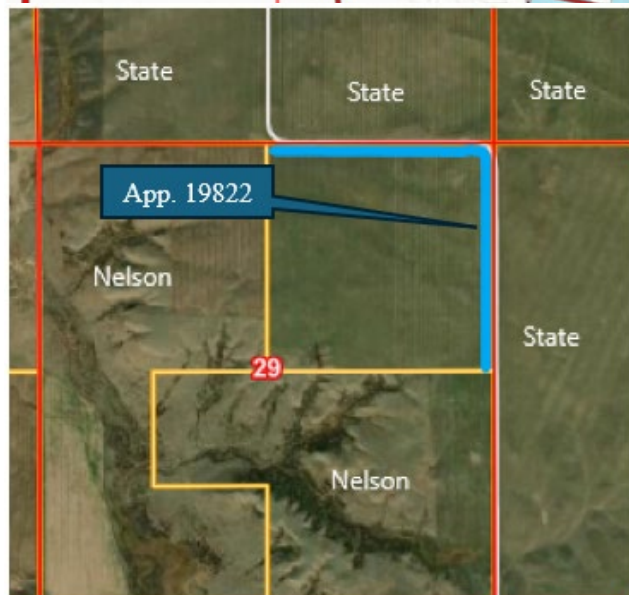
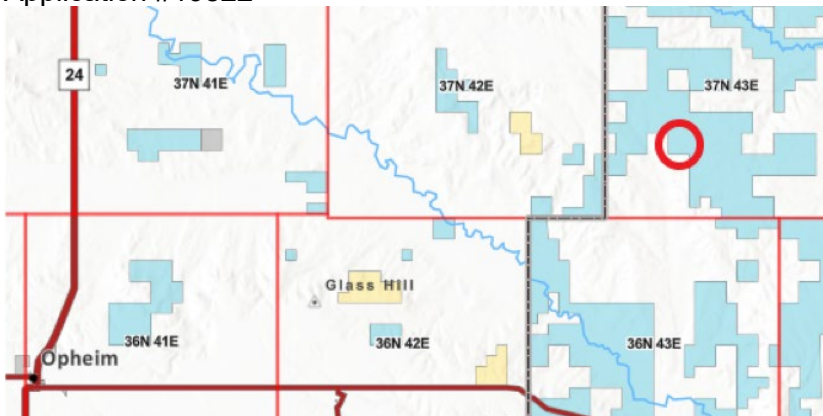
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19822





## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19823
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	4.43
Compensation:	\$2,962.00
Legal Description:	30-foot strip through E2E2, Sec. 6, Twp. 37N, Rge. 44E, Daniels County
Trust Beneficiary:	Common Schools

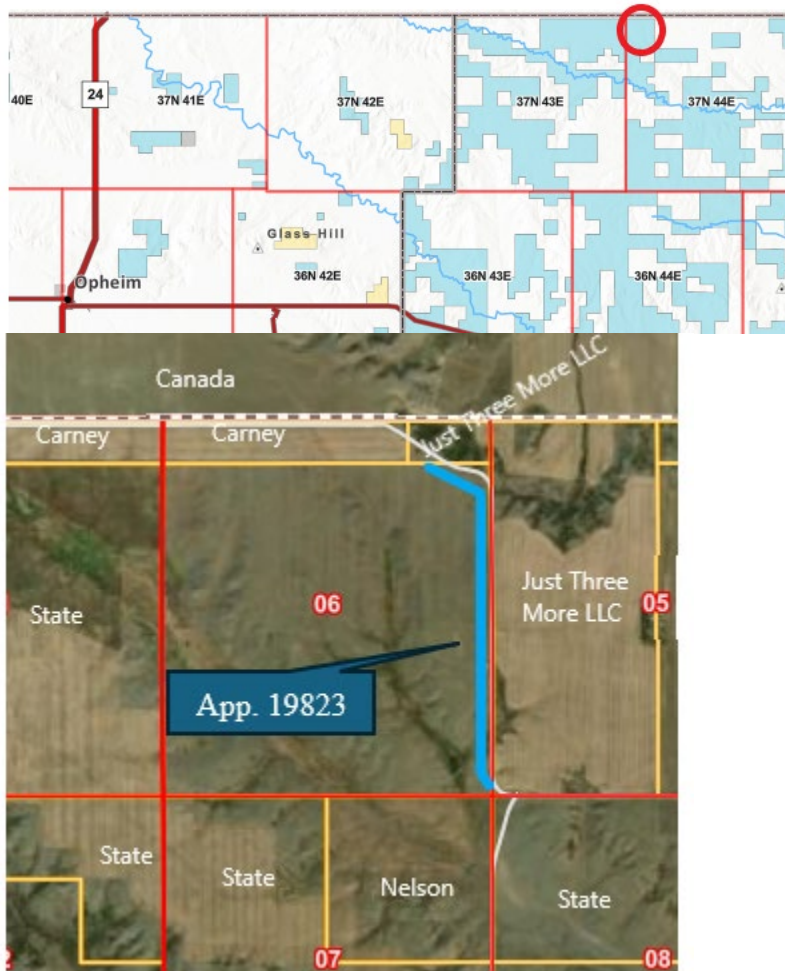
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19823



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19824
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	3.60
Compensation:	\$2,023.00
Legal Description:	30-foot strip through N2N2, Sec. 8, Twp. 37N, Rge. 44E, Daniels County
Trust Beneficiary:	Common Schools

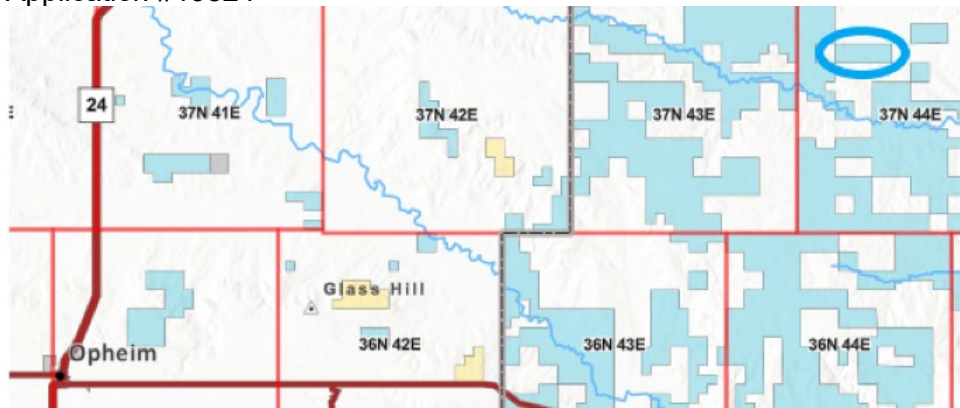
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Application #19824



## **APPLICANTS AND RIGHTS OF WAY INFORMATION**

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Applicant:	Dry Prairie Rural Water Authority PO Box 577 Culbertson, MT 59218
Application No.:	19825
R/W Purpose:	a buried 3-inch water pipeline
Lessee Agreement:	ok
Acreage:	1.78
Compensation:	\$1,404.00
Legal Description:	30-foot strip through N2NW4, Sec. 9, Twp. 37N, Rge. 44E, Daniels County
Trust Beneficiary:	Common Schools

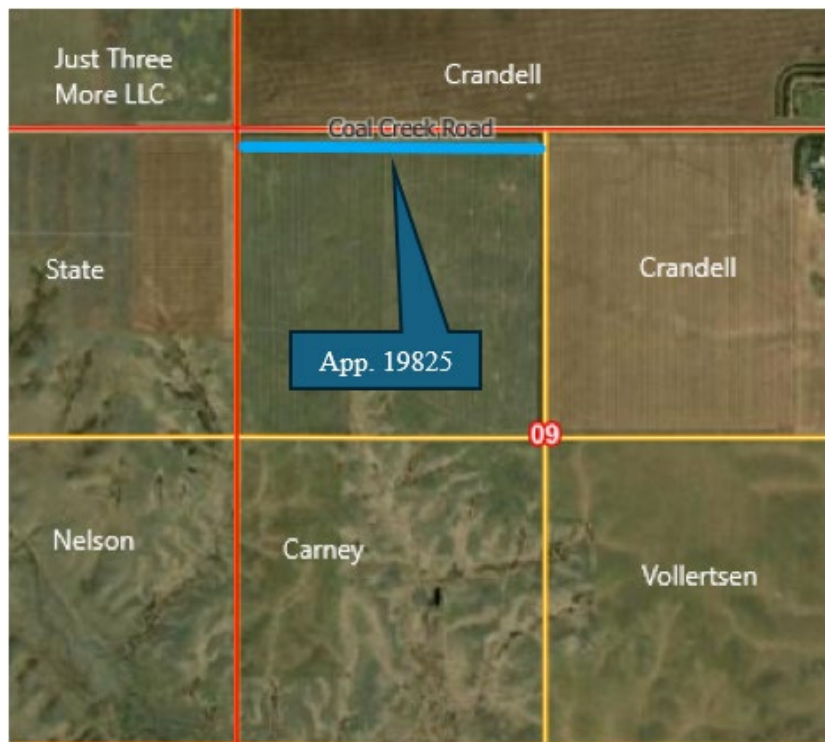
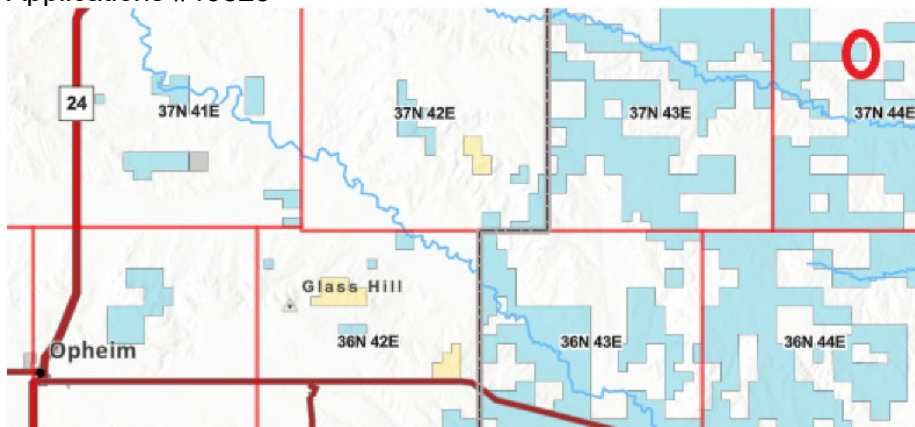
### **Item Summary:**

Continuation of Dry Prairie Rural Water Authority applications.

### **DNRC Recommendation:**

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

Applications #19825





# 0625-6

REQUEST FOR APPROVAL TO  
INITIATE RULEMAKING TO AMEND  
RECREATIONAL USE RULES

**Land Board Agenda Item  
June 16, 2025**

**0625-6 Request for Approval to Initiate Rulemaking to Amend Recreational Use Rules**

**Location: State of Montana**

**Trust Beneficiaries: Common Schools, Capitol Buildings, MSU 2<sup>nd</sup>, MSU Morrill, MSU Eastern/UM Western, MT Tech, U of M, Deaf & Blind School, Pine Hills, Veterans Home, Intensive Behavior Center, MT State Hospital, Lands Acquired-Public School, and Public Land Trust**

**Trust Revenue: Unknown**

**Item Summary:**

The Department of Natural Resources and Conservation (DNRC) Forestry and Trust Lands Management Division requests Land Board approval to initiate rulemaking to amend recreational use rules by adopting 10 new rules and repealing 19 rules pertaining to recreational use of state trust lands (Adopt ARM 36.25.1201, 36.25.1202, 36.25.1203, 36.25.1204, 36.25.1205, 36.25.1207, 36.25.1208, 36.25.1209, 36.25.1210, 36.25.1212; and repeal ARM 36.25.143, 36.25.144, 36.25.145, 36.25.146, 36.25.149, 36.25.150, 36.25.152, 36.25.153, 36.25.154, 36.25.155, 36.25.156, 36.25.157, 36.25.161, 36.25.162, 36.25.163, 36.25.164, 36.25.165, 36.25.166, and 36.25.167). The amendments are necessary to update rules to current standards and procedures, eliminate unnecessary and redundant regulations, replace out-of-date terminology, eliminate references to an expired recreational use advisory committee, and restructure the rules for clarity, consistency, simplicity, and ease of use for the public and staff. The proposed simplified rules will increase department efficiency by standardizing the procedures used statewide and improve customer service by making the rules easier to find and understand.

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 approval of this request to initiate the rulemaking process to amend the rules associated recreational use of state trust land.

## DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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### NOTICE OF PROPOSED RULEMAKING

#### MAR NOTICE NO. 2025-91.1

#### Summary

In the matter of adoption of New Rules 1-10 and the repeal of ARM 36.25.143, 36.25.144, 36.25.145, 36.25.146, 36.25.149, 36.25.150, 36.25.152, 36.25.153, 36.25.154, 36.25.155, 36.25.156, 36.25.157, 36.25.161, 36.25.162, 36.25.163, 36.25.164, 36.25.165, 36.25.166, and 36.25.167 pertaining to recreational use of state trust land.

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#### Hearing Date and Time

Friday, August 8, 2025, at 9:00 a.m.

#### Hearing Information

Department of Natural Resources and Conservation, Montana Conference Room, first floor, located at 1539 Eleventh Ave., Helena, Montana.

#### Virtual Hearing Information

Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting:

1) <https://mt-gov.zoom.us/j/83577012731?pwd=jWchah4QdK0d5wIHAI0Cca4LJaxp5C.1>, Meeting ID: 835 7701 2731, Password: 124737; or

2) Dial by telephone: +1 646 558 8656, Meeting ID: 835 7701 2731; Password: 124737

Find your local number: <https://mt-gov.zoom.us/u/kBkeouRAL>

## Comments

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 the contact information listed below. Comments must be received by Friday, August 8, 2025, at 5:00 p.m.

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## Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, August 1, 2025, at 5:00 p.m.

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## Contact

Jamie Price, Rules Coordinator  
(406) 444-6615  
DNRCOAH@mt.gov  
Montana Relay 711

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## General Reasonable Necessity Statement

In support of the Governor's Red Tape Relief Initiative, the Department of Natural Resources and Conservation (department) is conducting comprehensive review of the administrative rules for recreational use of state trust land. This review focuses on updating rules to current standards and procedures; eliminating unnecessary or redundant regulations; replacing out-of-date terminology; eliminating reference to the expired recreational use advisory committee; and restructuring the rules for consistency, simplicity, and ease of use for the public and staff. Following consideration of the department's suggested changes, the board of land commissioners determined it is reasonably necessary to repeal 19 rules and adopt ten new rules to align with the Red Tape Relief Initiative. The simplified rules will increase department efficiency by standardizing the procedures used statewide and improve customer service by making the rules easier to find and understand. If an additional specific basis for a proposed action exists, the department will identify the reason immediately following the specific rule.

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## Rulemaking Actions

### ADOPT

The rules proposed to be adopted are as follows:

## **NEW RULE 1 (36.25.1201) OVERVIEW**

- (1) NEW RULE 1 (36.25.1201) through NEW RULE 10 (36.25.1212) regulate the recreational use of state trust land managed by the Department of Natural Resources and Conservation. These lands appear in light blue on most land status maps.
- (2) The board of land commissioners has the duty and authority to manage state trust land under Article X, section 4 of the Montana Constitution. Under 77-1-301, MCA, the Department of Natural Resources and Conservation manages state trust lands under the direction of the board.
- (3) State trust land is open to recreational use subject to legal access, closures, and restrictions in accordance with 77-1-203(3), MCA.
- (4) The purpose of NEW RULE 1 (36.25.1201) through NEW RULE 10 (36.25.1212) is to provide for reasonable recreational use of legally accessible state trust land while also considering the needs of state trust land lessees. These rules should be interpreted to accomplish this purpose.
- (5) These rules regulate general recreational use and special recreational use, as defined in NEW RULE 2 (36.25.1202). Special recreational use requires additional licensing as described under NEW RULE 9 (36.25.1210).
- (6) The following state lands are not subject to NEW RULE 1 (36.25.1201) through NEW RULE 10 (36.25.1212):
  - (a) lands subject to a lease, license or easement from the department to a government entity for a public park or fishing access site;
  - (b) the surface, beds and banks of lakes, rivers, and streams that are open to the general public for recreational purposes under the stream access law;
  - (c) highways and highway rights-of-way;
  - (d) department administrative sites;
  - (e) campus grounds, experiment station grounds, and other lands owned by the university system;
  - (f) lands administered by the Department of Corrections; and
  - (e) any lands where the department or the board does not own the surface.
- (7) Whenever in NEW RULE 1 (36.25.1201) through NEW RULE 10 (36.25.1212), the submission of a document or petition is required to be filed at an area or unit office, it must be submitted to the area or unit office that administers the applicable state trust land.

- (8) Whenever in NEW RULE 1 (36.25.1201) through NEW RULE 10 (36.25.1212), a hearing is required to be held in an “area,” the term “area” refers to the department area in which the subject land is located. The hearing may be held, at the department's discretion, at any location within that area.

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-801 through 77-1-810, MCA

### **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule consolidates and simplifies language from original rules 36.25.143 and 36.25.144 related to intent and applicability, while retaining the intent of the original rules.

### **NEW RULE 2 (36.25.1202) DEFINITIONS**

Wherever used in NEW RULE 1 (36.25.1201) through NEW RULE 10 (36.25.1212), unless a different meaning clearly appears from the context:

- (1) "Board" means the board of land commissioners, as described in the Montana Constitution.
- (2) "Closure" means prohibition of all general recreational use.
- (3) "Customary access point" means each outer gate and each normal point of access to the land, including both sides of a water body crossing the land where the water body intersects an outer boundary line.
- (4) "Dedicated county road" means a county road that has been created by means of donation of a landowner and acceptance by a county under statutory or common law dedication procedures.
- (5) "Department" means the Department of Natural Resources and Conservation.
- (6) "Director" means the director of the Department of Natural Resources and Conservation.
- (7) "Drop box" means a container in which a person using state trust land for recreation may leave notice when required to do so under these rules.
- (8) "Emergency" means a situation that:



- (a) poses an imminent threat of personal harm, property damage, or significant environmental harm;
  - (b) would be substantially lessened or alleviated by a recreational use closure; and
  - (c) requires faster action than the normal closure procedure.
- (9) "General recreational use" means non-concentrated, non-commercial recreational activity.
  - (a) The term does not include:
    - (i) taking or disturbing archeological, historical, or paleontological items;
    - (ii) mineral exploration or mining;
    - (iii) taking or disturbing valuable rocks or minerals;
    - (iv) cutting or gathering firewood, standing trees, or downed trees;
    - (v) trapping; or
    - (vi) special recreational use.
- (10) "Growing crop" means plants grown for harvest, between planting and harvest time. The term does not include grass used for grazing or trees.
- (11) "Lease" means a lease or land use license, other than a recreational use or special recreational use license, allowing use of state trust land. The term does not include a mineral lease unless it is preceded by the word "mineral."
- (12) "Lessee" means a person who holds a lease.
- (13) "Legally accessible" means state trust land that can be reached by open road, public right-of-way, or public easement; public waters, including streams open to the public for recreational purposes under the stream access law; adjacent public land open to public use; or adjacent private land if permission to cross the land has been secured from the landowner. Accessibility by aircraft does not render lands legally accessible under this definition.
- (14) "Livestock" means cattle, sheep, swine, goats, privately owned bison and elk, horses, llamas, mules, donkeys, and other animals used for the protection of such animals.
- (15) "Motorized vehicle" means a vehicle powered by a motor, including but not limited to, cars, trucks, motorcycles, mopeds, and all-terrain vehicles. The term does not include snowmobiles.
- (16) "Open road" means a road usable by the public under state or federal law. This includes federal roads, state roads, dedicated county roads, and other roads on

state trust land that have been designated by the department as open for motorized use.

- (17) "Recreational use license" means a license authorizing general recreational use of state trust land.
- (18) "Restriction" means a limitation on recreational use activities.
- (19) "Special recreational use" means:
  - (a) commercial or concentrated recreational activity, including any recreational use that is organized, developed, or coordinated, whether for profit or otherwise; or
  - (b) other recreational activity that will result in unique impacts as determined by the department or that would conflict with a restriction described under NEW RULE 4 (36.25.1204).
- (20) "Trust land administration account" means the account established by 77-1-108, MCA, from which expenses of the recreational use program are paid.

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-101, 77-1-801, 77-1-802, 77-1-804, 77-1-805, and 77-1-806, MCA

### **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule updates and simplifies language from original rule 36.25.145 related to definitions, while retaining the intent of the original rules. These changes also clarify the different types of special recreational use.

### **NEW RULE 3 (36.25.1203) LICENSE REQUIREMENTS FOR GENERAL RECREATION**

- (1) A recreational use license is required by any person 12 years of age or older for general recreational use of state trust land. Whether there is an agreement between the department and the Department of Fish, Wildlife and Parks pursuant to 77-1-815, MCA will determine which of the following two licenses are required:
  - (a) a "conservation license" is required 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; or

- (b) a “state lands recreational use license” is required 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.
- (2) If a state lands recreational use license is required:
  - (a) The 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.
  - (b) The cost is:
    - (i) \$5 for persons 17 years of age or younger or 60 years of age or older.
    - (ii) \$10 for persons who are older than 17 and younger than 60.
    - (iii) \$20 for a family living within the same household.
  - (c) A person may purchase the license for a relative.

**Authorizing statute(s):** 77-1-106, 77-1-209, 77-1-802, and 77-1-804, MCA

**Implementing statute(s):** 77-1-106, 77-1-801, 77-1-802, 77-1-804, and 77-6-210, MCA

### **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule simplifies language from original rule 36.25.146 related to license requirements, while retaining the intent of the original rule.

### **NEW RULE 4 (36.25.1204) GENERAL RECREATION RULES AND RESTRICTIONS**

The following rules apply to persons engaging in general recreational use of state trust land:

- (1) A recreational use license as described in NEW RULE 3 (36.25.1203) is required by any person 12 years of age or older.
- (2) A recreationist must present their license upon request by a Montana game warden or department employee.
- (3) For motorized vehicle use:
  - (a) Recreational motorized vehicle use is restricted to open roads.

- (b) A person holding a "permit to hunt from vehicle" issued by the Department of Fish, Wildlife and Parks may drive on any road that is not closed by the department by sign or barrier.
  - (c) Parking is allowed on open roads in accordance with applicable traffic regulations, and within 50 feet of a customary access point that is accessible by open road. A parked vehicle must not block vehicle access or gates, or cause damage to the land or improvements.
- (4) For snowmobile use:
  - (a) Snowmobile use is allowed on open roads where permitted by applicable traffic regulations.
  - (b) Off-road snowmobile use is only allowed on unleased land. It is not allowed where expressly prohibited by the department.
- (5) For firearm use:
  - (a) A person may not use a firearm negligently as defined in 45-2-101, MCA.
  - (b) A recreationist may not discharge a firearm on state trust land within 1/4 mile of an inhabited dwelling or an outbuilding in close proximity to an inhabited dwelling without permission of an inhabitant. Temporary absences of inhabitants do not render a dwelling uninhabited.
- (6) Campfires are prohibited on leased or licensed land unless in a designated campground.
- (7) Fireworks are prohibited.
- (8) For overnight use:
  - (a) Overnight use of leased or licensed land must be within 200 feet of a customary access point or public waters such as a stream open to the public for recreational purposes pursuant to the stream access law under 23-2-302, MCA.
  - (b) Motorized vehicles and camping trailers must be parked according to the requirements described in (3)(c).
  - (c) Overnight use may not exceed the following time limits:
    - (i) In a designated campground, the maximum stay is 16 days in a 30-day period.
    - (ii) For dispersed camping outside of a designated campground, the maximum stay is:
      - (A) 2 consecutive days on leased or licensed land; or

- (B) 16 days in a 30-day period on land that is not leased or licensed.
- (d) A recreationist may keep horses on state trust land overnight, subject to the following restrictions:
  - (i) horses must not be allowed to remain in stream riparian zones for more than one hour;
  - (ii) only certified noxious weed seed free forage may be brought onto state trust land; and
  - (iii) horses must be restrained to minimize impacts to vegetation.
- (9) Pets must be kept on a leash or otherwise controlled to prevent harassment of livestock or wildlife.
- (10) Food storage requirements under ARM 12.12.109(1)(a), (b), and (c) apply from March 1 to December 1, or for an extended period of time if posted on site, on state trust land:
  - (a) located in any county west of the Continental Divide; or
  - (b) 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 Counties.
- (11) Littering is prohibited.
- (12) A recreationist may not interfere with the legitimate lease management activities of lessees or their agents.
- (13) A recreationist may not interfere with a person making lawful recreational use of state trust land.
- (14) The department may impose additional restrictions pursuant to 77-1-804(6)(h), MCA to protect public safety, property, or the environment. A recreationist may not violate site specific restrictions.
- (15) The department may close specific state trust land to recreational use pursuant to NEW RULE 6 (36.25.1207). A recreationist may not violate a closure.
- (16) State trust land enrolled within a Wildlife Management Area or a Block Management Area are subject to the management area rules set by the Department of Fish, Wildlife and Parks. A recreationist may not violate the rules applicable to state trust land enrolled in a wildlife management area or block management area.
- (17) Recreationists are responsible for determining whether state trust land is legally accessible.

- (18) A recreationist may not trespass onto private lands, regardless of the absence of fencing or signage.
- (19) A person who violates a recreational use rule is subject to penalties described in NEW RULE 10 (36.25.1212).

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, 77-1-806, MCA

### **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule consolidates and simplifies language from original rules 36.25.149, 36.25.146(5), and 36.25.161(1) and (3) related to general recreational use and restrictions, while retaining the intent of the original rules.

### **NEW RULE 5 (36.25.1205) NOTICE TO LESSEES PRIOR TO ENTRY**

- (1) If a lessee wishes to be notified before a recreationist enters the leased land for general recreational use the lessee shall:
  - (a) post signs, or duplicates of signs, provided by the department at all customary access points with directions to the appropriate drop box; and
  - (b) provide a clearly marked drop box at a customary access point for each tract. A lessee of 2 or more contiguous tracts may provide 1 drop box if it is placed in a location convenient to each of the tracts.
- (2) If there is uncertainty about the location of a customary access point or its convenience, the area manager will decide and the lessee shall install drop boxes in accordance with that determination.
- (3) If a lessee has installed signs and a drop box in accordance with (1), a recreationist shall leave a notice in the drop box prior to entering the leased land.
  - (a) The notice must include:
    - (i) the recreationist's name, address, and conservation license number;
    - (ii) the names, addresses, and recreational use license numbers of each person in the party; and
    - (iii) the dates of use.



- (b) The recreationist is responsible for providing paper and a writing utensil to leave the notice.
- (c) The notice is valid for up to 3 consecutive days or until the end of any continuous general recreational use that makes additional notice impractical, such as a back country hunting or fishing trip.
- (4) A lessee may not interfere with a person making lawful recreational use of state trust land.

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-804 and 77-1-806, MCA

### **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule consolidates and simplifies language from original rules 36.25.155, and 36.25.156 related to lessee notification prior to recreational use, and 36.25.146(5) regarding lessee interference with a person making lawful recreational use. The rule change simplifies the signage and notification requirements and consolidate rules related to lessee interactions with recreationists.

### **NEW RULE 6 (36.25.1207) CLOSURE OF STATE TRUST LAND TO RECREATIONAL USE**

- (1) The following state trust land is categorically closed to general recreational use:
  - (a) land leased for cabin sites or home sites;
  - (b) agriculture lease areas with growing crop;
  - (c) land leased for military use while military activities are taking place;
  - (d) land leased for commercial use; and
  - (e) land under extreme wildfire threat as proclaimed by the department or governor.
- (2) Any person, corporation, organization or government agency may petition to exclude a specific tract from a categorical closure by following the process described in (7).
- (3) The department may close specific tracts of state trust land to recreational use through the process described in (7) for any of the following reasons:

- (a) damage attributable to recreational use diminishes the income generating potential of the state trust land;
  - (b) damage to surface improvements of lessee or mineral lessee;
  - (c) the presence of threatened, endangered, or sensitive species or plant communities;
  - (d) the presence of unique or special natural or cultural features;
  - (e) wildlife protection;
  - (f) noxious weed control;
  - (g) the presence of buildings, structures, or facilities;
  - (h) protection of public safety;
  - (i) prevention of significant environmental impact;
  - (j) disruption of calving, lambing, or shipping activities or substantial disruption of livestock use;
  - (k) an imminent threat, caused by potential substantial public use, of immediate, irreparable property damage or bodily injury on the state tract or adjacent land; or
  - (l) comparable private land has been made available for public general recreational use through an exchange described in (4).
- (4) Any person may request an emergency closure by submitting a written request describing the situation with the area or unit office. The area manager or designee will grant or deny the request no later than 5 days after it is received.
- (a) An emergency closure must be for a specific period of time but may be extended as necessary until the emergency is over.
  - (b) Upon request of any person, the director or designee will review any emergency closure in effect for longer than 5 days. The director or designee will approve, modify, or terminate the closure in writing.
  - (c) The department will attempt to contact the underlying lessee prior to any emergency closure.
  - (d) The department may, on its own initiative, close state trust land in an emergency.
- (5) The department may, after following the process described in (7), enter into a written agreement with a landowner whereby a tract of state trust land is closed in exchange for the landowner's agreement to open private land to general recreational use if all of the following requirements are met:

- (a) The private land:
    - (i) is in the same general area;
    - (ii) is of equal or greater recreational value to the state tract;
    - (iii) has equal or greater public access as the state tract; and
    - (iv) is not normally available for general recreational use upon request by the public.
  - (b) The private landowner agrees to:
    - (i) allow general recreational use under restrictions no more stringent than those contained in NEW RULE 4 (36.25.1204);
    - (ii) post department-approved signs at customary access points on the closed state trust land to notify the public of the closure and give directions to the private tract;
    - (iii) post signs on the private tract advising the public which portion of the tract is open for general recreational use by the public subject to the recreational use license requirement;
    - (iv) allow access to the private land for employees of the department and Department of Fish, Wildlife and Parks;
    - (v) not claim funds pursuant to ARM 36.25.158 or ARM 36.25.159;
    - (vi) hold the department and state harmless from all claims, including those for property damage or personal injury, relating from the acts or omissions of the landowner; and
    - (vii) meet any other requirements deemed necessary by the department.
  - (c) The exchange agreement is cancelable by either party with 60-day written notice.
- (6) A lessee may create a temporary management closure or restriction on their leased or licensed state trust land.
- (a) One of the following situations must exist:
    - (i) Livestock activities such as calving, lambing, gathering or moving, specialized or intensive breeding, supplemental winter feeding, weaning, or shipping is occurring;
    - (ii) Weed control treatment is occurring or has recently occurred;
    - (iii) The land is being irrigated. However, state trust land may not be closed to foot traffic during hunting season under this provision; or

- (iv) Recreational use would occur in close proximity to lessee's dwellings or structures. However, the right to enter or exit state trust land may not be denied under this provision.
- (b) Temporary management closures and restrictions do not become effective until 24 hours after the following requirements are met:
  - (i) The lessee notifies the area or unit office of:
    - (A) the nature of the qualifying situation that exists;
    - (B) the affected area;
    - (C) the terms of the closure or restriction; and
    - (D) the duration.
  - (ii) The lessee posts all customary access points with signs or duplicates of signs provided by the department. The signs must include the lessee's name, address, phone number, the closure or restriction imposed, the reason for the closure or restriction, the area to which it applies, effective date, and duration.
- (c) Any person may object to a temporary management closure or restriction by notifying the area or unit office in writing that:
  - (i) there is no valid basis for the closure;
  - (ii) the area of closure is larger than necessary; or
  - (iii) the duration of the closure is longer than necessary.
- (d) The department may object to a temporary management closure.
- (e) If an objection is made:
  - (i) The area manager or designee shall investigate the closure within 2 working days of receiving the objection.
  - (ii) The area manager or designee may modify or terminate the temporary closure or restriction after notifying the lessee and objector of the decision.
  - (iii) The lessee or objector may appeal the area manager's decision to the director by filing a written appeal to the area office within 5 business days of receipt of notice.
  - (iv) The director's decision is binding on the parties. Failure to comply with the director's decision subjects the violator to penalties pursuant to NEW RULE 10 (36.25.1212).

- (f) The following are general guidelines the department shall use for determining whether the term of a management closure or restriction is reasonable:
  - (i) for calving or lambing, 60 days;
  - (ii) for breeding, 30 days;
  - (iii) for gathering or moving, 1 day;
  - (iv) for weed treatment, 5 days; and
  - (v) for livestock concentrated for weaning or shipping:
    - (A) if fewer than 200 animal units per section are concentrated, 5 days.
    - (B) if 200 or more animal units per section for weaning and shipping, 30 days.
- (g) The department may deviate from the general guidelines in (f) as management circumstances dictate.
- (7) Any person, corporation, organization or government agency may petition the department to close a specific tract of land for a reason listed in (3) or exclude a specific tract of land from a categorical closure.
  - (a) The petition must be submitted in writing to the area or unit office in which the applicable state trust land is located. To be considered during a calendar year, the petition must be submitted by April 1 of that year, be signed by the petitioner, and must contain the following information:
    - (i) name, mailing address, and phone number of petitioner;
    - (ii) description of lands to which the petition applies by legal description, lease number, or other description of the location;
    - (iii) the reason for the requested action;
    - (iv) the period for which the requested action is sought; and
    - (v) supporting documentation.
  - (b) The department may summarily dismiss a petition with a brief statement of the reasons for dismissal whenever:
    - (i) the petition is for a closure and is not based on a reason provided in (2);
    - (ii) the petition is not supported by specific factual allegations, data, or documentation; or

- (iii) a petition requesting essentially the same action has been denied in the preceding 365 days unless changed conditions are alleged and documented.
- (c) By May 1, the department shall post notice of any valid petitions it has received or initiated at the county courthouse, area offices, and department's main office, and notify any underlying lessees. The notice must:
  - (i) contain the name of the petitioner, location of the land, and reasons for the proposed action; and
  - (ii) give the public an opportunity to object to the petition and the objector and the petitioner an opportunity to request, on or before May 20, a public hearing on the proposed action.
- (d) An objection must contain the reasons why the petition should not be granted and supporting documentation. An objection may not be considered if it does not.
- (e) If a hearing is requested by an objector or petitioner, the department shall hold the hearing in the area of the proposed action as follows:
  - (i) By June 5, the department shall post public notice of the hearing and notify the petitioner and the affected lessee. The notice must contain the name of the petitioner, location of the land, reason for proposed action and reasons that the hearing has been requested.
  - (ii) By June 20, an open public hearing must be held in the area of the proposed action. Any interested party may give comments and submit information at the hearing.
- (f) The area manager or designee may conduct further investigation.
- (g) By July 1, the department shall prepare a written decision and provide a copy to the lessee, petitioner, and any person who filed an objection. The decision shall grant, modify, or deny the petition and state the reasons for the decision.
- (h) The petitioner or an objector may appeal the decision to the director by filing a written appeal with the area office within 15 days of receipt of the decision.
  - (i) If an appeal is received:
    - (A) The department will notify the opposing party of the appeal and provide an opportunity to respond, including the right to appear at any appellate hearing.
    - (B) The appeal may, at the discretion of the director or designee, proceed by written argument, oral argument, or both, at a location designated by the director.

- (C) No party may submit evidence or information that was not submitted at the informal hearing.
  - (D) By September 1, the director or designee shall issue a written decision affirming, reversing, or modifying the department's decision.
- (j) If a petition is granted, the lessee or department shall post all applicable customary access points with signs provided by the department or duplicated from signs provided by the department.
- (8) The department shall maintain a list of closures and restrictions on the department's public website and at the department's main office in Helena.
- (9) Except for categorical closures under (1), the department shall review closures at expiration or renewal of the lease for leased tracts and at least every 10 years for unleased tracts. The department may review closures more frequently. After public notice, notice to the lessee, and an opportunity for public comment and hearing, the department may terminate a closure it determines is no longer necessary.

**Authorizing statute(s):** 77-1-209 and 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

### **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule consolidates and simplifies language from original rules 36.25.150, 36.25.152, 36.25.153, and 36.25.154(3) related to recreational use closures while retaining the intent of the original rules.

### **NEW RULE 7 (36.25.1208) ROADS**

- (1) Before designating a road on leased state trust land as open for recreational motorized use, the department shall notify the lessee.

**Authorizing statute(s):** 77-1-209 and 77-1-804, MCA

**Implementing statute(s):** 77-1-804 and 77-1-806, MCA



## **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule simplifies and clarifies language from original rule 36.25.161(4) related to open roads, while retaining the intent of the original rules.

## **NEW RULE 8 (36.25.1209) INTERAGENCY LAND MANAGEMENT AGREEMENTS**

- (1) State trust land may be enrolled in a block management area or wildlife management area established by the Department of Fish, Wildlife and Parks pursuant to a written agreement executed by the department. No state trust land is included in a management area unless a written agreement is executed by the department.
- (2) The department may enroll state trust land into a block management area only if it finds that:
  - (a) enrollment is in the best interest of the public and the trust;
  - (b) inclusion would not result in damage to the land;
  - (c) the proposed block management area contains private land;
  - (d) the state trust land is contiguous to other land included within the proposed block management area; and
  - (e) the proposed block management agreement does not conflict with the rights of holders of leases, licenses, or easements.
- (3) To request enrollment of state trust land into a block management area, the Department of Fish, Wildlife and Parks must submit a proposal to the department that includes:
  - (a) a legal description of the affected state trust land;
  - (b) a description of legal access;
  - (c) the terms, conditions, and restrictions to be applied to the lands enrolled in the proposed block management area; and
  - (d) a map of the proposed block management area that identifies state trust land, adjoining public land, and open roads.
- (4) A public review process is required only if the proposed block management agreement:
  - (a) would impose restrictions on recreational use that are more stringent than those contained in NEW RULE 4 (36.25.1204); and

- (b) contains state trust land that is:
    - (i) accessible by open road, public right of way or easement, public waters, or contiguous government-owned land that is open for public use; or
    - (ii) contiguous at some point to land that is not included within the proposed block management area.
- (5) If a public review process is required pursuant to (4):
  - (a) the department and the Department of Fish, Wildlife and Parks shall give public notice in the newspaper in the area of the proposed block management area and provide a 21-day public comment period;
  - (b) the department will review and prepare written responses to all substantive comments and shall provide copies to each person who submitted a substantive comment; and
  - (c) the department may, at its discretion, hold a public hearing in the area of the proposed block management area if it finds that a public comment or a request for a hearing raised a significant question as to whether the proposal is in the best interest of the public or the trust.
- (6) A block management agreement that includes state trust land must contain the following provisions:
  - (a) A recreational use license pursuant to NEW RULE 3 (36.25.1203) is required for general recreation.
  - (b) Motorized vehicle use on state trust land is restricted in accordance with 77-1-804(6)(c), MCA.
  - (c) If the state trust land meets the criteria in (4), the Department of Fish, Wildlife and Parks shall post signs on state trust land at customary access points that include information about special block management restrictions on recreational use and how access may be obtained.
  - (d) If a complaint is not resolved by the satisfaction of the department, the department may withdraw state trust land from the block management area.
- (7) The department may agree to renew a block management agreement if the agreement continues to meet the criteria in (2) and contain the provisions in (6).
- (8) Renewal requires the public review process under (5) only if:
  - (a) the department determines that a complaint received by Department of Fish, Wildlife and Parks has not been adequately resolved;
  - (b) public comments or complaints have been received by the Department of Fish, Wildlife and Parks that:

- (i) raise significant concern regarding compliance with the agreement; or
  - (ii) indicate that continued enrollment may not be in the best interest of the public or the trust; or
- (c) changes in the agreement impose more stringent restrictions than those contained in the existing agreement.

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

### **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule consolidates and simplifies language from original rules 36.25.163, 36.25.164, 36.25.165, 36.25.166, and 36.25.167 related to block management agreements while retaining the intent of the original rules and clarifies enrollment of state trust land into a wildlife management area as contemplated in original rule 36.25.149(1)(i).

### **NEW RULE 9 (36.25.1210) SPECIAL RECREATIONAL USE**

- (1) No special recreational use of state trust land may occur without a special recreational use license.
- (2) Special recreational use licenses are issued at department discretion.
- (3) The cost of the license is determined by the department based on the full market value of the use. The department may use a competitive bidding process to determine the full market value. If a competitive bid process is used, the department may set a minimum bid amount according to the best interest of the trust.
- (4) The department may reject a license application or a competitive bid if acceptance would not be in the best interest of the trust.
- (5) The department may grant a license that provides the exclusive authorization for a specific activity in an area. However, even if a license is exclusive, the department may grant other licenses for other types of activities on the same land.
- (6) To apply for a special recreational use license, a person must be 18 years of age or older and must submit an application to the area or unit office where the activity is

proposed to occur. Applications must include a description or map of the area proposed for use.

- (7) The department must attempt to notify an underlying lessee of a license application.
- (8) A license must include terms regulating motorized vehicle use and requiring that only certified weed seed free hay be used on the state trust land. The license may include other use restrictions.
- (10) The holder of the special recreational use license shall comply with all provisions of the license.
- (11) A license issued under this rule does not prohibit general recreational use of the licensed area.

**Authorizing statute(s):** 77-1-209 and 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

### **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule simplifies language from original rule 36.25.162 related to special recreational use while retaining the intent of the original rule. These changes clarify that the department may reject applications or bids if they are not in the best interest of the trust.

### **NEW RULE 10 (36.25.1212) 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.
- (2) The department may assess a civil penalty of up to \$1,000 per day for a violation of NEW RULE 1 (36.25.1201) through NEW RULE 9 (36.25.1210), unless a criminal penalty has been assessed for the violation.
  - (a) The department shall consider the following factors to determine the amount of a civil penalty:
    - (i) number of previous violations;
    - (ii) severity of the infraction; and

- (iii) whether the violation was intentional or unintentional.
- (b) The penalty may be waived for minor or technical violations.
- (c) Before assessing a penalty for a civil violation, the department will give the person cited a violation notice that describes the facts and circumstances alleged to have occurred.
- (d) The person has 15 days to respond in writing to the violation notice.
- (e) Upon receipt of the response or expiration of the response period, the department shall either withdraw the notice of violation or assess a penalty. The department shall provide notice of its decision by certified mail.
- (f) The person may request a hearing within 30 days of receiving the department's notice of penalty assessment. The request for hearing must state the reasons that the person is contesting assessment of the penalty.
- (g) If a hearing request is received by the department:
  - (i) The department shall hold a contested case hearing in accordance with the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA.
  - (ii) The hearing must be conducted by a hearing officer appointed by the director.
  - (iii) After the hearing, the department shall, within 60 days issue its findings of fact and conclusions of law and final order dismissing the violation or assessing a penalty.
- (h) A person shall pay an assessed penalty within 30 days of receipt of the notice of decision described under (2)(e), or, within 30 days of the final order if a hearing is requested, or within such additional time if granted by the department.
- (i) The assessment of civil penalty is appealable to district court pursuant to Title 2, chapter 4, part 7, MCA.

**Authorizing statute(s):** 77-1-209 and 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

## **Reasonable Necessity Statement**

This rule change is reasonably necessary to simplify rule language and to renumber recreational use rules. The proposed rule simplifies language from original rules 36.25.157 related to penalties, while retaining the intent of the original rules.

## **REPEAL**

The rules proposed to be repealed are as follows:

### **36.25.143 OVERVIEW OF RECREATIONAL USE RULES**

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-801 through 77-1-810, MCA

### **36.25.144 ADMINISTRATION OF RECREATION ON STATE LANDS ADMINISTERED BY THE DEPARTMENT**

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-801 through 77-1-810, MCA

### **36.25.145 DEFINITIONS**

**Authorizing statute(s):** 77-1-209, 77-1-804, 77-1-806, MCA

**Implementing statute(s):** 77-1-101, 77-1-801, 77-1-802, 77-1-804, 77-1-805, 77-1-806, MCA

### **36.25.146 GENERAL RECREATIONAL USE OF STATE LANDS: LICENSE REQUIREMENT**

**Authorizing statute(s):** 77-1-106, 77-1-209, 77-1-802, 77-1-804, MCA

**Implementing statute(s):** 77-1-106, 77-1-801, 77-1-802, 77-1-804, 77-6-210, MCA

### **36.25.149 GENERAL RECREATIONAL USE OF STATE LANDS: RESTRICTIONS**

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

#### **36.25.150 GENERAL RECREATIONAL USE OF STATE LANDS: CATEGORICAL CLOSURES**

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

#### **36.25.152 GENERAL RECREATIONAL USE OF STATE LANDS: PROCEDURE FOR SITE SPECIFIC CLOSURES**

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

#### **36.25.153 MANAGEMENT CLOSURES AND RESTRICTIONS**

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

#### **36.25.154 RECREATIONAL USE ADVISORY COUNCIL**

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804 and 2-15-122, MCA

#### **36.25.155 GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF ALL USES OTHER THAN HORSE USE NOT FOR THE PURPOSE OF LICENSED HUNTING, DISCHARGE OF FIREARMS NOT FOR THE PURPOSE OF LICENSED HUNTING, AND OVERNIGHT USE**

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-804 and 77-1-806, MCA



**36.25.156 GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF OVERNIGHT USE, HORSEBACK USE FOR ANY PURPOSE OTHER THAN LICENSED HUNTING, AND FOR DISCHARGE OF A FIREARM FOR ANY PURPOSE OTHER THAN LICENSED HUNTING**

**Authorizing statute(s):** 77-1-804, 77-1-806, MCA

**Implementing statute(s):** 77-1-804 and 77-1-806, MCA

**36.25.157 GENERAL RECREATIONAL USE OF STATE LANDS: PENALTIES**

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

**36.25.161 GENERAL RECREATIONAL USE OF STATE LANDS: OTHER PROVISIONS**

**Authorizing statute(s):** 77-1-209 and 77-1-804, MCA

**Implementing statute(s):** 77-1-804 and 77-1-806, MCA

**36.25.162 SPECIAL RECREATIONAL USE OF STATE LANDS**

**Authorizing statute(s):** 77-1-209 and 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

**36.25.163 BLOCK MANAGEMENT AREAS: GENERAL RULES FOR INCLUSION OF STATE LAND**

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

**36.25.164 BLOCK MANAGEMENT AREAS: PROCEDURES FOR INCLUSION OF STATE LAND**

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

### **36.25.165 BLOCK MANAGEMENT AREAS: CRITERIA FOR INCLUSION OF STATE LAND**

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

### **36.25.166 BLOCK MANAGEMENT AREAS: TERMS OF AGREEMENT**

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

### **36.25.167 BLOCK MANAGEMENT AREAS: RENEWAL OF AGREEMENT**

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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#### **Small Business Impact**

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

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#### **Bill Sponsor Notification**

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

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#### **Interested Persons**

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/or 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 or may be made by completing a request form at any rules hearing held by the department.

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**Rule Reviewer**

Jason Kampman

**Approval**

Amanda Kaster, Director



### 36.25.143 OVERVIEW OF RECREATIONAL USE RULES

- (1) ARM 36.25.146 through ARM 36.25.162 regulate the recreational use of state lands administered by the department of natural resources and conservation. These lands are commonly referred to as "trust lands" and appear in light blue on most land status maps.
- (2) Recreational use is divided into two categories as follows:
  - (a) General recreational use - This use is generally defined as any type of non-concentrated, non-commercial outdoor recreational activity except disturbance of archeological, historical, or paleontological sites (which is prohibited by the Montana Antiquities Act and subjects the violator to criminal penalties), wood gathering, tree cutting, commercial rock or mineral collecting, and trapping. This is more specifically defined in ARM 36.25.145(11). It requires purchase of a recreational use license. Detailed procedures and restrictions are contained in ARM 36.25.146 through ARM 36.25.161.
  - (b) Special recreational use - This use is defined in ARM 36.25.145 and requires a special recreational use license. These kinds of uses include commercial or concentrated use as defined in 77-1-101(5), MCA. Detailed provisions are contained in ARM 36.25.162.
- (3) The purpose of ARM 36.25.144 through ARM 36.25.162 is to provide reasonable recreational use of legally accessible state lands within the bona fide management constraints of state land lessees. These rules should be interpreted to accomplish this purpose.

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-801 through 77-1-810, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; AMD, 1993 MAR p. 2536, Eff. 10/29/93; AMD, 1994 MAR p. 1844, Eff. 7/8/94; TRANS, 1996 MAR p. 2384.



## ADMINISTRATIVE RULES OF MONTANA

### 36.25.144 ADMINISTRATION OF RECREATION ON STATE LANDS ADMINISTERED BY THE DEPARTMENT

- (1) Under Article X, section 4 of the Montana Constitution, the board of land commissioners has the duty and authority to manage state trust lands under regulations provided in law. Under 77-1-301, MCA, the department of natural resources and conservation manages state lands under the direction of the board. Section 77-1-203(3), MCA, opens state lands administered by the board to general recreational use subject to legal access and to closures and restrictions.
- (2) Lands owned by the state that are not subject to ARM 36.25.143 through ARM 36.25.162 are:
  - (a) lands owned by the department of fish, wildlife and parks, including:
    - (i) those portions of game ranges and wildlife management areas that are owned by the department of fish, wildlife and parks;
    - (ii) state parks;
    - (iii) fishing access sites; and
    - (iv) lands leased by the department of fish, wildlife and parks to private individuals as cabinsites;
  - (b) lands subject to lease, license, or easement from the department to the department of fish, wildlife and parks or a city, county, or consolidated city-county government for the following purposes:
    - (i) public parks, and
    - (ii) fishing access sites;
  - (c) the surface, beds and banks of rivers, streams, and lakes that are open to the general public for recreational purposes under the stream access law;
  - (d) highways and highway rights-of-way, except that the prohibition against open fires in ARM 36.25.149(1) (d) applies where a highway crosses state lands administered by the department;
  - (e) lands administered by the department of corrections;
  - (f) campus grounds, experiment station grounds, and other lands owned by the university system;
  - (g) department of natural resources and conservation administrative sites;

- (h) lands in which the department of natural resources and conservation does not own the surface, including lands where the department owns the mineral estate only and private lands over which the department has acquired an easement; and
  - (i) other lands owned by any other state agency.
- (3) The main office of the department of natural resources and conservation is located in Helena. To administer its field functions, the department has divided the state into 6 geographic "areas," each administered by an "area land office," the head of which is the "area manager." Areas are further divided into units, each administered by a "unit office." A listing of those offices is:

Area

Office Location

Central Area

Central Land Office

Helena

Helena Unit Office

Helena

Bozeman Unit Office

Bozeman

Conrad Unit Office

Conrad

Dillon Unit Office

Dillon

Eastern Area

Eastern Land Office

Miles City

Northeastern Area

Northeastern Land Office

Lewistown

Glasgow Unit Office

Glasgow

Lewistown Unit Office

Lewistown

Northwestern Area

Northwestern Land Office

Kalispell

Kalispell Unit Office

Kalispell

Libby Unit Office

Libby

Plains Unit Office

Plains

Stillwater Unit Office

Olney

Swan River Unit Office

Swan Lake

## Southern Area

### Southern Land Office

### Billings

## Southwestern Area

### Southwestern Land Office

### Missoula

#### Missoula Unit Office

#### Missoula

#### Hamilton Unit Office

#### Hamilton

#### Clearwater Unit Office

#### Greenough

#### Anaconda Unit Office

#### Anaconda

- (4) Whenever in ARM 36.25.143 through ARM 36.25.162, the submission of a document, such as a petition, is required to be filed at an area or unit office, the document must be submitted to the area or unit office listed above that administers the state land to which the document pertains. Persons may contact any department office to determine the appropriate office for any tract of land.
- (5) Whenever in ARM 36.25.143 through ARM 36.25.162, a formal or informal hearing is required to be held in an "area," the term "area" refers to the department area in which the land to which the hearing pertains is located. The hearing may be held, at the department's discretion, at any location within that area.

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-801 through 77-1-810, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; AMD, 1994 MAR p. 1844, Eff. 7/8/94; TRANS, 1996 MAR p. 2384.



### 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) "Affidavit" means a signed statement, the truth of which has been sworn to or affirmed before a notary public, as evidenced by the signature and seal of the notary public.
- (2) "Board" means the board of land commissioners provided for in Article X, section 4 of the Montana Constitution.
- (3) "Closure" means prohibition of all general recreational use.
- (4) "Customary access point" means, with regard to state land, each outer gate and each normal point of access to the land, including both sides of a water body crossing the property wherever the water body intersects an outer boundary line.
- (5) "Dedicated county road" means a county road that has been created by means of donation of a landowner and acceptance by a county under statutory or common law dedication procedures.
- (6) "Dedicated public road" means a road useable by the public under state or federal law. The term includes dedicated county roads.
- (7) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 32, MCA.
- (8) "Director" means the director of the Department of Natural Resources and Conservation. The director is the chief administrative officer of the department.
- (9) "Drop box" means a receptacle in which a person making general recreational use of state lands may leave notice required pursuant to ARM 36.25.155 or ARM 36.25.156.
- (10) "Emergency" means, for the purposes of ARM 36.25.152, a situation that:
  - (a) creates an imminent threat to personal safety or of significant property damage or significant environmental harm;
  - (b) would be substantially lessened or alleviated by closure to general recreational access of a state tract; and
  - (c) requires closure more expeditiously than could be implemented through the normal closure procedure.
- (11) "General recreational use" means non-concentrated, non-commercial recreational activity, except:



- (a) collection, disturbance, alteration, or removal of archeological, historical, or paleontological sites or specimens (e.g., fossils, dinosaur bones, arrowheads, old buildings, including siding) (which requires an antiquities permit pursuant to 22-3-432, MCA);
  - (b) mineral exploration, development, or mining (which requires a lease or license pursuant to Title 77, chapter 3, MCA);
  - (c) collection of valuable rocks or minerals (which requires a lease or license pursuant to Title 77, chapter 3, MCA);
  - (d) cutting or gathering of standing or downed trees (for which the department conducts sales pursuant to Title 77, chapter 5, MCA, and issues licenses pursuant to ARM 36.25.136); and
  - (e) trapping.
- (12) "Growing crop" means a crop, as defined below, between the time of planting and harvest. "Crop" means such products of the soil as are planted and intended for harvest, including but not limited to cereals and vegetables and including grass and alfalfa that are intended for harvest for hay or seed production. The term does not include grass used for pasturage or trees.
- (13) "Lease" means a lease or land use license, other than a recreational use or special recreational use license, issued by the department for use of the surface of the land. The term does not include a mineral lease unless it is preceded by the word "mineral."
- (14) "Lessee" means a person who holds a lease as that term is defined in (13).
- (15) "Legally accessible state lands" means state lands that can be accessed by dedicated public road, public right-of-way, or public easement; by public waters such as lakes, rivers, and streams that are recreationally navigable under 23-2-302, MCA; by adjacent federal, state, county, or municipal land if the land is open to public use; or by adjacent private land if permission to cross the land has been secured from the landowner. Accessibility by aircraft does not render lands legally accessible under this definition. The granting of permission by a private landowner to cross private property in a particular instance does not subject the state land that is accessed to general recreational use by members of the public other than those granted permission.
- (16) "Livestock" means cattle, sheep, swine, goats, privately owned bison and elk, horses, llamas, mules, donkeys, and other animals used for the protection of these animals.
- (17) "Motorized vehicle" means a vehicle propelled by motor power, including, but not limited to, an automobile, truck, motorcycle, moped, and an all terrain vehicle but excluding a snowmobile.
- (18) "Recreational use license" means the license issued pursuant to ARM 36.25.146 that authorizes a person to engage in general recreational use as defined in (11).
- (19) "Recreational use advisory council" means the advisory council created pursuant to ARM 36.25.154.
- (20) "Restriction" means a limitation on the manner in which recreational use may be conducted.
- (21) "Special recreational use" means:
- (a) commercial recreational activities, such as outfitting, in which a private person, corporation, group, or other entity charges a fee or obtains other consideration;
  - (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.
- (22) "Trust land administration account" means the account established by 77-1-108, MCA, from which expenses of the recreational use program are paid.

**Authorizing statute(s):** 77-1-209, 77-1-804, 77-1-806, MCA

**Implementing statute(s):** 77-1-101, 77-1-801, 77-1-802, 77-1-804, 77-1-805, 77-1-806, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; AMD, 1993 MAR p. 2536, Eff. 10/29/93; AMD, 1994 MAR p. 2539, Eff. 7/8/94; TRANS, 1996 MAR p. 2384; AMD, 2025 MAR, 36-225, Eff. 2/8/25.

ORIGINAL RULES



## ADMINISTRATIVE RULES OF MONTANA

### 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.
- (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.
- (3) A 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 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.
- (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.
- (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. The lessee may, without such interference, make inquiry concerning the status of those using state lands.
- (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.

**Implementing statute(s):** 77-1-106, 77-1-801, 77-1-802, 77-1-804, 77-6-210, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/28/92; AMD, 1994 MAR p. 2539, Eff. 9/9/94; AMD, 1995 MAR p. 1047, Eff. 6/16/95; TRANS, 1996 MAR p. 2384; AMD, 1997 MAR p. 315, Eff. 2/11/97; AMD, 2025 MAR, 36-225, Eff. 2/8/25.

ORIGINAL RULES



## ADMINISTRATIVE RULES OF MONTANA

### 36.25.149 GENERAL RECREATIONAL USE OF STATE LANDS: RESTRICTIONS

- (1) The following restrictions apply to persons engaging in general recreational use of state lands except for general recreational use subject to block management restrictions pursuant to ARM 36.25.163:
  - (a)
    - (i) Except as provided in (ii) and (iii), motorized vehicle use on state lands by recreationists is restricted to federal roads, state roads, dedicated county roads, other county roads that are regularly maintained by the county and those roads on state lands that are designated by the department as open for motor vehicle use.
    - (ii) A person who has in his or her possession a "permit to hunt from vehicle" issued by the Department of Fish, Wildlife and Parks is authorized to drive on any road except a road that is closed by the department by sign or barrier.
    - (iii) A recreationist may park on state land within 50 feet of a customary access point; on federal roads and highways, state highways, and county roads in accordance with applicable traffic laws and regulations; and within 50 feet of any other road designated by the department for public access across the state land. The recreationist may not park so as to block vehicle access to the tract. Parking of vehicles must be accomplished in a manner that does not produce injury to the land or the lessee's improvements.
  - (b) Snowmobile use on the roads referenced in (1)(a)(i) is allowed only if permitted by applicable traffic laws and regulations. Snowmobile use on leased land is restricted to those department roads that have been designated as open to motorized vehicle use. Snowmobile use on unleased land is allowed except in areas where it is prohibited by the department.
  - (c) A recreationist shall use firearms in a careful and prudent manner. A recreationist may not negligently, as defined in 45-2-101(37), MCA, discharge a firearm on state lands or discharge a firearm within 1/4 mile of an inhabited dwelling or of an outbuilding in close proximity to an inhabited dwelling without permission of an inhabitant. Temporary absences of inhabitants do not render a dwelling uninhabited.
  - (d) Open fires on leased or licensed land are restricted to campgrounds designated by the department for public camping. No fireworks may be discharged on state land.
  - (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) for any site on leased or licensed land outside a designated campground - 2 consecutive days;
  - (ii) for a designated campground - 16 days in a 30-day period;
  - (iii) for unleased, unlicensed lands outside a campground - 16 days in a 30-day period, unless permission for a longer period is obtained from the department.
- (f) A recreationist may keep horses on state land overnight, subject to the following restrictions:
- (i) horses may not remain in a stream riparian zone for more than one 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) A recreationist may not interfere with legitimate activities of the lessees or their agents conducted pursuant to the lease. For example, the discharge of firearms that would interfere with the authorized use of a tract for livestock operations is prohibited.
- (i) For state lands included within a wildlife management or block management area administered by the Department of Fish, Wildlife and Parks, recreational use and activities must be conducted in accordance with rules, regulations, and procedures specific to that management area.
- (j) Littering on state lands is prohibited. Recreationists shall pack out their litter.
- (k) From March 1 to December 1, or for an extended period of time if posted on site, a recreationist must comply with ARM 12.12.109 (1)(a), (b), and (c) 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 Counties.
- (2) The department may, after notice to the lessee, impose additional site specific restrictions on general recreational use to protect public safety, property, or the environment.

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; AMD, 1994 MAR p. 1844, Eff. 7/8/94; AMD, 1994 MAR p. 2002, Eff. 7/22/94; TRANS, 1996 MAR p. 2384; AMD, 2025 MAR, 36-225, Eff. 2/8/25.



## ADMINISTRATIVE RULES OF MONTANA

### 36.25.150 GENERAL RECREATIONAL USE OF STATE LANDS: CATEGORICAL CLOSURES

- (1) Except as provided in (2), the following state lands are closed to general recreational use by the public:
  - (a) all lands leased for cabinsites or homesites;
  - (b) all lands on which growing crops, as defined in ARM 36.25.145, are located;
  - (c) military leases while military activities are taking place;
  - (d) active commercial leases; and
  - (e) lands on which the department has proclaimed the threat of wildfire to be extreme pursuant to ARM 36.10.119 or for which the governor has made such a proclamation pursuant to ARM 36.10.120.
- (2)
  - (a) Any person, corporation, organization or agency of local, state, or federal government may petition to exclude a specific tract from a categorical closure imposed pursuant to (1).
  - (b) The petition must be submitted in writing to the area or unit office, must be signed by the petitioner, and must contain the following information:
    - (i) name, mailing address, and telephone number of petitioner;
    - (ii) description of lands to which the petition applies by legal description, lease number, or description of the location;
    - (iii) the reason that the categorical closure should be terminated for that tract and supporting documentation; and
    - (iv) duration of period for which termination is sought.
  - (c) The department may summarily dismiss a petition with a brief statement of the reasons for dismissal whenever:
    - (i) the petition is unsupported by specific substantial factual allegations, data, or documentation; or
    - (ii) a petition requesting substantially the same exclusion has been denied within the preceding 365 days.
  - (d) To be considered during a particular calendar year, the petition must be submitted by April 1 of that year. Upon receipt of a valid petition, the department shall notify the lessee that a



petition has been filed and he or she may submit an objection or have an informal hearing, or both, on the petition at the area or unit office on or before May 1. The petitioner may also request an informal hearing.

- (e) If an informal hearing is requested, the department shall notify the petitioner and the lessee of the informal hearing and they may attend and participate. The informal hearing must be conducted by the area manager or his designee.
  - (f) The area manager or designee may conduct further investigation and shall, on or before July 1, make a written decision whether to grant the petition. The written decision must contain the reason for granting or denying the petition. Copies of the decision must be mailed to the petitioner and the lessee.
  - (g) The lessee or petitioner may appeal the decision to the director or his designee by filing a written notice of appeal with the area office within 15 days of receipt of the decision. The area office shall immediately forward the appeal to the department's main office in Helena. The appeal shall, in the discretion of the director, proceed by written argument, oral argument, or both at the main office of the department in Helena or other location designated by the director. The opposing party is entitled to notice of the appeal and the opportunity to respond, including the right to appear at any appellate hearing. Neither party may submit evidence or information that was not submitted at the informal hearing. The director or his designee shall issue a written decision affirming, reversing, or modifying the decision on or before September 1.
- (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.

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; AMD, 1994 MAR p. 1844, Eff. 7/8/94; TRANS, 1996 MAR p. 2384; AMD, 2025 MAR, 36-225, Eff. 2/8/25.





## ADMINISTRATIVE RULES OF MONTANA

### 36.25.152 GENERAL RECREATIONAL USE OF STATE LANDS: PROCEDURE FOR SITE SPECIFIC CLOSURES

- (1) The department may close specific tracts of state land pursuant to this rule for any of the following reasons:
  - (a) damage attributable to recreational use diminishes the income generating potential of the state lands;
  - (b) damage to surface improvements of lessee or mineral lessee;
  - (c) the presence of threatened, endangered, or sensitive species or plant communities;
  - (d) the presence of unique or special natural or cultural features;
  - (e) wildlife protection;
  - (f) noxious weed control;
  - (g) the presence of buildings, structures, or facilities;
  - (h) protection of public safety;
  - (i) prevention of significant environmental impact;
  - (j) disruption of calving, lambing, or shipping activities or substantial disruption of livestock use;
  - (k) an imminent threat, caused by potential substantial public use, of immediate, irreparable property damage or bodily injury on the state tract or adjacent land; or
  - (l) comparable public general recreational use has been made available pursuant to (13).
- (2) Closures made pursuant to (1) may be of a seasonal, temporary, or permanent nature.
- (3)
  - (a) Any person, corporation, organization, or agency of local, state, or federal government may petition to close a specific tract of land for any reason listed in (1).
  - (b) The petition must be submitted to the area or unit office in which the state land is located and must be in writing. To be considered during a calendar year, the petition must be submitted by April 1 of that year, be signed by the petitioner, and must contain the following information:
    - (i) name, mailing address, and telephone number of petitioner;
    - (ii) description of lands to which the petition applies by legal description, lease number, or other description of the location;

- (iii) the reason that the land should be closed and supporting documentation; and
    - (iv) period for which closure is sought.
  - (c) The department may summarily dismiss a petition with a brief statement of the reason for the dismissal if:
    - (i) the petition is not based on a reason for closure listed in (1);
    - (ii) the petition is not supported by specific factual allegations, data, or documentation; or
    - (iii) a petition requesting essentially the same closure has been rejected in the past 365 days unless changed conditions are alleged and documented.
  - (d) The department may also initiate a closure proceeding by preparing on or before April 1, a written statement containing the information described in (b)(ii), (iii), and (iv). The department shall follow the procedures contained in (4) through (9).
- (4) The department shall by May 1 post public notice of the petition or statement at the county courthouse and the area and unit offices and by making a list of all petitions and statements filed statewide available at the department's main office in Helena.
  - (5) The public notice must give the public an opportunity to object to the petition or statement and the objector and the petitioner an opportunity to request, on or before May 20, a public hearing on the closure. The objection must be submitted to the office in the area or unit in which the land is located. The objection must contain the reasons why the petition should not be granted and supporting documentation. The objection may not be considered if it does not. If a hearing is requested, the department shall hold the hearing in the area of the proposed closure.
  - (6) Notice of hearing must be sent to the petitioner and the lessee. In addition, public notice must be given on or before June 5 in the same manner as provided in (4). The notice must contain the name of the petitioner, location of the land, reason for proposed closure and reasons that the hearing has been requested.
  - (7) The hearing must be held in the area of the proposed closure and be an open public hearing at which any interested party may give comments and submit information. The hearing must be held before June 20.
  - (8) The department may conduct further investigation and shall prepare a written decision to grant, grant with modifications, or deny the petition, stating its reasons for the decision. On or before July 1, it shall send a copy of the decision to the petitioner and any person who filed objections pursuant to (5).
  - (9) The objector or petitioner may appeal the decision to the director or his designee by filing a written appeal with the area office within 15 days of receipt of the decision. The department shall give the opposing party notice of the appeal and the opportunity to respond, including the right to appeal at any appellate hearing. The appeal shall, in the discretion of the director, proceed by written argument, oral argument, or both, at the main office of the department in Helena or other location designated by the director. No party may submit evidence or information that was not submitted at the hearing. The director shall convene the recreational use advisory council and request it to recommend a decision on the appeal. The director or his designee shall, after receiving the recommendation of the council, issue a written decision affirming, reversing, or modifying the decision. The director's decision must be made on or before September 1. If the

advisory counsel does not make a recommendation on or before August 25, the director need not consider its recommendation in making his decision.

- (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) In an emergency, as defined in ARM 36.25.145, any person or entity that is qualified to file a petition pursuant to (3)(a) may request an emergency closure by filing a written request with the area office or by making a telephone call and filing a written request within 24 hours. When possible, the area manager or his designee shall notify and consult with the lessee. The area manager or his designee shall grant or deny the petition as soon as possible, but in no case in more than 5 days. If the petition is granted, the closure must be for a specific period of time and may be extended for additional periods. The area manager or his designee shall terminate the closure as soon as the emergency ceases. Upon request of any person, the director or his designee shall review any emergency closure in effect for more than 5 days and shall approve, modify, or terminate the closure in writing.
- (12) The department may also, on its own initiative, after consulting or attempting to consult with the lessee, close a tract of state land in an emergency.
- (13)
  - (a) The department may, after notice pursuant to (5) and opportunity for hearing and appeal pursuant to (5), (7), or (9), enter into an agreement with a landowner whereby a tract of state land is closed under the procedures in (3) through (9) in exchange for the landowner's agreement to open private land to general recreational use if the private land:
    - (i) is in the same general area;
    - (ii) is of equal or greater recreational value to the state tract;
    - (iii) has equal or greater public access as the state tract; and
    - (iv) is not generally available for general recreational use upon request by the public.
  - (b) Before a state tract is closed pursuant to this rule, the private landowner shall enter into an agreement with the department whereby the landowner agrees to:
    - (i) allow general recreational use on the tract under restrictions no more stringent than those contained in ARM 36.25.149 and 36.25.155;
    - (ii) post signs meeting design and content specifications of the department at customary access points on the state tract. These signs must notify the public of the closure and give directions to the private tract;
    - (iii) post signs on the private tract at customary access points advising the public that the tract is open for general recreational use by the public subject to the recreational use license requirement;
    - (iv) mark or otherwise inform the recreationist of the boundaries of the area;

- (v) allow employees of the department and department of fish, wildlife and parks access to the private property;
  - (vi) not claim funds pursuant to ARM 36.25.158 or 36.25.159;
  - (vii) hold and save the department and the state of Montana harmless from all claims for property damage or personal injury resulting from the acts or omissions of the landowner; and
  - (viii) other requirements deemed necessary by the department.
- (c) An agreement made pursuant to (b) must be cancelable by either party upon 60-day written notice.
- (14) The department shall periodically review each closure made pursuant to this rule to determine whether the closure is still necessary. This review must occur at least at expiration or renewal of the lease for leased tracts and at least every 10 years for unleased tracts. After public notice, notice to the lessee, and an opportunity for public comment and hearing, the department may terminate a closure it determines to no longer be necessary.

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; AMD, 1994 MAR p. 1844, Eff. 7/8/94; TRANS, 1996 MAR p. 2384; AMD, 2025 MAR, 36-225, Eff. 2/8/25.



### 36.25.153 MANAGEMENT CLOSURES AND RESTRICTIONS

- (1) Except as provided in (5), affected leased or licensed state land is closed to recreational use or subject to recreational use restrictions if the lessee complies with (2) and one of the following situations exists:
  - (a) Livestock is present or concentrated for purposes of calving, lambing, specialized or intensive breeding practices, or supplemental winter feeding.
  - (b) Livestock is concentrated for the purpose of weaning or shipping. If fewer than 200 animal units per section are concentrated, the closure or restriction may be imposed for no more than five days.
  - (c) Livestock is being gathered or moved.
  - (d) Weed control treatment is occurring or has recently occurred.
  - (e) The land is being irrigated; provided, however, that land may not be closed to foot traffic during a hunting season under this provision.
  - (f) The use would occur in close proximity to dwellings, structures, or facilities in use by the lessee; provided however, that ingress and egress to state land may not be prohibited under this provision.
- (2) Closures and restrictions do not become effective until the lessee:
  - (a) notifies the appropriate area office that one of the situations described in (1) exists, and the area upon which it exists, the terms of the closure or restriction, and the duration of the closure or restriction. The closure or restriction is not effective until 24 hours after notice is given. Notice may be given in person, by mail, or by telephone;
  - (b) posts the state land near all customary and legal access points with signs that are provided by the department or duplicated from signs provided by the department. The sign must provide the lessee's name, address, telephone number, the closure or restriction imposed, the reason for the closure or restriction, the area to which it applies, and dates and the duration.
- (3) Any person may object to a notice of management closure made pursuant to (1) on grounds that no basis for closure or restriction exists, that the area of closure or restriction in the notice is larger than necessary, or that the closure or restriction notice specifies a period that is longer than necessary. The objector shall notify the appropriate area office of the objection and the reason for it. The area manager or designee shall investigate the objection and within 2 working days of receipt of the objection shall determine whether the closure or restriction complies with this rule. An area manager may also conduct an investigation without receiving an objection. If he

determines that the closure or restriction should be modified or terminated, he shall notify the lessee or his agent in writing. The lessee or agent shall immediately modify or terminate the closure or restriction to comply with the area office decision. Failure to comply with the area office directive subjects the violator to a civil penalty pursuant to ARM 36.25.157. If the investigation resulted from an objection, the area office shall also give written notice to the objector. The objector or the lessee may appeal the area office decision to the director by filing a written appeal with the area office within 5 working days of receipt of the notice. The area office shall forward the appeal to the director. The director shall convene the recreational use advisory council and, upon receipt of a recommendation of the council issue a written determination of the issue. The director's decision is binding on the parties. If the director's decision is to terminate or modify the closure or restriction, the lessee shall immediately remove or modify the closure or restriction signs. Failure to comply with the director's decision subjects the violator to civil penalty pursuant to ARM 36.25.157.

- (4) The department shall maintain, by county, a master list of management closures and restrictions. The list must include the tract description, name, address, and phone number of the lessee, and the reason and period of closure or restriction. The list shall be available to the public by inspection or telephone inquiry at the department's main office in Helena, or by mail upon payment of \$1.00 plus 15¢ for each page over 5 pages.
- (5) General recreational use conducted in conjunction with a special recreational use license applied for prior to July 1, 1994, is exempt from closures or restrictions imposed pursuant to this rule.

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1994 MAR p. 1844, Eff. 7/8/94; TRANS, 1996 MAR p. 2384.



## ADMINISTRATIVE RULES OF MONTANA

### 36.25.154 RECREATIONAL USE ADVISORY COUNCIL

- (1) The board shall, pursuant to 2-15-122, MCA, appoint from a list of persons nominated by recreationist and lessee groups a recreational use advisory council consisting of 3 recreationists and 3 lessees. The members shall serve without compensation, but they are entitled to reimbursement for travel expenses pursuant to 2-15-122, MCA.
- (2) The advisory council shall gather information and advise the director on the validity of management closure or restriction appeals made pursuant to ARM 36.25.153, on appeals of area manager decisions regarding site-specific closure petitions pursuant to ARM 36.25.152, and on whether to subject renewal of a block management agreement pursuant to ARM 36.25.167 to public review. In advising the director, the council shall attempt to provide reasonable recreational use of state lands within the bona fide management constraints of lessees.
- (3) The following are general guidelines for the council's use in determining whether the term of a management closure or restriction is reasonable: for calving or lambing, 60 days; for breeding, 30 days; for gathering or moving, 1 day; for weed treatment, 5 days; and for concentration of 200 or more animal units per section for weaning and shipping, 30 days. The council may deviate from these guidelines as management circumstances dictate.

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804 and 2-15-122, MCA

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**History:** NEW, 1994 MAR p. 1844, Eff. 7/8/94; AMD, 1994 MAR p. 2002, Eff. 7/22/94; TRANS, 1996 MAR p. 2384.





## ADMINISTRATIVE RULES OF MONTANA

### **36.25.155 GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF ALL USES OTHER THAN HORSE USE NOT FOR THE PURPOSE OF LICENSED HUNTING, DISCHARGE OF FIREARMS NOT FOR THE PURPOSE OF LICENSED HUNTING, AND OVERNIGHT USE**

- (1) If a lessee wishes to be notified prior to anyone entering upon the leasehold for general recreational use other than discharge of firearms for any purpose other than licensed hunting, horse use for any purpose other than licensed hunting, or overnight use, the lessee shall post, at all customary access points, signs that are provided by the department or that are duplicated from signs provided by the department. The lessee must include on the sign the following information:
  - (a) name of the lessee or lessee's agent who must be notified;
  - (b) telephone number of the lessee or lessee's agent;
  - (c) clear directions to the location at which the lessee or the lessee's agent may be contacted; and
  - (d) clear directions to the location of the closest drop box. If the lessee does not wish to be notified in person or by telephone, the sign must so indicate and need not contain the information required in (b) and (c). The information must be legible and legibility must be maintained.
- (2) A lessee who posts land pursuant to (1) shall provide a clearly identified drop box for each single tract at a customary access point to the tract, except that a lessee of 2 or more contiguous tracts may provide 1 drop box for those tracts to which the access point provides convenient access. In cases in which a customary access point cannot be easily identified or a question of the convenience of an access point is raised by the public, the area manager shall make a determination and the lessee shall install drop boxes in accordance with that determination.
- (3) If the lessee or agent wishes to be notified in person or by telephone, the lessee or his or her agent shall be available to receive notice from recreational users by telephone or in person from the hours of 7:00 a.m. until 9:00 p.m. A person wishing to make general recreational use of state lands posted pursuant to (1) shall contact the lessee or lessee's agent in person or by telephone during those hours if the recreationist's access point to the state land is 5 miles or less by the shortest road from the nearest public telephone or the location at which the lessee or lessee's agent is available unless the lessee or lessee's agent is not available. The recreationist may determine which method of contact to employ. If the recreationist contacts the lessee or agent in person or by telephone, the recreationist shall, upon request, provide his or her name, address, and recreational use license number, the name and recreational use license numbers of all recreationists in his or her party, and the dates of use. Notice is considered to have occurred if the recreationist is answered by a telephone answering machine and the recreationist leaves his or her name, address, and recreation use license number and the same information for each member



of his or her party. Notice authorizes the recreationist to engage in general recreational use for 3 consecutive days, or any longer period specified by the lessee, without further notice. In addition, no further notice is required as long as the recreationist is engaged in continuous general recreational use that includes the state land and that makes further notice impossible or extremely impractical, such as a back country hunting or fishing trip. If the recreationist attempts to contact the lessee by telephone or in person but the lessee or agent is not available, or if the shortest road distance from the recreationist's access point to the nearest public telephone or the location at which the lessee or lessee's agent is available is greater than 5 miles, the recreationist shall leave a notice in the drop box provided pursuant to (2) . Notice by drop box is effective for 3 consecutive days or until the end of any continuous general recreational use that includes the state land and that makes additional notice impossible or extremely impractical.

- (4) If the lessee wishes to be notified by drop box only, the recreationist shall leave notice in the drop box provided pursuant to (2) . The notice must provide the recreationist's name, address, and recreational use license number and the names, addresses, and recreational use license numbers of each person in his or her party, and the dates of use. The recreationist is responsible for providing paper and pencil or pen to prepare the notice. Notice by drop box is effective for 3 consecutive days or until the end of any continuous general recreational use that includes the state land and that makes additional notice impossible or extremely impractical, such as a back country hunting or fishing trip.
- (5) The department shall, after notice and opportunity for informal hearing at the main office of the department in Helena, revoke the general recreational use license of any person who violates (3) or (4) . In addition, the department may prohibit the person from obtaining a recreational use license for a period not exceeding 2 years from the effective date of the revoked license.

**Authorizing statute(s):** 77-1-209, 77-1-804, and 77-1-806, MCA

**Implementing statute(s):** 77-1-804 and 77-1-806, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; AMD, 1994 MAR p. 1844, Eff. 7/8/94; TRANS, 1996 MAR p. 2384.



**36.25.156 GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF OVERNIGHT USE, HORSEBACK USE FOR ANY PURPOSE OTHER THAN LICENSED HUNTING, AND FOR DISCHARGE OF A FIREARM FOR ANY PURPOSE OTHER THAN LICENSED HUNTING**

- (1) If a lessee wishes to be notified prior to a recreationist entering upon the leasehold for overnight use not in conjunction with floating, horseback use for any purpose other than licensed hunting, or for discharge of a firearm for any purpose other than licensed hunting, the lessee shall post, at all customary access points, signs that are provided by the department or duplicated from signs provided by the department. The lessee must include on the sign the following information:
  - (a) the name of the lessee or lessee's agent who must be notified;
  - (b) the telephone number of the person designated pursuant to (a) ; and
  - (c) clear directions to the residence of the person designated pursuant to (a) .
- (2) If a lessee wishes to be notified prior to a recreationist entering upon the leasehold for overnight use in conjunction with floating of a river or stream, the lessee shall post, at the customary access points, signs that are provided by the department or that are duplicated from signs provided by the department. The lessee must include on the signs the following information:
  - (a) the name, address, and telephone number of the lessee or lessee's agent;
  - (b) clear directions to the residence of the person designated pursuant to (a) , if the residence is within 500 yards of the customary access point; and
  - (c) directions to the location of the nearest drop box.
- (3) A lessee who posts land pursuant to (1) or (2) shall provide a clearly identified drop box:
  - (a) for posting pursuant to (1) , at the residence of the person designated for notice pursuant to (1) (a) ; or
  - (b) for posting pursuant to (2) :
    - (i) at the residence of the person designated for notice pursuant to (2) (a) , if the residence is within 500 yards of the customary access point; or
    - (ii) if the residence is not within 500 yards of the customary access point, at the point that is closest to the access point and reasonably accessible to floaters. A lessee of 2 or more contiguous state tracts along a stream may, if the lessee wishes, provide drop boxes for those tracts at the outer upstream and downstream boundaries only.
- (4) If the person designated pursuant to (1) (a) wishes to be notified in person or by telephone, that person shall be available to receive notice by telephone or in person from the hours of 7:00 a.m.

until 9:00 p.m. A person wishing to engage in overnight use not in conjunction with floating, horseback use for any purpose other than licensed hunting or discharge of a firearm for any purpose other than licensed hunting shall contact the person designated for notice pursuant to (1) (a) during those hours, unless the person is not available. A floater wishing to engage in overnight use shall contact a person designated for notice pursuant to (2) (a) between 7:00 a.m. and 9:00 p.m. unless the person is not available. The recreationist may determine which method of contact to employ. If the recreationist contacts the person in person or by telephone, the recreationist shall, upon request provide his or her name, address, recreational use license number, and the name and recreational use license number of each person in his or her party. Notice authorizes the recreationist to engage in firearm or horse use for 3 consecutive days, or any longer period specified by the lessee, without further notice. In addition, no further notice is required as long as the recreationist is engaged in continuous general recreational use that includes the state land and that makes further notice impossible or extremely impractical, such as a back country hunting or fishing trip. Notice authorizes overnight use for 2 consecutive days only.

- (5) If the recreationist attempts to contact the person designated for notice by telephone or in person but that person is not available, or if the recreationist is a floater who wishes to engage in overnight use and no person has been designated for personal or telephone notice pursuant to (2) (a) , the recreationist shall leave notice in the drop box provided pursuant to (3) . The notice must provide the recreationist's name, address, and recreational use license number, and the same information for each person in the party, and the dates of use. Notice by drop box is effective for firearm or horse use for 3 consecutive days or until the end of any continuous general recreational use that includes the state land and that makes additional notice impossible or extremely impractical. Notice by drop box is effective for overnight use for 2 consecutive days.
- (6) The department shall, after notice and opportunity for informal hearing at the main office of the department in Helena, revoke the general recreational use license of any person who violates (4) or (5) . In addition, the department may prohibit the person from obtaining a recreational use license for a period not exceeding 2 years from the effective date of the revoked license.

**Authorizing statute(s):** 77-1-804, 77-1-806, MCA

**Implementing statute(s):** 77-1-804 and 77-1-806, MCA

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**History:** NEW, 1994 MAR p. 2539, Eff. 7/8/94; TRANS, 1996 MAR p. 2384.



## ADMINISTRATIVE RULES OF MONTANA

### 36.25.157 GENERAL RECREATIONAL USE OF STATE LANDS: 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.
- (2) The department may assess a civil penalty of up to \$1,000 per day for violations of a department rule that governs general or special recreational use. 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.
  - (a) In determining the amount of civil penalty, the department shall consider the following factors:
    - (i) number of previous violations;
    - (ii) severity of the infraction; and
    - (iii) whether the violation was intentional or unintentional.
  - (b) A person against whom the department proposes to assess a civil penalty is entitled to a contested case hearing in accordance with the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA, on the questions of whether a violation was committed and the amount of the penalty. The hearing must be conducted by a hearing officer appointed by the director. The department shall notify the individual of the violation, setting forth in the notice the specific facts which the department alleges to constitute the violation. The notice shall be served by certified mail or in person by a department employee, sheriff or deputy, fish and game warden, or registered process server. The notice must give the person at least 15 days to respond to the violation notice. Upon receipt of the response or expiration of the period allotted for response, the department shall either withdraw the notice of violation or provide its rationale for pursuing the violation and a proposed penalty. Service of the response and proposed penalty must be made in the same manner as the notice of violation. The person is entitled to a hearing on the existence of the violation, the amount of proposed penalty, or both, if he or she requests a hearing within 30 days of receipt of the department's response and proposed penalty. The request for hearing must set forth a statement of the reasons that the person is contesting assessment of the penalty.
  - (c) Upon conclusion of the hearing, the department shall, within 60 days, issue its findings of fact and conclusions of law and order dismissing the violation or assessing a penalty. If a civil penalty is assessed, the person shall pay the penalty within 30 days of receipt of the order or such additional time as is granted by the department.

- (d) The assessment of the civil penalty is appealable to district court pursuant to Title 2, chapter 4, part 7, MCA.

**Authorizing statute(s):** 77-1-209, 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; AMD, 1994 MAR p. 1844, Eff. 7/8/94; AMD, 1994 MAR p. 2002, Eff. 7/22/94; TRANS, 1996 MAR p. 2384; AMD, 2025 MAR, 36-225, Eff. 2/8/25.

ORIGINAL RULES



### 36.25.161 GENERAL RECREATIONAL USE OF STATE LANDS: OTHER PROVISIONS

- (1) Nothing in ARM 36.25.143 through 36.25.162 authorizes a recreationist to enter private land to reach state lands or to enter private land from state lands. A recreationist may not enter private land from adjacent state lands, regardless of the absence of fencing or failure of the owner to provide notice, without permission of the landowner or his agent.
- (2) Under 77-1-806(2), MCA, entry onto private land from state land by a recreationist without permission of the landowner is a misdemeanor, whether or not the recreationist knows he or she is on private land.
- (3) Recreationists are responsible for determining whether state lands are legally accessible. The recreationist is encouraged to contact landowners to determine boundaries and to use accurate maps.
- (4) Before the department designates roads on state lands as open for public access pursuant to ARM 36.25.149, it shall mail notice of the proposed designation to the lessee.
- (5) Any person may petition the board to include within the definition of general recreational use any type of recreation other than hunting and fishing. The petition must be in writing, be signed, and include a statement of the reasons why the use petitioned for should be included subject to the general recreational use license. It must be filed with the director, who shall bring the petition before the board.

**Authorizing statute(s):** 77-1-209 and 77-1-804, MCA

**Implementing statute(s):** 77-1-804 and 77-1-806, MCA

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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; TRANS, 1996 MAR p. 23841.



### 36.25.162 SPECIAL RECREATIONAL USE OF STATE LANDS

- (1) No special recreational use of state lands may occur without first obtaining a special recreational use license from the department. This requirement applies whether or not any or all of the persons involved in the special recreational use have obtained general recreational use licenses pursuant to ARM 36.25.146.
- (2) To obtain a special recreational use license, a person must be at least 18 years of age or the head of a family and apply to the area or unit office on a form prescribed by the department. The applicant shall provide a description of or a map showing the area intended for use.
- (3) Before granting a special recreational use license, the department shall make a bona fide attempt to notify the lessee of the application.
- (4) To obtain a special recreational use license, a person must pay to the department the amount that the department determines to be the full market value of that use. A license granted pursuant to this rule may be subject to competitive bidding.
- (5) A license granted pursuant to this rule may be exclusive, except the department shall reserve the right to grant other licenses for different uses on the same land. Issuance of an exclusive license does not prohibit general recreational use of state lands that have not been closed pursuant to ARM 36.25.150 or ARM 36.25.152.
- (6) A license issued pursuant to this rule shall include provisions regulating motor vehicle use and requiring that only certified weed seed free hay be brought onto the state land. The license may include other restrictions on the activity.
- (7) The holder of a special recreational use license shall comply with all provisions of that license.
- (8) Pursuant to 77-1-804(8) , MCA, the department may assess a civil penalty of up to \$1,000 for each day of violation of this rule. The department may waive the civil penalty for minor or technical violations. The penalty assessment standards and procedures contained in ARM 36.25.157 are applicable to civil penalty proceedings under this rule.

**Authorizing statute(s):** 77-1-209 and 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

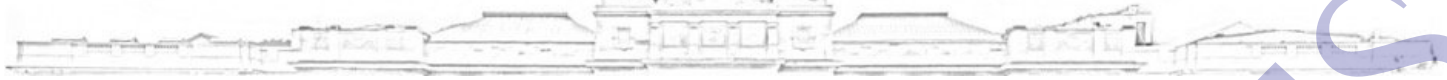
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**History:** NEW, 1992 MAR p. 568, Eff. 3/27/92; TRANS, 1996 MAR p. 2384.





## ADMINISTRATIVE RULES OF MONTANA



### 36.25.163 BLOCK MANAGEMENT AREAS: GENERAL RULES FOR INCLUSION OF STATE LAND

- (1) State lands may be enrolled in block management areas established by the department of fish, wildlife and parks under the procedures contained in ARM 36.25.164. For general recreational use on land so enrolled, a recreational use license is required and motorized vehicle use by a recreationist is restricted to federal, state, and dedicated county roads and to those roads designated by the department to be open to motorized vehicle use. A recreationist shall obey all restrictions imposed pursuant to the block management, agreement.

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1994 MAR p. 2002, Eff. 7/22/94; TRANS, 1996 MAR p. 2384.





## ADMINISTRATIVE RULES OF MONTANA

### 36.25.164 BLOCK MANAGEMENT AREAS: PROCEDURES FOR INCLUSION OF STATE LAND

- (1) The department shall commence review of a proposal to include state land within a block management agreement when the department receives from the department of fish, wildlife and parks a proposal that includes:
  - (a) a complete legal description of the state land affected by the proposal, with a description of the legal access status of each tract of land;
  - (b) a listing of all terms, conditions, and restrictions of the proposal; and
  - (c) a map that clearly identifies the boundaries of the proposed block management area, locations of state lands, adjoining public land, and public roads.
- (2) The provisions of (3) apply to the review of a block management agreement that:
  - (a) would impose restrictions on recreational use that are more stringent than those contained in ARM 36.25.149; and
  - (b) contain state land that is:
    - (i) contiguous at some point to land that is not within the proposed block management area;
    - (ii) accessible by dedicated public road, public right-of-way, or easement;
    - (iii) accessible by public waters; or
    - (iv) accessible from contiguous federal, state, county, or municipal land that is open for public use.
- (3) Before land that meets the criteria in (2) may be included in a block management agreement, the department of fish, wildlife and parks and the department must have:
  - (a) given public notice of the proposal in a newspaper of general circulation in the area of the proposed block management area;
  - (b) provided a 21-day period for written public comment following the public notice; and
  - (c) if, during the public comment period, a request for public hearing was received that in the department's opinion raises a significant question as to whether the proposal is in the best interests of the public or the trust, held a public hearing in the area.
- (4) After close of the public comment period, the department shall review and prepare written responses to all substantive comments. The department shall send copies of those responses to each person who submitted a substantive comment.

- (5) No public review is required for proposals that do not meet the criteria contained in (2) .
- (6) The department shall notify the department of fish, wildlife and parks whether it will enter into the agreement. No block management agreement is effective as to state land until it is executed by the department. The department may not enter an agreement that does not meet the criteria contained in ARM 36.25.165.

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1994 MAR p. 2002, Eff. 7/22/94; TRANS, 1996 MAR p. 2384.

ORIGINAL RULES



## ADMINISTRATIVE RULES OF MONTANA

### 36.25.165 BLOCK MANAGEMENT AREAS: CRITERIA FOR INCLUSION OF STATE LAND

- (1) The department may include state land in a block management area only if it finds that:
  - (a) inclusion is in the best interests of the public and the trust;
  - (b) the block management agreement does not conflict with rights of holders of leases, licenses, and easements;
  - (c) inclusion would not result in damage to the land;
  - (d) the block management area contains private land; and
  - (e) the state land is contiguous to federal or private land that is within the block management area.

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1994 MAR p. 2002, Eff. 7/22/94; TRANS, 1996 MAR p. 2384.



## ADMINISTRATIVE RULES OF MONTANA

### 36.25.166 BLOCK MANAGEMENT AREAS: TERMS OF AGREEMENT

- (1) A block management agreement that includes state lands must contain the following provisions:
  - (a) Motorized vehicle use on state lands is restricted to federal, state, and dedicated county roads and to those roads designated by the department to be open to motorized vehicle use.
  - (b) If the state land meets the criteria of ARM 36.25.164, or if the agreement includes hunter limits, requires permission, or contains other restrictions that are more stringent than the restrictions contained in ARM 36.25.149, the department of fish, wildlife and parks shall post the state land at customary access points with signs that include the period that the block management restrictions are effective and describe how access may be obtained.
  - (c) If a complaint is not resolved to the satisfaction of the department, the department may withdraw the state land from the block management area.

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

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**History:** NEW, 1994 MAR p. 2002, Eff. 7/22/94; TRANS, 1996 MAR p. 2384.



## ADMINISTRATIVE RULES OF MONTANA

### 36.25.167 BLOCK MANAGEMENT AREAS: RENEWAL OF AGREEMENT

- (1) A block management agreement that contains state lands may be renewed.
- (2) Subject to (b) , renewal of a block management agreement that meets the criteria of ARM 36.25.164 may be subject to the review procedures contained in ARM 36.25.164 only if:
  - (a) during the term of the agreement, the department or department of fish, wildlife and parks have received public comments or complaints tending to:
    - (i) raise significant concerns regarding compliance with the agreement;
    - (ii) indicate that continued enrollment in the block management program may not be in the best interests of the public or the trust; or
    - (iii) there will be changes in the agreement that impose more stringent restrictions than those contained in the existing agreement.
  - (b) If the department or department of fish, wildlife and parks has received complaints under the department of fish, wildlife and parks' complaint resolution system regarding a block management area that is being considered for renewal and those complaints have not been resolved, the director may not renew the agreement without public review until receiving a recommendation from the recreational use advisory council as to whether public review is appropriate.
- (3) The renewal of a block management agreement that does not contain state land meeting the criteria in ARM 36.25.164 or does not meet the criteria of (2) above is not subject to public review under ARM 36.25.164.
- (4) A block management agreement that was in effect on September 20, 1993, and was terminated in protest of the board's decision to expand the definition of "general recreational use" to include hiking and bird-watching may be renewed prior to October 1, 1994, under this rule.
- (5) The department may renew a block management agreement that includes state land only if it meets the criteria for approval contained in ARM 36.25.165 and contains the provisions of ARM 36.25.166.

**Authorizing statute(s):** 77-1-804, MCA

**Implementing statute(s):** 77-1-804, MCA

**History:** NEW, 1994 MAR p. 2002, Eff. 7/22/94; TRANS, 1996 MAR p. 2384; AMD, 1997 MAR p. 315, Eff. 2/11/97.

ORIGINAL RULES

# 0625-7

INFORMATIONAL ITEM

DNRC QUARTERLY LITIGATION UPDATE

**Land Board Agenda Item  
June 16, 2025**

**0625-7 Informational Item – DNRC Quarterly Litigation Update**

**Location: N/A**

**Trust Beneficiaries: N/A**

**Trust Revenue: N/A**

**Item Summary:**

Status update on legal cases involving Montana State Trust Lands.