

EXHIBIT 6
DATE 02/03/05
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MEMORANDUM OF UNDERSTANDING
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS
AND
MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
December 1, 2003

This Memorandum of Understanding is entered into by and between two Departments of the State of Montana: 1) Department of Fish, Wildlife and Parks (FWP) and 2) Department of Natural Resources and Conservation (DNRC) under authority of the Montana Constitution and appropriate titles and chapters of the codes of the State of Montana.

WHEREAS, FWP is authorized under the laws of the State of Montana to provide for the protection, preservation, propagation, and management of wildlife and fish within the state [87-1-201, MCA]; in addition, FWP is mandated by law to conserve Montana's scenic, historic, archaeological, scientific, and recreational resources for the use and enjoyment of the people. As the State's lead recreation agency, management and coordination with other agencies must be carefully balanced to produce the end product—resources of value to present and future generations.

WHEREAS, DNRC is authorized under the constitution and laws of the State of Montana to manage trust lands for support of the common schools and "... for the attainment of other worthy objects helpful to the well-being of the people of this State as provided in the Enabling Act, [77-1-202(1), MCA]; and

WHEREAS, both departments desire to work together for the common purpose of maintaining, and managing state school trust lands administered by DNRC and utilized by the public for recreational uses.

WHEREAS, this agreement replaces the Memorandum of Understanding between FWP and DNRC dated February 11, 2002.

NOW, THEREFORE, BE IT RESOLVED THAT both Departments agree as follows:

I. **DNRC shall:**

1. Manage state trust lands for the best interests of the Trust and of the people of Montana, while providing for public recreational opportunities to the extent permitted and required by laws, regulations, rules and policy.
2. Recognize FWP as the State agency responsible for managing public recreation for the people of the State of Montana. Cities and counties also manage properties for public recreational use.

3. Consider FWP's goals and objectives regarding recreational management when planning and implementing management activities on state trust lands.
4. Amend the rental clauses of the existing lease agreements #'s Beaver Lake, Elmo FAS, Big Arm, Thompson Falls, Tamarack Creek (rock creek), Dailey Lake, Far West, Sportsmen's Park, Amelia Island, Garwood, Syringa, Snowden Bridge, and collect an annual lease fee that increases 2% annually from the 2002 forward.

II. FWP shall:

1. Recognize DNRC as the agency responsible for managing state trust lands and recognize DNRC's revenue-producing responsibilities under the Enabling Act, state statutes pertaining to management of school trust lands, and policies described in applicable DNRC rules and policies.
2. Will provide in-kind public resource management / maintenance services for resource protection associated with recreational use of DNRC lands identified under a land use license in return for amending the rental clauses of FWP's lease agreement for fishing access sites and state parks. Signage erected at these properties will inform the public that the site is state trust land and is managed by DFWP only for the purposes of dispersed recreational use.
 - a. Dispersed recreation management will include management of those sites under license for general recreational use to provide protection of the resource while providing for the continued use of the state trust land by the public.
 - b. The following properties are those properties identified by DNRC that are currently receiving unmanaged public recreational use and will be available for in-kind maintenance under a Land Use License:
Spencer Lake, Rogers Lake, Upper Whitefish Lake, Duck Lake, Woods Lake, Murray Lake, Rainbow Lake, Little Beaver Lake, Dollar Lake, Point Pleasant Campground, Cedar Creek Campground, Madison River Parcel and Judith Mountain.
 - c. DNRC and DFWP will prioritize the properties identified in b. above to be managed under a Land Use License.
3. Agrees to manage the public recreation of the state land only to protect the resource commensurate with the current level of use or any nominal increase in use.
4. Receive written approval from DNRC prior to making major facility modifications. Refer to C-7.

5. Obtain a lease from DNRC and compensate the trust fair market value for trust land sites if FWP proposes improvements to the sites managed under the LUL that will encourage or promote an increase in public use of the site.
6. FWP shall cooperate and take the lead in the preparation of the environmental documents necessary to comply with MEPA for projects described under this section.

C. Both parties mutually agree to and understand the following:

1. To cooperate in developing and implementing management plans for those properties under the LUL. The management plans will detail the level of maintenance and improvements necessary to protect the resource.
2. To meet annually at the appropriate level to discuss matters relating to management of recreational use on state trust lands.
3. To erect on state trust lands structures and improvements, where mutually agreeable and appropriate, under land use license necessary to manage and protect the resources associated with the current activities such as boat launching, camping, trash/sanitation, signage, roads and parking by the general recreational public or any nominal increase in use.
4. If agency disagreements occur that cannot be resolved between the DNRC Area Manager and FWP Regional Supervisor, then such disagreements shall be elevated, in writing, by the aforementioned to the Chief of Field Operations for FWP and the Bureau Chief for Special Uses for DNRC for resolution.
5. That each and every provision of this Memorandum is subject to applicable laws of the State of Montana and laws of the United States, and regulations promulgated by each.
6. That nothing in this Memorandum shall obligate either Department or the State of Montana to expend funds or to make payments of money above and beyond what is required under lease agreements in excess of appropriations authorized by state laws.

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7. FWP will enter into a lease agreement for all state land to be managed as a fishing access site (FAS) or State Park. When increasing recreational use grows to the extent major facility modifications or expansion are necessary to protect natural resources or provide for public need / demand / safety, then FWP will advance proposals to DNRC, in writing, for review, evaluation and approval. When FWP identifies the need to develop a FAS or State Park, DNRC will evaluate the demand for development in that location. If the market supports adjacent development, FWP will cooperate, evaluate and provide comments regarding fishery, wildlife and recreation issues associated with the development. DNRC will dedicate the proposed FAS as "public" in association with the subdivision and FWP will assume the managing agency role. In the event there is not economic demand for the adjacent property, FWP will lease the site as a FAS @ 3.5% of the current appraised value. The annual lease fee will increase by 2% annually as described under this MOU.

8. This agreement may be terminated by mutual consent or by either party upon 90 days written notice.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last date written below.

1/23/04
Date

12-22-03
Date

Jeff Nagewen
Director
MONTANA DEPARTMENT OF FISH,
WILDLIFE AND PARKS

Brad Clark
Director
MONTANA DEPARTMENT OF
NATURAL RESOURCES AND
CONSERVATION

Parks / FAS

- + Leases renewed every 5 years for lease adj
- + manage & maintain existing level of public use of land use lease sites (non FAS or Parks)
- x Lease to increase annually 2% rather than reappraise every 5 years
- current lease rates did not go down.