


Montana
Department of Natural Resources & Conservation

Forestry & Trust Lands
Management Division



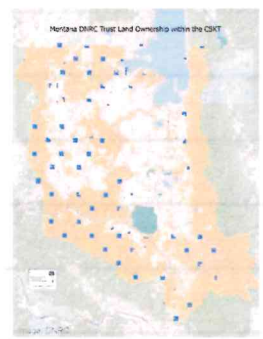
Montana Water Rights
Protection Act
Section 13(j) Land Exchange

Environmental Quality Council
September 27, 2023


Ryan Weiss

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Surface Ownership



- Acquired lands within the Reservation boundary through:
 - Land Ordinance of 1785 & Northwest Land Ordinance of 1787
 - Organic Act of the Territory of Montana 1864
 - Dawes General Allotment Act of 1887
 - Omnibus Enabling Act of 1889 (S16 & 36)
 - Flathead Allotment Act of 1904
 - Indemnity & In-lieu selections by Governor and Land Board (early 1900s)
- Total historic surface acreage within reservation was 66,797 acres
- Current Surface acreage is 29,184 acres
- Disposed of 33,097 acres through land sales
- Exchanged 4,516 acres with the tribes for off-reservation lands (2010)



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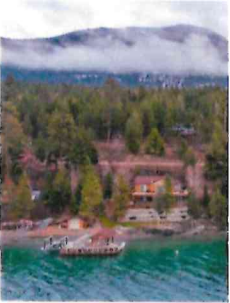
Eligibility Criteria - MWRPA

- State Trust Lands located within the reservation boundary
- State Trust Lands obtained pursuant to:
 - Act of February 22, 1889 (Montana Enabling Act)
 - Act of April 23, 1904 (Flathead Allotment Act)
 - Act of February 25, 1920 (Mineral Leasing Act)
- State Trust Lands adjacent to Tribal Lands
- Minimize financial impact on local governments




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Eligibility Criteria - State



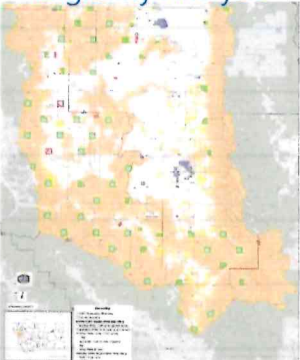
Lands that the State considers *ineligible*:

- Tracts currently leased for residential use due to the legislatively mandated Cabin and Home Site Sale program (e.g., Blue Bay cabin sites)
- Tracts authorized or eased for parks
- Surface acres not meeting the eligibility criteria outlined in the MWRPA
- Mineral/subsurface estate




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Eligibility Analysis



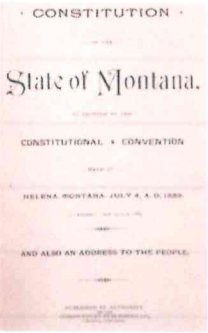
Eligible = 26,884 acres | Ineligible = 2,300 acres

http://dnrc.mt.gov/4267/0001/Land/CS/LandExchange/Sell_CSX1_2022.08.29_DRAFT_MARed1




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State Trust Obligations



- Montana Constitution, Article X, Section 11 (4)
- Montana Code Annotated, 77-2-207
- Land Exchange Policy
 - Land Exchange Criteria
- Role of the Land Board



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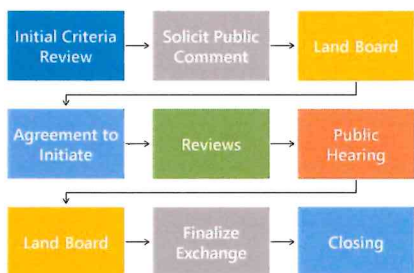
State Criteria for Land Exchanges

1. Equal or greater value
2. Navigable water fronting tracts need to be replaced with same
3. Equal or greater income
4. Equal or greater acreage
5. Consolidation of lands
6. Potential for long-term appreciation
7. Improved access to public lands, trust lands, and navigable waterways



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State Land Exchange Process



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Alignment, Coordination & Next Steps

- Determine eligibility of lands to exchange
- Align state and federal processes
- Coordinate data and records review
- Simultaneous public outreach and engagement
 - County commission meetings
- Complete on-site assessment and surveys
- Land Board approvals
 - Preliminary and Final
- Appraisal and survey
- MEPA/NEPA coordination
- Closing process



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Contact

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More info

<https://dnrc.mt.gov/trust-land/land-transactions-awards/land-exchanges/C-SKT-LandExchange>
<https://public.googlefiber.com/accounts/MIDNRC/popup/3395d>