

File Code: 2400, 7700
Date: January 27, 2017

Bob Rooney
PO Box 568
White Sulphur Springs, MT 59645-0568

Larry Antonich
752 32nd Ave, NE
Great Falls, MT 59404-1252

Joel Fenger
PO Box 250
Chester, MT 5959622-250

John Hanson/Bar Z Ranch
112 Birch Creek Road
White Sulphur Springs, MT 59465

RE: Temporary Road Use Permit, Little Moose Creek for Vegetation Management Activities

Greetings All:

Last fall we met to discuss the need for access through your property to conduct the vegetation management activities in the Little Moose Creek area as part of the greater Moose Creek Vegetation Project. There are three vegetation treatment units in the Moose Creek Vegetation Project, Units 34, 35 and 36, that were developed in collaboration with you in the vicinity of your property. Units 34 and 35 would need to utilize the Little Moose Creek road for access. We would also need to construct a segment of new road on the Fenger property to access Units 34 and 35.

The project decision will be signed in early February. As part of moving forward with implementing the project, we will need a Temporary Road Use Permit from you on use of the Little Moose Creek road for the project activities which include commercial logging and preparation for logging, contract administration, fuels management, and other unit-related activities as we have described to you in our collaboration meetings. To that end, I have enclosed a *draft* Temporary Road Use Permit for you to review and provide response. We will need one permit that includes all of the affected landowners. Please review and provide requested modifications or additions within the next two weeks if possible. We will review any changes you provide and respond back to you.



Thank you for your continued participation and support for project work on the Moose Creek Vegetation project. If you have any questions please contact me at 406-236-5511.

Sincerely,



BETHANY A. IHLE

Deputy District Ranger

Belt Creek and White Sulphur Springs Ranger District

Attachment: Draft Temporary Road Use Permit and Map

Cc: Carol Hatfield, Jeanne Holmgren

TEMPORARY ROAD USE PERMIT

Robert A. Rooney of PO Box 568, White Sulphur Springs, MT 59645-0568, Joel Fenger of PO Box 250, Chester, MT 59622-0250, Lawrence J. Antonich of 752 32nd Ave. NE, Great Falls MT 59404-1252, and Bar Z Ranch Inc. of 122 Birch Creek Road, White Sulphur Springs, MT 59645, herein after called **Grantors**, grant to the **United States of America**, acting through the Forest Service, Department of Agriculture, hereinafter called **Grantee**, a temporary road use permit to occupy and use the following described lands in the County of **Meagher**, State of Montana:

Little Moose Creek Trail
Moose Creek Tracts # 4, 5, 6, & 7; in the S1/2 of Section 7, T12 N, R07 E, MPM

This permit authorizes Grantee to use an existing road across private lands owned by Grantors. The right-of-way for such authorized use is estimated **0.74 miles in length, Thirty (30) feet in width, Fifteen (15) feet on each side of the centerline, containing approximately 2.69 acres**, and as shown approximately on attached **EXHIBIT A** attached hereto. The centerline of said road as constructed is hereby accepted by Grantors and Grantee as the true centerline of the right-of-way granted.

The purpose of this permit is to authorize administrative access to National Forest System (NFS) lands by Grantee, its personnel, contractors, representatives, or other authorized agents, for the purpose(s) of **administrative access for implementation of the Moose Creek decision. Activities may include timber harvest, prescribed burning, and associated post treatment monitoring on NFS lands; and hauling timber across private lands held by Grantors, from NFS land.**

This permit is granted subject to the following terms and conditions:

1. This permit is subject to all valid rights existing on this date.
2. This permit does not convey any right, title, or interest in real property, and does not provide public access to national forest land.
3. Grantee claims no interest in the premises by virtue of this permit, or through occupancy or use hereunder.
4. Grantors agree that valid rights held by Grantee in the premises, if any, shall not be extinguished, relinquished, terminated nor diminished by virtue of this permit.
5. Grantee shall fully repair all damage to the road, other than ordinary wear and tear, and provide routine maintenance commensurate with Grantee's use while exercising the privileges granted by this permit.
6. Grantee shall prevent unnecessary damage to Grantor's adjacent land, timber, soil, water, other resources, and improvements. Grantee shall ensure its operations on Grantor's land comply with applicable federal and state laws, regulations, and standards regarding resource protection, fire prevention and control, slash disposal, and noxious weed prevention and control.
7. Grantee shall cut only such timber as necessary to clear the authorized right-of-way for road use and maintenance. Timber so cut shall, unless otherwise agreed, be cut into logs of lengths specified by Grantors, and shall be decked along the road for disposal by Grantors.

8. The United States agrees to indemnify and hold Grantors harmless in accordance with the provisions of the federal Tort Claims Procedure (Pub. L. 80-773; Title 28 U.S.C. 2672-2677; June 25, 1948).
9. This permit shall terminate on **December 31, 2025**, unless earlier terminated by Grantors because of Grantee's breach of any terms or conditions herein, or upon written request by Grantee. Provided however, Grantors shall provide Grantee with written notice a minimum of sixty (60) days prior to termination for breach, and shall provide Grantee with reasonable opportunity to take action to satisfactorily correct the breach.
10. **ADDITIONAL CONDITIONS TO BE CONSIDERED BY THE FOREST SERVICE, FOR ISSUANCE OF THE PERMIT, SHOULD BE LISTED HERE:**

Grantee's exercise of any privileges authorized by this permit shall constitute acceptance of all terms and conditions herein.

GRANTORS NAMES

By:	Robert A. Rooney, Landowner Tract 4	Date
By:	Joel Fenger, Landowner Tract 5	Date
By:	Lawrence J. Antonich, Landowner Tract 6	Date
By:	Bar Z Ranch Inc. Landowner Tract 7	Date

This permit is hereby accepted subject to all terms and conditions herein.

**GRANTEE
UNITED STATES OF AMERICA**

By:	William Avey Forest Supervisor Helena-Lewis & Clark National Forest Northern Region	Date
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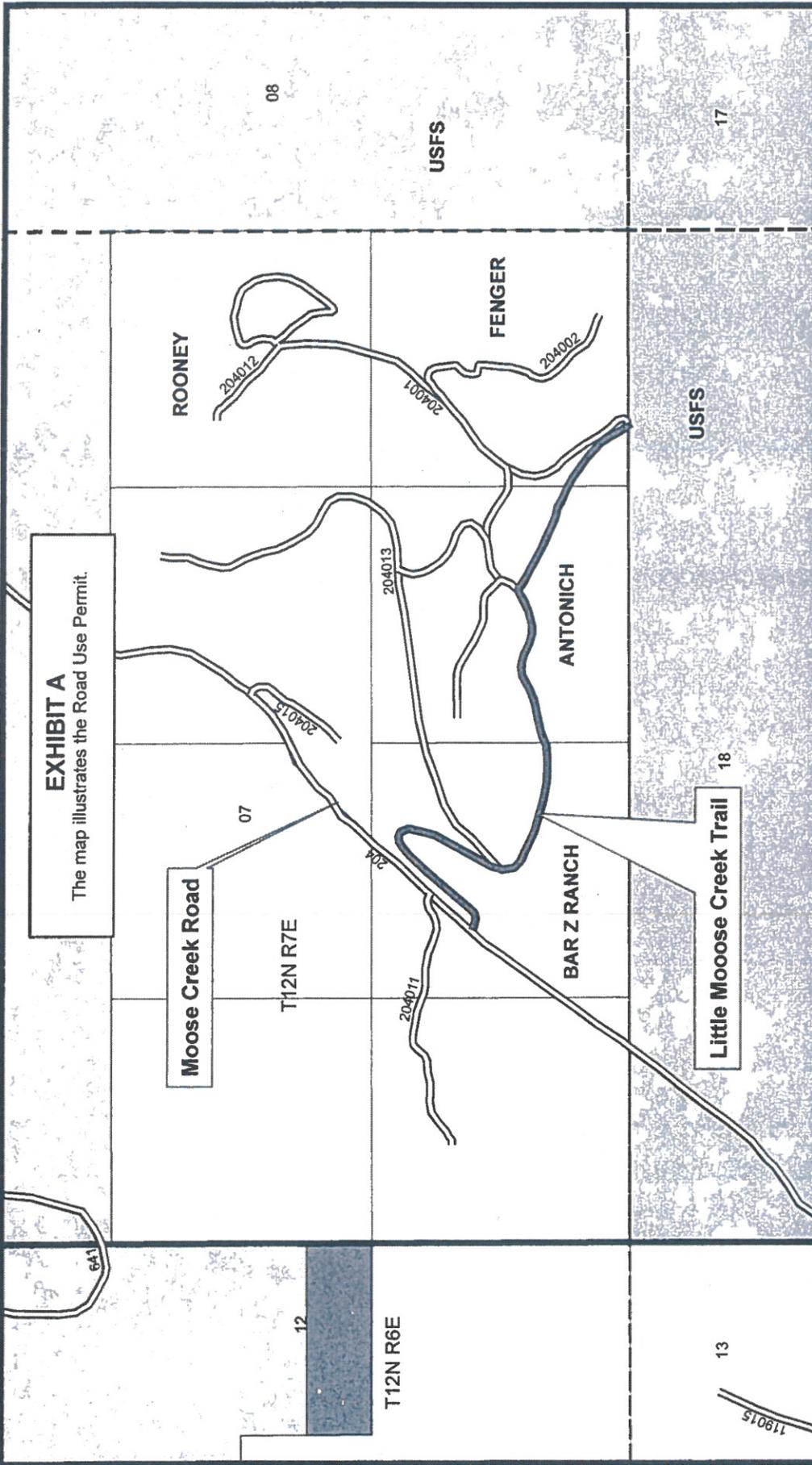


EXHIBIT A
The map illustrates the Road Use Permit.

Little Moose Creek Trail Road Use Permit
Moose Creek Tracts, S1/2 of Sec. 7, T12N-R7E

Meagher County, Montana
White Sulphur Springs-Belt Creek Ranger District

U.S. Forest Service - Northern Region
Lewis and Clark National Forest
Montana At-Large U.S. Congressional District

Copies of this map are available for public inspection in the Office of the Regional Forester, Northern Region, Missoula Montana

Sheet 1 of 1

References
PLSS, County and Forest boundary, and land ownership data from R1 Automated Lands Program (ALP).
Transportation from USFS Helena NF GIS Data.

Disclaimer
The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

Legend

- Road Permit
- Area Road
- Forest Boundary
- District Boundary
- County Boundary
- Section
- Township

Surface Ownership

- Private Land
- National Forest System Land

0 0.125 0.25 Miles

Map Creation Date: 18 January 2017

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