


AUGUST 16, 2010

THE DIRECTOR OF THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION TOOK FORMAL ACTION ON AUGUST 16, 2010, IN THE TRUST LANDS ADMINISTRATION OFFICE, 675 EAST 500 SOUTH, SUITE 500, SALT LAKE CITY, UTAH 84102-2818, ON THE SURFACE AND FEE WAIVER BUSINESS MATTERS AS INDICATED AND WHICH BECAME EFFECTIVE AT 6:00 P.M. ON AUGUST 16, 2010.

THESE MINUTES INCLUDE SURFACE ACTIONS AS LISTED ON PAGES 1 TO 5; AND ACTIONS CONTAINING FEE WAIVERS AS LISTED ON PAGE 6.

THESE MINUTES ARE DEEMED THE FINAL AGENCY ACTION CONCERNING THESE MATTERS AND MAY BE SUBJECT TO REVIEW AND/OR ADJUDICATION PURSUANT TO R850-8 OF THE AGENCY'S RULES. ANY APPEAL OF MATTERS CONTAINED WITHIN THESE MINUTES MUST BE IN WRITING, PURSUANT TO R850-8-1000, AND MUST BE RECEIVED BY THE OFFICE OF THE DIRECTOR BY 6:00 P.M. ON MONDAY, AUGUST 30, 2010. APPEALS NOT FILED BY THAT TIME WILL NOT BE ACCEPTED AND THE MATTERS WILL BE CONSIDERED UNAPPEALABLE.



KEVIN S. CARTER, DIRECTOR
SCHOOL AND INSTITUTIONAL
TRUST LANDS ADMINISTRATION



LESLIE M. WARNER, RECORDS OFFICER

ARCHIVES APPROVAL NO. 7990209

SURFACE ACTIONS

GRAZING PERMITS

GRAZING PERMIT NO. 22604 (RELINQUISHMENT)

Martin Anderson, 133 E. Durfee St., Grantsville, UT 84029, has requested to have the above grazing permit relinquished as of June 30, 2010. The above permit has been combined into GP 23326-10 which became effective July 1, 2010. School Fund. Tooele County.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the relinquishment of GP 22604.

RIGHTS OF ENTRY

RIGHT OF ENTRY NO. 5506 (APPROVAL)

On August 3, 2010, the School and Institutional Trust Lands Administration received an application from First Wind Energy, LLC, Wah Wah Wind Corridor, LLC, 179 Lincoln Street, Suite 500, Boston, MA 02111, to occupy the following described trust land located within Beaver & Millard Counties for a one-year term to install meteorological towers to measure the wind speed in the area to determine the feasibility of installing wind turbine generators:

T25S, R14W, SLB&M
Sec. 36: NE¹/₄NW¹/₄ (Within)

T26S, R14W, SLB&M
Sec. 16: NE¹/₄NE¹/₄ (Within)

T27S, R13W, SLB&M
Sec. 32: SW¹/₄SW¹/₄ (Within)

T27S, R14W, SLB&M
Sec. 16: SW¹/₄SW¹/₄ (Within)

T28S, R14W, SLB&M
Sec. 2: Lot 1 (NE¹/₄NE¹/₄) (Within)
Sec. 26: NW¹/₄NW¹/₄ (Within)

T30S, R13W, SLB&M
Sec. 16: NE¹/₄NE¹/₄ (Within)

A cultural resource survey has been completed on this project and no sites were found. A finding of "no historic properties affected" has been made by the Archaeological staff.

RIGHT OF ENTRY NO. 5506 (APPROVAL) (CONTINUED)

The assessment for this right of entry is \$4,800.00 plus a \$50.00 application fee and a \$50.00 processing fee, totaling \$4,900.00. Beaver & Millard Counties. School Fund. Beginning Date: August 23, 2010. Expiration date: August 22, 2011.

Upon recommendation of Mr. Lou Brown, the Director approved Right of Entry No. 5506 for a one-year term.

EASEMENTS**EASEMENT NO. 1338, AMENDMENT NO. 3 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Garkane Energy Cooperative, Inc.
120 West 300 South
P.O. Box 465
Loa, Utah 84747

LEGAL DESCRIPTION:

Township 37 South, Range 5 West, SLB&M
Section 30: Lots 3 & 4, SE¹/₄SW¹/₄ (within)

Township 37 South, Range 6 West, SLB&M
Section 25: S¹/₂SE¹/₄, NW¹/₄SE¹/₄ (within)

A strip of land 30 feet wide. The side of the easement extends around corners and ends so as not to have any gaps. The strip of land is defined by a centerline described by a Point of Ingress "D" which bears N 77°33' E 1348 feet from the SW corner of Sec. 30, T37S, R5W, SLB&M; thence N 46°53' W 401 feet; thence N 21°16' W 1023 feet; thence N 66°44' W 579 feet; thence S 07°14' E 151 feet; thence S 23°19' E 289 feet; thence S 05°12' E 208 feet; thence S 05°05' W 310 feet; thence N 63°27' W 150 feet; thence N 37°43' W 148 feet; thence N 86°50' W 660 feet; thence N 76°06' W 1002 feet; thence N 54°36' W 384 feet to the Point of Egress "D" which bears N 51°17' W 2450 feet from the SW corner of Sec. 30, T37S, R5W, SLB&M. Containing 3.65 acres more or less.

The easement administrator has had this legal description reviewed by the GIS Group.

COUNTY: Garfield

ACRES: 3.65

FUND: School

PROPOSED ACTION:

The applicant has requested to amend Easement No. 1338 in order to allow for the construction of an access road. Easement No. 1338 was originally approved for the construction, operation, repair, and maintenance of an overhead power transmission line. This new access road is needed to access one of the tower structures associated with this power transmission line. The proposed structure is located in an area which, due to topography, cannot be accessed by using the existing easement corridor and there are no other existing access roads within the vicinity of the structure. This new road will be used for the construction and future maintenance of the structure. The proposed access road easement corridor is 5,305 feet long and 30 feet wide, containing 3.65 acres. The entire easement corridor, as amended, will now consist of 58.55 acres. The term of the easement will remain 30 years with an expiration date of June 30, 2038.

EASEMENT NO. 1338, AMENDMENT NO. 3 (APPROVAL) (CONTINUED)**RELEVANT FACTUAL BACKGROUND:**

The application to amend Easement No. 1338 was received on June 15, 2010. It was submitted for the Agency review on June 22, 2010, and was accepted by the Director on July 13, 2010.

Easement No. 1338 was originally issued effective July 1, 2008, to construct, operate, repair, and maintain an overhead power transmission line. The transmission line is needed to connect the town of Hatch to the Todd's Substation near the junction of Highway 89 and Highway 14 and will expand the existing electrical capacity of the area. The term of the easement is 30 years, with an expiration date of June 30, 2038. The easement was subsequently amended effective January 1, 2009, (Amendment #1) to revise the location of the transmission line corridor, and amended again effective April 13, 2010, (Amendment #2) to include an access road to a proposed tower structure. This currently proposed amendment will be Amendment #3 to the easement agreement.

The proposed easement amendment was sent to the Resource Development Coordinating Committee ("RDCC"), the Five County Association of Governments, and the Garfield County Commission for review on June 22, 2010. No comments were received from the RDCC.

The Five County Association of Governments submitted the following comments:

"The Utah State Trust Lands Administration proposes to authorize an amended easement to Garkane Energy for the purpose of accessing a proposed tower structure on the Hatch to Long Valley line under design. Previous reviews were supportive of the original easement. Increased capacity provided by the line is vital for the area serviced."

The project area has been surveyed for cultural resources by McFadden Archaeological Consulting (U-10-MX-0315s).

EVALUATION OF FACTS:

The applicant has been notified of the comments submitted by the Five County Association of Governments.

The Agency's Archaeology staff has reviewed the cultural resource documents submitted in support of the proposed easement amendment. No significant cultural resources were found within the project area; therefore, cultural resource clearance has been granted for the project with a finding of "No Historic Properties Affected."

RECOMMENDATION:

Upon recommendation of Mr. Chris Fausett, the Director approved the applicant's request for Amendment No. 3 to Easement No. 1338. The term of the easement remains 30 years beginning July 1, 2008, and expiring June 30, 2038. The amendment fee of \$400.00 and the easement rental assessment of \$2,411.36 have been submitted.

SPECIAL USE LEASE AGREEMENTS**SPECIAL USE LEASE AGREEMENT NO. 1178 (THREE-YEAR REVIEW)**

SULA 1178 is a telecommunications lease in the name of WWC Holding Company, Inc., c/o Alltel Communications, Inc., Attn: Property Management, P.O. Box 2177, Little Rock, AR 72203-2177. The lease site is located in Daggett County near the Browns Park area. School Fund.

1. ANNUAL BASE RENTAL:

The three-year lease rental review date for this telecommunications lease is October 1, 2010. The authorized use of the subject parcel is for a communication site, with the primary use being a cell tower.

The lease agreement provides for periodic increases in the annual base rental amount. To determine an updated fair market value, an evaluation of comparable leases of the same purpose and type was conducted. Pursuant to provisions of the lease agreement, it is recommended that the annual base rental be increased from \$5,900.00 to \$6,500.00, effective October 1, 2010. A certified notice was sent to inform the lessee of this action. No response has been received to date.

Subleasing and co-located tenants: Any subleasing revenue assessed is in addition to the annual base rental amounts discussed above. There is no known subleasing on the site.

After a preliminary analysis pursuant to Board policy, the raw land value of the subject property was estimated to currently be approximately \$800.00 per acre, with a total value of \$1,152.00. The existing communication lease site is considered the highest and best use of a small parcel of this type of land.

Annual Base Rental: \$6,500.00

Acres in lease: 1.44

2. DUE DILIGENCE:

The development allowed by the lease has occurred. It is recommended that the lease be kept in force.

3. PROPER USE:

The leased premises are being used in accordance with the lease agreement.

4. ADEQUATE INSURANCE AND BOND COVERAGE:

The insurance coverage and bond are active and in place and adequate for the purpose of the lease.

5. WATER RIGHTS AND WELLS:

There are no Agency-owned water rights associated with this lease.

6. ENVIRONMENTAL COMPLIANCE:

This lease was last inspected and reviewed for environmental compliance in September 2009, and has been rated as low risk. There is no evidence of underground or above ground petroleum storage tanks, stained soil, 55 gallon drums/containers of any size, unauthorized uses, or solid waste on the premises. The site appears clean and orderly and hazardous materials, if any, are kept in an enclosed area with secondary containment. Although a current inspection for 2010 has not yet been made because of the remote location, staff will make another inspection update during a planned visit during the third week of August 2010. The Environmental Site Inspection Form will be put in the file thereafter.

SPECIAL USE LEASE AGREEMENT NO. 1178 (THREE-YEAR REVIEW) (CONTINUED)

7. GIS REVIEW:

The lease administrator had the legal description reviewed by the GIS Group. No errors were found and an updated map has been attached to the business system.

8. NEXT ASSESSMENT DATE:

The next assessment date will be October 1, 2013.

Upon recommendation of Mr. Gary Bagley, the Director approved the three-year review for SULA 1178.

RANGE IMPROVEMENT PROJECTS

RANGE IMPROVEMENT PROJECT NO. 394 (WITHIN GP 23146)

NAME AND ADDRESS OF APPLICANT:

School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, UT 84102

LEGAL DESCRIPTION OF LANDS DIRECTLY AFFECTED:

T5S, R6W, SLB&M
Section 22: South line of NE $\frac{1}{4}$ SE $\frac{1}{4}$, East line of SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27: East line of NW $\frac{1}{4}$ NE $\frac{1}{4}$

COUNTY: Tooele FUND: School

REQUESTED/PROPOSED ACTION:

The applicant proposes to construct 0.75 miles of four-strand wire fence on the boundary line of trust lands. A 10-foot area on the trust land side of the line will need to be cleared of trees.

RELEVANT FACTUAL BACKGROUND:

On June 29, 2010, the applicant submitted a proposal for this range improvement project.

A search of the Agency's records was made to determine the status of the area involved. The grazing permit of record on the affected area is GP 23146. No other active leases will be affected.

Cultural clearance was completed by TLA cultural staff. This project is exempt from review by the Resource Development Coordinating Committee ("RDCC"). Per our Memorandum of Understanding ("MOU") with RDCC, the Utah Division of Wildlife Resources ("UDWR") was contacted and they had no concerns with the design or location of the fence.

The cost of the project is to be carried by the Trust Lands Administration and is expected to be \$8,500.00. The life of the project is 20 years.

EVALUATION OF THE FACTS:

The proposed range improvement is not located on land affected by (a) or (b) of R850-50-1100(5). The proposed project enhances the value of the range for domestic livestock.

Based on the above information and upon recommendation of Mr. Chamberlain, the Director approved Range Improvement Project No. 394. This summary will constitute the Record of Decision.

ACTIONS CONTAINING FEE WAIVERS

NONE