

## **April 7, 2025 Regular Session of the Beaverhead County Commissioners**

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on April 7, 2025 at 9:00 a.m. in the Commissioners Room of the Beaverhead County Courthouse. Present: Commissioner John Jackson, Commissioner Michael McGinley, Commissioner Tom Rice and Commissioner Support Specialist Dana Basile.

### **Pledge of Allegiance**

At this time, those present recited the Pledge of Allegiance aloud to begin the day.

### **Updates on County Projects**

Road Supervisor Bob Ferris was not present.

The following Road Department Report was submitted and scanned into the minutes:

March 30th to April 5th, 2025  
Dillon, Lima and Wisdom Areas

#### DILLON AREA

- Equipment Repairs and Maintenance
  - Check local roads

#### WISDOM AREA

- Road Check
- Dump Run. Shop Clean. Oil Collection
  - Equipment repair. Sign Repair.
- Burn Willows Miner Lake. Plow Gibbonsville and GP 303.
  - Sign Install in Wisdom.

#### LIMA AREA

- Blade Big Sheep Creek Road and South Valley Road.
  - Plowed Snow South Valley Road.
  - General Fabrication. General Welding.
- Shop Maintenance and Yard Maintenance.
  - Road and Lane Check

Clerk and Recorder Stacey Reynolds, Planner Rob Macioroski, School Superintendent Mike Miller, Landfill Supervisor Nick Hoem, Justice of the Peace Randi Braddock, Weeds Supervisor Amber Burch, Sheriff David Wendt, Facilities Manager Shonna Graham, MSU Extension Agent Jack Bazemore, Fairground Manager Justin Kellabrew, Food Sanitarian Joyce Pollastro, County Attorney Sky Jones, GIS Coordinator Tracy Sawyer, and Land Use Sanitarian Tom Wagenknecht, joined the meeting.

Nick commented the landfill has been busy due to the nice weather. Within the next week or two the kiosk should be complete for the scale.

Jack added that today is a busy day with Master Gardener class and Fair Board. He will be on the radio this week to talk about his drone program. He hired an intern that starts May 26<sup>th</sup> from Florida.

Justin mentioned the Youth Challenge cadets helped clean up last week. Railroad is doing tie replacements down the tracks and have employees staying in campers along the tracks. He is working with city today to get water turned on. Electrician is working on powerlines. Fair board meeting tonight. There is a new water truck in the works.

Rob commented it is a quiet week for planning and he is working on flood plain permits.

Shonna added that the Public Health generator is ordered. The concrete pad will be laid for the sign and the generator this week and installed next week. The furnace is being fixed today. She is working on getting estimates for the security grants.

David added it was a busy weekend with 18 downstairs.

Tom mentioned that the LEPC meeting is at 9:30a. He has been working on the three Homeland security grants he is going to submit to try and get funding to secure the school, the courthouse and the city buildings. The committee needs to decide on the priority of the grants. For DES, he is getting rid of the satellite phone and going with a cheaper Starlink system. For sanitation, there are a few permits and inquiries flowing in.

Amber added she has applications for summer weeds help coming in and has been setting up their interviews.

Joyce commented we got an FDA grant for about half of what we had last year. She got a good start on inspections and helping with septic permits.

Randi added busy April so far. This week a bench trial. Thursday she will be in Madison county for a trial. Bo has clerk conference next week. New case law that came out that affects DUIs and how officers are able to collect evidence.

Mike mentioned quiet week this week. Working on monitoring for the Grant school. He has a Zoom regarding homeless students or ELLs.

Stacey added getting ready for elections in May.

Tracy added he has been cleaning up computers and files lately. Got new computer for Mike this week. Doing GIS work.

Sky commented he got caught up on civil stuff such as the FBO agreement for the airport. Busy week in court. Coty is working a case in Madison county this week.

### **LEPC Meeting**

The minutes from the LEPC Meeting will be located in the DES office.

### **Action on Previous Meeting Minutes**

The minutes of the March 31, 2025 meeting were read and the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the minutes be approved. A verbal vote was taken and the motion carried unanimously.

### **Recess**

At 12:00 noon, Commissioner Jackson recessed the meeting. At 1:30 p.m., Commissioner Jackson, Commissioner Rice and Commissioner McGinley reconvened the meeting with and their Assistant Dana Basile present.

### **Legislative Update**

There was no legislative update today.

### **Discussion- Axes Canyon Petition**

See Revised Petition and Sign in Sheet below.

Axes Canyon Petition  
April 7, 2025  
COMMISSIONERS' ROOM, BEAVERHEAD COUNTY, DILLON, MT

PLEASE PRINT

NAME

Judy Brown

Nancy Mayne

Jim Mayne

Jim Smith

Marilyn Benson

Andy Swenson - Ally

Nick VandenBos - Ally

Laure Spencer

Shes Davis

Cathy Elliott

Josh Packer

Med Rice

Stan Wilkey

Stacy Higgins

Travis Winer

Cathy Thompson

Brad Wilkins

Tracy Sawyer

Guy Hunt - Ally

DORSEY  
DORSEY & WHITNEY LLP

GAGE HART ZOBELL  
Partner  
(801) 833-4070  
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March 28, 2025

Beaverhead County Board of Commissioners  
2 South Pacific Street  
Dillon, Montana 59725  
(406) 683-3750

RE: Withdrawal of First Petition (3/12/25) and Submission of Second Petition (3/28/25) to Open a Part of Axes Canyon Road as a County Road

Dear Beaverhead County Board of Commissioners:

On behalf of High Divide Minerals, a Montana limited liability company (formerly known as Barrett Minerals, Inc.) ("High Divide"), being a resident and taxpayer of Beaverhead County, Montana (the "County"), and together with ten or more of the freeholders of the road district taxable therein for road purposes in the County (the "Freeholders" and, collectively with High Divide, referred to as "we"), we formally request the withdrawal of the original Petition to Open Axes Canyon Road (the "First Petition") and do hereby submit this second revised petition (this "Petition"). We formally request the Beaverhead County Board of Commissioners (the "Board") to establish and open a portion of the Axes Canyon Road as a public county road.

Following public comment received during a public meeting of the Board held on March 17, 2025, we determined a withdrawal of the First Petition and resubmission of this Petition addressed community member concerns while still serving the best interest of the County. We are a part of this local community and have been, and will always try to be, responsive to the feelings of the community at large. We believe this Petition better reflect the wishes of County citizens by limiting the reopening of Axes Canyon Road to provide public access only to those mineral estates held by High Divide.

Since 1955, High Divide has owned private real property interests in the form of mineral rights to the property locally known as the Smith Dillon Mine located within Section 23, Township 8 South, Range 8 West (the "Smith Dillon"). The Smith Dillon contains a deposit of talc minerals that were never fully developed. Axes Canyon Road, which existed as a public road for almost one hundred years, provided High Divide's predecessors-in-interest access to the Smith Dillon. The County initiated the process of abandoning Axes Canyon Road as a public road in July of 1991.<sup>1</sup> When the County closed Axes Canyon Road, it was noted in the record on July 15, 1991, that,

<sup>1</sup> See Exhibit C, Axes Canyon Road Abandonment Documents.

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Axes Canyon Petition  
April 7, 2025  
COMMISSIONERS' ROOM, BEAVERHEAD COUNTY, DILLON, MT

PLEASE PRINT

NAME

Ezra Lindberg

JAMES STEPHAN BRYER

Wade Zoller

Cathy Calvin

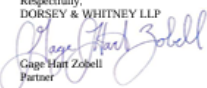
Rob Macintosh

DORSEY  
DORSEY & WHITNEY LLP

Beaverhead County Board of Commissioners  
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because High Divide's predecessor-in-interest, Pfizer, Inc., formerly known as Chas. Pfizer & Co. Inc. ("Pfizer"), had a verbal agreement with neighboring private landowners to continue to access the Smith Dillon by Axes Canyon Road, the County would assist Pfizer in acquiring a recorded right-of-way over Axes Canyon Road after its abandonment.<sup>2</sup> The County's abandonment of Access Canyon Road, therefore, was done with the intention that access for future development of the Smith Dillon would not be impaired. Unfortunately, any private access agreement was not recorded, leading to the need for this Petition. Consistent with the County's intent in 1991, and for the public benefits set forth herein, we hereby request the Board grant this Petition to open a portion of Axes Canyon Road.

Opening this portion of Axes Canyon Road aligns with the best interests of Beaverhead County and its residents and supports economic development, public safety, and community connectivity. Absent this opening, High Divide's mineral interests will be stranded potentially in perpetuity. We appreciate your attention to this matter and look forward to your consideration and response.

Respectfully,  
DORSEY & WHITNEY LLP  
  
Gage Hart Zobell  
Partner

GHZ:jn

<sup>2</sup> Id.

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until it would end at the old Smith Dillon Mine Site (the "Mine Site") located approximately in the NW¼SE¼ of Section 23.

While the old Axes Canyon Road continues through Section 23 and crosses into Section 24, we do not petition or propose for that section of the Axes Canyon Road to be re-established as a public road. In response to the local preference expressed at a public meeting of the Board on March 17, 2025 in relation to an earlier petition submitted to the Board on March 12, 2025 (the "First Petition"), we now propose and petition that the Road terminate at the Mine Site as depicted in Exhibit A.

II. PROPOSED GENERAL ROUTE OF THE ROAD

As depicted in Exhibit A, we propose two alternative routes for the Road. The first route follows the general route of the abandoned Axes Canyon Road, stopping directly at the Mine Site (the "First Route"). The First Route follows closely along the nearby stream and travels south through the SW¼ of Section 23 and then turns north near the center point of Section 23 and continues southeasterly a short way to the Mine Site.

The alternative (the "Second Route") is shorter and would deviate from the old Axes Canyon Road in the NW¼SW¼ of Section 23 and travel directly east until reconnecting with the traditional Axes Canyon Road near the center point of Section 23.

The First and Second Route serve the same function in granting public access to the private mineral rights held by High Divide. We offer the two alternatives to allow the County flexibility in determining if there is a benefit to the County in establishing a shorter route (i.e. Second Route) instead of following the original road containing curves as it follows a meandering stream.

III. LAND AND OWNERS AFFECTED BY OPENING THE ROAD

Pursuant to Montana law, this Petition seeks to identify the land and owners who are affected by the opening of the Road. While the term "affected" is not explicitly defined in Montana statutes, Montana case law suggests those owners affected include both the owners of property abutting the proposed road and owners of property that would be served by the new access provided. We have addressed both categories below.

A. Land & Owners Abutting the Proposed Road

Either route proposed for the Road traverses only across property held by the Smith Unit, Inc., a Montana corporation (the "Smith Unit"), and therefore the Smith Unit constitutes the only abutting land and owners of the surface estate. The Smith Unit holds the surface estate, and a portion of the mineral estate, over which the proposed Road will traverse. The Road, as proposed, would affect the following Smith Unit parcels, particularly described as:

Township 8 South, Range 8 West, M.P.M.

Section 22: SW¼, NW¼NW¼SE¼, Geocodes: 18-0241-22-3-01-01-0000

<sup>1</sup> As defined in Montana Code Sections 7-14-2101(4)(b).

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S½NE ¼ 18-0241-22-4-01-01-0000  
18-0241-22-1-01-01-0000  
Section 23: SW¼SW¼NW¼, NW¼SW¼, Geocodes: 18-0241-23-3-02-01-0000  
E½SW¼, NW¼SE¼ 18-0241-23-1-01-01-0000

(the “**Smith Unit Property**”)  
While the Smith Unit has surface ownership to the above-mentioned parcels, portions of the Road will traverse over real property to which High Divide holds mineral rights within Section 23. As such, High Divide is also an owner<sup>4</sup> with interests affected by this Petition by virtue of its mineral estate ownership in the following parcels particularly described as:

**Township 8 South, Range 8 West, M.P.M.**  
Section 23: N½SE¼, SW¼SE¼, NE¼SW¼, S½NE¼, NE¼NE¼  
(the “**High Divide Mineral Estate**”)

Therefore, while the Road would cross the Smith Unit Property, it would also travel over portions of the High Divide Mineral Estate. Both real property owners are affected, though in varying degrees by this Petition.

**B. Land & Owners Otherwise Affected**  
As required under by Montana law, this Petition also considers affected landowners as those who own land that will be accessed by virtue of opening the Road.

As either route of the proposed Road will only traverse through the Smith Unit Property and end in the middle of Section 23, above the High Divide Mineral Estate, no other landowners will receive or be denied access by virtue of this Petition. We note there are additional landowners with property located, and accessed, beyond Section 23. However, those additional landowners, including Timber Creek LLC, Christopher Smith, and Headwaters Ranch Limited Partnership will not be affected as the portion of Axes Canyon Road which provides private access to their property will remain closed to the public and is not included in this Petition for re-establishment.

**IV. NON-CONSENT OF THE LANDOWNER**  
**A. Land & Owners Abutting the Proposed Road**

As referenced above, the only landowners whose property interests abuts the Road are the Smith Unit and High Divide. High Divide consents and joins with the Freeholders in bringing this Petition. However, based on our communications with the Smith Unit, it is our understanding that they do not acquiesce to the public opening of the Road. This opposition was publicly articulated

<sup>4</sup> *Pinnacle Gas Res., Inc. v. Diamond Cross Propn., LLC*, 340 Mont. 17, 25 (2000).

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Mineral Estate is within the public interest of the County, we have thus submitted this Petition to move forward with the process.

**B. Landowners Otherwise Affected**  
Given that this Petition only proposes a re-establishment of the Road to the middle of Section 23, Township 8 South, Range 8 West, no other landowners will be provided access or otherwise affected. The further stretches of Axes Canyon Road will remain closed to the public, and the land holders of Timber Creek LLC, Headwaters Ranch Limited Partnership, and Christopher Smith will not be affected.

Regardless, for sake of formality, we note that representatives of Timber Creek LLC, Headwaters Ranch Limited Partnership, and Christopher Smith all publicly expressed opposition and did not consent to the First Petition. Prior to the submission of this Petition, we reached out to all three landowners to inform them that our proposal would no longer impact their lands.

**V. PROBABLE COST OF A RIGHT-OF-WAY ESTABLISHING THE ROAD**

Predicting the exact cost of re-establishing the Road cannot be done with certainty, but we submit that the probable cost may include the following: (i) the fair market value of the right-of-way to be acquired; and (ii) the potential improvement of the Road if determined to be necessary.

We estimate the cost of acquiring the right-of-way at fair market value would be, at most, \$1,850.00 per acre.<sup>5</sup> The Smith Unit is currently marketing portions of the Smith Unit Property for approximately \$1,850.00 per acre, and nearby land for sale is currently marketed at around \$1,675.00 per acre.<sup>6</sup> As depicted in Exhibit A, the First Route (the longer option) with an approximate sixty (60) foot easement would cover approximately 12.1 acres. At the estimated cost of \$1,850.00 per acre, the fair market value of an easement for the Road should not be more than \$22,385.00. By valuing a right-of-way as the same value of purchasing fee simple ownership, we believe this represents an overestimation of the fair market value of the right-of-way for the Road.

In regard to necessary improvements to the Road, we believe limited to no improvement will be necessary. We are not requesting the establishment of a new road with the full costs of new road construction. Rather the Road proposed is a portion of an existing road, and we are requesting that the Board reopen the Road as it currently exists. The County is not required to immediately improve the Road as the Board “may determine the level and scope of maintenance on a county road under its jurisdiction.”<sup>7</sup> Further, the long-term cost of maintaining the Road will be mitigated as High Divide will enter into an agreement with the County to maintain the Road so as to not increase maintenance costs to the County.

<sup>5</sup> Please note the listing of the Axes Canyon Ranch at <https://3d4dall.com/property-for-sale/montana/axes-canyon-ranch/023c000001x2c2x/>.

<sup>6</sup> Please note the listing for the Carter Creek Ranch at <https://3d4dall.com/property-for-sale/montana/carter-creek-ranch/023c000001x2c2x/>.

<sup>7</sup> Montana Code Section 7-14-2103(4).

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when legal representatives from the Smith Unit raised their opposition in a public meeting held by the Beaverhead County Commission on March 17, 2025 at 9:30 a.m on the First Petition.

High Divide has made previous attempts at outreach to the Smith Unit in December 2024 and January 2025 to initiate introductions and discuss private access options. The Smith Unit was not responsive to High Divide’s first attempts by email and phone in December 2024. In January, High Divide again requested a meeting but was informed that the Smith Unit’s travel schedules could not accommodate a meeting with no proposal for alternative dates. The Smith Unit evidently purports that the previous attempts were not given with sufficient specificity regarding High Divide’s interest in securing private access.

Based on their response to the First Petition, we understand that the Smith Unit claims they were unaware of High Divide’s desire to pursue a private easement or other form of private access, just as High Divide was unaware of their plans to sell the surface estate above the High Divide Mineral Estate. Therefore, since March 17, 2025, High Divide presented a formal offer to enter into a private access agreement for a substantial sum of money as an alternative to seeking public access, with the following basic terms:

**Structure** – High Divide Minerals (“Buyer”) purchases from Smith Unit (“Seller”) a private access right of way over Seller’s property

**Term** – Perpetual and appurtenant to Seller’s property

**Property** – A private right to the nearest public road, following the existing Axes Canyon Road as it traverses over and across the following lands:

**Township 8 South, Range 8 West**  
Section 22: SW¼, NW¼NW¼SE¼, S½NE¼  
Section 23: SW¼SW¼NW¼, NW¼SW¼, E½SW¼

**Buyer Restrictions** – Buyer agrees to only use the right of way for purposes of mining exploration, development, and ancillary and related purposes.

**Seller Restrictions** – Seller agrees to not impede or otherwise sue to impede development of the High Divide Mineral Estate.

Upon presenting the offer, High Divide has made itself completely available to discuss the terms at any convenient time for the Smith Unit. The Smith Unit has communicated little to no interest in moving forward in a serious discussion around a private access agreement. In light of this lack of response and given that public access to the High Divide Mineral Estate is within the public interest of the County, we now bring this Petition to seek public access to the High Divide Mineral Estate. Prior to submittal of this Petition, High Divide, on behalf of itself and the Freeholders, notified the Smith Unit of our intention to submit this Petition in an effort to remain transparent. High Divide remains committed to make itself available to discuss the terms of a private solution if one can be reached. However, given that public access to the High Divide

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Accordingly, we estimate the probable cost of re-establishing the Road to be around \$22,000.00 to \$25,000.00. However, in the event the compensation for damages offered to the Smith Unit are not accepted and the County initiates a condemnation process, we cannot (nor are we required to) estimate the cost of a condemnation wherein the fair market value of the right-of-way along with the diminution of value to the remaining property could be aggregated to determine compensation to the landowner.

**VI. NECESSITY & DESIRABILITY OF THE PROPOSED ACTION**

Montana Code Section 70-30-102 enumerates public uses of real property. Within those enumerated public uses are “roads... for working mines.”<sup>8</sup> By enumerating roads for working mines as a public use, the Montana legislature recognizes the public benefits associated with the existence of operating mines in a community. As explained in further detail below, access to the High Divide Mineral Estate through the Road is vital to allow High Divide to potentially maintain long term mining operations in the County. And as High Divide’s mining operations continue in the County, so do the associated benefits.

While there are several benefits to opening the Road, among the main benefits are economic benefits derived from the taxes and long-term viability of the mining operations in the County. As explained in further detail below, not only does the existence of the Road, and thus the potential establishment of the Smith Dillon Mine (the “*Smith Dillon*”) increase the County’s tax base, but it allows for the continued viability of the existing talc mining jobs in the County, providing a significant public benefit to the County.

**A. Tax Benefits.**

The economic benefits that can be derived from granting this petition are based in part on the potential tax benefits associated with development of a working mine in the County. While there have been several talc mines within the Dillon area, these mines were located in Madison County, thereby limiting the tax benefits to this County. Opening the Road will allow access to and enable the envisioned development of a working mine, the Smith Dillon, to be located within Section 23, Township 8 South, Range 8 West. The ability to develop the Smith Dillon is an economic and public benefit that would elevate the County’s tax base. If developed, the Smith Dillon is estimated to be of a similar size and operation as the current “Regal” or “Imperial” mines located in Madison County. At full operations, the Regal Mine has provided Madison County the following in property tax revenue.

Tax Year	Property Taxes
2024	\$292,875.59
2023	\$170,848.20
2022	\$354,407.80
2021	\$200,699.40
2020	\$444,510.36

<sup>8</sup> Montana Code Section 70-30-102(31).



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2019	\$471,583.31
2018	\$385,548.66
2017	\$274,239.87
2016	\$252,683.74
2015	\$235,721.06
10 Year Total	\$3,083,111.99
Average	\$308,311.20

B. Viability of Long-Term Mining Operations.

Talc mining and processing by High Divide (and its predecessors) has provided a consistent economic base and jobs for the County for over seventy (70) years. Over the last decade, this has resulted in consistent above average salary jobs, whether at the mining sites themselves or the mine processing plant located in Dillon along I-15, totaling approximately 80 current jobs. The vast majority of those jobs are filled by workers who live in the County, whose children attend County schools, and whose dollars are spent buying goods and services in the County.

Absent the ability to develop the High Divide Mineral Estate at the Smith Dillon, the County risks a potential closure of the mining operations, in the future. This would result in a loss of the existing property tax base associated with High Divide's processing facilities, which run between \$385,000 to \$650,000 over the last ten years with the average property tax being approximately \$470,000.00 annually.

Beyond taxes and jobs, there are many additional economic benefits provided to the County related to subsidiary services being in the County by virtue of the talc mining operations. These supporting service jobs, from trucking to fuel supply, are put at risk if the High Divide Mineral Estate cannot be further explored and developed. In summation, the long-term economic benefit of continued talc mining operations to the County is vast.

At current estimates, the existing mining operations for High Divide have under twenty (20) years left and without a suitable replacement mine, such as the Smith Dillon, future mining operations will be limited and reduced in the short-term and could end in the long-term. At present, the Smith Dillon is the best option for a future talc mine to prolong long-term viability. Through prior exploration work, the Smith Dillon has known talc reserves of sufficient quality and quantity to replace the Treasure Mine as it moves out of current operations. Further, the Smith Dillon is more proximate to existing processing operations. For these reasons, the ability to develop the Smith Dillon is vital to the long-term viability of talc mining operations in the County.

For the health of the County's mining industry, it is essential to provide access to High Divide's mineral reserves at the Smith Dillon. If High Divide is unable to access and develop its minerals and expand its operations, area mining jobs and subsidiary services that support the mining industry could be jeopardized.

Opening the Road will not only allow High Divide to potentially expand its operations to the Smith Dillon, but it will help to ensure continued economic stability to the County.

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C. Other Public Benefits.

The benefits of High Divide's operations in the local community extend beyond jobs and taxes, including philanthropic and youth development endeavors. For example, High Divide contributes to United Way of Beaverhead County through its employee donation and company match program.

High Divide is also a large supporter of the Beaverhead County 4-H program and contributes funding to the Dillon Cubs American Legion Baseball teams for their bus travel to tournaments and games.

Overall, the existence of a mining presence in the County contributes greatly to our community. Opening the Road is essential to allow High Divide to continue its operations in Dillon and our County, and thus continue to contribute to the community in many meaningful ways.

D. Preservation of Access to Real Property Interests.

The Axes Canyon Road was used as a public road before 1916 until its putative abandonment in 1991. As evidenced in the abandonment documents included in Exhibit C, the original decision by the County to "abandon" the road was decided on a 2-1 vote by the Board and with vociferous debate by the local community.<sup>9</sup> The overwhelming reason given to abandon the Road seems to be to limit access to the private land holdings. In the face of opposition from High Divide's predecessor-in-interest, Pfizer Inc., formerly known as Chas. Pfizer & Co., Inc. ("Pfizer"), abandonment was conditioned on the existence of a private agreement that would allow future development of the real property interests in the mineral estate we now identify as the High Divide Mineral Estate. That "private agreement" was never recorded in the County Records, the subsequent owners of the property (the Smith Unit) deny its existence and all other access to the High Divide Mineral Estate. Yet, originally Pfizer agreed to not pursue an objection to the abandonment contingent on the County's assistance in securing access to its real property interests.<sup>10</sup>

If the same abandonment process from 1991 was brought today, the County would be restricted from closing the entirety of the Axes Canyon Road.<sup>11</sup> The decision to abandon Axes Canyon Road resulted in the stranding of private real property interests, the High Divide Mineral Estate. Now, thirty years later, the future of talc mining in the County is threatened, and we request the Board's assistance to honor the County's earlier tacit agreement to abandon the Road on the condition of future access to the Smith Dillon. In bringing this Petition, we are asking the County to resolve an issue that was inadvertently created but that will have lasting economic consequences on the County.

<sup>9</sup> We note that many local citizens, the Bureau of Land Management, the Montana Department of State Lands, mining interests, and advocacy groups all opposed the abandonment.  
<sup>10</sup> See Beaverhead County Public Records, Commission Meetings, Book Q, Page 145, dated July 15, 1991.  
<sup>11</sup> See Mont. Code Section 7-1-201.5(3) - (4) (providing that a county cannot abandon a county road providing legal access to public lands and cannot abandon a road providing the only access to private lands unless the private landowner agrees).

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E. Summary of benefits.

Contrary to the situation in 1991 when the Axes Canyon Road was abandoned, future development of private property will be serviced by the road, the County's long-term economic stability is threatened if the Smith Dillon cannot be developed, and the County would see additional economic benefits in the form of increased property taxes upon development of the Smith Dillon. For these reasons, reestablishment of the Road is in the County and public's best interest. As the County continues to grow and expand, so does the need for its roads. The Road is essential to the growth and development of the County. Reestablishing the Road as a county road will provide a foundation for mining development and economic stability in the County, job security, and general public-use benefits.

VII. DOCUMENTS INCLUDED IN THIS PETITION.

The Petition includes the following documents in accordance with Montana Code Section 7-14-2601(1).

- Exhibit A:** Depiction of Axes Canyon Road.
- Exhibit B:** Signature Form for Freeholders Requesting the Opening of the Road.
- Exhibit C:** Axes Canyon Road Abandonment Documents.

VIII. REQUESTED ACTION

Consistent with this Petition, we respectfully request that the Board:

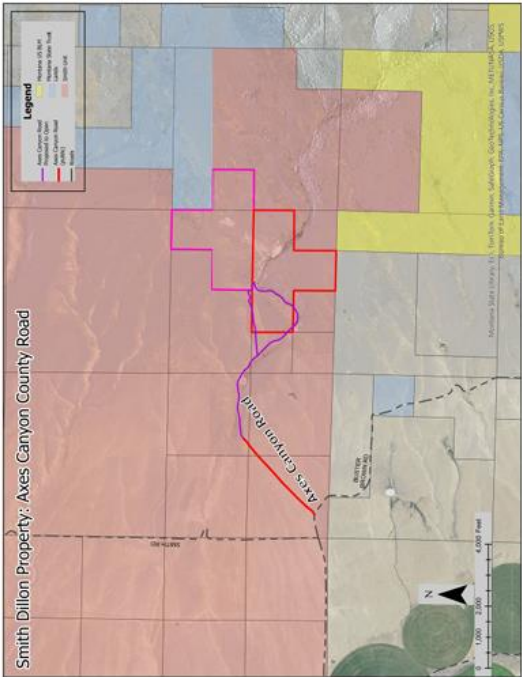
- Investigate the feasibility, desirability, and costs associated with opening Axes Canyon Road within 30 days of receiving this Petition, in collaboration with the County Surveyor, pursuant to Montana Code Section 7-14-2603(1);
- Publish notice of this petition and any subsequent hearing regarding the same in a newspaper of general circulation, namely the Dillon Tribune, an cause public notice of the subsequent hearing to be placed, as deemed appropriate, but in at least three locations to provide notice to the public;
- Send, by certified mail, notice to all affected landowners, as identified in this Petition, of the acceptance of this Petition for formal Board review and hearing and provide notice of the time and place when a decision on this Petition will be heard;
- Hold a regular or special meeting to enter a decision on this Petition; and

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- If the Petition is approved, proceed to open the Road at once, as authorized under Montana Code Section 7-14-2605.

We appreciate your attention to this matter and look forward to your consideration and response.

Submitted Cordially,  
  
Gage Hart Zobell  
Attorney for High Divide Minerals



Commissioner Jackson opened by allowing Gage to discuss the changes to the new petition.

Gage added the new petition does not include the road to go through to the BLM land. It is only being asked to open the road to section 23 where they have their mineral rights in response to the public.

McGinley asked Sky if this resets the timeline. Sky responded the Commissioners have 30 days from this petition submission to get this case reviewed.

McGinley added in 30 days the Commissioners will have the decision. Today we are acknowledging the new petition.

All the minutes from the last meeting and the letters are part of the official record.

Sky added now is not the day for the town hall and comment on the petition itself but this is public notice that there will be a public hearing.

Coty added there is 30 days to make the investigation and then within 10 days all owners need to be notified of the decision.

McGinley added, as the petition is now, there is only one land owner that is abudding.

Gage added there is only the Smith Unit and the mine as mineral rights owners.

Coty added the petition came in on March 28<sup>th</sup> so the 30 days is through April 28<sup>th</sup>.

Judy Brown added for the Commissioners to look at the bridge over the creek on Buster Brown Rd and the culverts if they're suitable for the large trucks driving over.

McGinley added, he wanted to set ground rules- this is not a conversation or argument between anyone, this is ask the Commissioners to look into and they will respond.

Public comment is to the Commissioners not other members of the audience.

Jackson thanked all for coming. Rice added we will let everyone know about a public hearing date when it is scheduled.

Gage asked if the hearing would be within or after the 30 days, it was responded that it will likely be after the 30 day time period.

No further comments were made.

### **Public Comments on Subjects Under County Jurisdiction Not on Agenda**

### **Unfinished Business/Other Topics of Discussion**

Routine matters occupied the attention of the Board for the remainder of the day.

### **Payment of Invoices**

The Commissioners reviewed and approved invoices for a total of \$77,292.56 beginning with check #217512 and ending with check #217559. The Invoice Payment Schedule is located in the Financial Administrator's Office.

4/1/25 Void Ck #217508,217509

4/1/25 CK# 217510 Justin Kellabrew Change for Machine at Fairgrounds

4/3/25 CK# 217511 Lori Blaede Road Dept. Hoist and Pulley

### **Public Comments on Subjects Under County Jurisdiction**

### **Adjourn**

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Attest: \_\_\_\_\_ Approved: \_\_\_\_\_  
Clerk of the Board Chairman of the Board