



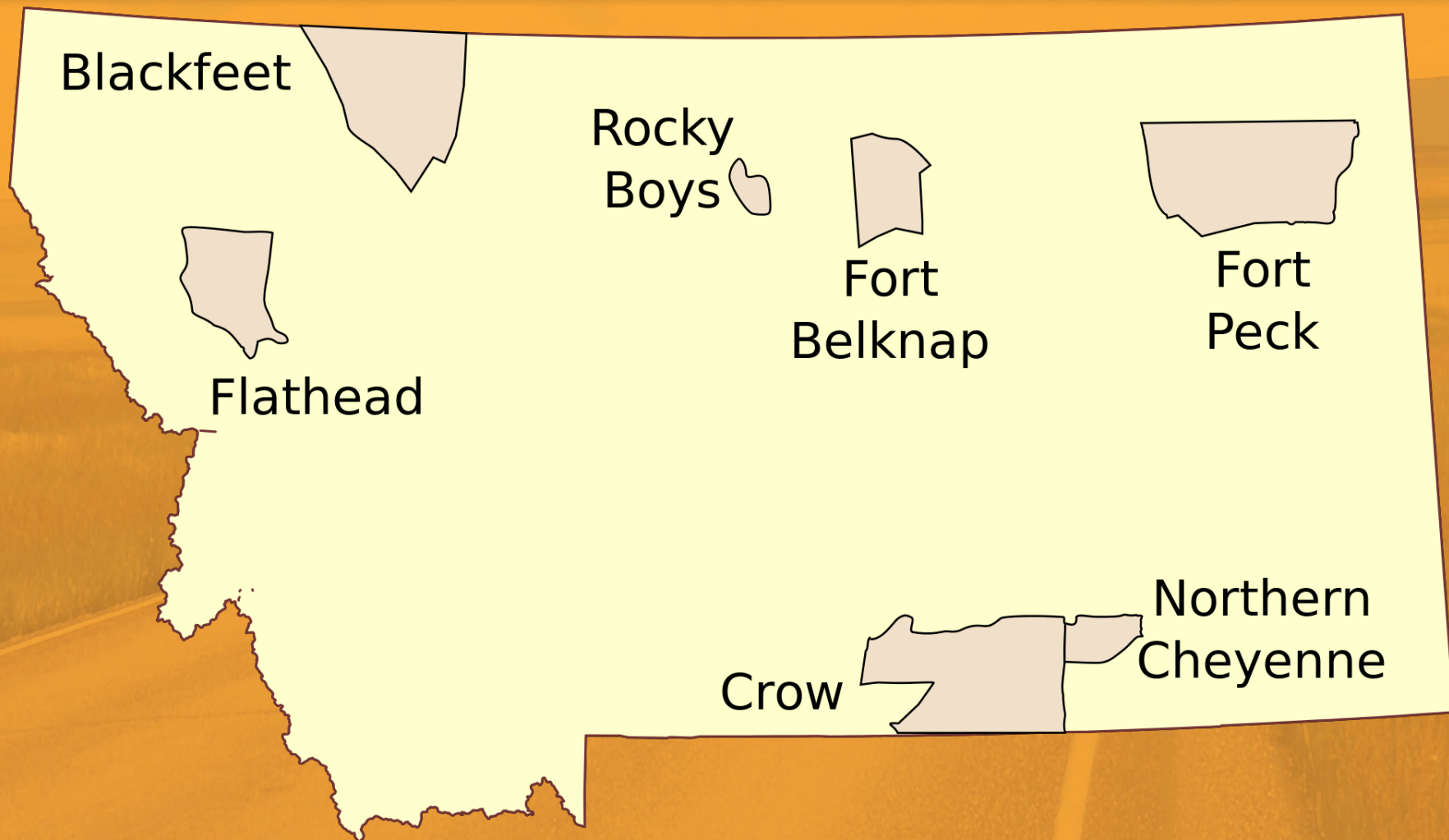
# Northern Cheyenne Green Beret Bridge Right of Way

2017 NTTC

Tracy Robinson and Craig Genzlinger



# Northern Cheyenne Reservation





# Northern Cheyenne Reservation



- Approximately 450,000 acres
- 10,500 enrolled members, half of which reside on the reservation

Ownership	Mileage (mi) Classified According to Class Code with class 11 (overlap) excluded*							
	Major Arterial (1)	Rural Minor Arterial (2)	City Local (3)	Rural Major Collector (4)	Rural Local (5)	City Minor Arterial (6)	City Collector (7)	Trail (8)
1 - BIA	0.0	79.7	6.2	319.2	0.0	0.0	0.0	0.0
2 - Tribe	0.0	0.0	0.3	1.0	152.0	0.0	0.0	1.3
3 - State	0.0	109.2	0.0	4.4	0.0	0.0	0.0	0.0
4 - Urban	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8 - Other	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7 - Other Federal	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6 - Other BIA Offices	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5 - County And Township	0.0	0.0	12.7	229.7	0.0	0.0	0.0	0.0
Total:	0.0	188.9	19.2	554.3	152.0	0.0	0.0	1.3

Based on available GIS data, roadway surface types are distributed as follows:

- 139.4 total miles of paved roads
- 59.5 miles of US or State Highways (Hwy 212, Hwy 39 and Hwy 314)
- 67.5 miles of BIA paved highways





# Project Picture



- Green Beret Bridge No. C714







# Project Map



- Green Beret Bridge No. C714
- On BIA Long Term Route 209





# Bridge Condition



## Indian Reservation Roads Program Bridge Management System Structure Inventory and Appraisal Sheet

C714

30 - Montana

REGION C - Rocky Mountain  
AGENCY C57 - Northern Cheyenne  
RESERVATION C57207 - Northern Cheyenne  
BRIDGE NAME GREEN BERET #2 / BLK SPRING

EFFECTIVE INSPECTION DATE 10/22/2014  
SUFFICIENCY RATING 0 7.0  
STATUS 1-SD-Structurally Deficient

### \*\*\*\*\*IDENTIFICATION\*\*\*\*\*

(1) STATE 30 - Montana  
FHWA REGION CODE 8  
(8) STRUCTURE NUMBER C714  
(5) INVENTORY ROUTE (parts A,B,C,D,E) 1 6 1 00209 0  
(2) HIGHWAY AGENCY DISTRICT 05  
(3) COUNTY CODE 3  
(4) PLACE CODE 00000  
(6) FEATURES INTERSECTED ROSEBUD CREEK  
(7) FACILITY CARRIED IRR BIA RTE 209  
(9) LOCATION 8.1 KM W OF LAME DEER  
(11) KILOMETER POINT .6  
(12) BASE HIGHWAY NETWORK 0  
(13) LRS INVENTORY route  
subroute  
(16) LATITUDE 45 deg 37 min 25.50 sec  
(17) LONGITUDE 106 deg 45 min 56.60 sec  
(98) BORDER BRIDGE STATE CODE PERCENT SHARE %  
(99) BORDER BRIDGE STRUCTURE #

### \*\*\*\*\*STRUCTURE TYPE AND MATERIAL\*\*\*\*\*

(43) STRUCTURE TYPE MAIN  
material 7 - Wood or Timber 7  
type 02 - Stringer/Multi-beam or Girder 02  
(44) STRUCTURE TYPE APPROACHES  
material  
type  
(45) NUMBER OF SPANS IN MAIN UNIT 001  
(46) NUMBER OF APPROACH SPANS 0000  
(107) DECK STRUCTURE TYPE 8 - Wood or Timber 8  
(108) WEARING SURFACE / PROTECTIVE SYSTEMS  
A) TYPE OF WEARING SURFACE 7 - Wood or Timber 7  
B) TYPE OF MEMBRANE 0 - None 0  
C) TYPE OF PROTECTION 0 - None 0

### \*\*\*\*\*CLASSIFICATION\*\*\*\*\*

(222) BIA MAINTENANCE NON-URGENT COST 1,000 \$  
(223) BIA MAINTENANCE URGENT COST 4,000 \$  
(224) BIA TOTAL MAINTENANCE COST 5,000 \$  
(225) BIA MAINTENANCE COST LAST 2 YEARS 50 \$  
(112) NBIS BRIDGE LENGTH Y  
Y - yes  
(104) HIGHWAY SYSTEM 0  
0 - Inventory Route is not on the NHS  
(26) FUNCTIONAL CLASS 08  
08 - Rural-Minor Collector  
(100) STRAHNET 0 - not a STRAHNET highway 0  
(101) PARALLEL STRUCTURE No parallel structure exists N  
(102) DIRECTION OF TRAFFIC 3 - One lane bridge for 2-way traffic 3  
(103) TEMPORARY STRUCTURE (Blank Indicates Not Temporary)  
(105) FEDERAL LANDS HIGHWAYS - Indian Reservation Road (IRR) 1  
(110) DESIGNATED NATIONAL NETWORK 0  
0 - Not part of the network  
(20) TOLL 3  
(21) MAINTAIN 62 - Bureau of Indian Affairs 62  
(22) OWNER 62 - Bureau of Indian Affairs 62  
(37) HISTORICAL SIGNIFICANCE 5  
Bridge is not eligible for the National Register of Historic Places

### \*\*\*\*\*CONDITION\*\*\*\*\*

(58) DECK 3  
(59) SUPERSTRUCTURE 4  
(60) SUBSTRUCTURE 3  
(61) CHANNEL & CHANNEL PROTECTION 7  
(62) CULVERTS N

### \*\*\*\*\*LOAD RATING AND POSTING\*\*\*\*\*

(31) DESIGN LOAD 0



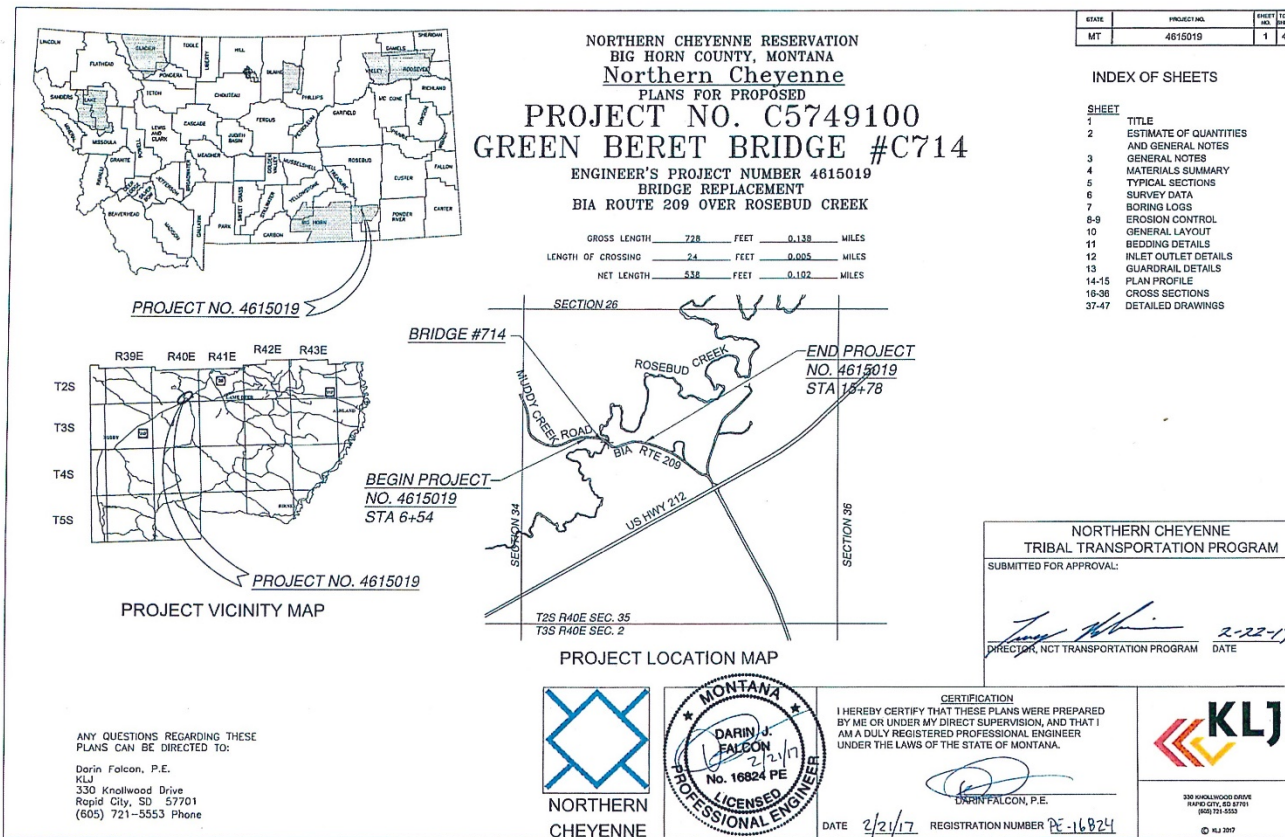


# Project History

- BIA initiated design years ago, but was never completed.
- Due to condition tribe used regular TTP shares to have a design completed in 2016 for earlier construction.
- A review found that no Right of Way had been established or filed for Route 209 or the structure.



# Project Design







# Environmental Clearance



## ENVIRONMENTAL ASSESSMENT

United States Bureau of Indian Affairs

Rocky Mountain Regional Office  
Billings, Montana



Northern Cheyenne Department of Transportation

### **Green Beret Bridge No. C714 Replacement**

Northern Cheyenne Reservation

November 2016

*For information contact:*

*Bureau of Indian Affairs, Rocky Mountain Regional Office  
Division of Environment, Safety and Cultural Resources  
2021 4<sup>th</sup> Avenue North  
Billings, Montana 59101  
406-247-7911*

*Northern Cheyenne Agency  
Bureau of Indian Affairs  
Highway 39 North, Building #41  
Lame Deer, Montana 59043  
406-477-8242*







# Property Appraisal



## *NORTHERN CHEYENNE TRIBE GREEN BERET BRIDGE RIGHT-OF-WAY APPRAISAL REPORT*

Located in Big Horn County, Montana



**Allotment 132**

Prepared for:

Bureau of Indian Affairs  
Northern Cheyenne Agency  
Lame Deer, Montana 59022

Date of Last Inspection: March 21, 2017

Date of Value: March 21, 2017

Date of Report: April 17, 2017

*Norman H. Lee, Appraiser  
970 S Shoshone Loop  
Hamilton, Montana 59408*

Green Beret Bridge Right-of-Way  
Northern Cheyenne Reservation  
Big Horn County, Montana



# Right of Way Filing



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
CONSENT OF OWNERS FOR GRANT OF RIGHT-OF-WAY

**Landowner Name:** Juanita L. Lonebear

**Allotment No.:** 132

**Landowner Undivided Interest:** 1.00

**Purpose of Easement:** Roadway Easement to allow for the replacement of Green Beret Bridge # 712 and approaches.

**Term:** Perpetual

**Fair Market Value:** \$800.00

**Easement Legal Descriptions:** T 2 S, R 40 E, PMM, Big Horn County, Montana.

Section 26: W1/2 SW 1/4

Section 25: W1/2 SW 1/4

1.789 acres.

The undersigned, owner of an undivided percent interest in the subject lot, acknowledges the proposed request for grant of easement for right-of-way submitted by:

Northern Cheyenne Tribal Transportation  
1134 Black Kettle Road  
PO Box 1009  
Lame Deer, MT 59043  
Tracy Robinson – Tribal Transportation Director

I agree to the following:

1. I do give my consent to the BIA to grant an easement for right-of-way and I agree to the following terms, compensation, and bonding.

*Terms* (check one of the following):

- ☐ a. I give my consent to the right-of-way as proposed.
- ☐ b. I give my consent to the right-of-way; however, I negotiate for the following terms: \_\_\_\_\_

*Compensation* (check one of the following):

- ☐ a. I give my consent to the compensation of \$800.00, or the appraised Fair Market Value, whichever is greater.
- ☐ b. I waive any compensation. I understand that I am entitled to receive at least Fair

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION MUST IDENTIFY [§169.102(a)]:

1. Applicant Name and Address: Northern Cheyenne Tribal Transportation Program  
1134 Black Kettle Road, PO Box 1009, Lame Deer, MT 59043
2. Tract(s) or parcel(s) affected by the right-of-way: T207 132 and T207 T08
3. General location (easement description): Green Beret Bridge #714 Route 209
4. Purpose: Roadway Easement
5. Term (Renewal, if applicable): \_\_\_\_\_
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing; or removal of permanent improvements under §169.105: \_\_\_\_\_

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of-way;
2. A map of definite location of the right-of-way; (25 CFR 169.102(b)(2); survey plat signed by professional surveyor or engineer showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 AND § 1764, and showing existing facilities adjacent to the proposed project.)
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103;
4. Record of notice that the right-of-way was provided to all Indian landowners;
5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right-of-way without consent under §169.107(b);
6. If applicable, a valuation meeting the requirements of §§ 169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:





# Green Beret Bridge #714



- EA was required by BIA vs a Cat Ex due to need to acquire Tribal Trust Lands.
- Extensive time and expense required to develop Right of Way plat, appraisals and associated documentation.
- Northern Cheyenne Tribe applied for a received funding in 2017 from TTP Bridge Funding to replace structure.
- Ready for Construction?



# New Problems

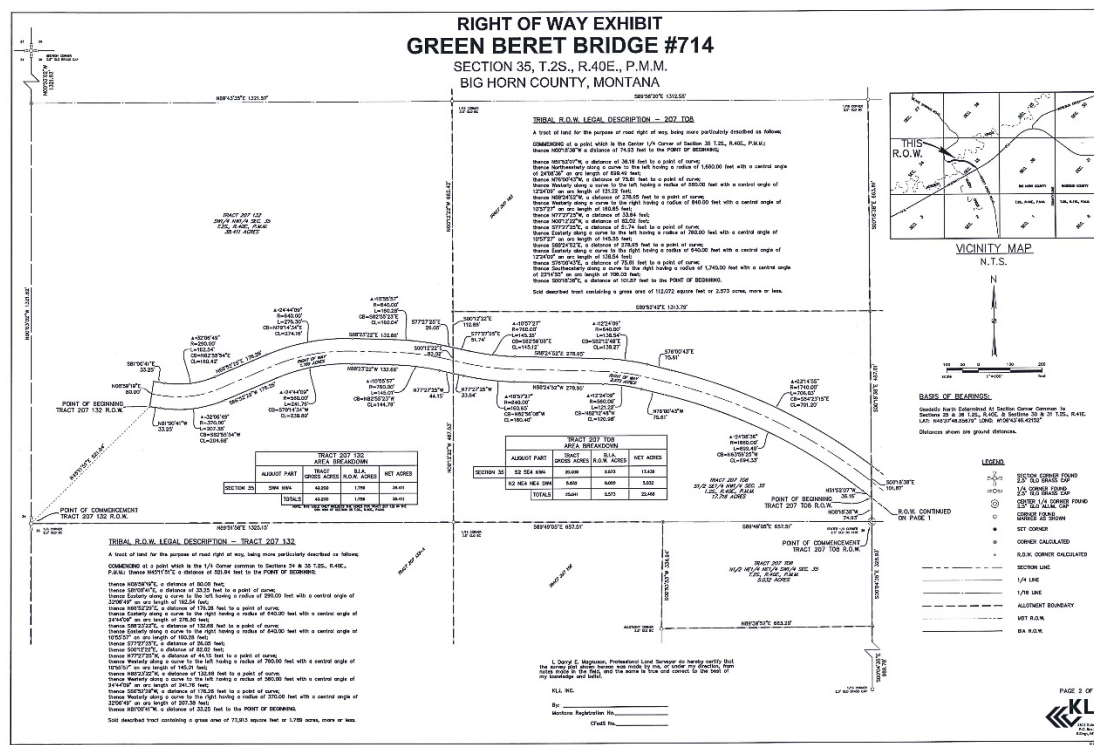
- BIA determined couldn't start construction.
- Needed additional Right of Way.
- Need to acquire Right of Way back to State Highway.
- Wouldn't matter if structure was 20 miles from State Highway.
  - Can TTPBR Funds be used for this?



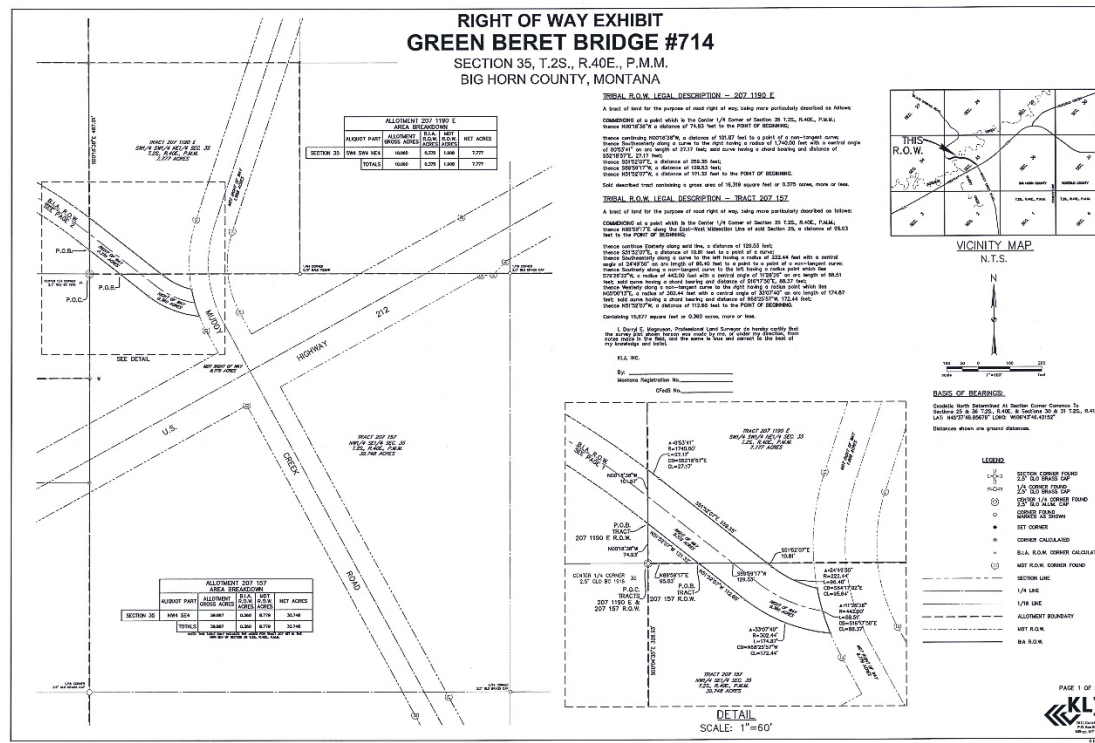


# Project Map











Effective Ownership as of 11/09/2015 Appendix "A"

OWNER			DOCUMENT			NAME IN WHICH		FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribal	Indian or Non-Indian	Title Status	Interest	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCB	DECIMAL	
NORTHERN CHEYENNE	Non Ind	Fee	All	Prob Mod	JUDE ORD ELIOTRO	JUDAS ARVEDO DECEASED 07/25/1995	1	3524	15086400	.0002777778
NORTHERN CHEYENNE - MT	Non Ind	Fee	All	Prob Mod	JUDE ORD RAMOS	FRANK ROYA	1	16200		
		Fee	All	Fee Paid	TEST/282 RAMOS	FRANK ROYA	1	9764	10886400	.0008950618
OWO - MT Indian	Trust	All	Prob Mod	JUDE ORD SPANFUR	RALPH JR. JR.	DECEASED 08/17/1997	1	336	10886400	.0000308642
OWO - MT Indian	Trust	All	Prob Ord	INTE	WUTHERMAN	RODINE C	29	1218		
CHIPPENAW - CHES (ROCKY BOY'S)	Indian	Trust	All	Prob Ord	INTE	ALEXANDER AUTUMN	259200	10886400	.000118927	
		Trust	All	Prob Mod	JUDE ORD ALEXANDER AUTUMN		1	57600		
CHIPPENAW - CHES (ROCKY BOY'S)	Indian	Trust	All	Prob Ord	INTE	ALEXANDER, JR. AARON	777600	203	10886400	.0000186471
		Trust	All	Prob Mod	JUDE ORD ALEXANDER, JR. AARON		1	57600		
NORTHERN CHEYENNE - MT	Indian	Trust	All	Prob Mod	COOR PER WURT	LONGAINE	777600	203	10886400	.0000186471
NORTHERN CHEYENNE - MT	Tribe	Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	972	11200	10886400	.0010288065
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	972		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	972		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	84		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	84		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	84		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	84		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	9600		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	9600		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	144		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	9600		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	567		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	48		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	48		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	144		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	48		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	48		
		Trust	All	Deed-TS	LASTN	NORTHERN CHEYENNE TRIBE	1	972		

Appendix "A"

Effective Ownership as of 11/09/2015

OWNER				DOCUMENT		NAME IN WHICH		FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian or Non-Indian	Title Status	Interest	Class	Type	SURNAME/FIRST NAME		AS ACQUIRED	CONVERTED TO LCU	DECIMAL
NORTHERN CHEYENNE	Tribe	Trust	All	Deed-TS	LEBTH	NORTHERN CHEYENNE TRIBE		1		
								3600		
		Trust	All	Deed-TS	LEBTH	NORTHERN CHEYENNE TRIBE		1		
								1640		
		Trust	All	Deed-TS	LEBTH	NORTHERN CHEYENNE TRIBE		1		
								1640		
		Trust	All	Deed-TS	LEBTH	NORTHERN CHEYENNE TRIBE		1		
								32430		
		Trust	All	Deed-TS	LEBTH	NORTHERN CHEYENNE TRIBE		1		
								16200		
		Trust	All	Deed-TS	LEBTH	NORTHERN CHEYENNE TRIBE		1		
								360		
								1455594		
								10884695		.137075618
NORTHERN CHEYENNE	Tribe	Trust	All	Prob Ord	INTE	NORTHERN CHEYENNE TRIBE		1		
								3600		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		1		
								24		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		4		
								465		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		7		
								810		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		17		
								324		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		1		
								48		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		1		
								24		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		1		
								68		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		1		
								48		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		1		
								40		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		31		
								1200		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		31		
								1200		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		1		
								48		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		1		
								972		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		83		
								2268		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		83		
								11340		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		83		
								11340		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		83		
								11340		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		83		
								2268		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		83		
								2268		
		Trust	All	Deed-TS	ACT 1934	NORTHERN CHEYENNE TRIBE		83		
								756		







# Lack of BIA Rights of Way



- Last 7 projects on Northern Cheyenne have not had established right of way.
- All are existing roads that have been in the inventory and/or existing roads for years.
- Lack of R/W is requiring EA's from BIA due to need for Trust Lands.
- Extensive costs for Right of way and Environmental.
- Delays in Project Construction.
- So what happens if landowners refuse to sign and close the road?????





# Project Map





# Rosebud Cut-Across BIA 225







# Rosebud Cut-Across BIA 225







# Walking Horse Creek







# Walking Horse Creek







# White Bull Subdivision







# Affecting Project Selection







# Closing



- Solutions?
  - Legislative?
  - Regulatory?
  - Develop Right of Ways Reservation Wide?
  - Develop Right of Ways Project by Project?
- Discussion and Questions





# Thank You



- Craig Genzlinger – KLJ
  - 406-461-2222
  - [Craig.Genzlinger@kljeng.com](mailto:Craig.Genzlinger@kljeng.com)
- Tracy Robinson – Northern Cheyenne Tribe
  - 406-477-8979
  - [Robinson.tracy@live.com](mailto:Robinson.tracy@live.com)