



ADMINISTRATIVE RULES OF MONTANA



36.25.1002 AUTHORITIES, LIMITATIONS, AND RESTRICTIONS

- (1) A cabin site lease generally may only include a maximum of five acres; however, special circumstances may exist for which the department may grant more than five acres.
- (2) The lessee shall be required to comply with all rules and regulations, including, but not limited to:
 - (a) county planning;
 - (b) subdivision requirements; and
 - (c) all other local, state, and federal statutes and regulations.
- (3) A cabin site lease authorizes the lessee access to the leased land and, with prior approval from the department, allows for placement of necessary utility facilities within the cabin site and across specified adjacent state trust lands from the main utility to the cabin site during the term of the lease. For any such authority outside of state trust land, the lessee will be responsible for obtaining any necessary easements from the appropriate landowner(s).
- (4) At the lessee's expense, cabin site lessees are solely responsible for road maintenance of all roads upon state trust land that are used to access the cabin site lease.
 - (a) The department reserves the right to require the formation of road users associations (RUA), at lessee's expense, to address the potential of multiple use on access roads to the lease land.
 - (b) Should the department require the formation of a RUA, the cabin site lessees shall become members of that RUA and comply with all requirements of the RUA bylaws as approved by the department.
- (5) At the lessee's expense, the lessee must keep the leased land free of fire hazards by:
 - (a) fireproofing incinerators, fireplaces, stoves, or any other type of burner by use of spark-proof screens;
 - (b) removing any forest litter such as needles, twigs, or duff in a ten-foot perimeter around all buildings and roof tops;
 - (c) removing all tree limbs encroaching the roof or chimney(s); and
 - (d) abiding by all restrictions on fires which may be in effect at any time and take all reasonable precautions to prevent and suppress fires, including extinguishing all fires prior to leaving the lease area.
- (6) The use of firearms or fireworks is not permitted.

- (7) Any felling of live or green trees is prohibited unless otherwise permitted by the department.
- (8) At the lessee's expense, the leased land must be kept free of weeds, debris, garbage, and any open pits or ditches.

Authorizing statute(s): 77-1-202, 77-1-204, 77-1-209, MCA

Implementing statute(s): 77-1-208, MCA

History: NEW, 2010 MAR p. 1293, Eff. 5/28/10; AMD, 2016 MAR p. 1020, Eff. 6/4/16.