

November 15, 2012

ITEM 157-1001-R1112

Acquisition of Paleontological and Archeological Rights For Research Purposes: The University of Montana-Missoula

THAT

Subject to certain conditions and pursuant to BOR Policy 1003.6, the Board of Regents of Higher Education authorizes The University of Montana-Missoula (UM) to execute an agreement to acquire paleontological and archeological rights for research purposes on the Milk River Ranch located in Hill County, Montana, in connection with the sale of the Milk River Ranch to the State of Montana Departments of Natural Resources and Conservation (DNRC), and Fish, Wildlife and Parks (FWP).

EXPLANATION

1. Ageson Grain and Cattle Company, a Montana general partnership owned by David E. Ageson and Vergis A. Ageson, owns the Milk River Ranch in Hill County, Montana and wishes to sell this ranch to the State of Montana DNRC and FWP, with each Department interested in assuming possession and management of separate parcels.
2. The proposed sale is conditioned upon the seller reserving, and UM acquiring from the seller, for \$2 million, all paleontological and archeological rights upon the property together with the right of ingress and egress to the property for the purposes of conducting paleontological and archeological research, searching for paleontological and archeological resources, and developing and removing such archeological and paleontological resources.
3. The appraised value of these paleontological and archeological rights is expected to exceed \$4 million. UM-Missoula will pay \$2 million to acquire these rights with the value in excess of \$2 million to be considered a donation to the University. Funding for the purchase price will come from the 2013 Biennium MUS Research Appropriation.
4. The Montana Land Board is expected to approve the transaction with DNRC and FWP on November 19, 2012.
5. The UM Native American Studies, Anthropology and Geosciences Departments have identified potential research value regarding the rights, and although these Departments have no funds currently available to support such research and related specimens management, they may seek such funds through grants and agreements with other higher education institutions (including other Montana University System campuses), government agencies, foundations and other sources.
6. Conditions for approving this UM acquisition are that:
 - a. The appraisal will equal at least the amount of the acquisition price.
 - b. A mutually acceptable use and access agreement by UM, FWP, DNRC and the sellers can be

reached.

7. The Commissioner of Higher Education and the UM President shall have authority to conclude the acquisition agreement once they determine that all above conditions are met; and they will report back to the Regents when either the acquisition is concluded; or alternatively, that a particular material condition cannot be met accompanied by a request for continued authority to conclude the acquisition subject to any additional conditions the Regents may impose.

ATTACHMENTS