

Road Use and Maintenance Agreement

YELLOWSTONE COUNTY PUBLIC WORKS

KEY POINTS

- Purpose of Proposed Agreement
- Scope of Activity
- Impacted Area/Haul Route
- Maintenance Requirements
- Construction Requirements
- Overview of BSID Costs/County Oversight
- Questions

PURPOSE OF AGREEMENT

- Protecting public infrastructure
 - Ensure roads remain usable given anticipated impacts
 - Ensure roads are not damaged or left in disrepair
 - Ensure timely maintenance
 - Ensure improvements are made so that roads can handle anticipated impacts
 - Have mechanisms in place to guarantee the above
 - Ensure these impacts do not come at a cost to the county taxpayer

SCOPE OF ACTIVITY

- Big Sky Digital Infrastructure (BSDI) intends to:
 - Access privately owned land via an approach from a county road (Buffalo Trail)
 - Construct a private gravel road, on private land, approximately ½ mile in distance
 - Construct a private gravel well pad site (250'x250') to drill a prospect water well.
 - Estimated drilling activity to occur over the span of 80-100 days.

*Any activities outside of those listed above would require an amendment to agreement or new agreement.

*A second well site may be explored, if the first is unsuccessful. It would result in construction of a second pad site and extension of private access road.

IMPACTED INFRASTRUCTURE

HEIKEN ROAD

Location: Road runs E/W between Highway 3 and Buffalo Trail Road

Length: 1 mile

Current surface condition: Gravel, 24' wide



This document is intended for informational purposes only and is not guaranteed to be accurate nor current.

YELLOWSTONE COUNTY GIS
9/30/2026
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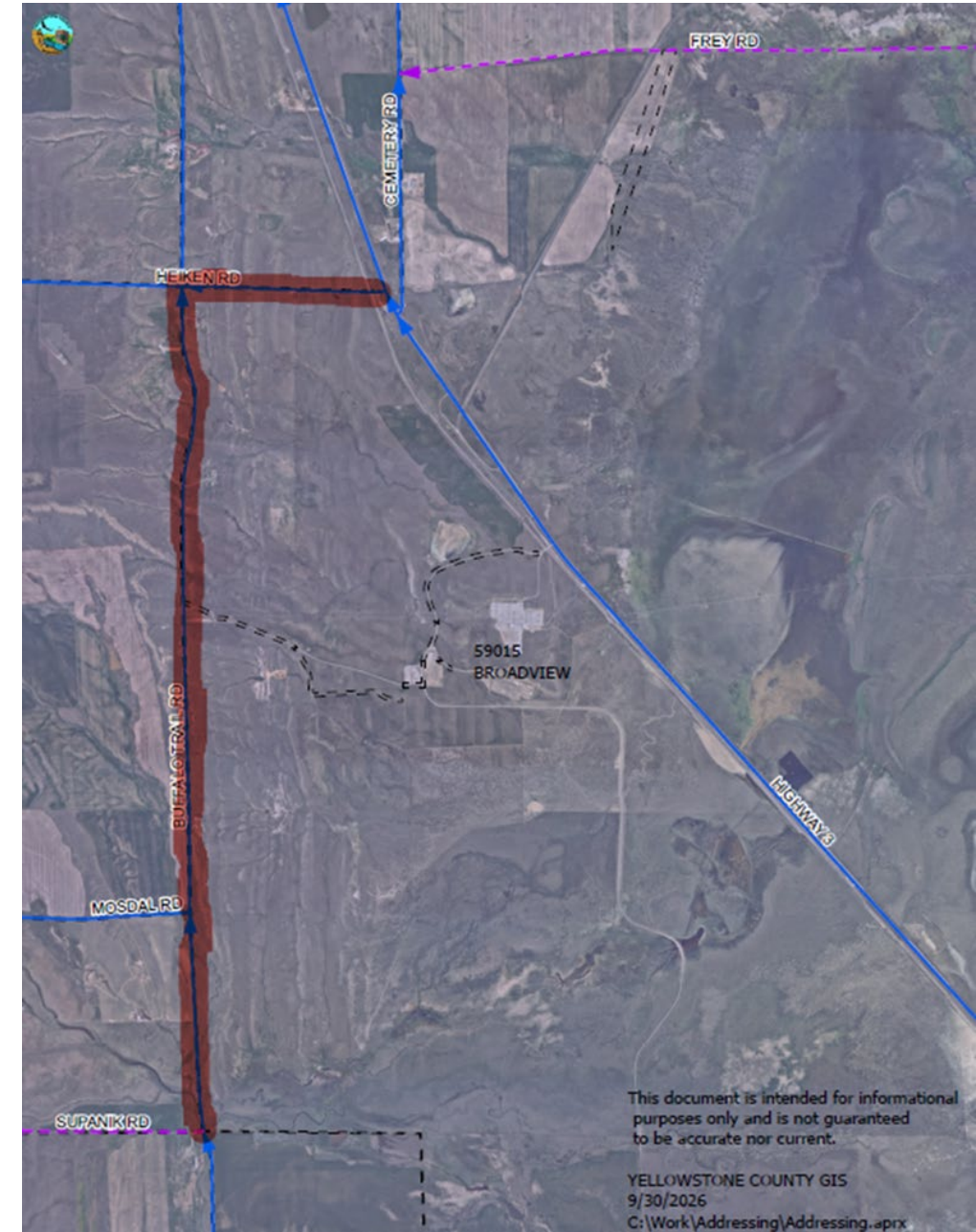
IMPACTED INFRASTRUCTURE

BUFFALO TRAIL ROAD

Location: Road runs N/S from Heiken Road to Supanik Road

Length: 4 miles

Current surface condition:
Limestone/Gravel, 24'+



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RESTRICTED HAUL ROUTE

- BSDI shall only use Heiken Road and Buffalo Trail Road as shown.
- BSDI is responsible for construction improvements to Heiken Road
- BSDI is responsible for all maintenance and repairs of Heiken Road and Buffalo Trail Road



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MAINTENANCE REQUIREMENTS

- Initial drone flight for ortho imagery and LiDAR ground elevations to be completed by the County's contractor, to be paid for by BSDI.
- BSDI shall have on retainer, a county approved contractor that is licensed, bonded and insured, that within 72 hours' notice, from Yellowstone County Public Works, provide requested maintenance (blading, dust control, etc.)
- Haul route inspections are required to be completed weekly, or at the county's request. The inspections will be conducted by the County's consultant to document conditions and determine maintenance or repair needs of the haul route. Cost shall be passed through to BSDI. Failure to pay will result in a stop work order or similar.

MAINTENANCE REQUIREMENTS

- BSDI will provide a surety bond for \$250,000.00 at the time of this agreement to cover maintenance needs and potential impacts to Heiken and Buffalo Trail roads.
- Maintenance on Heiken Road is required pre and post construction of required improvements to Heiken Road.

REQUIRED CONSTRUCTION IMPROVEMENTS (HEIKEN ONLY)

- Apply with a cement soil stabilizer in accordance with MDT specifications provided in Exhibit A of agreement. BSDI responsible for cost.
- BSDI shall hire at its expense, an engineer to design, and present to Yellowstone County for approval, a designed road section (cement treated base, gravel surfacing, and mag chloride).
- The design must be provided to Yellowstone County by January 15, 2027.
- Due to construction season limitations for application of cement soil stabilization, a bond for 125% of the engineer's estimate of probable cost, as reviewed and accepted by County, is required to be provided to Yellowstone County within 14 days of the approved design.
- BSDI shall provide a top lift of 3-inches of ¾-inch minus crushed gravel (meeting MDT spec for top surfacing) required to be treated with mag chloride at its expense.

REQUIRED CONSTRUCTION IMPROVEMENTS (HEIKEN ONLY)

- There are **two culverts** located on Heiken Road that should be **monitored during inspections**. If damage occurs, **BSDI will be responsible for repairs or replacement at its sole expense**. A culvert extension will be necessary where shoulder work requires.
- **Construction improvements** of Heiken Road will be **publicly bid by Yellowstone County** and awarded **paid solely by BSDI**.
- A **performance bond will be required by the contractor** awarded the bid for improving Heiken Road.
- A **full-time on-site inspector** via the county's private contractor will be required for the **duration of active construction of Heiken Road, to be paid for by BSDI**.

SUMMARY OF COST RESPONSIBILITY AND COUNTY REQUIRED OVERSITE

	Task	Cost
Maintenance	Drone Flight*	P
	Maintenance Contractor on Retainer**	D
	Weekly Inspections*	P
	\$250,000 Surety Bond	D
	Maintenance Required pre/post Construction	D
Construction	Cement Soil Stabilization	D
	Engineered Design**	D
	Bond for 125% of construction improvements	D
	Culvert Monitoring	P
	Publicly Bid Project**	
	Contractor Performance Bond	D
	Full-time Inspector*	P

P=Cost passed through to BSID

D=Direct cost paid by BSID

*=County Selected third party

**=County approval required/County lead

QUESTIONS?