

MONTANA ARMY NATIONAL GUARD (MTARNG) WITHDRAWAL AT LIMESTONE HILLS TRAINING AREA

PURPOSE OF THE BRIEFING DOCUMENT:

The Army Corps of Engineers (COE) has filed an application on behalf of the Montana Army National Guard (MTARNG) and the Department of Defense/Army (DOA) to withdraw and segregate from mineral entry approximately 20,000 acres of BLM-administered land about three miles west of the Missouri River near Townsend in Broadwater County, Mont. The proposed withdrawal is for MTARNG to perform military training exercises and live firing.

ISSUES:

The MTARNG has used the Limestone Hills area since the 1950s under special land use permits (SLUPs). In 1984, a 30-year right-of-way (ROW) was issued to authorize the use. Eighty-eight percent of the range is administered by the BLM, with the remainder under state and private ownership. Live fire training at the range has included helicopter, tank, artillery, mortar and Bradley infantry vehicle gunnery. The types of weaponry ranged from small arms to 155 mm artillery, all of which have been fired into the impact area. Military training over the years has resulted in unexploded ordnance (UXO) contamination, particularly within the interior 5,000-acre impact area, though UXO has also been recovered outside that area. In 1993, COE experts determined that the area south of the 2.75-inch rocket safety fan was "widely contaminated" with UXO. Based on BLM policy, the Butte Field Office (BFO) implemented an emergency closure on the impact area. The MTARNG was advised that its ROW for the range will not be renewed upon expiration in 2014, and the appropriate authority for continued military use of the area and transfer of jurisdiction to DOA was through a withdrawal that can only be authorized by Congress.

Continental Lime (now Graymont Western) filed mining claim locations on public lands within the ROW area in the early 1980s and operated a limestone mine at the north end of the range in 1981. In 1992, and again in 1995, Graymont filed mining plan amendments resulting in an approved expansion of its operations further into the rocket firing fan area. In a memorandum of agreement (MOA) developed in February 2005, the MTARNG agreed to clear UXO from the expansion area so that Graymont could continue mining under the current safety plan. The safety plan has been approved by the Department of Defense Explosives Safety Bureau (DDESB), which must release the area for mining before the BLM can authorize exploration. Graymont located 36 additional mining claims in September 2003, and in 2006 filed a plan of operations to expand farther south into the training range. Graymont has contracted with Geomatrix to complete the EIS for the expansion, with review oversight falling to BLM and Montana Department of Environmental Quality. Graymont is concerned that the current rate of UXO clearance may not meet its mining needs, and that the MOA in place may not address current issues in the area.

If Congress enacts legislation to withdraw the area, administration of the lands will transfer from BLM to DOA, with ultimate land management falling to the MTARNG (state agency) by lease from the COE. There are ongoing discussions between the Montana State Historic Preservation Office (MTSHPO) as to how Sec. 106 consultation will occur under state management. The BLM has recommended that the MTARNG agree to enter into a programmatic agreement with MTSHPO to address those concerns.

MAIN DECISION OR MESSAGE:

The project legislative environmental impact statement (LEIS) has been completed and transmitted to the BLM Montana State Director for review. Alternative 3 has been identified as the agencies' (MTARNG and BLM) preferred alternative. Previous activities included the completion of public scoping for the LEIS, including a working group process; and the publication of a notice of proposed withdrawal in the *Federal Register* on August 7, 2007, which closes the land for up to two years from settlement, sale, location or entry under the general land laws, including the mining laws. The land will remain open to mineral leasing.

The BLM Montana State Director will prepare and submit findings and recommendations to the BLM director and the Secretary of the Interior, but final approval rests with Congress. The action will require an amendment of the Headwaters RMP, but has been addressed in the BFO draft RMP revision.

BUREAU PERSPECTIVE:

Public interest is high. The withdrawal would affect county PILT payments, current and future mining operations, and recreationists/hunters, and could impact several grazing allotments depending on how the management plan for the firing range is structured after the EIS is completed. There is also potential for the validity of some of the mining claims to be affected by the withdrawal.

CONTACT:

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