

SIoux EIS AND PROGRAMMATIC AGREEMENT

PURPOSE OF THE BRIEFING DOCUMENT:

To provide background information on the implementation of decisions made in Record of Decision for the Sioux Ranger District Environmental Impact Statement (EIS) and execution of the terms of the related programmatic agreement (PA).

ISSUES:

In 1996, the Custer National Forest (CNF) began work on an EIS on oil and gas leasing on CNF lands in South Dakota. These lands include the North and South Cave Hills, the Slim Buttes, the East and West Short Pines and the Camp Crook administrative site. As part of the National Environmental Policy Act (NEPA) process, and to be consistent with the National Historic Preservation Act (NHPA) requirements, the CNF consulted with the Advisory Council on Historic Preservation, the South Dakota State Historic Preservation Office (SHPO), and the affected Indian tribes on potential effects to these units from oil and gas leasing.

The project area contains some of the richest concentrations of significant archaeological sites within the Northwestern Plains. The sites are unique and widely varied including world-class petroglyphs, bison jumps, rock shelters, deeply stratified campsites, stone circles, fasting beds, and eagle trapping lodges. Forty-four sites in the project area are listed on the National Register of Historic Places. In addition, a draft National Register District nomination for traditional cultural properties in the North Cave Hills is currently under review by the Tribal Historic Preservation Officers of the Standing Rock Sioux and Cheyenne River Sioux tribes, and the South Dakota State Historic Preservation Office. Four tribes -- Standing Rock Sioux, Cheyenne River Sioux, Lower Brule and Rosebud Sioux -- have submitted tribal resolutions to the CNF identifying the North Cave and South Cave Hills, and Slim Buttes as lands with traditional religious and cultural significance.

Based on its consultations, the CNF determined that a programmatic agreement would assist in defining the process by which the Forest Service would lease and develop oil and gas resources and meet its requirements under the NHPA. The CNF worked with BLM and other consulting parties in development of this PA. The PA was signed in March 2007 and the record and decision (ROD) for the EIS was issued on March 15, 2007. As a result, oil and gas companies have begun to nominate parcels within the North Cave and South Cave Hills. The BLM, Forest Service, SHPO, and tribes have met, in accordance with the PA, to discuss possible development surrounding the North Cave and South Cave Hills. This consultation process is a work in progress.

MAIN DECISION OR MESSAGE:

In its ROD, the CNF placed a no surface occupancy stipulation for the North Cave and South Cave Hills. This essentially would push development from CNF lands to adjacent private lands where BLM would be responsible for completing the Section 106 process. Some of the parcels nominated for leasing may be located near cultural resources of such significance that placing a well on private land and resolving potential adverse effects could be difficult. BLM should anticipate that one or more of these nominated leases and subsequent proposed developments could force the application of the special cultural resource management stipulation. This stipulation states that if the potential effects from development cannot be adequately mitigated, BLM may have to disapprove a proposed application for permit to drill (APD).

BUREAU PERSPECTIVE:

The BLM, as a participant in the PA, will continue to consult with tribes and the SHPO on proposed developments on private lands as they are proposed. The CNF has held consultation meetings on the nominated parcels in conjunction the SHPO. Comments from the SHPO to the CNF have identified a number of potential conflicts with cultural resource values and oil and gas development. At this time, the CNF has taken no action on the nominated parcels.

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