

# West HiLine

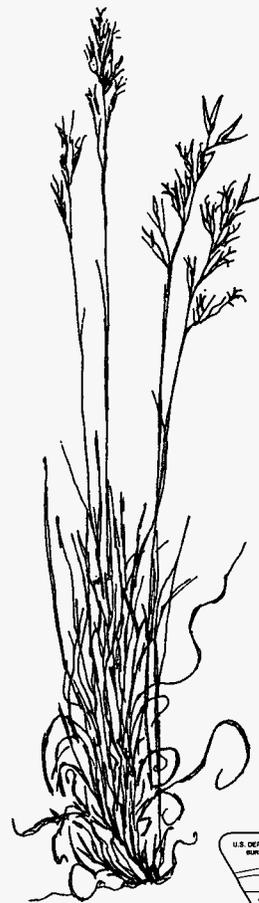
Resource Management Plan  
Environmental Impact Statement

## Record of Decision

covering  
the Upper Missouri Wild & Scenic River Corridor  
and  
the Sweet Grass Hills

January 1992

United States Department of the Interior  
Bureau of Land Management  
Lewistown District Office



The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times. Management is based on the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation; rangelands; timber; minerals; watershed; fish and wildlife; wilderness; air; and scenic, scientific, and cultural values.

BLM-MT-ES-92-003-4410

# RECORD OF DECISION

for the

SWEET GRASS HILLS AND THE  
UPPER MISSOURI NATIONAL WILD AND SCENIC RIVER

OF THE

FINAL WEST HILINE  
RESOURCE MANAGEMENT PLAN

and

ENVIRONMENTAL IMPACT STATEMENT

prepared by

United States Department of the Interior  
Bureau of Land Management  
Lewistown District, Montana

January 1992



Robert H. Lawton  
Montana State Director  
Bureau of Land Management

*January 29, 1992*  
Date

**RECORD OF DECISION  
FOR THE  
SWEETGRASS HILLS AND  
THE UPPER MISSOURI NATIONAL WILD AND SCENIC RIVER  
OF THE  
WEST HILINE  
FINAL RESOURCE MANAGEMENT PLAN AND  
ENVIRONMENTAL IMPACT STATEMENT**

**INTRODUCTION**

The West HiLine Resource Management Plan (RMP) was prepared under the Federal Land Policy and Management Act (FLPMA) of 1976 (43 CFR 1600). An Environmental Impact Statement (EIS) was prepared for this RMP in compliance with the National Environmental Policy Act (NEPA) of 1969.

The RMP addressed the Bureau of Land Management (BLM) administered lands in the Havre, Great Falls, Judith and Phillips Resources Areas of the Lewistown District in which the Sweet Grass Hills and Upper Missouri River are located.

This Record of Decision (ROD) pertains only to those lands in the Sweet Grass Hills of the Great Falls Resource Area, and the Upper Missouri National Wild and Scenic River (UMNWSR) in the Havre, Phillips and Judith Resource Areas.

The BLM Washington Office analyzed 82 protests before sustaining BLM's administration as of February 23, 1990, as stated in the Final West Hiline RMP/EIS.

The reader is referred to the ROD for the Final West Hiline RMP/EIS issued September 1988 for relative information and decisions that precede and complement this ROD.

This document records the decisions reached by the BLM for managing 7,640 surface acres of BLM administered land in the Sweet Grass Hills, and 93,871.41 surface/sub-surface acres of BLM-administered land in the UMNWSR management area.

The BLM has updated the UMNWSR Activity Plan. The 93,871.41-acre area was withdrawn from mineral entry April 10, 1991, to improve natural resources conservation and management of the river corridor.

The Secretary of the Interior issued a Public Land Order on April 10, 1991, formalizing this withdrawal.

**DECISION**

My decision is to approve those parts of the Final West Hiline RMP/EIS as modified by the protest resolutions or which were left unchanged after protest resolution. All decisions in this ROD are specific to the Sweet Grass Hills and the UMNWSR.

The West Hiline RMP has been changed to reflect the UMNWSR acreage withdrawn from mineral entry as determined by the IBLA appeals decision, the BLM protest decision dated May 11, 1989, and the permanent withdrawal effected April 10, 1991, and signed by the Secretary of the Interior. The Final West HiLine RMP is correct as presented relative to the UMNWSR, except for those portions which are segregated from mineral entry and location.

Table 2.1 in the Mineral Resource Management section, page 9 of the Final West HiLine RMP, now identifies by county, the acreage segregated from locatable mineral entry in the UMNWSR corridor. Table 2.2 identifies the acreage within the UMNWSR that is closed to mineral leasing (oil, gas and coal) at BLM's discretion. No seismic exploration will be allowed in any section of the UMNWSR corridor. Refer to the corrected Table 2.1 presented in this ROD.

This decision designates the Sweet Grass Hills as an Area of Critical Environmental Concern (ACEC). An activity plan will be prepared for the Sweet Grass Hills ACEC to protect and manage those resources and values for which the hills are designated an ACEC. The Sweet Grass Hills are important as a religious and cultural use area for Native Americans; as an integral part of future peregrine falcon reintroduction efforts; because they contain high value

recreational land; and because they support diverse wildlife populations.

The Sweet Grass Hills issues of the Preferred Alternative (D) are unchanged as described on pages 10, 11, 33 and 34 of the Final West HiLine RMP.

This decision reaffirms that BLM will provide recreational opportunities and visitor services consistent with the Wild and Scenic Rivers Act and amendments applicable to the UMNWSR. The following management guidance will be used to accomplish this goal: visitor facilities will be maintained and operated as necessary from Memorial Day through Thanksgiving; areas will be developed for self-guided interpretative study; and recreational use of islands will not be permitted during spring deer and waterfowl reproduction periods. Facility management guidelines will include: maintaining undeveloped campsites, and developing new campsites as needed under criteria listed in this alternative. Developments in the wild segments will be allowed only if they can be serviced by existing access and are consistent with the Wild and Scenic Rivers Act. BLM will acquire the Montana Department of Fish, Wildlife and Parks campgrounds. Non-federal land may also be acquired. These sites will be administered under BLM management guidance for the river as presented in this RMP. Provisions for search and rescue and law enforcement will continue as cooperative efforts with local and state agencies. The oil and gas resources within the UMNWSR corridor will remain closed to leasing.

## ALTERNATIVES

The formulation and analysis of alternatives is required by NEPA (40 CFR 1500.2(e)); and by the BLM to implement its RMP regulations (43 CFR 1610.4-5).

### *Alternatives Eliminated From Detailed Study*

Several alternatives were considered and deleted from detailed study during the process because they were unreasonable or did not resolve the planning issues.

Alternatives proposing maximum resource production or protection of one resource at the expense of other resources were not considered because this would violate the BLM's mandate to manage public land on a multiple-use, sustained-yield basis, unless otherwise specified by law.

### *Alternatives Developed in the RMP*

Four alternatives to resolve the issues were developed and analyzed in detail. The major management actions and environmental impacts of the four alternatives are

discussed below. More information on the alternatives is located in Chapter 2, of the Final RMP/EIS.

Current management of non-issue resources and programs would have continued under each alternative and is described in the Management Common to All Alternatives portion of Chapter 2. Each alternative, in conjunction with the Management Common to All Alternatives guidance, presents a complete guide to future potential management of BLM-administered land and resources.

## SELECTION OF PROPOSED (PREFERRED) ALTERNATIVE

In selecting the proposed management plan, each alternative was reviewed for: effectiveness in resolving planning issues; conformance with the guidance established by the planning criteria; avoidance of unnecessary impacts to the human environment; and responsiveness to public opinion.

## THE PREFERRED ALTERNATIVE (D)

This alternative, as modified by public comments on the Draft RMP/EIS and the resolution of the protests, has been selected as the Final Resource Management Plan. The following, including health and safety implementation, is the Preferred Alternative

## MANAGEMENT COMMON TO ALL ALTERNATIVES

### *Chronology of Events Culminating In The 1991 Mineral Withdrawal:*

1. The Wild and Scenic Rivers Act of 1968, as amended in 1976, automatically withdrew from mineral entry those federal lands and federal subsurface minerals in the Wild Sections of the river corridor only as identified for a quarter-mile width.
2. The BLM Lewistown District was advised by the Solicitor's Office that the Wild and Scenic River Act and the amended Act of 1976 automatically withdrew land within the UMNWSR management corridor (the entire federal acreage between the river highwater mark and the "rim-to-rim" boundaries as identified on the 1977 UMNWSR map) from mineral entry upon inclusion of these federal lands in the UMNWSR Conceptual (Interim) and Management Plans.

3. The Department of Interior Board of Land Appeals (IBLA) in its decision dated January 6, 1989, stated: "Nothing in either the Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287 (1982), nor the Act of Oct. 12, 1976, 90 Stat. 2327, which designated the Upper Missouri Wild and Scenic River (UMNWSR) as a component of the Wild and Scenic River System, automatically withdrew all land within the management boundaries of the Upper Missouri Wild and Scenic River, but beyond the one-quarter mile statutory withdrawal, from the operation of the mining laws."

4. The BLM Washington Office decision on the UMNWSR protests dated February 23, 1990, and the IBLA Decision "John R. Lynn and Joe Trow, 106 IBLA 317 (1989)" dated January 6, 1989, resolved various public concerns and objections about proposed BLM Missouri River Corridor management.

5. The BLM completed a temporary segregation from mineral entry of the BLM-administered land in the entire UMNWSR corridor April 19, 1989, which ended April 19, 1991.

6. Current management within the UMNWSR corridor remains as stated in the West Hiline RMP because BLM secured a permanent segregation from locatable minerals for BLM-administered land in the UMNWSR management corridor (rim-to-rim) of 93,871.41 acres April 10, 1991. Thus, the entire UMNWSR management corridor is withdrawn from location under the mining laws.



## Mineral Resource Management

The Final West Hiline RMP, Table 2.1, page 9 is changed to read as follows:

**Table 2.1  
Federal Surface/Subsurface Acreage Segregated  
From Locatable Mineral Entry In the UMNWSR  
Corridor & The Sweet Grass Hills**

County	Acres
Blaine	27,302.85
Phillips	4,661.33
Chouteau	27,561.44
Fergus	34,345.79
Liberty*	569.67
<b>TOTAL</b>	<b>94,441.08</b>

\*Acres of Bureau of Reclamation withdrawal in the Sweet Grass Hills. All other acres are in the UMNWSR Corridor.

The quarter-mile-wide federal minerals withdrawal in the Wild Sections of the UMNWSR is a permanent withdrawal from all forms of appropriation under the mining laws and from operation of the mineral leasing laws. This withdrawal area will continue to be managed as described in the Final West Hiline RMP.

The entire management corridor (federal surface and subsurface) is closed to mineral leasing (oil, gas and coal) and will remain so at BLM's discretion.

There are no known, significant locatable mineral deposits in the area. The only expressed interest in the area pertains to the few outcrops of ultramafic diatremes in the Wild Segment of the river. There are about 13 mining claims located on these outcrops on the north and south side. The minerals of interest are garnets and diamonds. Prospecting has been on a sporadic, small-scale basis, and no evidence has been found that would indicate these commodities are present in resource quantities.

A full, permanent withdrawal of the area containing mining claims will not significantly impact locatable mineral development due to the low mineral potential of this area.

Surface disturbing activities on mining claims located within the corridor will be managed as occurring on special category land under 43 CFR 3809.1-4b(2); and will require an approved Plan of Operations for any disturbance exceeding casual use.

## EMPHASIS AREAS

### A. Sweet Grass Hills

The BLM will emphasize protective management of significant resources in the Sweet Grass Hills (see Final RMP/EIS Figures 2.2, 2.3, 2.4). The federal surface in this area is designated as an ACEC.

The main goal of the Sweet Grass Hills ACEC, which is comprised of the East, Middle and West Buttes, is to protect high value potential habitat for reintroduction of endangered peregrine falcons; protect areas of traditional religious importance to Native Americans; and protect seasonally important elk and deer habitat. Other activities such as hunting, livestock grazing and mineral development will be conditioned to the extent feasible and allowed by law to be compatible with the ACEC designation.

### Sweet Grass Hills Implementation

The following guidance will apply until an activity plan is completed to identify specific management actions.

1. Native Americans who use the area will be consulted prior to surface disturbing activities which require BLM authorization (excluding casual mining use). This consultation will provide guidance for application of restrictions or mitigating measures where negative effects to traditional cultural values may exist or occur.
2. "The Rocky Mountain Front Raptor Guidelines" (see Appendix 2.2 of Final RMP) will be used to develop site-specific direction for activities in occupied raptor habitat. BLM will coordinate with oil-gas lessees to apply guidelines to any new activity on existing oil-gas leases which threaten to disrupt reproduction of Threatened and Endangered (T&E) or sensitive raptor species using the area. These "Guidelines" will be used to implement special stipulations for all new oil and gas leases in a raptor habitat, if warranted by resource information, and may be waived by the authorized officer.
3. No communication sites will be permitted on the West or Middle Buttes.
4. An Emergency Road Closure (ERC) is in effect for the Sweet Grass Hills. This area is closed to all motorized off-road vehicles until the activity plan is complete. Limited motorized use is available by permit only during this ERC to livestock ranchers with leases, selected governmental actions, etc. The Activity Plan will designate roads and trails open to motorized vehicle use, if any.

5. The BLM will continue to monitor the wildlife habitat values of the ACEC to ensure that management goals and objectives are met. Livestock management plans in the ACEC will emphasize maintenance and/or improvement of important wildlife habitat. This may be accomplished through season-of-use modification, pasture modification, temporary exclosures, etc.

6. The BLM has reviewed the East Butte, Bureau of Reclamation (BR) withdrawal (569.67 acres) and recommended that 40 acres of the withdrawal be retained and the remaining 529.67 acres returned to BLM administration. The withdrawal was originally granted as a rock riprap source for BR projects. The 40 acres required by BR are adjacent to the existing quarry and provide for future riprap reserves. The area revoked from withdrawal will be opened to mineral entry and will be managed by guidance for the area.

7. To ensure the orderly development of locatable mineral resources while protecting the ACEC values, the following management guidelines will apply:

- (a) The ACEC will remain open to mineral entry.
- (b) An approved Plan of Operations will be required for all activities (43CFR3809.1-4(b)) exceeding casual use (as defined in 43 CFR 3809.1-2). "Operations" includes all activity associated with exploration, assessment work, development and processing of mineral deposits located under the mining laws.
- (c) To ensure adequate rehabilitation, bonding will be required for all operations, except casual use (43 CFR 3809.1-9).
- (d) The following reclamation guidance will be applied to Plans of Operation. This guidance has been developed from 43 CFR 3809.1-3 and 43 CFR 3809.1-5 to prevent unnecessary or undue degradation of ACEC values:
  - Rehabilitation measures will consider the replacement of disturbed elk and mule deer habitat.
  - Timing restrictions may be applied on an individual basis to prevent unnecessary or undue degradation to accommodate mineral operations while protecting important wildlife habitat.
  - Mineral operations located in crucial wildlife habitat may be required to rehabilitate previous disturbances prior to initiating new surface disturbing activities to keep disturbed acreage to a minimum. This will provide for continued mineral operations while rehabilitating important wildlife habitat at the earliest possible opportunity.

8. Potential forest products from the Sweet Grass Hills will be determined by the activity plan for this ACEC. Forest products disposal under the activity plan will conform to other resource restrictions. Only minor forest products may be sold pending completion of the Activity Plan.

## **Upper Missouri National Wild & Scenic River Management**

The BLM will provide recreational opportunities and visitor services consistent with the Wild and Scenic Rivers Act, as amended. Future developments will mitigate impacts to natural and cultural resources. Mitigation measures will be determined after a site-specific evaluation.

### **Visitor Services Implementation**

The BLM will redetermine user capacity based on the Limits of Acceptable Change criteria (see Appendix 22.10). This process will, with public participation, identify how much environmental change will be acceptable. The character and rate of change due to human factors will be kept within acceptable levels. Parameters to be considered during the review process will include, but not be limited to, vegetation change; amount of bare ground near a campsite; bankside trails; sanitation problems; litter; and available firewood.

The Fort Benton Visitor Center will be maintained and operated to provide visitors with permits and river information. The Visitor Center will provide interpretive information on the cultural and area natural history under the provisions of Public Law 100-552 October 28, 1988 legislation. The ranger stations at Coal Banks and Judith Landing will provide permits and health and safety information to river users and will be operated from Memorial Day through Thanksgiving weekend annually as finances permit.

Areas will be developed for self-guided interpretive study. These developments may be for geological, historical, cultural, paleontological or natural resources. Prior to developing interpretive sites for cultural resources, the site will be evaluated and criteria developed to minimize potential negative impacts to critical resources. These developments may include interpretive signs and displays which will be consistent with visual resource management objectives. The sites which will be developed are Stafford Ferry, Cow Creek, Evans Bend, Steamboat Point, Little Sandy, and Hole-In-The-Wall. Other sites may be developed if substantial public use occurs, if BLM acquires important land, or major new resource discoveries are made.

Recreational use of islands will not be permitted during deer and waterfowl reproduction (e.g., fawn birthing, nest-

ing and brood rearing) periods. Islands will be closed to use from April 1 - June 15.

### **Facility Management Implementation**

The BLM will continue to maintain undeveloped sites by clearing brush (maximum 1/4-acre) for campsite location, enforcing a "pack-in/pack-out" policy, and removing trash, as necessary. All undeveloped sites in the Recreational and Scenic Segments of the river will be signed and shown on user maps.

Undeveloped sites may be improved to developed sites in Scenic and Recreational River Segments if one or more of the following criteria are met:

- (1) public use of the river or of the existing undeveloped sites increases;
- (2) impacts to soil and vegetation become damaging; i.e., heavy use compacts soil and kills vegetation;
- (3) sanitation becomes a problem;
- (4) additional sites are needed to rest existing campsites; and
- (5) better distribution of public use sites is needed.

The BLM will maintain all developed sites. New sites will be established if one or more of the above criteria are met. New capital improvements will be allowed if impacts to cultural and natural resources can be mitigated to an acceptable level. Improvements in the Wild Section will be allowed if the sites can be serviced by existing roads or by river. All improvements will comply with the Wild and Scenic Rivers Act, as amended.

Developed sites in Recreational Sections will be established and managed based on demand and economic feasibility.

The BLM will acquire the Montana Department of Fish, Wildlife and Parks campsites. Private land may be acquired fee title. These sites will be managed under BLM management guidance for the river as presented in the West HiLine RMP.

### **Private Sector Initiatives Implementation**

The BLM will encourage private sector initiatives in development of river visitor use opportunities. The UMNWSR offers a wide range of visitor opportunities, only some of which can be financed by the BLM. To overcome these limitations, non-governmental entities, either individuals

or institutions, can be used to accomplish goals compatible with UMNWSR management objectives. These goals may or may not generate profit or result in permanent facilities in the river corridor.

A wide variety of activities can be generated by private sector initiatives. Livery services for boats or horses, overnight or extended-stay lodging facilities, food/water and other provisions sales to river visitors, and guiding are services traditionally offered in this way. Other opportunities may be for institutions to use the UMNWSR for touring and instructional purposes, for the development of privately-funded research and for expanded use of the area in regional promotional activity.

The merits and economic feasibility will be assessed if a need is established for a facility, whether it be BLM or private sector initiative, or a cooperative BLM-private venture. Feasible developments will be managed under the Wild and Scenic Rivers Act, as amended, this RMP, and the updated River Activity Plan.

### **Health and Safety Implementation**

The BLM will continue, and may expand, visitor services operations to provide for public health, safety and law enforcement. Search and rescue operations and law enforcement will continue as a cooperative effort between BLM, local and state agencies.

### **NO ACTION ALTERNATIVE (A)**

This alternative continued present management objectives. It would have continued to implement policies, regulations, and decisions from five management framework plans, several grazing environmental impact statements, a wilderness EIS, various programmatic environmental activity plans, and the BLM State Director's "Guidance for Land Pattern Review and Land Adjustment (1984)." This alternative served as the baseline for the comparison of other alternatives.

### **CONSUMPTIVE USE EMPHASIS ALTERNATIVE (B)**

This emphasized consumptive uses of BLM-administered land with minimum restrictions. The non-consumptive resources (wildlife, cultural, soil, water, air, T&E species, vegetation, etc.) would have been provided the minimum protection required by law. The alternative would have generally provided opportunity for the maximum allowable levels for resource use, exploration, development and production.

### **ENVIRONMENTALLY PREFERRED ALTERNATIVE (C, PROTECTION EMPHASIS)**

This identifies the Environmentally Preferred Alternative and its management direction emphasizing protection of natural and cultural resources. Other BLM-administered land uses would have been constrained by stipulations and/or mitigation developed to provide protection and enhancement of non-consumptive resources (recreation, soil, water, wildlife, and air, vegetation, and cultural resource).

This alternative presented the lowest level of surface disturbance, impact on regionally or nationally significant resources, and disruption of regional economic and social conditions. This alternative was not the BLM Preferred Alternative because of the alternative's failure to achieve balanced multiple-use and complete resolution of the planning issues.

### **MITIGATION**

The RMP has been designed to avoid or minimize environmental harm, where possible, consistent with what is considered the best combination of public land uses. Specific mitigation criteria are described in Chapter 2 of the RMP and in Appendices 2.2, 2.6, and 2.7 (Draft RMP/EIS).

### **MONITORING AND EVALUATION**

A monitoring program has been developed for the RMP which includes monitoring and evaluation standards to implement the RMP and determine whether mitigation criteria are satisfactory.

The impacts of implementation will be evaluated (monitored) on a periodic basis over the life of the RMP. The general purposes of this resource monitoring and plan evaluation will be:

1. to determine if an action is fulfilling the purpose and need for which it was designed, or if there is a need to modify or terminate an action;
2. to discover unanticipated and/or unpredictable effects;
3. to determine if mitigative measures are effective as prescribed;
4. to ensure that decisions are being implemented as scheduled;

5. to provide continuing evaluation of consistency with state and local plans and programs; and

6. to provide for continuing comparison of plan benefits versus costs including social, economic, and environmental values and conditions.

A specific monitoring plan was prepared (1984) for the wildlife, watershed and grazing management programs in each of the four resource areas included in the RMP. These monitoring plans will be used to monitor the implementation of specific management guidance and actions which impact wildlife, watershed and grazing management.

## **CONSISTENCY**

This plan is consistent with the plans, programs, and policies of other federal agencies, and state and local governments.

## **PUBLIC PARTICIPATION**

Public participation has been sought throughout the planning process and is summarized in Chapter 5 of the RMP.

The Final EIS Page 46, Table 5.1 chronologically presents the public involvement during preparation and review of this RMP.

A partial list of persons, agencies, and groups involved in the public participation process is given on page 47 of the Final EIS.

## **PUBLIC AVAILABILITY OF THIS DOCUMENT**

Additional copies of the Final West HiLine RMP are available on request from: the Great Falls Resource Area, 812 14th Street North, P.O. Drawer 2865, Great Falls, Montana, 59403, telephone (406) 727-0503; and the Havre Resource Area, West 2nd Street, Drawer 911, Havre, Montana 59501, telephone (406) 265-5891. Copies may also be obtained from the Lewistown District Office, Airport Road, Lewistown, Montana, 59457, telephone (406) 538-7461; and the BLM Montana State Office, 222 No. 32nd St., P.O. Box 36800, Billings, Montana, 59107, telephone (406) 255-2913. In addition, copies are available at selected local libraries.

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