



MONTANA/DAKOTAS BLM

Dakotas Resource Advisory Council

RAC MEETING MINUTES: Spearfish, SD: May 6, 2010

RAC Attendees:

- | | | |
|---------------------|-------------------|------------------------|
| • Lyndon Bucher | Belle Fourche, SD | Energy/Minerals |
| • Chance Davis | Belle Fourche, SD | Federal Grazing |
| • Jeff Herman | Bismarck, ND | Energy/Minerals |
| • Gerald Schlekeway | Pierre, SD | Environmental |
| • Jeffrey Buechler | Rapid City, SD | Archeological/Historic |
| • Stanley Kohn | Bismarck, ND | Environmental |
| • Jace DeCory | Spearfish, SD | Public-at-large |
| • Tobias Stroh | Dickinson, ND | Public-at-large |
| • Bill Bowman | Bowman, ND | Elected Official |
| • Tom Cooper | Belle Fourche, SD | Public-at-large |
| • Viola Waln | Parmalee, SD | Native American Tribes |

Not in Attendance:

- | | | |
|-------------------|---------------|----------------------|
| • David Straley | Bismarck, ND | Energy/Minerals |
| • Eric Rosenquist | Center, ND | Environmental |
| • Eric Davis | Spearfish, SD | Environmental |
| • Erik Hunt | Spearfish, SD | Off-highway Vehicles |

Staff in Attendance:

- | | |
|---------------------|-------------------|
| • Marian Atkins | Belle Fourche, SD |
| • Mitch Iverson | Belle Fourche, SD |
| • Chuck Berdan | Belle Fourche, SD |
| • Kimberly Phillips | Belle Fourche, SD |
| • Lonny Bagley | Dickinson, ND |
| • John Hartley | Dickinson, ND |
| • Elaine Raper | Miles City, MT |
| • Mark Jacobsen | Miles City, MT |

Others in Attendance:

Jan Pharr

Belle Fourche, SD

Mark Jacobsen – Pre-Meeting info

Lyndon Bucher – introductions, minutes from previous meetings.

Stanley Kohn – likes the way the attendance list is organized on the September minutes, requested that they be that way from now on.

Action Items to be addressed later in the meeting (tabled from last meeting):

- Sage grouse/sage brush.
- Areas of Relative Ecological Importance (AREIs).

Mark Jacobsen – Addressed ground rules.

Elaine Raper – EMDD (Eastern Montana/Dakotas District) overview:

- Reorganization of BLM over the past year.
 - Combined Field Offices into Districts.
 - Eastern Montana/Dakota District contains eastern third of MT, plus SD and ND.
 - Field offices are more readily able to work together.
 - Within the district, there are two RACs.
 - Dakotas RAC.
 - Eastern MT RAC.
 - District Managers are designated delegated official to the RAC meetings.
- Elaine was a wildlife biologist, spent first 17 years as a biologist for fish and game in WY, worked for BLM in WY, then Coos Bay, Oregon, now with BLM in Miles City and now representing the district.
- Acting State Director is currently Howard Lemm for MT (previous director recently retired).

Marian Atkins – SDFO manager update:

- New building will be Aug 2011 – current preparations are underway to determine a site.
- New LEO – Charles Huston now working with BLM and BOR.
- RMP – largest current ongoing project, Mitch Iverson will be presenting information on current situation in the afternoon.
- GCC Dakotah Cement – project to develop conveyor system to get limestone from quarry to Dewey, working on finishing final EIS, conveyor will be 6.6 miles (approx), not planning on mining for another 15 years, this is preparation.

- Powertek – in situ uranium mine, close to same area as GCC/Dakotah Cement, NRC (Nuclear Regulatory Commission) and BLM signed MOU in November to work together on environmental documents for this project, SD has own licensing process that they are working with Powertek and other agencies.
- ARRA projects – trail maintenance and construction in Ft. Meade, Cottle Creek crossing, GPS inventory of trails and roads this summer to help with travel management on BLM.
 - Some discussion on how ARRA projects are advertised and awarded (**Lyndon Bucher** asked, **Lonny, Elaine and Marian** explained).
 - Ft. Meade Trailhead improvement – currently has a kiosk and parking lot, new development will include providing water for both the trailhead and adjacent city project.
 - Bear Butte Creek cleanup project completed – removed understory overgrowth, trash, potential for safety concerns for walking trail out of Sturgis.
 - Weed Treatments – coordinate with counties to do weed treatments for BLM, Meade county did receive money , other counties did not complete process for additional monies.
 - Ft. Meade Byway – repair slump near Camp Fechner, contractor is from Pine Ridge; will be graveling road as well and widening to two lanes in narrow areas (road will be closed during repairs and fuels treatments).
- Recreation Newsletter on BLM website. (http://www.blm.gov/style/medialib/blm/mt/field_offices/south_dakota.Par.5005.File.dat/ftmeade3-10.pdf) to keep folks apprised of what is happening on Ft. Meade.
- Keystone Pipeline does not touch BLM land in SD – work is being done with MT BLM
- Wild Horse and Burro long-term holding facility near Ft. Pierre – horses will be excluded from BLM land in this area.
- House in Deadwood built in 1990s – survey showed the house was on BLM land, working with landowner to make sale of property to homeowner so his home no longer appears on BLM land.
- Fuels Update – covers current activity of fuels program.
- Travel Management Plan will be next program once RMP is finished.
- **Senator Bill Bowman** wants to know if we have any contact names for uranium mining; looking for an expert that can give good advice before mining takes place to prevent taxpayers paying for big cleanup costs if something goes wrong.
 - **Marian** states that Miles City is our contact for uranium – **Elaine** will work on providing a name.
 - **Lonny** states that we do have some information that we can pass along to him – ND situation will be different than that in SD.
- **Gerald Schlekeway** – wants to know if that is what is going on with Piedmont (some sort of ore development); **Marian** states that BLM is not involved; **J Buechler** states that they heard something, too, but everything appears to be at rumor stage.
- **L Bucher** – is BLM involved with wind development north of Belle Fourche.
 - **Marian** states that nothing will be on BLM land at this point.

Lonny Bagley – NDFO manager update:

- Energy development is primary project currently;
 - O & G– 59 wells on Ft Berthold reservation, plugged one well in last 12 months, most wells are producing at a good rate.
 - **Kohn** – BLM has minerals on reservations? Answer: minerals are held in trust for tribes, process for wells on reservations is more extensive than those off-reservation.
 - 160-170 rigs drilling at any one time in ND – there is a website to keep track of rigs drilling.
 - 170 APDs approved since Nov. 1, still pending 125.
 - Coordination meetings every 2 weeks.
 - Price per oil in ND running ~\$70 per barrel crude sweet (lower than Texas sweet).
 - Monitoring 1431 wells on 608 cases (up 150 cases from 2 years ago)
 - 1778 leases in 2009, number of acres 967,988.
 - Difference between APD and lease – Asked by **Bucher**.
 - Must have lease before APD (application for permit to drill); must submit notice of staking before applying for APD.
 - How many APDs in a lease? (**Bucher**)
 - Depends on size of lease –
 - Surface disturbance for each well? (**Bucher**)
 - About 5 acres for one well pad.
 - How many wells can you put in a section? (**Kohn**)
 - Set up in agreement based on mineral ownership.
 - Can set up infield wells systematically within drainage radius of unit area.
 - Time between APD and actual drilling? (**Schlekeway**)
 - 45-60 days, currently.
 - **Marian** – cultural survey can add some time onto the process
 - Block vs. per well surveys (some companies can only afford per well).
 - Setting up “One Stop Shop” virtually (online) – respond to any issue within 24 hours – bill is currently being debated in Congress.
 - Protests on leases postponed April lease until greenhouse gas issues are addressed
 - Updating leases from a legal standpoint.
 - Meeting with EPA to address greenhouse gas emissions and other air quality issues (ozone).
 - Lawsuit with environmental groups protesting leases
 - 1st protest overturned.
 - 2nd suit – suspended leases until documentation issues resolved.
 - NEPA meeting set for May – hoping to resume leases in September.
 - One lease for coal coming in – currently have 6 existing leases.

- **Bowman** – received letter in mail about process of coal drying using lignite – could spur a huge interest if it makes production more efficient.
 - Coal gasification can reduce CO2 emissions by up to 90% (**Lonny**)
 - **Kohn** – application for a land farm?
 - trying to permit activity to introduce bioagents and break down oil.
 - **Bowman** – want to have approval to make sure all processes are followed and regulated.
- Schnell Rec Area ARRA project – building a trail to allow access to fishing pond.
- Vegetation treatment area – to remove non-native vegetation, also using it as a study area for DSU.
- **Stroh** – grazing program in place for four years – 2010 veg program is new due to the fact of no native remnant species in the area.
 - Will be using grazing rotations and reseeded to reintroduce native vegetation (**Lonny**).
- RMP – **John** will cover later in morning; Pipelines – ongoing projects.
- ARRA project with Dunn county for invasive weed species.

John Hartley: NDFO RMP Update:

- Representing only the ND RMP; SD has their own RMP project lead now.
- New senior writer/editor; Linda Talley-Branch and editorial assistant; Tam Frager; Linda Cooksey was editorial assistant. These positions will work on both plans.
- Overview NEPA/RMP process: federally mandated by FLPMA and the National Environmental Policy Act for BLM to write Resource Management Plans to set forth ways in which we will manage the resources for which we are responsible; begins with scoping – finding out within and outside agency what areas of concern are; develop concerns into Alternatives; develop Alternatives into draft RMP/EIS; comments from public; comments addressed and developed into final RMP.
- Plans are for about 20 years of management.
- ND RMP is currently working through Alternatives to get to draft phase;
 - Scoping report is finished and posted to RMP website. (http://www.blm.gov/mt/st/en/fo/north_dakota_field/rmp.html)
 - AMS is an internal document that is finished.
 - Oil and Gas RFD (reasonably foreseeable development) is complete; posted to RMP website.
 - Coal RFD is complete – coal screens help determine what kinds of coal that we have that are suitable for federal leases; coal screens are running through alternative development.
 - Currently working on air quality modeling to set up a protocol – will run models 3-5 months, data will inform analysis of impacts; will use inventory of data to determine Alternatives for air quality impacts; ozone modeling is an issue with EPA (tied to regional haze and things that could create ground level ozone).

- **Stroh** – do they do air quality monitoring on current emission standards or future limitations or somewhere in between? **Lonny** answered that they are using current emissions but based on RFD scenarios. **John** states that within RMP looks at direct impacts and cumulative effects (indirect effects), taking into account impacts from NE MT and Canada as well.
 - **Chance** – EPA is lowering minimum for ozone? **John** - Yes, that means lower ppb numbers will be the threshold limits for ozone. The question is how much ozone that the activity in ND is contributing – could be regional or localized. Not sure, that is why the modeling is being done to collect data and discussions with EPA are taking place to address impact. If levels are exceeded, EPA violations would take place.
 - **Bucher** – would that have the impact of reducing the number of APDs? **Lonny** and **John** – possibly, but it would have the impact of greater overall cost – there are a number of unanswered questions on both sides.
- Alternatives are a basic suite of management actions that apply to resources managed on public lands.
 - The No Action Alternative is the suite of current management actions – those that were put in place by the last RMP and have been in use; used as a baseline comparison for updated Alternatives.
 - The Preferred Alternative is selected after analysis of environmental impacts by the Field Manager with advice from the interdisciplinary team (BLM staff, RAC and cooperating agencies).
 - Process to complete Alternatives outlined in handouts.
 - RAC plus federal agencies to comment on Alternatives.
 - Alternatives allow management to look at a range of management actions; does not mean that all Alternatives that are presented are going to be implemented – it simply means that all potential proposals are disclosed and considered – public is allowed to comment, which may change the final preferred Alternatives.
 - Selection of preferred alternative can be any of the Alternatives, or a combined selection of all Alternatives.
 - **Bucher** – social and economic impacts are considered in the Alternatives? **John** – yes, they are considered in with all other considerations. **Bucher** – how much does multiple use factor in? **Marian** – Multiple use is what we do, it varies by area as to which use is given greater priority. **John** – we have to look at all of what is affected in a given area by a particular activity, whether environmental, economic, recreation, etc. All factors depend on what is in a particular location being considered.
 - Summary of alternative highlights in handout.
 - **Bucher** – what goes in to determining a view-shed? It seems pretty subjective. **Marian** – there are criteria that an area must meet, and the management class and inventory may not match up.
 - **Sen Bowman** – how many years will growing more sage brush take before we know if there is an impact on sage grouse (there was a meal sponsored by NRCS in Bowman County to get people on board for this program)? **Lonny** – the program is to germinate more seed and create more plants – they do know that the sage grouse

need more habitat. NRCS is cooperating, and some BLM allotments may be turned over from grazing to grow sage brush. The sage brush germination rates are close to 90% - if we can get them started and transplant seedlings, the program will take less time to see results. They are trying to fill in the gaps between the sagebrush, so that the grouse will naturally find the newly planted areas.

- How will the RAC participate in NDFO RMP Alternatives?
 - Meetings held in Dickinson
 - Looking at summer (end of July) for meetings.
 - 2 day workshop.
 - Follow up meeting after changes have been made before draft?
 - **Bucher** – are travel costs covered by BLM for meetings? Yes.
 - **Schlekeway** – first meeting session was good – appreciated the chance for input.
 - **Buechler** – it's a Dakotas RAC – no matter which state you live in, the resources impact both states.
 - **Davis** – important to attend the meetings to make sure that what is written is what is meant – how it translates to the public is important and it's good to have that input to clarify the language.
 - **Bucher** – by email, keep RAC posted on meeting dates.
- **Public comment period:**
 - No public wished to comment.

Chuck Berdan – SDFO – Sage Grouse Update:

- Sage grouse is currently a candidate species for federal protection, but another lawsuit is underway to put them under federal protection.
- Sage grouse for BLM are a sensitive species – requires special management consideration. BLMs efforts will be to make habitat for sage grouse a priority.
 - Protection Priority Areas
 - Highest quality habitat left; maximize and enhance potential to support population.
 - Restoration Priority Areas
 - Residual population areas; achieve balance between current and future resource use to maintain enough quality habitat to allow these populations to continue to exist.
 - General Habitat Areas
 - Largest potential coverage area; ensure maintenance of sustainable populations across the landscape – ensure movement to maintain genetic diversity and connectivity.
- Three studies have been completed in SD (see slide for info)
 - Nesting period survival (adults/yearlings).

- Overall breeding survival.
- Winter survival rates.
- **Bucher** – avg lifespan of sage grouse? **Chuck** – probably 2.5 – 3; longest life span would be 5-6 years.
- **Davis** – Predators? **Chuck** – avian and terrestrial (don't have data on breakout)
- Seasonal movements – resident v. migratory.
 - SD avg. seasonal range is 4 times larger than ND.
- Grouse spend 62% of their time within 2 miles of active leks in SD (this may be because there is less habitat).
- Cumulative distribution of sage grouse in SD is 6.5 times greater than ND.
- Brood dispersal:
 - Brood hen initiates.
 - Median juvenile age is 4.5 months/date is October 4.
 - Survival is greater for chicks making brood dispersal than orphans.
- Winter use areas: see slides for data.
 - **Davis** – canopy cover = density? **Chuck** – yes, the amount of ground that is covered when you are looking down at it.
- General Ecology Management Implications:
 - Vigilance during summers when temps exceed 70 degrees for extended periods due to WNV (high rates of mortality from WNV).
 - Regulating mesopredators – fox, coyote, badger, etc.
 - Protection of habitat w/in 2 miles of active leks.
 - Extend restrictions of surface use to July 15.
 - ID sage grouse habitat use areas.
 - Management strategies aimed at limiting mortality prior to brood breakup (hunting seasons post-October 4).
 - **Bowman** – does it have an effect on the birds having a hunting season, if they are threatened? **Chuck** - In SD, no, not really – only 6 birds taken in SD this year.
 - **Population in Dakotas? (Bucher)** **Chuck** – no good idea – in Butte County, maybe 190 total males.
 - **Jeff** – difference between the lek and the use area?
- Nesting and brood-rearing study findings
 - Nest location in relation to leks: 97% of nests were within 4.5 miles of lek.
 - Nest site fidelity – greater site re-use.
 - Nest site selection – nest sites with more visual obscurity had greater survival rates.
 - **Davis** – so survival rates have more to do with grass than sagebrush?
 - **Chuck** – in SD, that appears true, because of the lack of sagebrush.
 - Other nesting data (see slide).
 - **Sen. Bowman** – can they hatch eggs in incubators and bring them back to the leks? **Chuck** – they have done some work with that.
- Mortality:
 - WNV – confirmed 7-21% chick mortality; could have been as much as 62.5%.
 - Predation was confirmed by fox, coyote, bobcat, badgers and raptors.

- **Bucher** – could ravens/crows figure into predation? **Chuck** – they could, but they were not during these years.
 - Selection of brood rearing habitat:
 - Visual obstruction and bluegrass were main predictive factors.
 - Forbs were not main predictor.
- Nesting and brood rearing management implications (see slides).
 - **Sen. Bowman** – do you think that wind chargers will have an impact on these birds, how would you handle something like that? **Chuck** – oil field disturbance seems to have a great impact, so I can't imagine that wind turbines wouldn't.
 - **Sen. Bowman** – what causes the birds not to be able to adapt to oil rigs? **Chuck** – Not sure. **Sen. Bowman** - How is that different from the disturbances the studies cause?
- ND Lek surveys:
 - 2009 – 69 males
 - 2010 – 66 males
- SD Lek Surveys:
 - 2009 – 168 males
 - 2010 – 162 males
- **Davis** – does the new terminology overrule the ACEC for sage grouse? Is the PPA more flexible within the Planning Area than an ACEC? **Chuck/Marian** – Yes, the PPA will take the place of the ACEC for sage grouse – new direction for protection of habitat. Not necessarily less restrictive.
- **Jeff** – are leks ever abandoned, and how often do you discover new leks? **Chuck** – yes, they are often abandoned, and there are constantly new leks.
- **Bucher** – where are you in this process of identifying these PPA's? **Chuck** – currently, there are five areas that are being considered in the Alternatives.
- **Davis** – does this allow flexibility for the PPA's to change? **Marian** – depends on the sage grouse, whether their status changes, the lease stipulations allow for going from no surface occupancy to conditional surface use. **Bowman** – would like to see the idea of management of various factors to determine what the thresholds for disturbance of the birds are? **Chuck** – yes, we really need to work on the various factors to get to the bottom of what the problem is. Any population of anything on the edge of a range has extreme reactions and greater impacts due to lack of ideal habitat.
- **Bucher** - What is BLM doing to work with other agencies (USFWS, etc) to coordinate and work on this problem? **Elaine/Chuck/Lonny** – Local working groups, working with local agencies and other federal cooperators, presenting PPAs as a management solution.

Mitch Iverson – SDFO – SD RMP Update:

Review of Current Status

- Calendar included on notes provided.

- Just finished Alternatives.
- SD RMP Website (http://www.blm.gov/mt/st/en/fo/south_dakota_field/rmp.html).
- Mid – June will be cooperating agency meeting to discuss preliminary selection of preferred Alternatives.
- Suggestions on selecting preferred Alternatives?
 - **Bucher** – was difficult to follow format of Alternatives. **Marian** – we have possibly fixed that issue – please give us feedback to see if the new format makes more sense.
- Mid – July would like to see ch. 1-4 mailed to cooperators.
- Review period begins in August to MSO and solicitor.
- Send to printer in September.
- Long-term schedule would see RMP completed by September 2011 (See notes provided for full schedule).
 - **Vi** – who do you mail the draft RMP to? **Mitch** – anyone who has expressed interest through scoping, other agencies, anyone that could be affected by the plan that requests a copy. There are also notices put out in local papers, etc. to let the public know that the document is available.
- Recently finished incorporating MSO and state of SD comments into Alternatives. Cooperating agencies receiving copies this week.
- Management Common to All Alternatives
 - Management processes that apply to all Alternatives – they appear at the top of each section.
- Alternatives:
 - Alternative A is what the current management practices are for that area – if we instituted this there would be “No Action” or no change; in theory, it could be chosen as an alternative, but is not the likely choice for most situations.
 - Alternative B has emphasis on commercial use; provides for minimal protection measures to resources as required by law and regulation. Fewer restrictions on commercial use.
 - Alternative C has emphasis on conservation – most protective measures for resources, while allowing commercial uses and recreational activities (more restricted than Alt. B).
- Environmental Consequences/Environmental Impacts
 - BLM is required to evaluate impacts of Alternatives in Chapter 4 of the EIS:
 - Three types of main impact:
 - Direct
 - Indirect
 - Cumulative
 - Impacts can be ecological, aesthetic, historic, cultural , economic, social or health related.
- Must take a detailed look at impacts on resources – must be thorough, so it is a very time consuming process.
- Mitigation

- BLM must consider mitigations built into Alternatives – BLM can develop additional mitigation if impact analysis indicates a potential problem.

Sage Grouse Sagebrush Designations – Tabled item from previous meeting – review of map presented by Mitch and Chuck

- **Bucher** – looks like we have a lot more information than at the last meeting – would the RAC like to recommend a further area for ACEC for sage grouse, or would the PPA provide for sufficient protection?
- **Davis** – is the main focus of doing this to put restrictions on oil and gas and renewable energy road development?
 - **Marian** – that is what the preferred alternative will decide; it would have an impact on “major surface disturbance activities.”
 - **Mitch/Chuck** – the choices allow for more or less restrictions, accordingly (B v.C); you could have O & G development in those areas, but it would be more restricted.
 - How many birds are in those areas? Roughly 500 birds.
 - Are you talking about restricting access to these areas under the plan?
 - What is the implication of a PPA? (**Davis**)
 - **Elaine** – would an ACEC get you farther than a PPA, or are they about the same?
 - **Bowman** – if the PPA shows in five years that there has been no change, can it revert back to the original plan? It allows for justification of activities (holding accountable for activities in support of plan). **Elaine**; Theoretically, the RMP is a 20 year plan, but you can amend them, if necessary. **John**; It also allows us to change the plan proactively if what we are doing is not working, or if the species status changes.
 - **Marian** – there are criteria for relevance and importance from a national perspective for an ACEC.
 - **Bucher** – Are the implications for having it be an ACEC be different than a PPA?
 - **Marian** – if it were an ACEC, it would be more restrictive.
 - **Mitch** – if it were an ACEC, it would be difficult to have these smaller areas of BLM managed lands – with a PPA, you can have smaller, disconnected parcels.
 - **John** – will NOT having it as an ACEC have an effect on funding available to focus on these areas?
 - **Elaine** – with an ACEC, it would be easier to focus funding on projects
 - **Bowman** – would BLM having access over this area be good for the sage grouse population, or do we not have enough proof that having this amount of control of land usage will have a positive impact? We need accountability to make sure that we are doing something that works or we need to change what we are doing.

- **John** – there does not appear to be one big issue – there may be two or three, combined with other negative impacts. What we are doing is learning that these areas are the ones we need to manage in to begin to focus on some of the things we do know are having an impact and focus our management techniques accordingly. It is a good idea to review the program periodically and restructure if it seems to need reworking.
 - **Bucher** – I think if BLM doesn't do something, then FWS is going to end up with control, and we are going to have even less choice in the matter. Once we can take the bird off the candidate list, these issues will not exist. Reviewing the program periodically is a good idea.
- **Davis** – PPA allows for more flexibility – ACEC is not necessary. Move that we recommend to go with a PPA with possible adaptive management.
- **Jeff** – which would be the most efficient way to go?
 - **Chuck** – personal opinion is that ACEC would not offer any benefits that wouldn't be included with PPA, FWS is going to come back and look at it every year to determine changes in the bird's status.
- **Bowman** – would the FWS be on board with a five year review?
 - **Chuck** – I would say a minimum 10 year review, given the slow growth of sagebrush. FWS reviews on a yearly basis.
- **Mitch** – success measure by what? Number of birds, condition of habitat?
- **Kohn** – likes Davis' motion, with amendment that we review.
- **Bucher** – motion is that we recommend a PPA approach, with a 10 year review period.
- **Motion carried.**

Meeting wrap-up next meeting dates:

- September 1 – 2 in Dickinson, ND
- One day meeting is preferred over half one day, half another