



# **MONTANA/DAKOTAS BLM**

## **Eastern Montana Resource Advisory Council**

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### **RAC MEETING MINUTES: Miles City, Montana: December 15, 2016 BLM Miles City Field Office Conference Room**

**Attending:** (\*Teleconference option)

#### **RAC Members:**

**Category 1:**

Lance Kalfell, Brad Clark, Lucas Line, Larry Pilster\*

**Category 2:**

Cal Cumin\*, Rita Harding\*, Steve Hanson\*, Art Hayes III, Ed (Ralph) Bukoskey

**Category 3:**

Tim Lehman\*, Doug Kary, Sharla Sackman, Jenny Olson

#### **BLM staff:**

Mark Jacobsen, Wendy Warren, Todd Yeager, Jim Sparks\*, Carmela Romerio\*,  
Donna Bradley

#### **Public:**

Mike Schuldt, John A Beardsley, Rae Ellen Bird, Ed Bird, Janet Haughian, Allan Rustad,  
Arron Helm, Gary Helm

Members were welcomed and the meeting was brought to order, housekeeping items for the meeting were reviewed.

#### **RAC Chairperson Meeting Discussion: (Brad Clark, Lance Kalfell)**

The chairmen briefed RAC members regarding the upcoming state RAC meeting to be held in Billings on January 26, 2017 (the meeting was subsequently cancelled and rescheduled). The meetings have proved beneficial for discussing mutual RAC concerns for all the RACs. Twinkle Thompson is the Washington Office RAC coordinator and stated that newly

appointed candidates should be named in January, 2017. The chairmen asked RAC members to provide topics or issues to be brought forward and included in the meeting agenda.

### **RAC member reports:**

**Larry** reported on a phone app that hunters are using to determine public access but county road information isn't accurate; thought it would be a good idea if the BLM would work with other agencies to create a site that the public could be encouraged to use that would be accurate. Further discussion between the RAC and BLM concluded that the BLM cannot solve the issue nor can other agencies as most of the apps being used are made and sold by private-sector companies. Another issue is that counties are not consistent on county roads designation.

**Ed** brought up the increasing use of drones for hunting and how technology presents increasing management issues that need to be accounted for.

### **Public Comment Period**

**Art Hayes** proposed that the meeting agenda be advanced because the topics discussed took less time than what was allotted. The public in attendance were in agreement.

**Ed Bird** asked for an update on the status of the Pumpkin Creek grazing permit. He reviewed the timeline BLM proposed for the permit, originally to be issued March 2016. Todd explained how the priority workload shifts within the Miles City Field Office have affected the process and provided a handout listing the schedule indicating when the grazing decision would be issued. Todd said that the decision could be protested and appealed possibly delaying the final decision. The final decision can also be appealed which would be sending it through the IBLA process. Todd answered questions related to the protest and appeal process. He clarified that the acreage is Section 15 land which does not require that base property adjoin the public land. Todd reiterated that all applicants will receive a copy of the decision letter.

**Mike Schuldt** asked to clarify that pending no protest; appeal or litigation, grazing Pumpkin Creek could be permitted to begin May 1, 2017.

**John A. Beardsley** sought to clarify that the Proposed Grazing Decision would be issued by March 2017.

**Janet Haughian** expressed frustration for the length of process to issue a grazing permit for Pumpkin Creek and the lack of information sent to applicants. She questioned why the application period was extended. Todd explained why applications were accepted through the extension to December 24, 2015. Janet would like the process to be more public. Applicants

are frustrated and unable to plan for the future. She expressed her appreciation that the Milwaukee Bridge in Prairie County will be repaired as that is a route they use. She discussed using traffic counters on the Kinsey Bridge to support of a similar grant application for repairs to that bridge.

## **Planning 2.0 (Carmela Romerio)**

Carmela reviewed a PowerPoint presentation of the BLM's Final Planning Rule for Planning 2.0. Handouts included a summary of key changes between the existing and the final rule and frequently asked questions. The Rule will be in effect January 11, 2017. The rule and supporting documents can be found at [www.blm.gov/plan2](http://www.blm.gov/plan2) or [www.regulations.gov](http://www.regulations.gov) and search docket ID BLM-2016-0002. A handbook is being developed for implementation process.

## **RAC Member Briefings**

### **Sharla Sackman:**

Prairie County received funding for repairs to the Milwaukee Bridge. The grant is a cost sharing program with the county. Funds can be through in-kind work. The public is requesting information regarding the Pumpkin Creek grazing permit.

### **Rita Harding:**

She shared that the Yellowstone Audubon Society continues to support the BLM.

### **Art Hayes:**

Art asked about the status of the MCFO contract travel management surveys. Todd provided the status of where the field office is at for inventory and the planned start for the NEPA process for the historic Powder River Planning Area at the end of 2017.

### **Steve Hanson:**

Nothing to add.

### **Brad Clark:**

Nothing to add.

### **Lance Kalfell:**

He reminded members of the January 26 Montana/Dakotas State RAC meeting and asked members to ensure they forward topics they want addressed.

### **Cal Cumin:**

A solar farm has been approved for Hardin, Montana.

### **Tim Lehman:**

He had the opportunity to visit with an interested person regarding Pryor Mountain trails and wild horses. He noted that Representative Zinke is the proposed Secretary of the Department of the Interior.

**Doug Kary:**

Nothing to add.

**Ed Bukoskey:**

A wind power project has been proposed from Rosebud to Colstrip.

**Jennifer Olson:**

She reported that September 9, 2016, two herbicides active ingredients had been added to the BLM weed spraying list. These are very effective on Spotted Knapweed and Canadian Thistle.

**Lucas Line:**

He expressed his frustration with the length of time for issuing a permit for grazing Pumpkin Creek.

**Billings Field Office Manager (Jim Sparks)**

Briefings attached.

**Miles City Field Office Manager (Todd Yeager)**

Briefings attached.

**Next Meeting:**

April 18-19 in Billings: A possible tour option with the tour beginning at noon on April 18 at a recreation site, yet to be determined.

**Future Agenda items:** (RAC to send agenda requests to Brad or Lance)

- Tribal Cooperative process
- Recreation Program funding issues

Larry proposed the summer meeting be held in Alzada or Belle Fourche, with a tour of the Pilster Ranch and bentonite mining activity and reclamation work.

**Meeting adjourned.**

## Attachments:

# Billings Field Office Briefing: Minerals Program

## Coal

- **Signal Peak Energy –**
  - Approximately 2700 acres of Federal Coal Leased in 2011 with an estimated 62 million tons of Federal Coal
  - Leasing decision challenged in IBLA by NPRC, BLM prevailed
  - Leasing decision challenged by NPRC in District Court, BLM prevailed
  - Leasing decision challenged by NPRC in 9th Circuit, Decision pending

## Bentonite

- **Wyo-Ben Permit 2, Amendment 1**
  - Approximately 140 acre amendment
  - Working on Environmental Assessment
  - Priority SG habitat
- **American Colloid Permit 8, Amendment 5**
  - Approximately 530 acres amendment
  - Working on EA
  - Priority SG habitat

## Fluid Minerals

- **Yellowstone Oil Spill**
  - State, BLM USFWS reached agreement with Exxon for \$12 million for natural resource damage restoration
  - BLM will get funds for lost visitor use, weed control and potentially as a surrogate for USFWS conservation easements/acquisitions

# Horse Program

## Friends of Animals Lawsuit

- BLM lost portion of case in District Court on a small technicality
- BLM Prevented from implementing gathers and fertility control program until the

appropriate management level is recalculated. Current population is 160.

## **Other Wild Horse Lawsuits**

- Several (3) other lawsuits in the 9<sup>th</sup> Circuit pending briefings and decision

## **Travel Planning**

### **Acton Travel Plan**

- Working on an EA for travel plan at Acton. Implementing RMP. Looking at adding several bicycle routes that were not addressed in the RMP.

### **Montana Federal Lands Access Program 2016**

- Inter-agency panel that reviews projects – led by Federal Highway Administration
- Project must have access to federal lands or resources and have support from that federal agency
- ***Old Divide and Fattig Creek Road***
  - In Musselshell County – access to Signal Peak Coal traffic - \$461,000

## **STAFFING ISSUES**

- Position vacancy for a Wild Horse and Burro specialist
- New Range Specialist (employee to report February 2017)
- New GIS Specialist
- Needed: Pompey's Pillar Manager

# Miles City Field Office Briefing: Minerals Program

## Coal

- ***Spring Creek Coal LLC – Environmental Impact Statement Announced in the Federal Register Notice Published December 14, 2016***
  - Approximately 1602 acres with an estimated 198 million tons of Federal Coal
  - Scoping Meetings Scheduled:
    - Holiday Inn Convention Center in Sheridan, Wyoming on January 24, 2017 from 3:00 – 6:00 P.M.
    - City of Colstrip Council Chambers in Colstrip, Montana on January 25, 2017 from 3:00 – 6:00 P.M.
  - Plan on a release of Draft EIS in 2018
- ***Rosebud Mine – Scoping for a 160 acre Lease by Modification***
  - News Release for Scoping was approved and published
    - Received 3 scoping comment
  - Plan on release of environmental assessment Fall 2017

## Bentonite

- ***Amendment 11 South Plan of Operation***
  - Approximately 229 acre amendment
  - Environmental Assessment and Decision Record in September 2016
- ***Amendment 14 Plan of Operation***
  - Approximately 700 acres
  - Expect an Application in the second quarter of 2017

## Fluid Minerals

- ***May 3, 2017 Competitive Oil and Gas Lease Sale***
  - 156 parcels
  - Approximately 69,304 acres of Federal mineral estate
  - Environmental Assessment Released December 6, 2016 for a 30 day comment period
- ***Fluid Mineral Applications for Permit to Drill***
  - Are starting to see interest in development again
  - Bakken , Fort Peck Reservation, and Southeast Corner of the Field Office

## Lands Program

### Miles Community College Recreation and Public Purpose Patent

- College is interested in purchasing the land (11.83 acres) outright
- Publish a NOI in Federal Registry to amend ARMP to dispose of parcel (currently at the MSO for approval)
- Parcel will be appraised and sold at Fair Market Value, this information will be published in the Federal Register (NORA)
- Complete NEPA and remove the reversionary interest from their patent after funds are received.

### Carbon Dioxide Pipeline and In-Field Development Project

- Carbon Dioxide Pipeline from Belle Creek Field in Powder River County to Outside of Baker, Montana
- Also includes the in-field injection development for oil resources within the Anticline
- Montana BLM State Office and State of Montana Sage-grouse Habitat Conservation Program has been meeting with the company concerning Greater Sage-grouse.
- Finalizing a schedule and prep plan in Spring 2018

### Montana Federal Lands Access Program 2016

- Inter-agency panel that reviews projects – led by Federal Highway Administration
- Project must have access to Federal Lands and have support from that Federal Agency
- ***Belle Creek Road Surface Preservation***
  - In Powder River County – approved for \$1,212,206
- ***Milwaukee Bridge Resurfacing and Preservation***
  - In Prairie County- Approved For \$1,400,042

## Recreation Program

- Historically received \$30,000 to \$40,000 in funds directed by the State Office for seasonal labor to maintain and monitor recreation sites.
- Fiscal Year 17 Recreational Funding is being directed by the Washington Office
  - For Fiscal Year 17 no funding for seasonal employees for MCFO
- Additional Program Advice is to look at closing recreation sites or work towards converting them to fee sites.



## **Grazing Application Process for Pumpkin Creek Area**

### **Applications – Deadline was December 24, 2015**

- Received over 90 Applications From Interested Parties
- Applications and associated material was reviewed to make a copy that did not contain any associated names.
- Process Requires
  - Applications
  - Review process that is not arbitrary or capricious and follows Federal Regulations
  - Environmental Assessment
  - Decision Record issued with protest and appeal rights

### **Application Review Process**

- January 2016 Interdisciplinary Team met to formulate application review process
  - Draft application review process vetted through Montana State Office
- February – March 2016 Interdisciplinary Team meets to review all applications
- April 2016 – Application review status presented to Acting Field Manager
- April 2016 – Mandatory qualifications as spelled out in the Federal Regulations of reviewed

### **Draft Environmental Assessment**

- Initiated May 2016
- First Draft Completed July 2017
- Review by Field Manager in October 2017
  - Multiple questions or concerns
- End of October to First of December – Weekly Interdisciplinary Team Meetings
- Final Review by Supervisory RMS by end of December 2016
- Final Review by Field Manager by January 20, 2017

### **Final Steps**

- Complete a Communication Plan by January 31, 2017
- Brief the State Director in February 2017
- Issue Proposed Grazing Decision February – March 2017