

Western Montana Resource Advisory Council

Jan. 11, 2024

(online via Teams)

BLM Western District Staff Present: State Director Sonya Germann, Katie Stevens, David Abrams, Amanda James, Erin Carey, Brandy Janzen, Kristin Ulery, Dan Brunkhorst, Chris Boone, Maria Craig, Corey Meier, Mike Harper (technician)

RAC Members Present: Jean Belangie-Nye (Chair), Clayton Elliott (Vice-Chair), John Peck, Eric Clewis, Sean Steinebach, Dennis Milburn, Juanita Vero, Lois Steinbeck, Mike O'Herron; Dave Kumlien, Mike Korn, Dave Williams, Mark Peck, Kathryn McDonald

Welcome/Housekeeping Items

Brief discussion of the agenda.

Madison River Rec business plan and public comment

Overview: Dillon Field Office is proposing amended fee structure/private recreation at BLM sites along Madison River Corridor

Fee Revenue: Dillon field office covers nearly 1 million acres. Regular rec program gets about \$30k for recreation and \$60k for wildlife funding. Also, nearly \$18k from last year to manage the rest of the program. Fee component is vital in managing highly developed sites.

Northwestern Energy and river funding grants also help.

Vehicle count data with an updated visitor use count, highlighting Warm Springs access point. This is the highest-visited site, used by anglers and folks coming from the Gallatin area to tube and float. Overall increase in visitors in the last five years comes to nearly 200k people. More than 20 vault toilets along the river require around \$50k annually to clean and maintain. The field office is hoping to increase staff at these locations with this proposal. Parking is a concern; staffing is needed to help direct traffic. There are cultural sites that we do not want disturbed by people looking for parking.

Expenses:

Critical expenses are non-discretionary

Vault latrine contract is \$50k annually (this includes pumping and cleaning of toilets)

Garbage contracts/solid waste fees are \$20k

Camp hosts are \$9k

Road Maintenance is \$5k

Vehicle costs are \$24k

Staffing funds \$124k a year for two career seasonal park rangers

Career seasonal river rangers are \$24.7k

Two seasonal park rangers are \$59.8k

Two seasonal maintenance workers are \$45.3k
Dillon Field Office law enforcement is \$11.4K
Law enforcement is \$17k

Parking lot resurfacing planned (estimated \$40k to \$3mil)
Staffing helps reduce and address user conflicts and keep things family-friendly; reduces the need for LEO responses; handles first response for emergencies such as heart attacks and drownings. We rely heavily on volunteers and seasonal employees. The field office is hoping to hire two more career seasonals.

Lois Steinbeck: What's the difference between career seasonal employees and regular seasonal employees?

Amanda: Career seasonals are permanent employees vs seasonal employees who are new every year.

Lois: Why do you think full-time permanent are an easier fix?

Katie Stevens: We do experience some of the same challenges as with regular seasonals, but there is more commitment with career, and we can offer them some extra work beyond the 6 months. Forest Service is hiring all career seasonals and we want to be aligned with that.

Amanda: We are in conversation with FWP. There are challenges with a fee proposal. We're in the process of implementing a conservation license for non-anglers/hunters. We will talk about joint special rec permit on the Madison. Our sites managed between BLM and Montana FWP.

Dave Kumlien: Can we synch work with FWP for statewide issues? Not just fee issues but also getting full-time staffing. Agencies operate in a vacuum and need to work together.

Amanda: Absolutely. We are excited to have Kristen (Ulery) engaging with the public.

Corey Meier: Back to Lois' point: last year we went through nine iterations to get 2 people on board. That occupied a lot of time, including the rec planners. It requires a lot of overhead, whereas career seasonals do not need the training and can come in with knowledge. We then will not have a total reliance on seasonal workers. FWP cooperation is in the works.

Katie: We do a good job coordinating with FWP, but it has gotten more challenging through the years with FWP decision making. BLM has more and more of the cost and management focus on non-angling recreationists. We are also pulling staff from other areas to the Madison, and we need to pull less from other places and be responsive and not reactive.

Dave: What is the status of the funds that are going to be collected from the persons who have to purchase a conservation license to use a rec site?

Clayton: There isn't a way to track those funds as they are going to into a general pot of money. We need to make sure that House bills are followed, and funds appropriated properly. We have a

better idea about where, how, and when recreation is occurring on the Madison. This is lacking on the Big Hole River.

Kristin Ulery: I'd like to briefly touch on site classifications. The Federal Lands Recreation Enhancement Act has stipulations as what amenities need to be offered to classify rec sites.

Lois: Has there been a discussion for trails along the Madison? There is big funding coming out of the Department of Transportation to get people off of the highway.

Kristin: Yes, we have begun discussion about including a formal trail in between Warm Springs and California Corner. We have to generate funds and implement revenue.

Corey gave a revenue analysis: Scaled back services to make up deficit (current \$220k) with \$5 per car fee we would have a \$170k deficit.

Lois: I do favor a fee increase but am also interested in hiring situations. Question about the 60% fee compliance: can we address it without full-time staffing?

Kristin: The Dillon Field Office and other offices have a concern with compliance for rec sites. We do not have the ability to capture a record of everyone there without staffing. With staffing increases, this would target higher visitation areas to help gain compliance. Also implementing electronic fee stations, which increase compliance. Moving forward, over time the first year is a soft opening, we don't want to come down with some sort of iron fist. Increase compliance via law enforcement for year two. Tracking compliance and evaluate. A gate fee may not be necessary or feasible without revenue. The possibilities are: a fee booth, staffing, or turnstiles. We are open to suggestions for fee compliance.

Amanda: the public comment period ended on Friday; we received 14 comments: 6 in support, 5 in support with concerns, 3 opposed. Greatest piece of feedback: strong concern of special rec permit fees, that guides and clientele will be double charged. We are sharing the language of permit fees to address this. Recently in the past week, after conversations with members of the public, we are considering whether to charge per vehicle vs per person for equality—think shuttle bus vs a car: the shuttle bus is paying less per capita than the car.

Katie: We're interested in feedback for per vehicle fee, which incentivizes carpooling. It's also very low for what we need.

Amanda: the fee is per *vehicle* vs per *person*. We're still in deficit per vehicle but not per person.

Dave: As an outfitter, I have no problem paying a user fee at sites. Some of the revenue needs to go to the BLM for these access points. Can you sell a separate permit to the shuttles?

Amanda: We have had a lot of conversations about how to implement a per person fee, such as how one must get their own fishing permit before being taken out by a guide, one might have to get their own day use permit.

Lois: I specifically am interested in the question about permitting shuttle buses.

Amanda: They are currently permitted through FWP, but we have questions about if we should permit them ourselves. In Utah every single site seemed like they were charging double the fees we charge. Would be interested in seeing what other states are doing with shuttles. Maybe also some sort of reward to those coming in on shuttle since you are reducing carbon footprint.

Dave: Buses being SRP permitted does not give BLM money and we need to find a way to get the BLM money for this. It would be far less complicated to permit vehicles vs individuals.

Dennis Milburn: Is there an age restriction on when we would start charging people?

Amanda: We have not had that discussion yet, but I think there will be.

Dennis: I'm worried about revenue vs deficit. I'm concerned about still being in a deficit, though with the per person option it seems to solve that problem. This also is fairer and brings equality to who is paying to be there.

Kristin: I spoke with Angie from FWP about buses. They are operating under a special use permit. In Montana, the state does not currently have the option to charge a shuttle permit.

Lois: Circling back to shuttle buses. If it's the BLM licensing authority, why is this not part of the plan?

Kristin: The shuttle permits are part of the joint permit program with the state and BLM. The way the program is, management would have to be completely revised to get the Dillon Field Office to manage the funds. We're looking at comprehensive plan revision. It is a separate issue within itself.

Amanda: Can I add for clarification that I don't think we would have to go through a signed revision of our Memorandum of Understanding. We have managed the shuttle busses before and will have that conversation down the road.

Lois: Why can't we have just a BLM permit for the bus?

Amanda: We would have to include the FWP with that.

Dave: I think that this is an excellent idea to have those discussions with the FWP to see if you can take over the permitting of the buses.

Amanda: We want to treat our shareholders equally and fairly. How do we implement the fees of shuttle buses while being fair and consistent with everyone?

Kristin: I want to touch on a critical Operations and Maintenance cost. There is potential for vehicle expenses to be charged to a separate rec line. I recall we thought that it might not be fair

to assign all the fleet costs to the total since it may be charged to a separate business line. We did apply for projected business expenses.

Katie: I think we have more work to do on this, and we commend the field office for working on this.

Amanda: We need to have additional conversations will probably be doing another public comment period. There are conversations we need to have with some outfitters as well.

Jean Belangie-Nye: It seems like this is the first one we are doing for the Dillon area, but we need to consistently be doing this across the state. We can become a model for the area if we do this right.

Lois: I wanted to thank the staff. Today, I got more of an idea about how difficult this all is and how much work goes into this. Question: being a RAC member, I don't understand the whole process. Can we vote today without the finalized plan in front of us?

Amanda: It is not ready for a vote today. Maybe the next meeting.

Mike Korn: I agree this is tricky and complicated. The BLM is holding up these resources and keep finding the skilled employees you're bringing in. Keep pushing for better wages to bring in qualified individuals. Be fair to outfitters and public. Thank you for holding us up, RAC members will be there for you.

Kristin: That made my heart feel warm hearing you say that, thank you. We are all really passionate about what we do, and it can be a struggle to find a balance in all that we need to accomplish. Thank you for the solidarity.

BREAK—Meeting resumes at 11:05

Garnet fee increase business plan—Presentation by Missoula Field Office

Garnet Ghost Town receives more than 30k visitors per year. It has many engagements with schools and youth groups. It also has two winter cabin rentals, and the winter backcountry byway and about 100 miles of snowmobile trails, which is really what the main drive is to Garnet in the wintertime. Garnet Ghost Town is classified as a standard amenity fee site. We do not maintain a presence in the ghost town in the winter. The winter focus is on renting out the two cabins. Cabin rentals are considered an expanded amenity fee site.

Proposed modification to Garnet Ghost town Recreation Area Fees

From \$3 per person 16 and older to \$10 per person 16 and older

Both cabins raise to \$50 per night

Of note, Garnet Ghost Town honors the America the Beautiful passes and also does not charge schools to tour.

The field office projects that fees would increase to \$100k under the new fee structure.

As of today, the field office has received 9 comments

Support of fee increase - 4 comments

Support of smaller fee increase - 3 comments

Supportive of cabin fee but not day use increase – 1 comment

Not supportive of any fee increase – 1 comment

Katie: Is the comment period closed or is there more time on it?

Missoula: It is still open; it closes on Jan 16th.

Lois: How soon do you need our approval to implement fee increase?

Missoula: We do need RAC approval, and it's my understanding that the changes would go into effect immediately.

Katie: Yes, we do have the ability to implement immediately since it is just an increase on an already existing fee. I would like to ask the RAC if they are comfortable voting on this today.

Missoula: I would be comfortable with that going through, especially since there is a possibility of the government shutting down by Friday, so you may not be in office for some time. How does the rest of the group feel about voting today?

Mike: Is our endorsement here consistent with the process of going through CFRs and all that?

Katie: Are you asking about Federal Register Notice for increasing or adding fees?

Mike: I am wondering if we vote on this today before comments close, is that creating a procedural issue?

Katie: I do not believe that will create procedural issues if you go off the data that you have currently. Correct me if I'm wrong on that RAC procedure, David.

David Abrams: I think you are right, that would not create an issue or interfere with procedure.

Mike: What the RAC votes on is our recommendation, is that correct? And if we make our recommendation before the public comment period ends, and a substantial comment comes in, would that make us look at our recommendation differently? I think we have to have some established way where we regroup. What is your feedback on that?

Katie: Great question. I think we have checked, and the RAC cannot vote by email. But I think if you vote according to some of the assumptions today and then the BLM sends you guys all a note, we could include it in the RAC meeting notes, just confirming whether your assumptions are valid or not.

Lois: I think the process was outlined for us voting today. But what if there was a substantive comment after the vote?

Katie: I think we could send you guys a note and say we received this substantive comment and we're assuming you want to revisit this in an open meeting.

Adjourned for LUNCH; Meeting resumed at 1:02 p.m.

Wolverine listing update

Chris Boone (virtual, via Teams): I am the program lead for wildlife and Threatened and Endangered Species for the BLM. Also here with me on the call is Jake Martin, deputy field supervisor for US Fish and Wildlife Service Montana Ecological Services. The final wolverine listing determination was Nov. 30, 2023, and became effective Jan. 2, 2024.

The wolverine is a threatened species primarily because of ongoing increasing impacts of climate change and associated habitat degradation and associated fragmentation. Proposed is an interim 4D rule, which prohibits certain activities unless identified as an exception. The comment period ends on the 29th of this month. Things that fall under forest management activity: incidental take resulting from legal trapping. At this time, critical habitat has not been proposed, but the service has up to one year to determine if designating critical habitat is feasible or pursuant under ESA.

From the 2018 species status assessment compared to the 2023 species status assessment addendum, there were six primary differences.

1. Connectivity with Canada's major highways impede female dispersal, which has implications for gene flow.
2. Genetic diversity and adaptive capacity. Low genetic diversity and increasing population fragmentation has been noted.
3. Ecological requirements. Wolverines are snow adapted and depend upon areas with persistent spring snow for survival, such as caching food to denning and reproduction in alpine habitats.
4. Dispersal and human disturbance. Human development in valley bottoms between those core habitats where wolverine can and will disperse if it has the ability. Human disturbance of food availability were major drivers of wolverine distribution in winter and may change competition dynamics with other carnivores that have advantage in those areas affected by human disturbance.
5. Winter recreation is more of a disturbance than previously thought. Winter recreation is negatively associated with wolverine habitat use, and likely to increase and become more concentrated in the future as snow covered areas decline due to climate change.
6. Not so much related to the US but trapping in southern Canada is currently unsustainable and may be affecting dispersal into the US.

What does this all mean to the BLM? As with any change in conditions such as a listing, we review our federal actions. Section 782 consultation is sometimes required, or new federal actions. With the listing of the wolverine, we are now taking the best available science and

considering the wolverine further in our new actions. We are also reviewing our ongoing actions for effects on wolverine that might now have been previously considered in analysis. We will be reinitiating consultation on ongoing actions that were not previously consulted on. We'll determine whether those effects of those new actions are ongoing actions, or are insignificant and are discountable, which ultimately requires informal consultation and up to 60-day turnaround time for those effects. Those actions that are causing adverse effects will require a formal consultation, and that takes up to 135 days. Any questions for Jake or me?

Lois: I think I understand the consultation moving forward into the future, but what is it to go back and review decisions that have already been made? What happens in that process?

Chris: In that process, we as federal agencies have a responsibility to ensure our actions don't result in jeopardy of a listed species or destruction or adverse modification of critical habitat. So, if we have, for instance, a vegetation management action decision that was signed and it did not consult on wolverine in the past, because it didn't have to since it wasn't a listed species, even though that action has been signed, the federal agency has a responsibility to go back and review that action using the best available science. If they consulted on another species previously, such as grizzly bear, they could reinitiate that consultation for the change condition which is the wolverine listing, and for effects not previously considered.

Lois: What happens if you find effects then? Maybe vegetation management is one thing, but would a timber sale ever be affected?

Chris: It could. It depends on the outcome of the consultation. The consultation could be informal, it could result in some additional conservation measures being incorporated into that project. It could result in the identification of adverse effects where we would have to consult formally with the Service, and in the end, it really comes back with the Service having terms and conditions for the action agency, the BLM for example, and it's not something that just comes out of the blue and surprises us. It is something that requires early and often communication and coordination, but it could result in changes to the project due to the terms and conditions of the biological opinion that may require a new NEPA analysis or additional NEPA analysis for that project. So, there is a variety of things that could come out of that consultation, out of that review of that particular project or any project.

Jean: My question is on the map; the blue areas are where they have been sighted in Montana and the Red areas are for what? I'm not quite sure. I know the range is the purple, but what are the blue and red? That's my first question. Second question, on trapping in Montana, are they allowed to take one wolverine a year?

Chris: No, there is no trapping, they do not trap in Montana. The red is natal denning areas. The blue is wolverine locations.

Sean Steinebach: Just out of curiosity, when you were talking about the consultation and reconciliation, is that stemming from Cottonwood decision or is that just how things all work?

Chris: No, that's just how it works.

Jean: Do we have a number on what they think we have for wolverines in the entire country, and in Montana?

Jake Martin: Per listing rule approximately 300 wolverines in the contiguous U.S.

BLM litigation overview

Dan Brunkhorst, Montana/Dakotas BLM State Office: Gave an overview of Body of Administrative Law and the Administrative Procedures Act, and then discussed Administrative Appeals, Regulations and Litigation.

Mike Korn: As far as during the regulations section here, where each shop, if you will, kind of has its own iteration of how to go through that process, is that something that ends up in CFRs for those individual programs? Or do the CFRs grant rulemaking authority to the BLM that their forestry shop or their wildlife shop can have a certain iteration of that process?

Dan: The rule making comes first, and during that promulgation of regulations it goes through the process, and it goes to the Federal Register notices and so on and so forth. Part of that is establishing those regulations. Within those regulations is the process, the CFRs that guides the ground level appeals and protests for each program. So like I mentioned, the CFRs for grazing program are in 4160 and forest management under 5000 and I think solid minerals are under 2809, so they all have their own specific set of CFR's where those individual protest and appeal requirement are found and then if it's not under one of those programs, then we issue them under that part four decision diagram that is in the PowerPoint. So that's kind of the catch all.

Clayton: I hesitate to ask this question, because I know how quickly it could get into the weeds, but what types of decisions related to water rights are appealed? Presumably here to the IBLA and OHA.

Katie: We've had both.

Clayton: Just because so many of the water rights, I mean I would presume that under the current amendment those would be state court?

Katie: Probably yeah. We could get some more, the ones that I show us being litigated on are some around Little Boulder and then some with McMaster, and they are real particular cases. But we could get you guys a more detailed summary on that with some support from our state office if you're particularly interested in those, or we could just provide you the information too, and the RAC members.

Clayton: I am happy to talk with Melissa offline about this as well. I am just really interested in how water rights would be ending up in a federal appeals process.

Dan: It depends on the statute, and it depends on the type of water right that you are looking at. It depends on whether it was 1973 or pre-1973, and sometimes the water court are involved with

the adjudication and sometimes they can get involved and resolve disputes, but not always. After the adjudication process is over and the water courts dissolved, a lot of times the District Court doesn't even like to get involved with water rights cases, so then it'll go to a Divisional.

Clayton: I understand that, I was wondering if there is an option so I could assume or maybe think about an example, not a real example, but a theoretical example of where the BLM and their planning process decided that they wanted to convert a newly acquired water right from type of use to another, and that was through the planning process that then the root of the planning process is appealed, but not the actual change application of the type of use for their water rate, which is a separate legal process.

Katie: We wanted to give the RAC an overview, but if there's particular follow up questions that you have, or if there are any of these cases that you are particularly interested in, we could do a follow up presentation in a future meeting on those.

Clayton: I have a follow up question. I would have to get out of the specifics here, but I am interested in what is the opportunity cost of this litigation, and how much is the cost of preparing all the documentation and responses and all that. So, what is the HR costs in your field offices to this litigation? How much of a FTE and its simplest census spent within field offices that could be spent otherwise if there wasn't litigation, or maybe we could be ramping up as we see a more litigious environment? I think that might be something I would be interested in a future conversation as basically what is litigation taking from what would otherwise be being done in out field offices in terms of management.

Katie: We can put some figures together on that, but it is extensive because these appeals have often been in front of 15 to 20 of our folks. I mean that appeals relate to each piece of the inner disciplinary process and then there is a defined timeline. So, when we get an appeal, the ID team stops the project work they are doing to work on that, and typically it has been several weeks of work. There is often FOIA requests as well that go with this and we completely respect the function of that act, and believe in the transparency of that act, but just the work of pulling all those records together is extensive. And then the Equal Access to Justice Act, those are the direct monetary settlements, and I would guess that our organization has had around \$100,000 worth of those judgements, just off the top of my head, in the four years that I have been here. We have had cases like the Iron Mask litigation where the field office has prevailed on five of seven counts, but we still end up doing an equal access to justice payment, because two of the seven counts we either had to redo the NEPA or the OR had otherwise a judgment against us, and even if we have redone the NEPA, we still sometimes have those equal access to justice payments even if we've corrected the situation in keeping with the courts direction, we still end up paying those settlements for attorney's fees. If you would like a little more detail on that, we can put some numbers together of how the offices have been affected and some of the timelines as examples.

Clayton: Yeah, I've seen impacts to the BLM nationwide, but like here in my backyard, I would like to see what the costs and impacts are to other field offices here. I would be interested in that, and then also the average length of time these appeals processes are taking for these 28 cases. Like, are we talking about months, years, etc.?

Missoula team: You mentioned how the Equal Justice payments are coming out of the organization. Is that standard throughout the DOI, and to the federal government? Or is that something that is only on BLM land?

Katie: No, the Forest Service is subject to that law, too, and throughout the nation, it's a federal law.

Missoula team: Subject to law. But in terms of your personal budgets, so to speak, being responsible for that, is that consistent throughout all the federal agencies, or is it just something for the DOI?

Katie: I don't know how that's handled in the Forest Service, but I think it depends on the amount and the agency. If we end up with a judgement that we can't pay, then we work with our Washington office, and it is probably just case by case.

Missoula team: I think that was good, interesting and informing, and it gave me an idea of what we are doing legally in terms of the language, at least.

-Field Manager and State Director Updates

MISSOULA

Erin Carey, Field Manager: Things are going well with the restoration landscape, which is the Inflation Reduction Act, and the bill-funded projects. We're about 90% obligated on those build projects and about to spend 1/5 of our restoration landscape budget.

For the Blackfoot-Clark Fork restoration landscape, just a reminder that we have broken that out into four pillars: forest health and resiliency, riparian health, recreation resiliency, and tribal cost stewardship.

We have several agreements that have been awarded just this morning. We are meeting with some of our riparian partners, preparing them for the next rounds of grant applications.

We have several projects in the lower Blackfoot that are aimed at getting those forest systems back onto a trajectory to their natural range of variability, and obviously the associated benefits to terrestrial and aquatic wildlife habitat, recreation opportunities, sustainable forest product supply, drought resilience and benefits to local communities.

We have a fantastic working relationship with the Confederated Salish Kootenai Tribes, and we are in discussions for a memorandum of understanding around cost stewardship. Restoration is also reconnection, and there are opportunities to work with tribal people to enhance new plant populations, and for tribal members to gather wild foods and just reconnect to that landscape.

DILLON

Amanda James, Field Manager: I'll recap the Missouri headwaters restoration landscape. We presented on it during the last meeting, but I wanted to refresh people's memories. We characterize it as a restoration through collaboration effort, focusing on safe wildlife passage, white bark pine restoration and enhancement, vegetation treatments to improve sage grouse habitat, and riparian habitats.

We are connecting youth to our community and our landscape, to engage stewardship. We are removing cage wire, also known as sheep fencing, and implementing a new standard that BLM Montana-Dakotas hasn't necessarily done, and that's smooth top and bottom wire for wildlife passage. Right now, we have about 17 miles identified and we're excited that we had a large buy in from our permittees and not a whole lot of pushback.

Lois: Could I ask a question about your fencing project? Let's say that somebody has a fence in need of fenceposts or other kinds of repairs—is that eligible for this funding as well, or is it just wire? How does the whole thing work?

Amanda: We do have several sources of data, some from FWP and some from other antelope research projects, where we have identified corridors on the landscape. Some of it is collar data which helps us see where animals are getting hung up due to fencing. We are probably going to prioritize those areas first.

Lois: I understand that part, what I am asking about is do you completely replace the existing fence, fenceposts and all?

Amanda: It depends on the condition of the fence. If the fence is very old, probably 50 years old and in pretty bad shape, we will rebuild that fence. If it's in good condition, it might just be pulling wire and removing wire.

Lois: Thanks, I appreciate that.

Clayton: I have a question from some of my folks in the Dell area. Has there been any update on the Little Sheep cabin rental?

Amanda: We have gone out for solicitation maybe two or three times for a contractor to provide some improvements on that cabin so that we can enter it into our cabin rental program, and we just can't get a contractor to do the work at a good cost or price. The bids we are getting are outrageously high, so we've paused that for a moment. We might look and see if it is something that we can do in-house to bring that into our cabin rental program, but with the remoteness of that area, it is very difficult to get a contractor who will do the work at a reasonable price.

Clayton: That's great, thanks.

JM Peck: I wanted to follow up on the white bark pine. Do you have any updates or further insights into resources available to help with those evaluations on projects in your area?

Amanda: Yes, we are hoping to enter into an interagency agreement with the Fish and Wildlife Service where we would be funding a conservation biologist to work on our consultation needs

for both Dillon and the Missoula Field Office initially. So, we can kind of move the needle and get some consultation work done and biological opinions back. But at this point, we haven't been able to get an opinion back from the agency on our decisions.

JM Peck: Thank you. It seems there's maybe a little bit of a knowledge vacuum on the white bark pine regarding it being a tree and not an animal. Is that a fair assessment from what the Fish and Wildlife Service's perspective is?

Amanda: Well, I think that they have some great staff, but they are wildlife biologists, and they don't have a botanist on staff, so that's why we are coordinating with the agency on getting a botanist on staff with expertise to work with us.

JM Peck: Thank you.

Missoula team: What kind of repairs does the Little Sheep Cabin need? Are they massive?

Amanda: We are revisiting what it absolutely 100% needs. I know that it is not compliant with current ADA requirements and accessibility, so that's important. I think there safety issues with propane and heat and those sorts of things as well. We also have some concerns with the previous flooding and the condition of the foundation. It is very close to a stream that has had some ice jams that have caused flooding in the past. We are trying to fix those issues, too.

Missoula team: How far out did you put your bid out for? Did it go to Missoula or anybody like that, or was it just within the Dillon area?

Amanda: I am not a contracting officer, but I do know that contractors need to be registered within our system to bid on federal contracts. We try to solicit local contractors in our area, and we did make that effort in 2022 and got incredibly high bids. We broadened the scope to very large contractors that were national, that had the ability to subcontract locally, but the cost was just outrageous, so we couldn't enter into a contract with them.

Missoula team: Okay, I am meeting with a group tonight and I am going to be meeting with the preservation officer for the preservation people from Missoula, and I could see what's going on because we are doing a lot of preservation out at the Fort with people who are registered. If I find out any information, I will send it to you.

Amanda: Thank you.

Katie: I just want to say that it is important to me that any money we have to put into that Little Sheep Cabin does need to be a wise investment of public resources. So far that has been tricky, it would be an outstanding recreational opportunity to allow folks to rent that cabin, but so far, the cost of making that happen has been super prohibitive.

BUTTE

Brandy Janzen, Assistant Field Manager: I am sitting in for Lindsey Babcock today.

Here's an update on our business plan. On Dec. 19, we presented our business plan and our proposed fee schedule to Sonya Germann (State Director), and we got that approved. We are currently working through the Federal Register Notice to publish the new fees. We are also working with recreation.gov to get the new sites added to that website. They won't all be reservable; however, it is a good way for the public to get notified that there will be fees coming to these new sites. We are also in discussion with rec.gov as they have a scan and pay option that we can use at some of our sites where we don't have cell coverage and it would be for any sites that are first come, first serve.

We recently finished work on the Copper City Access Road improvements near Three Forks.

We rebuilt our range and weed program staff. We had pretty much nobody in that program for a little bit, and we're built back up in the last 3 months.

Lois: I have a question. Can you tell me what you think the reasons are for the staff turnover in your rec program?

Brandi: I think there are a couple different reasons. What we try to do in our program is provide opportunities for our staff to get new skills so that they can grow and develop professionally, so if you do that correctly, you're going to lose staff, right? So that is just kind of part of it. But another part of it is though we've got these positions approved, we still haven't hired all the positions we need. That results in a lot of our staff still being overworked and just having a lot on their plate. They are trying to make positive changes and do a great job, but when you have such a large workload, it's really hard to do that and sometimes they look for opportunities elsewhere.

Clayton: I just have a couple of quick questions. One is on Jerry Creek. I had a couple of members asking about a large truck and some big concrete slab sitting in the Jerry Creek parking lot most of early winter. I am just curious what was going on, so that I can report back to them.

Brandi: We are doing some temporary fixes. We plan to reassess Jerry Creek and Divide boat ramps. We are trying to address the current major issues and those concrete planks came from Carbella; we're using them to create better footing.

Clayton: I will be glad to share that redesign. And then just a quick update, I know that Lindsey and I have been playing phone tag on this, but I did have a good conversation with Melissa in Lewistown yesterday, then also Andy Brummand on Seymour Creek on the water right, and how we might be able to provide some help and support to you all on doing that water right stuff. So, at some point I do have things to update you on. I just wanted to let you know I have been continuing that conversation.

Brandi: Lindsey and I were talking about exactly that on Monday.

Clayton: And one quick follow up question for Amanda. Where is the Lost Creek acquisition? Is that one of those two parcels up next to the Forest Service?

Amanda: I can't think of the drainage that's close to it, but it is. It's between a BLM section and the Forest Service boundary, and you have to go through a large tunnel culvert to access it. Do you know that spot?

Clayton: Yeah, the Smith Bar 6 has the block management area up there and I didn't know if it was part of that chunk of private ground between East West in between the Forest Service and BLM sections, or if it was down lower.

Amanda: It's East West. I can send over a map.

Clayton: That would be hugely helpful. That's an exciting potential acquisition and one that will be very well appreciated by a lot of folks down in that neck of the woods, myself included.

Amanda: The access piece of it was really important to keep access to BLM and Forest Service in that area. It's pretty popular.

Mike: I have some questions. Number one, you mentioned the North Lewis and Clark travel plan. Can you give me a quick thumbnail sketch what that area includes?

Katie: We acquired some lands from the BLM Lewistown Field Office several years ago just administratively, and so we now manage those lands. A lot of it is outside of Augusta and then the Sun River is as far north as it goes. I think the furthest south is a little north of Wolf Creek.

Mike: So, it includes like the Little Belts over by the Beartooth game range?

Katie: It's mostly up by Augusta, it's north of there.

Mike: The other question I have is last year, or maybe the year before, there was an outfitter that had requested an expansion of the SRP out of Whitehall. Up in the Jefferson Valley, the Boulder Valley, and you folks decided to go from just a categorical exclusion to an EA? Has there been any discussion on that project?

Katie: Not recently, just because of our lack of staffing. We have just lost our Senior Outdoor Recreation Planner out of the Butte Field Office, so we're just really low staffed. We've lost a wildlife biologist, so we have to be really careful about what projects we can commit to at the moment just because of consultation workload. We've lost a forester, geologist, a wildlife biologist, and an outdoor rec planner in the last three months.

Mike: Answered my questions, thanks.

STATE OFFICE

Sonya Germann: Hello everybody! I am going to go over just a few high-level things impacting the BLM nationally and certainly is going to be impacting us here in Montana and the Dakotas. I wanted to bring you some information on the solar programmatic EIS, sage grouse EIS, the public lands rule, and the blueprint for the 21st century outdoor recreation.

First, I want to say that it's been a pleasure to listen to everybody today and I appreciate this particular group for really digging in and engaging with us on these tough questions.

JM Peck: I have a question. How do you view the relationship between conservation and grazing? I have been to many listening sessions and heard back and forth on this issue. As a rancher who grazes on BLM grounds, I see a direct correlation between grazing and conservation, and grazing being a part of conservation. I was just curious if you could elaborate on your thoughts on that relationship?

Sonya: Absolutely. A lot of our conservation work that we can accomplish out on the ground is going to be in partnership with our grazers, and we do a lot of that. I mean, go down to the Dillon Field Office, I'm thinking of our restoration landscape up on the highline too. Some of the more outstanding conservation that we are accomplishing on the ground is in partnership with our permittees. We have a joint interest to make sure that we are creating resilient landscapes out on the ground, and if they're seeing issues out there, that we are going to be working together to address it.

MEETING BREAK, resumed at 3:30

Public Comment Period

Jim Merifield: I am a board member of Western Montana Trail Riders. I have participated in other previous Blackfoot meeting, public meetings in the area. My question: is the new Blackfoot travel plan ready for public release? If so, I would come by the office and pick one up. Our club is going to meet this month and we start planning our rides for the year, so if it is available, I will come get it.

Erin Carey: We are undertaking a comprehensive travel management effort for the Blackfoot and that is not available for the public yet. Where we're at with that is over the summer, we contracted our route inventory and we had contractors out just kind of taking stock of all the road conditions, culverts, etc., and pull that data together. This winter, starting in a couple of weeks, our staff internally is going to be looking at that data and doing some evaluations and establishing evaluation criteria. Then in March and April, we'll be going out to the public and synthesizing the information we found about the roads that are out there. Then we'll be hearing from the public where we should be focusing our efforts, what kind of experiences they're looking for, and we'll incorporate that information into that planning effort going forward. This spring we will take that information and start to work up the proposed action. At that point, we kick off the need to go out to the public with more opportunity for engagement. Ultimately, we would have a decision by 2025. In the meantime, within the Blackfoot Special Recreation Management area, we are still working off of existing travel management which is a limited designation as we acquire new lands from the Nature Conservancy. It's all that former Plum Creek land. So, as we bring those lands into BLM ownership, those are all being managed the same within the Blackfoot area. This travel management process is going to look at the whole together and more forward with some new decisions there. Hopefully that answers your question.

Jim: Yes. If your staff would like any assistance from our club, please contact me.

Carey: Your name actually did come up the other day as we were talking about public engagement and travel management planning. We'll be reaching out to you and make sure that you and your group members know about the opportunities this spring, too. We would welcome you working with us on that, that would be helpful.

Jim: Thank you.

Jean: Are there any other guests from the public that would like to make a comment? Seeing none, first thing we should do is make a motion. And Mike is willing to do that in terms of the Garnet business plan. The RAC endorses the Garnet Ghost Town business plan.

Motion was made and seconded.

Lois: I'm wondering whether we should have a motion to approve the plan with the option to revisit later if we deem there are significant issues brought forward in public comment after our approval. What I would ask is if Mike would accept the following language to say the Western Montana RAC approves the fees for Garnet and the cabin rental fee and reserves the right to revisit the fee schedule.

Mike: I'm fine with that. In fact, it's probably that in and of itself as the motion. [He withdrew his original motion]

Lois put forth amended motion "Western Montana RAC recommends approval of the fee proposal as proposed by the BLM staff for day use at Garnet Ghost Town and overnight cabin rentals. The RAC would revisit this resolution in a public meeting if substantial comments received after the meeting weren't visited."

Vote: Unanimous pass

Lois: Do you need a subgroup [for the Madison River fee proposal], or did we provide enough comment for you to proceed and bring us back something? If you work with the interest groups that care about it, I guess it's mostly the either per vehicle or per person, and the working agreement with FWP.

Amanda: I think we need to form a subgroup. I also want to fully understand any potential impacts to SRP holders if and how we implement a day use fee. I also would like to engage with those user groups and people from the outfitting and guiding community to get input and feedback.

Lois: Do we need another motion? A formal motion to propose a subgroup?

Katie: I think we should, I think you should do that.

Lois makes motion. "I move that the Western RAC form a subgroup to advise it on the proposed business plan for the fee structure for the Madison River."

Vote: Unanimous pass.

RAC members then proposed agenda topics for the next meeting, including:

Follow up on Madison River fee proposal

Wildlife migration corridors

Grizzly bear food storage order public comment

Possible field trip to the Blackfoot and Garnet if RAC meets in Missoula

Discuss the public access to public lands

Impacts to wildlife from intense recreation

MEETING ADJOURNED at 4 p.m.

Approved by: //SIGNED//

Date: 2/15/24

Jean Belangie-Nye, Chair