



BRIEFING STATEMENT

BLM-MONTANA/DAKOTAS

UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT • LEWISTOWN, MONTANA • WWW.BLM.GOV/MT

March 19, 2012

UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT RESOURCE MANAGEMENT PLAN

I. SUMMARY:

In December 2008, the Lewistown Field Office issued the Upper Missouri River Breaks National Monument Record of Decision and Approved Resource Management Plan (RMP).

II. BACKGROUND:

We received two appeals and one request for stay. The stay was denied, and one appeal was withdrawn. The other appeal dealt with a road to private land that BLM inadvertently showed as closed in the transportation plan; the final transportation plan shows the road in question as open.

In June and July 2009, the Montana Wilderness Association and The Wilderness Society/Friends of the Monument/National Trust for Historic Preservation/Oil and Gas Accountability Project each filed a lawsuit. These lawsuits claim the BLM's plan violates the National Environmental Policy Act (NEPA), the Wild and Scenic Rivers Act (WSRA), the National Historic Preservation Act, the Federal Land Policy and Management Act (FLPMA), and the Presidential Proclamation establishing the Upper Missouri River Breaks National Monument.

In November 2009, Western Watersheds Project, Inc., et al, filed a third lawsuit. This lawsuit claims, among other things, that BLM's decision to exclude grazing as a significant issue for the RMP/EIS is arbitrary and capricious; that BLM's failure to consider and/or manage the Monument to restore cottonwood gallery ecosystems and/or otherwise achieve potential natural community for riparian resources violates NEPA, FLPMA, WSRA, and the Presidential Proclamation; that the failure to consider and/or manage the Monument to reduce or eliminate cattle grazing intensity in riparian areas during hot seasons violates NEPA, FLPMA, WSRA and the Presidential Proclamation; and that BLM failed to consider significant cumulative impacts of grazing on the objects of the Monument. In addition, the lawsuit listed numerous concerns with the Woodhawk grazing permit renewal decision, again citing riparian/livestock issues.

In summary, the groups claim similar deficiencies in the plan: our road density is too high; motorized boats should be removed year-round from a segment of the river; all remote backcountry airstrips should be closed; and that BLM did not address the impacts of grazing in sensitive areas and cottonwood galleries or develop a plan to protect and restore those areas, etc. The plaintiffs eventually consolidated these suits and the venue was changed from Missoula to Great Falls. The BLM provided a copy of the administrative record to all the attorneys involved.

On August 19, 2011, Judge Sam E. Haddon, U.S. District Court-Great Falls ruled in favor of the BLM on all counts and granted the BLM's Motion for Summary Judgment. Many observers interpret this ruling as an endorsement of the management plan's multiple use approach to managing the many public resources found in this monument.

Shortly after that, the Western Watershed Project, Montana Wilderness Association, and the Wilderness Society appealed their cases to the 9th Circuit Court of Appeals. The Western Watershed Project brief was heard on March 15 and the Department of Justice response was due April 16. The briefs for the other two plaintiffs were scheduled to be heard at the end of April.

III. PUBLIC INTEREST:

Public participation was a vital element during the preparation of the proposed RMP and will continue to play an important role during implementation of the approved plan.

Public interest in this monument and its management remains very high. The public is largely very supportive of BLM's multiple use approach to public resource management and the BLM looks forward to continued collaboration among all those interested in these important public resources.

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