

TABLE OF CONTENTS

General Information

Principal BLM officials and office locations
Boundary map

Recreation

Undaunted Stewardship
Pompeys Pillar National Monument Interpretive Center
Implementing the Federal Lands Recreation Enhancement Act: Montana BLM Recreation Fee Program
Shepherd Ah Nei Off-Highway Vehicle Recreation Area

Resource Management Planning

Butte Resource Management Plan Revision
Malta Resource Management Plan
Miles City Resource Management Plan Revision
North and South Dakota Resource Management Plans
Upper Missouri River Breaks National Monument Resource Management Plan

Minerals Management

Badger-Two Medicine Applications for Permits to Drill (APDs)
Coal Bed Natural Gas Development
Golden Sunlight Mine, Inc., Partial Pit Backfill Supplemental EIS
Graymont Western U.S. Inc., Mine Expansion
Montana Tunnels Mining, Inc. Expansion EIS
Sioux EIS and Programmatic Agreement
Zortman and Landusky Mine Reclamation and Water Management

Lands and Renewable Resources Programs

Blackfoot Community Project
Black-Footed Ferret and Prairie Dog Management
Greater Sage-Grouse Conservation in Montana and the Dakotas
Grove Creek Ranch – Meeteetse Spires Land Exchange Proposal
Montana Fuel Reduction Projects
Healthy and Resilient Forests
Horse Thief Hazard Fuels Reduction Project
Exemption Area Wildland-Urban Interface Project
Noxious Weeds
Wild Horse and Burro Program
Golden Sunlight Wind Project
Valley County Wind Energy Project

Other Programs and Issues

BLM's Drought Policy
Federal Land Transaction Facilitation Act: BLM Montana Implementation
Montana Army National Guard Withdrawal at Limestone Hills Training Area

UNDAUNTED STEWARDSHIP®

PURPOSE OF THE BRIEFING DOCUMENT:

Undaunted Stewardship® Program Description and Status

ISSUES:

Undaunted Stewardship® has received earmarked pass-through funding from the BLM since 2001. With the year-long Continuing Resolution for 2007, funding for the Undaunted Stewardship remains uncertain. The Undaunted Stewardship Executive Council is pursuing other avenues as potential funding sources for the continuation of the program.

Background:

Undaunted Stewardship® is a cooperative program directed jointly by federal, state and private agencies, with guidance from statewide historic, conservation and agricultural groups. The Undaunted Stewardship® concept came from Montana's ranching and agricultural community. It was initiated to recognize the stewardship of private landowners that has resulted in many areas along the Lewis and Clark Trail remaining undeveloped and closely resembling what Lewis and Clark saw during their expedition through the state. The program works to preserve and improve landscapes and communities along the Lewis and Clark Trail in Montana. This is accomplished by developing on-the-ground projects with private landowners that will further enhance the natural resources along the trail, including grazing management plans, a ranch certification program and interpretive kiosks.

Funding for the program results in improved ranching and land management practices on private property along the Lewis and Clark Trail. Undaunted Stewardship® is also directly benefiting the public visiting lands managed by the BLM. Projects for 2007 include providing critical camping sites on private lands for boaters along the Upper Missouri River Breaks National Monument (UMRBNM), alleviating crowding and resource impacts on BLM lands. Another 2007 project is developing interpretive wayside exhibits and constructing a trail at the new UMRBNM Interpretive Center in Fort Benton. Congress has been appropriating funding for the Undaunted Stewardship® program through the BLM since FY 2001.

Program Goals:

Goal 1: To demonstrate that agriculture and environmental values can be compatible.

Goal 2: To educate people (e.g., farmers, ranchers, policymakers, and other citizens) about how voluntary, incentive-based approaches can be used to sustain and enhance the environmental, social, historical, and economic values of agricultural landscapes.

Recognition:

The Advisory Council on Historic Preservation recognized the Undaunted Stewardship® program with the Chairman's Award for Federal Achievement in Historic Preservation. The award, presented in Annapolis, Maryland, on May 18, 2005, cited Undaunted Stewardship® as a "wonderful model for similar partnerships across the Nation."

BLM role:

As a member of the executive council, BLM has helped develop agreements that:

- Lay out a methodology to prioritize and select projects for funding;
- Create the means to fund projects through Montana State University (MSU) when needed;
- Encourage the use of partnerships with other organizations to leverage available funding.

MAIN DECISION OR MESSAGE:

Although Undaunted Stewardship® funding comes to Montana BLM, it is essentially pass-through funding. Funding for 2007 and beyond is uncertain. The Undaunted Stewardship® program is an outstanding example of cooperative conservation. The BLM, Montana Stockgrowers Association, and Montana State University work together to preserve and improve landscapes and communities along the Lewis and Clark Trail in Montana. The partnership BLM has with Undaunted Stewardship® will benefit private and public cultural and natural resources for years to come.

BUREAU PERSPECTIVE:

The Montana Stockgrowers Association was instrumental in obtaining the Undaunted Stewardship appropriation and serves on the executive council.

Several conservation groups are involved in the process and will offer advice concerning projects along the Missouri and other rivers and streams along the Lewis and Clark Trail.

Montana State University is providing outreach and research and science assistance for project development and

implementation. It is also assisting private landowners in developing management strategies.

CONTACT:

Howard Lemm, Associate State Director, (406) 896-5012; or Cindy Staszak, Chief, Branch of Land Resources (406) 896-5039

**POMPEYS PILLAR NATIONAL MONUMENT
INTERPRETIVE CENTER**

PURPOSE OF THE BRIEFING DOCUMENT:

Construction of a new 5,700-square foot interpretive center and related infrastructure improvements are complete. Two Congressional appropriations totaling \$4.9 million made this project possible.

Additional improvements consisting of a paved ½-mile entrance road and parking lot; entrance station which can either be staffed or collect fees with an automated teller; over ¼ mile of walkways; and an amphitheater are currently under construction and will be completed this spring and summer. The additional improvements have been funded by BLM (\$2.6 million) along with contributions from the Department of Transportation and Yellowstone County (\$400,000 CTEP grant to Pompeys Pillar Historical Association), the National Park Service (\$170,000 grant to Pompeys Pillar Historical Association), and Engineering Inc./Land Design (an in-kind contribution of design work valued at \$50,000 to Pompeys Pillar Historical Association).

ISSUES:

Pompeys Pillar National Monument was designated by the National Lewis & Clark Bicentennial Council as the site of one of only 15 Lewis & Clark signature events nationwide. The *Clark on the Yellowstone* Signature Event took place July 22 – 25, 2006, and drew an audience of 47,000. This event, in the eyes of many, was one of the finest Signature events held during the Bicentennial.

Pompeys Pillar is a 121-foot sandstone butte 28 miles northeast of Billings, Montana. The only known physical evidence of the Lewis and Clark Expedition still visible along the trail is Captain Clark's signature, which he carved into the Pillar on July 25, 1806. He recorded doing so in his journal.

The BLM purchased Pompeys Pillar November 22, 1991, for its historic significance and its interpretive and recreational potential. In 1992, the BLM constructed limited facilities for the protection of resources and the comfort and safety of visitors. Facilities included a small log contact station and a stairway to Clark's signature and the top of the Pillar. The site's designation as a national monument on January 17, 2001, was widely supported.

The Pompeys Pillar Historical Association has worked closely with BLM in the acquisition, operation and development of this site. It has also agreed to raise \$2 million to match an FY1999 \$2 million Congressional appropriation to go toward the construction of a new interpretive center. In FY2002, Congress appropriated an additional \$2.9 million for construction of the center.

MAIN DECISION OR MESSAGE:

We need to remain cognizant of our ability to fund annual operation and maintenance costs. A new fee structure is in place, with input from the Resource Advisory Council. We will need to explore all available means to provide funding to keep the center open, especially since the community has expressed a strong desire to have a year-round facility operation. Funding is available to keep the center open for two additional months during FY 2007.

BUREAU PERSPECTIVE:

Public interest is high regarding both the site itself and construction of an interpretive center. Feedback from public meetings, briefings for elected officials, and public comment letters has been generally favorable.

CONTACT:

Dick Kodeski, Pompeys Pillar National Monument Manager, (406) 896-5235

**IMPLEMENTING THE FEDERAL LANDS RECREATION ENHANCEMENT ACT:
MONTANA BLM RECREATION FEE PROGRAM**

PURPOSE OF THE BRIEFING DOCUMENT:

To provide a status report on Montana BLM's Recreation Fee Program, implementing the Federal Lands Recreation Enhancement Act (REA).

ISSUES:

The Federal Lands Recreation Enhancement Act requires that all BLM and Forest Service adjustments to certain recreation use fees be reviewed by BLM's Resource Advisory Councils (RACs) in Montana and meet compliance with REA. Each state needs to develop and implement a state specific policy and procedures for public participation in fee establishment and adjustment.

BACKGROUND:

The Federal Lands Recreation Enhancement Act (REA, PL 108-447) was passed into law in December 2004 in the Omnibus Appropriations Bill. The act is a 10-year multi-agency authorization to establish, modify, charge and collect recreation fees at federal lands and waters, and to issue Special Recreation Permits (SRPs). This act replaces the authority that BLM and the other four federal agencies listed had under the Land and Water Conservation Fund and Fee Demo. It requires 80 percent of the revenue to remain at the site of the fee collection.

The act identifies the types of fees that may be charged, establishes fee categories, and defines the amenities that must be present before fees may be charged at certain fee sites. The act prohibits fees for general access to or dispersed use on federal lands. In addition, the act sets requirements for public involvement, identifies fee expenditures and initiates the development of a consolidated, government-wide interagency recreation pass for entrance and standard amenity fee sites.

Section 804 of REA requires the Secretaries of Agriculture and the Interior to provide the public with an opportunity to participate in the establishment and implementation of recreation fees. These fees cover all standard and expanded amenity sites. Montana/Dakotas BLM staff have briefed all three Montana RACs on their role in reviewing fees for both the BLM and FS. All three RACs decided to have the entire RAC review fees, rather than form fee subcommittees.

MAIN DECISION OR MESSAGE:

Montana/Dakotas BLM, along with the Forest Service will be presenting fee proposals to the three Montana RACs. Montana BLM will establish the state-specific policy and procedures for meeting REA public participation requirements prior to establishing or changing recreation fees under this policy.

BUREAU PERSPECTIVE:

The Recreation and Visitor Services Division (WO -250) is developing a national policy in implementing first time fee programs in regards to the *Federal Register's* Notice of Intent, Supplemental Rules, and other public participation regarding implementing fees.

The Montana BLM will develop additional in-state guidelines from the Washington directives. A business plan for fee sites is part of the national and Montana BLM policy and is being implemented in Montana now.

CONTACTS:

Cindy Staszak, Chief, Branch of Land Resources, (406) 896-5039; or Christina Miller, Recreation Lead, (406) 896-5038.

SHEPHERD AH NEI OFF HIGHWAY VEHICLE (OHV) RECREATION AREA

PURPOSE OF THE BRIEFING DOCUMENT:

The BLM initiated travel management planning for the Shepherd Ah Nei OHV Area during the summer of 2004 with an inventory of all roads and trails. The environmental assessment and decision record for managing off-highway vehicle travel within the OHV area was released May 13, 2005.

ISSUES:

The BLM's Shepherd Ah Nei Recreation Area near Billings is a very popular destination for a variety of recreationists, including OHV riders. The OHV portion of Shepherd Ah Nei was closed in April 2004 pending completion of a travel management plan and environmental assessment analyzing the effects of OHV use on the 1,063-acre area.

The Travel Management Plan and decision to reopen was released in May 2005. In June the decision was appealed with a stay. The Interior Board of Land Appeals granted the stay on the decision in July 2005. The stay was lifted in September 2005 allowing the area to reopen. The appeal is still pending.

A lawsuit was filed on October 16, 2006, in the U.S. District Court of Montana challenging the Travel Management Plan and Decision that was released in May 2005. The suit claims violation of the National Environmental Policy Act and Federal Lands Policy Act and the administrative procedure. The plaintiff is seeking declaratory and injunctive relief.

MAIN DECISION OR MESSAGE:

The Billings Field Office continues to implement the travel management plan that was released in May 2005.

The area will be monitored regularly and closed when trails become wet or muddy, or during periods of extreme fire danger.

Montana Conservation Corps finished two large closure efforts during the summer of 2006. Montana Conservation Corps and the Youth Conservation Corps are scheduled to finish reclamation in areas that were previously closed as well as other trail work and restoration. Volunteer projects will be initiated as opportunities arise.

Work on the parking lot was completed in October 2006. An underlayment was applied to the parking lot and the lot was graveled. Work on the parking area will continue this spring and will include improvements to a drainage area within the parking lot as well as additional gravel and grading. The county road department did extensive work on the CA road in Oct/Nov 06. These improvements will help to alleviate some of the dust created from traffic on the road. Improvements extend to just past the entrance of the riding area.

The Shepherd Ah Nei OHV riding area has remained open throughout the winter months. Visitation counts indicate very little use during the week -- in most cases fewer than three vehicles per day on week days and ten to 25 vehicles on weekends. Visitation is expected to increase when weather improves.

There was some vandalism to the kiosk on site this winter. The damage was minor and repairs were made the same day it was discovered.

BUREAU PERSPECTIVE:

The BLM will continue to provide safe, motorized recreation opportunities while protecting natural and cultural resources.

CONTACT:

Lynn Anderson, Outdoor Recreation Planner, (406) 896-5248

BUTTE RESOURCE MANAGEMENT PLAN (RMP) REVISION

PURPOSE OF THE BRIEFING DOCUMENT:

The Butte Field Office is in the process of revising the Headwaters Resource Management Plan (RMP). Because the new RMP will apply only to the lands in the Butte Field Office area (instead of being split between the Butte and Lewistown field offices as the Headwaters RMP is), the new document will be called the Butte RMP. Land under the jurisdiction of the Lewistown Field Office will continue to be managed under the Headwaters RMP.

ISSUES:

The issues and management concerns are based on the Preparation Plan and public scoping results. Preparation of the RMP affords many opportunities for collaboration with local, state, federal and tribal governments and land management agencies, public interest groups, and public land users. Outreach to the public and other agencies has resulted in some modification of issues and concerns during this process.

Issues identified are: vegetation management; wildlife and special status and priority plant/animal species; travel management and access; recreation; and special designations (including Areas of Critical Environmental Concern, Wild and Scenic Rivers and Wilderness Study Areas). Other management concerns identified for the RMP revision include: air quality; abandoned mine lands; land ownership adjustments; mineral leasing/exploration/development (including oil and gas); soil resources; cultural and paleontological resources; water quality/quantity; and social/economic concerns.

MAIN DECISION OR MESSAGE:

In December 2002 the Montana State Office approved a Preparation Plan; in August 2003 a contractor (Tetra Tech) was hired to assist in the preparation of the Butte RMP. Initial public scoping began December 19, 2003, with the publication of the Notice of Intent, and ended February 17, 2004. A scoping report has been completed and is available at the Butte Field Office. As a continuation of the scoping process, a Proposed Planning Scenario was developed and mailed out to over 300 parties with a 30-day comment period in June 2005. Alternative development focused heavily on vegetation management, special area designations, and site-specific travel planning for five sub-areas within the field office (approximately 50 percent of BLM roads in field office).

Five public travel plan scoping meetings were held in November and December 2004. In summer 2005, community-based working groups were developed to assist with developing alternatives for three travel planning areas. Alternatives have been developed and a draft environmental impact statement is expected to be released this spring followed by 90-day public comment period. The BLM canceled the contract with Tetra Tech with the contract closing out in January 2007. BLM will complete the remainder of the RMP revision.

The State of Montana, eight counties, and four Native American tribes were invited to be cooperating agencies in this process, but no official agreements were signed. Although agencies and tribes want to stay informed during the RMP process, none wish to be a formal cooperating agency, mostly due to budget and time constraints. The Butte Field Office will work closely with the counties, tribes, public, Forest Service, U.S. Fish and Wildlife Service, EPA, and the Western Montana Resource Advisory Council throughout the RMP process. A coordination meeting was held in February 2005, with various federal, tribal, state, and local agencies and to determine any further interest from agencies to be involved with the RMP process. None of the participants in the meeting chose to officially become a cooperating agency.

BUREAU PERSPECTIVE:

Public interest is moderate to high because the RMP will set the direction for how the field office will be managed over the next 10-15 years. There is growing concern (based on past and current projects) over the management of roads and trails, wildlife and vegetation, fuels, and special area designations.

CONTACT:

Richard Hotaling, Butte Field Manager, (406) 533-7629; or Tim LaMarr, Project Leader, (406) 533-7645.

MALTA RESOURCE MANAGEMENT PLAN

PURPOSE OF THE BRIEFING DOCUMENT:

The Malta Field Office is preparing a resource management plan that will cover the lands managed by the Glasgow and Havre field stations and the Malta Field Office. The RMP will direct the long-term management on about 2,420,000 acres of surface and 3,520,000 acres of subsurface within the three office areas. This plan will replace the West HiLine RMP and the Valley-Phillips portion of the Judith-Valley-Phillips RMP. Formal public scoping was completed in October 2006.

ISSUES:

The preliminary issues and management concerns identified in the Preparation Plan will be expanded and/or modified based upon results of the recently completed public scoping. Preparation of the RMP affords many opportunities for collaboration with local, state, federal and tribal governments and land management agencies, public interest groups, and public land users. Planned outreach to the public and other agencies may provide additional opportunities for identification and modification of issues and concerns during this process. Seven memorandums of understanding have been formalized establishing cooperating agency status for the following agencies: Phillips County Commissioners, Valley County Commissioners, Blaine County Commissioners, Bureau of Reclamation, U. S. Fish and Wildlife Service, U. S. Bureau of Indian Affairs and Montana Fish Wildlife and Parks. Outreach is continuing to further develop opportunities for collaborative planning.

Through scoping the following issues were identified: oil and gas leasing; energy development; greater sage-grouse, prairie dog, BLM sensitive species, and migratory bird management; vegetation management; travel management and access; and recreation (including visual resource management, Wild and Scenic Rivers and Wilderness Study Areas). Other management concerns identified for the RMP revision include: air quality; abandoned mine lands; land ownership adjustments; soil resources; cultural and paleontological resources; water quality/quantity; and social/economic concerns.

MAIN DECISION OR MESSAGE:

The Malta Field Office will work collaboratively with the various HiLine communities, tribes, and state and local governments in determining issues and alternatives to address those issues. Scoping meetings were conducted in October 2006. Eighteen locations were chosen for the scoping process to ensure the context of this RMP meets the needs and interests of the public. Twenty-four written forms of comments were received. Oral commentary collected during scoping combined with written comments received provided for a total of 441 individual topics or issues for evaluation. A scoping report is currently being compiled.

Local economic strategies workshops were conducted in February 2007 in the following communities across the HiLine: Shelby, Chinook and Glasgow. The purpose of these workshops was to identify how the local and regional economy has changed and its relationship to public land management. Information discussed during these workshops provides a greater insight into planning issues and allow greater opportunities for collaborative planning.

BUREAU PERSPECTIVE:

Public interest will be high because of travel management planning -- roads being opened/closed and game retrieval -- and oil and gas leasing in sensitive areas such as in Frenchman Creek and south Blaine, Phillips, and Valley counties where there is extensive sagebrush communities and greater sage-grouse populations.

CONTACT:

G. Claire Trent, RMP Project Manager, 406-654-5124

MILES CITY RMP REVISION

PURPOSE OF THE BRIEFING DOCUMENT:

The Miles City Field Office is revising and combining the Big Dry and Powder River resource management plans (RMPs) into one: the Miles City RMP. Prior to 1998, the field office operated under two resource areas -- Big Dry and Powder River -- and the lands in each area are currently managed under their own RMPs.

The Big Dry RMP area consists of about 1.7 million acres of BLM-administered surface acres and 7.6 million acres of BLM-administered mineral resources. It encompasses public lands in 13 counties in eastern Montana: Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Prairie, Richland, Roosevelt, Rosebud, Sheridan and Wibaux. The Powder River RMP area consists of about 1.1 million surface acres of land and 4.1 million acres of subsurface minerals. It includes portions of Custer, Carter, Rosebud and Big Horn counties and all of Powder River and Treasure counties.

ISSUE:

The BLM published a *Federal Register* notice on February 4, 2005, announcing its intent to plan and conduct public scoping for the RMP. Following issuance of a draft EIS/RMP Amendment for a 90-day public review and the final EIS/Proposed RMP Amendment for a 30-day protest period, BLM anticipates the Record of Decision to be issued in December 2008.

About 200 people attended nine meetings throughout southeastern Montana. Issues identified include impacts from oil and gas exploration and development; lands and realty management (access); travel management and ownership consolidation; vegetation (noxious weeds); livestock grazing; fire management; off-highway vehicles; socioeconomics; and wildlife management.

The cooperating agencies and other collaborators met in April 2006 to develop alternative plans for addressing the issues identified during the scoping period. Four alternative "themes" for grouping alternative management actions were developed by the group, including a "local economy" theme.

Cooperating agencies helping to prepare the plan include: Lower Brule Sioux and Fort Peck tribes; Big Horn, Custer, Daniels, Powder River, Richland, Rosebud, Sheridan, and Treasure counties; Carter, Garfield, McCone, Prairie, Richland, and Wibaux county conservation districts; Prairie County Cooperative State Grazing District; Little Beaver Conservation District; Montana Department of Environmental Quality; Montana Department of Natural Resources and Conservation; Bureau of Indian Affairs; and Environmental Protection Agency.

MAIN DECISION OR MESSAGE:

The changes that have taken place in the past 10 to 20 years have resulted in different users and uses of public lands. Issues have emerged that relate to potential threatened and endangered species, increased demand for oil and gas, and changes in intensity of use of other resources. The public lands and resources need to be managed consistently throughout the Miles City Field Office. The RMP will allow BLM to guide management actions based on current information (changes in policy and guidance), sound criteria and public input and provide a comprehensive framework for managing and allocating use of the public lands and resources in the Miles City Field Office.

BUREAU PERSPECTIVE:

The overall objective of the Miles City planning effort is to provide a collaborative community-based planning approach to assist the BLM in updating the existing management decisions and resource allocations by addressing new data, changing resource conditions, changes in the use of public land that have occurred since the RMPs were completed, BLM planning instruction memorandums and bulletins. The BLM expects that numerous cooperating agencies and collaborators will continue to become involved in this process and will assist in providing a wide variety of data in support of this effort.

CONTACT:

Mary Bloom, Planning Specialist, (406) 233-2852

NORTH AND SOUTH DAKOTA RESOURCE MANAGEMENT PLANS

PURPOSE OF THE BRIEFING DOCUMENT

The North and South Dakota Resource Management Plans were initially completed in 1988 and 1986. These land use plans cover over 274,000 surface acres and 3.7 million subsurface acres in South Dakota and over 58,000 surface acres and 5.6 million subsurface acres in North Dakota. There will be two Records of Decision and two Environmental Impact Statements reflecting the plan for each state.

ISSUES

This revision is needed to address issues that were identified through internal scoping such as transportation planning, major energy development, forest health, livestock grazing and rangeland health, wildlife, recreation and land tenure decisions. More issues could be identified during scoping. Scoping will occur in the spring of 2007 with alternative development occurring fall and winter 2007/2008.

MAIN DECISION OR MESSAGE

There have been changes in users and uses of public land in the last 15 to 20 years within the Dakotas. In FY07, public scoping of the issues will formally begin to determine the future for the BLM-administered lands in North and South Dakota. Public involvement in this planning process will come not only from these scoping sessions but also through cooperating agency status of counties and several different Native American tribes in the two states.

BUREAU PERSPECTIVE

Public interest is expected to be moderate to high because the RMP will set the direction for how the BLM administered lands will be managed for the next 10-20 years. There is growing interest because of travel management planning (roads open/closed and game retrieval) and oil and gas leasing in sage grouse areas or areas of high cultural interest.

CONTACT:

Lonny Bagley, North Dakota Field Manager, (701) 227-7703; or Marian M. Atkins, South Dakota Field Manager, (605) 892-7001

**UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT
RESOURCE MANAGEMENT PLAN**

PURPOSE OF THE BRIEFING DOCUMENT:

The Lewistown Field Office is currently responding to public comments received on the Draft Resource Management Plan and Environmental Impact Statement for the Upper Missouri River Breaks National Monument, as well as preparing the preliminary final RMP/EIS.

ISSUES:

On January 17, 2001, the president designated the Upper Missouri River Breaks National Monument with a presidential proclamation. The proclamation recognizes the spectacular array of biological, geological and historical resources found on the approximately 375,000 acres of public land in this monument. The BLM is preparing a management plan to establish guidance, objectives and management actions for these lands and resources.

After extensive public involvement through scoping and alternative formulation, the Draft RMP/EIS was distributed to the public near the end of October 2005. The deadline for public comment was April 26, 2006.

The Lewistown Field Office received 67,454 letters/emails on the Draft RMP/EIS, including 1,825 non-form letters, 17 different form-type letters, and 1 form-type questionnaire. These letters and emails contained about 7,600 specific comments. They covered every aspect of the Draft RMP/EIS, but the most common topics included road and travel management (motorized vs. non-motorized), landing strips, economics, private property, lifestyles, oil and gas, and recreation.

Agriculture groups and individuals along the river or in the uplands fear that monument management will impact their ability to use their private land and/or their BLM grazing permits within the monument. They are also concerned about the federal water reservations in Arrow Creek and the Judith River, and they want to retain the opportunity to use motorized watercraft on the river. The Montana Pilots Association supports the continued use of the landing strips in the monument. Wilderness advocates prefer fewer roads, no airstrips left open, no development on existing natural gas leases and reduced motorized opportunities on the river. Those favoring motorized recreation are looking for extended opportunities for jet skis, seaplanes and other motorized watercraft. American Indian tribes are concerned about protecting cultural sites within the monument.

Main Decision or Message:

Public participation is a vital element of the BLM's planning process.

Bureau Perspective:

The BLM will consider all public comments received on the Draft RMP/EIS in preparing the Proposed RMP/Final EIS. BLM anticipates having the final available to the public in the fall of 2007.

Information Contact:

Gary E. Slagel, Monument Manager, 406-538-1950

BADGER-TWO MEDICINE APPLICATIONS FOR PERMIT TO DRILL (APDS)

PURPOSE OF THE BRIEFING DOCUMENT:

The BLM and Forest Service are reviewing a drilling proposal at the former Fina exploratory drilling site in the Lewis & Clark National Forest. Sidney Longwell now holds the lease on which Fina Oil and Chemical Company first proposed an exploratory well in 1983. The proposed well is located at the northern edge of the Lewis & Clark National Forest in the Hall Creek drainage in an area known as the Badger-Two Medicine.

ISSUES:

The BLM decides whether or not to approve applications for permit to drill (APDs) on federal leases. On National Forest land, however, the Forest Service has primary responsibility for surface-related issues while the BLM has primary responsibility for "down hole" issues.

The APD for the well site was approved in 1991 after the Forest Service conducted several environmental analyses; an environmental assessment (EA) was completed in 1985 and a final environmental impact statement (EIS) was completed in 1990. The National Wildlife Federation and six other groups sued the Forest Service. The drilling approval and lawsuit were suspended while the Forest Service gathered information and analyzed the cultural and religious significance of the area to Native American tribes. About 90,000 acres of the Badger-Two Medicine were identified as a Traditional Cultural District (TCD) and having traditional cultural importance to the Blackfeet Tribe. In January 2002, the Keeper of the Register of National Historic Places determined this site as eligible for listing on the National Register of Historic Places. The drilling proposal was located roughly two miles north of the current district boundary.

MAIN DECISION OR MESSAGE:

In light of these findings, the Forest Service initiated an environmental review of new information gathered since the original APD approval decision and a concurrent NHPA Section 106 review.

- The review focuses on whether the new information has bearing on the decision to approve the drilling, and whether the new information requires a revision, correction or supplement to the previous environmental analysis (EIS).
- The NHPA Section 106 consultation focuses on the assessment of effects to significant cultural properties and mitigation needed, if any, to protect the cultural resource values.

The Section 106 consultation drew the Montana State Historic Preservation Officer, the Blackfeet Nation, the National Trust for Historic Preservation, Glacier National Park, the leaseholder (Longwell), and the Independent Petroleum Association of Mountain States into the proceedings. It has sparked attention from groups and individuals involved in earlier disputes and legal action, as well as the Advisory Council on Historic Preservation. During consultation, the Blackfeet Tribe and others brought forward information related to the TCD and its boundaries. This information was significant enough to trigger the need for additional data collection by the Forest Service to address the appropriate boundaries for the TCD. This data collection, primarily in the form of ethnographic study, was completed. The peer-reviewed, final ethnographic report, assisted by the Blackfeet Tribe, has been accepted by the Forest Service. The report recommends that additional lands to the north of the TCD be included in the district. The proposed well site is now within the area proposed for inclusion. The Blackfeet Tribe contracted with the same ethnographer to complete an ethnographic review of the remaining Forest Service lands in the southern portion of the Badger-Two Medicine. That report has also been finalized and recommends inclusion of the lands into the TCD. No formal nomination of any lands to the National Historic Register has taken place.

The Blackfeet Nation is not supportive of oil and gas development in the Badger-Two Medicine area and believes that any development may affect the TCD in ways that cannot be mitigated. Legal action against the Forest Service seems likely on this project. NHPA Sec. 106 requires that the process continue as long as the proposal is active. This process is ongoing.

The Devon Operating Company has a pending APD (a lease formerly held by Chevron) nearby in the Goat Mountain Area that will require a similar review.

BUREAU PERSPECTIVE:

Public interest is very high. National organizations are involved, and decisions occasionally get statewide attention. Demonstrations of opposition were staged in Great Falls and Missoula, Montana, following the 1993 decision to approve the APD. U.S. Senator Max Baucus, D-Mont., introduced legislation into the 109th Congress for a permanent withdrawal of the federal minerals in an area inclusive of the Badger-Two Medicine. The President approved the legislation on December 20, 2006, under Public Law 109-432. The legislation does not affect the APD; however, if the leaseholder

elects to relinquish the lease, the permanent withdrawal will be enacted.

CONTACT:

Don Judice, Great Falls Field Station Supervisor, (406) 791-7789

COAL BED NATURAL GAS DEVELOPMENT

PURPOSE OF THE BRIEFING DOCUMENT:

Coal bed natural gas (CBNG) is in the early stages of development in the Powder River Basin of southeastern Montana. Production of CBNG began in 1999 from private and state wells and in 2003 from federal wells. Approximately 750 wells are producing CBNG from federal, state and private leases. Most of the production is coming from wells in the CX Field which is operated by Fidelity Exploration & Production Company with the rest of the production coming from wells operated by Pinnacle Resources and Powder River Gas companies.

ISSUES:

In order to analyze conventional oil and gas development as well as full field CBNG development, the BLM and the State of Montana (Montana Board of Oil & Gas Conservation and Department of Environmental Quality) prepared a joint environmental impact statement (EIS, 2003) and resource management plan (RMP) amendment. BLM issued its record of decision (ROD) in April 2003. The ROD and supporting EIS are currently under litigation.

The U.S. District Court has directed BLM to prepare a supplemental environmental impact statement (SEIS) to the 2003 EIS that analyzes the phased development of CBNG. The BLM is currently under a court-issued injunction enjoining BLM from approving any additional CBNG production in the Montana portion of the Powder River Basin.

In order to make the SEIS more comprehensive, the air modeling conducted for the 2003 document is being reevaluated using the most current data and modeling domain. Air quality impacts are described qualitatively when air quality is a low priority public issue, when potential impacts are minimal, or when emissions information is insufficient for a modeling analysis. As air quality issues are of great concern to the Northern Cheyenne Tribe and members of the public, and there are potential effects to Class 1 air areas, a quantitative analysis is being conducted.

BLM published a Federal Register notice on August 5, 2005, announcing its intent to plan and conduct public scoping for the SEIS. Following issuance of a draft SEIS/amendment on February 2, 2007, for a 90-day public review and the final SEIS/amendment for a 30-day protest period, BLM anticipates the record of decision to be issued in October 2007.

Several local, state and federal agencies and tribes are designated cooperating agencies in the preparation of the SEIS: Rosebud, Carbon, Golden Valley, Powder River, Yellowstone, Musselshell, Big Horn and Treasure counties; Lower Brule Sioux and Crow tribes; Montana Department of Environmental Quality, and the Board of Oil and Gas Conservation; Bureau of Indian Affairs; Department of Energy; US Army Corps of Engineers; and the Environmental Protection Agency. The BLM and the cooperating agencies and other collaborators met in September 2005 to develop a phased development alternative. BLM then provided the public the phased development alternative for comment. As a result of comments from cooperating agencies, collaborators and the public, an additional phased development alternative was developed.

MAIN DECISION OR MESSAGE:

BLM Montana continues to process Plans of Development (PODs) for CBNG as they are received, preparing additional, site-specific environmental documentation as needed. Because of court issued injunctions, Montana BLM cannot approve drilling of federal CBNG wells until litigation is resolved.

Monitoring and mitigation are vital for ensuring that the decisions made in the EIS/RMP amendment adequately protect the affected environment. Interagency working groups established for water, air, aquatics and wildlife have been in place since 2003 to monitor effects from CBNG development. Working group participants include both Montana and Wyoming BLM and Departments of Environmental Quality; the US Geological Survey; Forest Service; National Park Service; the Natural Resources and Conservation Services in Montana, Wyoming and South Dakota; and Native American tribes. Protection measures and best management practices are in place for several resources including air, water and wildlife. Mitigation measures can be modified based upon the results of monitoring and technology.

BUREAU PERSPECTIVE:

There is a high level of regional interest in CBNG production with most concerns focused on water and wildlife related impacts, potential impacts to tribal resources, and the SEIS/Amendment.

CONTACT:

David Breisch, Mineral Resource Specialist, (406) 233-3645

GOLDEN SUNLIGHT MINE, INC. PARTIAL PIT BACKFILL SUPPLEMENTAL EIS

PURPOSE OF THE BRIEFING DOCUMENT:

Golden Sunlight Mine, Inc. (GSM) mines and processes gold-bearing ore using facilities located on public and private lands near Whitehall, Montana. GSM has conducted mining and mineral processing activities under Operating Permit No. 00065 since 1975.

When the BLM and Montana Department of Environmental Quality (DEQ) issued a record of decision in 1998 for expansion of the Golden Sunlight Mine, the EIS analyzed a partial pit backfill alternative but it was dismissed after DEQ concluded, in part, that the alternative was not considered economically feasible. Environmental groups filed suit against DEQ claiming that the partial pit backfill alternative should have been selected as required by the Montana Metal Mine Reclamation Act.

A 2002 Montana State court decision required that GSM submit a partial pit backfill plan. GSM submitted a Partial Pit Backfill Plan to the agencies December 1, 2003. Montana DEQ and BLM have worked with a contractor and GSM to complete a Draft Supplemental Environmental Impact Statement (SEIS) (12/16/2004) to fully evaluate the environmental impacts and mitigation measures associated with partially backfilling the GSM pit.

ISSUES:

The Golden Sunlight Mine is a conventional truck and shovel open-pit mine. Approximately 10 million tons of rocks per year are excavated. Only 2.5 million tons of this total are ore, the remainder being waste rock. Approximately 300 million tons of wastes have been placed in waste rock dumps. The ore is milled using a vat cyanide process. Following processing, the mill stream is piped as slurry to a lined tailings impoundment. An earlier impoundment did experience some leakage in the early 1980s. This was corrected through a series of pumpback wells. This impoundment has been reclaimed.

Because the waste rock at GSM has high potential for "acid rock drainage," effective reclamation of these wastes is crucial. Extensive monitoring of several slopes reclaimed during 1990-1992 has helped the mine and agencies determine which reclamation practices have been most effective. Surface water management is another critical factor in reclamation success and is an important part of the reclamation plan. Long-term water treatment is an integral part of the mine plan. GSM has posted a total bond of over \$50 million to cover reclamation costs.

MAIN DECISION OR MESSAGE:

The BLM and DEQ have prepared a Draft SEIS which fully evaluates the impacts of the proposed Partial Pit Backfill plan. The preferred alternative in the Draft SEIS is the Underground Sump Alternative with Additional Visual Mitigation. Mine impacted waters will be pumped and treated following collection in the underground sump retained from Golden Sunlight's terminated underground operations. Comments on the Draft SEIS resulted in a closer look at backfill alternatives. The original preferred alternative does not require any backfill in the pit and is still felt to be the most protective of groundwater resources. We expect a Final SEIS and decision in April 2007.

BUREAU PERSPECTIVE:

Public interest in the mine is high. Golden Sunlight employs over 150 people and is an important source of revenue for Jefferson County. An SEIS scoping meeting was attended by over 200 people supporting the mine. In 2005 the mine produced 81,000 ounces of gold.

CONTACTS:

David Williams, geologist, BLM Butte Field Office, (406) 533-7655; or Joan Gabelman, geologist, BLM Butte Field Office, (406) 533-7623.

GRAYMONT WESTERN U. S., INC. MINE EXPANSION EIS

PURPOSE OF THE BRIEFING DOCUMENT:

Graymont Western U.S. Inc. (Graymont) proposes to expand its open pit limestone quarry to develop additional limestone reserves. This expansion would extend the life-of-mine for several decades.

ISSUES:

Graymont has operated a limestone quarry and plant in the Limestone Hills since 1982. Graymont mines high grade limestone from the Mission Canyon Formation of the Mississippian Madison Group. The Mission Canyon Formation forms the highest ridge of the northeast trending Limestone Hills, a small range of Paleozoic rocks located on the southeastern flank of the Elkhorn Mountain Range.

Graymont Western U.S., Inc. has submitted a proposal to expand limestone mining operations at its Indian Creek Mine and Plant located approximately four miles west of Townsend, Montana. The mine expansion would include portions of sections 27,28,29,32,33,and 34, T. 7 N. R. 1 E. and portions of sections 4,5,8,9,16,17,20,28,and 29, T 6 N., R. 1 E. The proposed expansion would be a continuation to the south of Graymont's existing permitted operations in the Limestone Hills. The mine expansion would include quarry areas, topsoil salvage areas, haul roads and waste rock placement areas and concurrent reclamation. Approximately 2,060 acres of public land would be disturbed, of which 1,000 acres is represented by this proposed expansion. Proposed mining operations would last for approximately 50 years.

The issues expected to be analyzed in the EIS include potential impacts to the Montana National Guard's Limestone Hills training range, including potential unexploded ordnance; wildlife; and cultural resources. Cumulative impacts will also be addressed. In addition, the following resources will be analyzed: geology and minerals, Native American religious concerns, air quality, paleontology, lands and realty, fisheries and aquatic resources, range management, vegetation, soils, visual resources, recreation and wilderness, weeds, social and economic values, environmental justice, and threatened, endangered, candidate, and sensitive resources.

The consequence of delay likely would mean an interruption in the supply of ore to the mill and possible short term layoffs.

MAIN DECISION OR MESSAGE:

The BLM and Montana DEQ are preparing an EIS to cover the proposed expansion.

.

BUREAU PERSPECTIVE:

Public interest in the mine is moderate. There are no major environmental issues associated with the mine.

CONTACTS:

David Williams, geologist, BLM Butte Field Office, (406) 533-7655; or Joan Gabelman, geologist, BLM Butte Field Office, (406) 533-7623

MONTANA TUNNELS MINING, INC. PIT EXPANSION EIS

PURPOSE OF THE BRIEFING DOCUMENT:

Montana Tunnels Mining, Inc. (MTMI) proposes to deepen and expand its open pit mine to develop additional ore reserves. This expansion would extend the life-of-mine to 2011.

ISSUES:

MTMI has mined and processed ore from a single open pit mine since the adoption of the draft environmental impact statement (EIS) and approval of the current operating permit in 1986. Montana Tunnels mines a poly-metal bearing ore and produces gold, silver, lead and zinc in the form of metal-sulfide concentrates for sale into commerce. The products are recovered from the ore by conventional milling and flotation processes and gravity concentrating techniques. The mine operates under State Operating Permit No. 00113 and BLM Plan of Operations MTM-82856. It is located on public and private lands near Jefferson City in Jefferson County, Montana.

Development drilling programs at Montana Tunnels have delineated additional ore that extends beneath the existing open pit mine in the pipe of an ancient volcano. The ore body provides a significant resource for mining and milling beyond the current plan of operations. Montana Tunnels proposes to extend its life-of-mine plan to access this resource by open pit mining methods. The added ore resource will lengthen mining and milling operational life by approximately five years. The current mining plan will sustain operations into 2007.

To assure an uninterrupted supply of ore to the mill between the current plan and the mine expansion plan, overburden stripping from the open pit high wall layback must begin as soon as possible. One possible alternative for reclamation at the end of mine life will be the loss of approximately 2,000 feet of Clancy Creek, as a portion of the creek will be encompassed by the pit lake to remain after reclamation. Other alternatives will move Clancy Creek and restore a reconstructed channel and riparian zone.

The consequence of delay likely would mean an interruption in the supply of ore to the mill and possible short term layoffs.

MAIN DECISION OR MESSAGE:

The BLM and Montana DEQ are preparing an EIS to cover the proposed expansion.

Montana Tunnels closed in April while it continued a search for investors after a wall of the open pit mine failed in October. The closure laid off 196 mine workers. The company announced in early August that it has entered a joint venture agreement that guarantees financing for the mine to resume operations and continue permitting for the mine expansion. The agencies will continue to work on the expansion EIS.

BUREAU PERSPECTIVE:

Public interest in the mine is moderate. Montana Tunnels has a good history of environmental compliance and has not been a source of controversy. Montana Tunnels employs over 200 people and is an important source of revenue for Jefferson County. More than 100 people, mostly mine supporters, attended an EIS scoping meeting in early 2006.

CONTACTS:

David Williams, geologist, BLM Butte Field Office, (406) 533-7655; or Joan Gabelman, geologist, BLM Butte Field Office, (406) 533-7623

SIOUX EIS AND PROGRAMMATIC AGREEMENT

PURPOSE OF THE BRIEFING DOCUMENT:

To provide background information on and current status of the Sioux Environmental Impact Statement (EIS) and Programmatic Agreement (PA).

ISSUES:

In 1996, the Custer National Forest (CNF) began work on an EIS on oil and gas leasing on CNF lands in South Dakota. These lands include the North and South Cave Hills, the Slim Buttes, the East and West Short Pines and the Camp Crook administrative site. As part of the National Environmental Policy Act (NEPA) process, and to be consistent with the National Historic Preservation Act (NHPA) requirements, the CNF consulted with the Advisory Council on Historic Preservation, the South Dakota State Historic Preservation Office, and affected Indian tribes on potential effects to these units from oil and gas leasing.

The project area contains some of the richest concentrations of significant archaeological sites within the Northwestern Plains. The sites are unique and widely varied including world class petroglyphs, bison jumps, rock shelters, deeply stratified campsites, stone circles, fasting beds and eagle trapping lodges. Forty-four sites in the project area are listed on the National Register of Historic Places, and a draft National Register District nomination for traditional cultural properties in the North Cave Hills is currently under review by the Tribal Historic Preservation Officers of the Standing Rock Sioux and Cheyenne River Sioux Tribes as well as the South Dakota State Historic Preservation Office. Four tribes -- Standing Rock Sioux, Cheyenne River Sioux, Lower Brule and Rosebud Sioux -- have submitted tribal resolutions to the CNF identifying the North Cave and South Cave Hills, and Slim Buttes as lands with traditional religious and cultural significance.

Based on its consultations, the CNF determined that a Programmatic Agreement would assist in defining the process by which the FS would lease and develop oil and gas resources and meet their requirements under the NHPA. For the last 8 months, the CNF has been working with BLM and other consulting parties in development of this PA.

MAIN DECISION OR MESSAGE:

BLM's involvement in the PA is critical due to the decisions the CNF made on oil and gas leasing. Those decisions included selection of an alternative which would make some CNF lands available for leasing but with a No Surface Occupancy stipulation. This essentially would push development from CNF lands to adjacent private lands where BLM would be responsible for completing the Section 106 process. Because of this, BLM's participation in the PA is critical to its success.

BUREAU PERSPECTIVE:

The BLM was initially reticent to participate in the PA due to the potential of setting a precedent for all future leasing actions. The BLM in Montana has been employing a phased approach to meeting our obligations under Section 106, and believes that this approach satisfies our obligations under NEPA and NHPA. However, due to the significance and unique character of the area, as well as the concerns of the affected tribes, the Advisory Council on Historic Preservation, the Forest Service and the South Dakota State Historic Preservation Office, the BLM will participate in the Programmatic Agreement. The Bureau also felt that the tribal consultation done to date by the CNF had not been sufficient to fully identify areas of religious and cultural significance to tribes. As a result, a PA that establishes a consultation process would assist in augmenting that data.

CONTACT:

Gary Smith, Deputy Preservation Officer, 406-896-5214

ZORTMAN AND LANDUSKY MINE RECLAMATION AND WATER MANAGEMENT

PURPOSE OF THE BRIEFING DOCUMENT:

The bonds posted for reclamation and water treatment at these bankrupt Montana gold mines have not been adequate. The mines are located on about 1,200 acres of intermingled private and public lands in the Little Rocky Mountains of Phillips County near the Fort Belknap Indian Reservation.

After 3 years of environmental review, analysis, and consultation with the Fort Belknap Tribes, a record of decision (ROD) was issued in 2002 selecting final mine reclamation plans. The reclamation plans were estimated to cost more than the funding available from the reclamation bonds. With supplemental funding from BLM and the State the reclamation earthwork was completed in May 2005. However, there is still a funding shortage to maintain water treatment. Upon conclusion of the bankruptcy process, BLM invoked its CERCLA authority in 2004 to maintain the systems used for capture and treatment of acid mine drainage and heap leaching solutions.

ISSUES:

The mine owner/operator, Pegasus Gold Corporation, declared bankruptcy in 1998 and the bonds collected by the Montana Department of Environmental Quality (DEQ) were used to pay for most of the reclamation (\$29.6 million for earthwork and a \$13.8 million water treatment trust fund). To date, the BLM has provided more than \$7 million and the DEQ has provided over \$1 million to assist with reclamation and excess water treatment costs.

Back in 1998, the Interior Board of Land Appeals (IBLA) set aside BLM's 1996 and 1998 reclamation plan decisions and required more consultation with the Fort Belknap government. The BLM, DEQ, EPA, and the Fort Belknap government re-evaluated the reclamation options and collaborated on a supplemental EIS (SEIS). The final SEIS on mine reclamation was released in late 2001, with the ROD issued May 1, 2002. The selected reclamation plans from the final SEIS were estimated to cost \$76.9 million for earthwork and water treatment, or approximately \$33.5 million more than was available from the reclamation and water treatment bonds.

The Fort Belknap government was consulted on a draft ROD. Although it agreed in principle with the preferred reclamation plans, the tribal government rejected the ROD because it did not include provisions for Fort Belknap to manage the reclamation, or funds for offsite environmental projects that would benefit the reservation. The Tribes appealed the BLM's ROD to IBLA shortly after it was issued in 2002. Reclamation work continued at the mines during the appeal period. In 2004, the BLM invoked its CERCLA authority in order to continue site management activities. The IBLA dismissed the Tribes' appeal as moot on June 22, 2006, saying because there is no operator, and because the project is no longer administered under the regulations at 43 CFR 3809, no relief is possible.

MAIN DECISION OR MESSAGE:

The DEQ and BLM are presently managing the site and have conducted reclamation and water treatment activities since 1999. The reclamation earthwork has been completed.

One source of litigation is that the ROD selected the preferred reclamation plans from the final SEIS contingent upon funding. Of the \$33.5 million funding shortage identified in the ROD, \$22.5 million was required for earthwork and \$11 million to treat acid rock drainage. Due to efficiencies realized through the competitive bid process, and funding provided by BLM's abandoned mine land program and state grants, the shortfall in funding for the reclamation earthwork was eliminated. Therefore, BLM has been able to complete implementation of the preferred reclamation alternatives on the public lands.

Another critical item that has been resolved is the funding needed for the long-term water treatment trust fund. This fund is supposed to generate enough revenue to fund water treatment indefinitely after year 2017. The Montana legislature approved a bill last session that established a trust fund to pay for water treatment beyond 2017.

The remaining critical issue is the cost of short-term water treatment between now and 2017. The present bond provides \$731,000 each year (through 2017) to run the seepage capture systems and water treatment plants. Treatment costs have consistently been over this amount since 1999; and BLM has provided money to pay for the excess water treatment costs through 2007. Now that reclamation is complete, the combined site maintenance and water treatment costs will run an estimated \$1.5 million per year through 2017. The most pressing issue is that beginning in 2008, it will cost an estimated \$770,000 per year over the annual bond payment to maintain the site and prevent the release of contaminants. This annual treatment shortfall will continue until 2018, when the long-term trust fund for water treatment becomes available.

Concurrent with the aforementioned mine reclamation activities, the Fort Belknap Tribes filed suit in April 2000 against BLM, BIA and IHS, claiming that the government had violated its trust responsibilities by failing to protect the Tribes'

trust resources from damage due to mining. The federal district court in Missoula issued a ruling on June 29, 2004, granting summary judgment in favor of BLM. The Tribes appealed this ruling to the Ninth Circuit who heard the case in June 2006. In November 2006, the 9th Circuit affirmed the ruling of the district court in BLM's favor. In December 2006, the Tribes petitioned the 9th Circuit for a rehearing. In addition, on January 29, 2004, the Tribes filed a citizen suit under the Clean Water Act over mine discharges against BLM, DEQ, and a patented (private) claim owner. In February 2005, the federal district court in Great Falls dismissed the Tribes' case against BLM for lack of jurisdiction, citing BLM's use of its CERCLA authority as not being subject to review.

With the closeout of the ZMI bankruptcy proceedings in late 2003, the Zortman and Landusky mines are abandoned. In June 2004, the State Director signed an action memorandum to continue the capture and treatment of mine drainage and heap solutions as time-critical removal actions under BLM's delegated CERCLA authority. The CERCLA removal action is being conducted in close cooperation with the DEQ. Most recently, the BLM consulted with the Fort Belknap government on an Engineering Evaluation/Cost Analysis (EE/CA). The EE/CA and accompanying Action Memorandum were completed in September of 2006. The EE/CA found that the present capture and treatment systems are optimal and no large-scale changes in water treatment technology are warranted.

One issue of relatively recent concern is contamination due to some iron-rich seeps that occur in Swift Gulch, north of the Landusky Mine. The water quality from these seeps has gotten worse since mine closure in 1998. Research and possible remediation is the focus of ongoing field investigations by a technical working group composed of representatives from BLM, the DEQ, and the Fort Belknap Tribes

BUREAU PERSPECTIVE:

Reclamation at the mines is a contentious issue with the Fort Belknap Tribes and state and national environmental groups. The Mineral Policy Center/Earthworks and Montana environmental organizations often cite the Zortman-Landusky mines during debates on mining regulation.

CONTACTS:

Mark Albers, Malta Field Manager, (406) 654-5100; or Scott Haight, On Scene Coordinator, (406) 538-1930.

BLACK-FOOTED FERRET AND PRAIRIE DOG MANAGEMENT

PURPOSE OF THE BRIEFING DOCUMENT:

The U.S. Fish and Wildlife Service (FWS) in February 2000 determined that the black-tailed prairie dog warranted listing under the Endangered Species Act (ESA), but action was precluded because other species had higher priority. The FWS later found in August 2004 that proposing a rule to list the black-tailed prairie dog was not warranted and the species was removed from the candidate species list. The black-footed ferret, however, an animal that lives on prairie dog towns, remains one of the most endangered mammals in North America. The black-footed ferret was listed as endangered under ESA in 1973. In 1994, an “Experimental Nonessential Population Area” was established in Phillips County, Montana.

Throughout eastern Montana, there is extensive prairie dog habitat on BLM lands. Prairie dog towns in southern Phillips County (Malta Field Office) and in southeastern Montana (Miles City Field Office) have been considered for planned black-footed ferret reintroduction efforts.

ISSUES:

The Malta Field Office, under the Judith–Valley–Phillips Resource Management Plan (RMP), has managed prairie dog towns to provide habitat for black–footed ferrets and other associated species, and to provide opportunities for recreational wildlife viewing and prairie dog shooting. The BLM, in cooperation with other agencies, has tried to maintain the abundance and distribution of prairie dog habitat on BLM land at the 1988 survey level within an area known as the 7-km Complex Area of Critical Environmental Concern (ACEC).

The exotic disease Sylvatic plague began to reduce the prairie dog population in July 1992; by 1996, about 80 percent of prairie dogs in Phillips County were lost. Additional plague epizootics (prairie dog die-offs) have occurred across the county, keeping the acres of prairie dogs below the 1988 level. The Malta Field Office in 1998 imposed a voluntary shooting closure on 15 prairie dog towns in areas locally known as the Beauchamp Creek Reintroduction Area (formerly 40-Complex and Pea Ridge), and formally closed them to shooting in October 1999. The Montana Legislature in 2001 passed a law allowing the Montana Department of Fish, Wildlife and Parks (FWP) to manage the black-tailed prairie dog as a “species in need of management.” This area is now closed to prairie dog shooting under FWP regulation, however the current legislative session has to extend that designation or it will sunset.

Ninety-five captive-reared black-footed ferrets were released in Beauchamp Creek during 2001 to 2004. Six confirmed litters were produced, but then plague returned to many of the dog towns inhabited by ferrets, and animals began to disappear. Only one ferret was found during surveys in early September 2006. The animal could not be found again later in September. Due to the poor survival rates of released ferrets and the inability to establish a self-sustaining population on BLM lands in southern Phillips County, BLM did not request additional ferrets for release in 2006 or in 2007.

MAIN DECISION OR MESSAGE:

Conservation actions are necessary to prevent the black-tailed prairie dog and other sensitive wildlife species from being federally listed, and to assist with black–footed ferret recovery efforts.

BUREAU PERSPECTIVE:

The FWS, Predator Conservation Alliance, Defenders of Wildlife, The Nature Conservancy, World Wildlife Fund and the National Wildlife Federation have asked BLM to manage prairie dogs on BLM lands for ferret reintroduction. Other groups such as the Phillips County Commissioners, Malta Chamber of Commerce, and local ranchers have asked BLM to manage prairie dogs based on 1988 survey levels. Region 6 of FWP completed a Black-tailed Prairie Dog Management Plan in 2006. FWP has set acreage goals for prairie dogs and they will assume the lead in working with ranchers in obtaining those goals. The Malta Field Office will continue to provide prairie dog habitat, but will play a much reduced role in reintroducing ferrets.

CONTACT:

Fritz Prellwitz, Wildlife Biologist, (406) 654-5118.

GREATER SAGE-GROUSE CONSERVATION IN MONTANA AND THE DAKOTAS

PURPOSE OF THE BRIEFING DOCUMENT:

Over the past several decades, the status of sagebrush on western rangelands and declines in greater sage-grouse numbers have been the subject of increasing concern among western resource management agencies. The U.S. Fish and Wildlife Service (FWS) has received various petitions to protect populations of greater sage-grouse under provisions of the Endangered Species Act (ESA), and in 2005 published a “not-warranted for listing” finding in the *Federal Register*. However, the finding also indicated that there was a need for continued efforts to conserve sage-grouse and sagebrush habitat on a long-term basis. This briefing paper outlines the major efforts that are currently ongoing in Montana, North and South Dakota, beyond the specific conservation measures developed as part of BLM’s project-planning processes.

The BLM continues to participate in three sage-grouse local working groups (LWGs) in Montana (Dillon, Miles City and Glasgow) established under the final *Management Plan and Conservation Strategies for Sage-grouse in Montana* (led by Montana Fish, Wildlife and Parks (FWP)). Through this forum, Montana BLM biologists assist in adapting the State Plan down to the local level, and in identifying and implementing projects that will fulfill the goals of the conservation strategies (including crested wheatgrass re-seeding projects and noxious weed control in important seasonal habitats). BLM also recently cooperated with the Natural Resources Conservation Service (NRCS) and Montana FWP to fund a coordinator position, for the purpose of enhancing the function of LWGs and potentially establishing others. North and South Dakota BLM staffs have also participated in development of plans led by their state agencies. North Dakota’s plan is complete; South Dakota is scheduled to release a draft in early 2007.

The BLM is providing support (funding) for various research projects related to sage-grouse, sage-grouse habitat, and BLM’s multiple-uses management of public lands. These ongoing research projects include studies to measure the impacts of coal bed natural gas development on greater sage-grouse, identify the relationship between West Nile Virus and water produced during energy development, and studies to identify important seasonal habitats.

ISSUES:

Lands administered by Montana BLM currently include intact habitats and stronghold populations of sage-grouse, and as such, conservation here has the potential to benefit the species on a larger scale.

As BLM develops local approaches for greater sage-grouse conservation on BLM-managed lands, the Montana state agency-led Plan will provide the basis for identifying appropriate actions to minimize or eliminate threats to greater sage-grouse, and to maintain and improve existing habitats through projects. It will also continue to refer to the *National Sage-Grouse Habitat Conservation Strategy* (BLM, 2004).

MAIN DECISION OR MESSAGE:

Loss of sagebrush grasslands in some Western states has approached or exceeded 50 percent, with more than half of the remaining habitat being on public lands. Declines in greater sage-grouse populations are a symptom of the declining health of sagebrush communities. This understanding will be key to ensuring that currently healthy habitats continue to function and to limiting additional habitat loss. Public interest is high because sagebrush is the dominant habitat type in Montana, and conservation has the potential to influence all programs.

BUREAU PERSPECTIVE:

The director recognizes BLM’s role in sagebrush habitat management and greater sage-grouse conservation. As a good steward of the land, the agency will continue to focus resources and efforts to conserve sagebrush and greater sage-grouse on BLM-managed lands.

CONTACT:

Katie A. Stevens, Planning and Environmental Coordinator, (406) 896-5246 or Katie_A_Stevens@blm.gov

**GROVE CREEK RANCH -- MEETEETSE SPIRES
LAND EXCHANGE PROPOSAL**

PURPOSE OF THE BRIEFING DOCUMENT:

The Billings Field Office (BiFO) has received a proposal to exchange selected public lands in the Grove Creek area for the Meeteetse Spires, a high resource value and previously subdivided property along the Beartooth Front in Carbon County.

ISSUES:

In early January 2006, Grove Creek Ranch LLC (Larry Semenza) purchased a 568-acre parcel of land commonly called the Meeteetse Spires in Carbon County from RLF Bighorn Properties LLC. This parcel was previously subdivided into 20-acre lots and borders the Custer National Forest to the west, BLM lands in the Meeteetse Spires Area of Critical Environmental Concern (ACEC) to the north and east, and other BLM lands with high resource values to the south.

On January 24, 2006, Mr. Semenza submitted a formal proposal to the BiFO whereby he offers to exchange the 568-acre Meeteetse Spires parcel for 6,206 acres of public land adjacent to his base ranch operation. The proponent's goal is to exchange the high value Spires lands to the BLM in order to expand his private land holdings of Grove Creek Ranch and eliminate the public land presence adjacent to his private base property. The proponent has also stated that if the BLM is unwilling or unable to facilitate the exchange, he will sell the Meeteetse Spires parcel, in whole or part, to parties currently interested in developing homes and/or a commercial recreational operation (hunting lodge).

MAIN DECISION OR MESSAGE:

Public benefits would be difficult to substantiate, given the volume of blocked public land selected and the value of the resources within these lands. We anticipate limited public support for the exchange, as this is an area of high interest and controversy. Although the BiFO would like to acquire and place under federal management the high value resources within the offered Meeteetse Spires parcel to enhance the adjoining ACEC, this should not be done at the expense of the disposal of the large acreage of selected public land. Access and recreational use of the public lands which are part of the Grove Creek Block Management Area would be adversely impacted and possibly permanently lost. There would be a loss of cultural resources, wildlife habitat (critical mule deer winter range and sage grouse), and a "split estate" situation would be created in an area containing numerous oil and gas leases. The Crow Tribe views the upper portion of the area as Traditional Cultural Property and may object to disposal of the higher elevation public lands.

Mr. Semenza has indicated that he is not interested in the sale of the private land, any type of conservation easement on the land or consideration of any other lands for exchange. Although Mr. Semenza indicates he is interested in exchanging lands for the "grass" resources, we have concern that future plans could include subdividing the federal land once acquired. The proposal is not in conformance with the Billings RMP (offered lands are in disposal zone) and a land use plan amendment would be necessary. The BiFO, with concurrence from the Montana State Office, has decided to not pursue the exchange, but will offer the proponent an alternative to look at other, isolated public land parcels that could be assembled into an exchange proposal.

BUREAU PERSPECTIVE:

Land exchange proposals are discretionary real estate transactions between the federal and non-federal parties. Before proceeding, it must be determined whether the public interest would be well served by the proposed exchange.

CONTACT:

Jim Sparks, Assistant Field Manager, Billings Field Office, 406-896-5241

MONTANA FUEL REDUCTION PROJECTS

PURPOSE OF THE BRIEFING DOCUMENT:

Fires in public forests and on public rangeland now threaten people, communities, and natural resources in ways never before seen in our nation's history. Today's forests contain previously unrecorded levels of fuel, while highly flammable invasive species now pervade many rangelands. They do so because decades of fire exclusion policies and other land management actions have altered fire's historic role in shaping plant communities.

To decrease risks from catastrophic wildfires, Montana BLM completed approximately 12,000 acres of fuels reduction projects in mostly-forested areas with a budget of just over \$5 million in FY06. The goal was to enhance public safety in the wildland-urban interface, and to improve forest health. Our goal for FY07 is to complete 13,100 acres with a budget of \$5 million.

ISSUES:

The challenge to completing our prescribed fire projects is largely weather-related. Both short-term and long-term drought continues to influence our ability to meet our prescribed fire goals. Where possible we look for alternative methods to meet our objectives but in most cases the best way to maintain fire adapted ecosystems is to apply fire to the landscape.

MAIN DECISION OR MESSAGE:

The fuels reduction projects are planned on a landscape level, taking into account other resource management objectives and requirements.

Projects are developed through collaboration with our cooperators and accomplished through partnerships with local, Tribal, state, and other federal agencies as well as interested stakeholders. We utilize a combination of contracted and government labor, and mechanical and prescribed burning methods to complete our projects.

BUREAU PERSPECTIVE:

The utilization of Stewardship contracting, and the Healthy Forest Initiatives tools such as Streamlined Environmental Analysis and Categorical Exclusions will help in expediting critical fuels treatments in the wildland-urban interface.

CONTACT:

Karen Michaud, Fire Management Specialist, (406) 896-2911

HEALTHY AND RESILIENT FORESTS

PURPOSE OF THE BRIEFING DOCUMENT:

Montana/Dakotas forests have undergone radical changes during the last century due to the suppression of wildland fires and low levels of active forest management. Frequent, low-intensity fires play an important role in promoting and maintaining healthy and resilient forest systems. Natural fires promote natural plant succession cycles.

Today, our forests are unnaturally dense, and forest ecosystem health has suffered significantly. When combined with the continued drought and excessive fuel buildup, these forests are vulnerable to unnaturally severe (catastrophic) wildland fires. Insect attacks have moved from natural endemic levels to epidemic proportions, further stressing our forested systems. This is a downward spiral that desperately needs to be changed.

ISSUES:

The National Fire Plan, which was adopted in May 2002 by federal agencies and western governors in collaboration with county commissioners, state foresters, and tribal officials, calls for more active forest and rangeland management. It establishes a framework for protecting communities and the environment through local collaboration on thinning, prescribed burns, and forest restoration projects.

President Bush announced the *Healthy Forests Initiative for Wildfire Prevention and Stronger Communities*, known as the Healthy Forest Initiative, in August 2002. HFI focuses on improving regulatory processes and looking for legislative actions to ensure more timely decisions, greater efficiency, and better results in reducing the risk of catastrophic wildfires by restoring forest and rangeland health.

In February 2003, P.L. 105-277 was amended (P.L. 108-7) in order to provide Stewardship End Result Contracting authority to the BLM. This tool provides the bureau with a mechanism to apply the values of timber and other forest products as an offset against the cost of services received on an approved stewardship project. It also provides an opportunity for multi-party monitoring on the use of the contracting authority.

The Healthy Forests Restoration Act (HFRA) (P.L. 108-48) was signed into law by President Bush in December 2003. Its purposes are to: reduce the risks of damage to communities, municipal water supplies and federal lands from catastrophic wildfire; authorize grant programs to improve the commercial value of forest biomass; enhance efforts to protect watersheds and address threats to forest and rangeland health; promote systematic information gathering to address the impacts of insect infestation on forest and rangeland health; improve the capacity to detect insect and disease infestations at an early stage; and to benefit threatened and endangered species, improve biological diversity and enhance carbon sequestration.

MAIN DECISION OR MESSAGE:

The director supports the efforts to streamline the process required to restore the health and resiliency to our public land forests. These efforts will provide for expedited environmental reviews and full public participation, while ensuring that the projects are carried out efficiently and effectively. This will preserve the principle of partnerships with local communities and local interests through the use of collaborative processes that include all stakeholders and partners at the local level.

Montana/Dakotas BLM has been making use of the new tools made available to us through passage of the laws and initiatives. These include the hazardous fuel reduction categorical exclusion, expedited environmental assessments, and stewardship contracting authority. These tools have been applied, as appropriate, along with our standard project implementation procedures. Several field office projects have utilized the hazardous fuel reduction categorical exclusion and expedited EA process. To date, 20 projects have used the stewardship contracting authority.

BUREAU PERSPECTIVE:

Public interest is high and is expected to remain high as the efforts to restore forest health and resiliency on public lands moves forward. There is much support for measures outlined in the laws and initiatives, but there is also much special interest opposition to many of the measures.

CONTACT:

William Hensley, Forester, (406) 896-5042

HORSETHIEF HAZARD FUELS REDUCTION PROJECT

PURPOSE OF THE BRIEFING DOCUMENT:

The Billings Field Office and Eastern Montana Fire Zone have begun a hazardous fuels reduction project in a wildland-urban interface area west of Roundup, Montana. The area is overstocked with ponderosa pine and juniper and a fire start there would present a risk to life and property. Between 50 and 100 structures are located near the area selected for treatment. The project area contains about 10,300 BLM acres, of which 3,000 are forested. The forested areas are being treated mechanically and with prescribed fire.

ISSUES:

This project is one of the Departments of Interior and Agriculture's "test drive" projects of new guidance issued December 9, 2002, regarding the preparation of environmental assessments (EA) for forest-health projects. It is also a Healthy Forest Initiative project.

The EA for the project was completed in June 2003 and submitted to the White House Council on Environmental Quality for review. Public comment and review period began July 17 and ended August 20, 2003.

The cooperative project involves area landowners, rural fire departments, county government, industry, and the BLM. The BLM and other agencies have funds available to assist landowners with fuel reduction efforts and to help rural fire departments purchase equipment.

The first phase of the project has been completed on 405 acres using a combination of machine methods and hand crew cutting and piling. Indefinite delivery, indefinite quantity (IDIQ) contracts, which included some local contractors, were used to accomplish the machine work. Fire suppression crews completed the hand cutting and piling. The timber was cut to a specified spacing and the cut materials were placed in decks and sold as saw logs, pulp and firewood. Machine and hand slash piles are curing and will be burned during the winter when snow depths are sufficient. These activities reduced the fire hazard to the surrounding homes and approximately 75 buildings. Timely moisture has allowed the treatment area to establish growth and increase plant vigor.

Phase II of the Horsethief project is well under way on 550 acres in Unit 2, with the completion of severing and decking of larger diameter trees (DBH) of 6 inches or greater. A proposed stewardship contract that would have involved limbing and piling, and removal of the timber product produced by this contract, did not receive any bids. In response, federal crews were used to remove the limbs and pile slash from the trees on these landings and prepare them for winter burning. Wood suitable for use as fuel wood was left and made available to the public through the permit process. Response to the available fuel wood has been excellent and several hundred cords of wood have been utilized by the public.

Hand severing and piling of the remaining small diameter ponderosa pine and juniper has been completed through an IDIQ contract by a small business using local labor. Burning of the piles has been completed. Federal crews completed treatment, hand severing and piling on an additional 140 acres in an adjoining part of the project. No additional mechanical treatment is required on these 140 acres. Prescribed fire will be used at a later date to complete the treatment and restore a more natural fire regime.

Federal crews have completed 210 acres of treatment south of the Golf Course Road. Fuels were cut and piled for burning. The larger tree trunks, called *boles*, were left to provide fuel wood for public use. Work will continue north of Golf Course Road to complete a shaded fuels break and remove hazardous fuels. This unit consists of 100 acres of timber and grasses that lead into a number of homes. Fuels will be cut and the boles left in place for fuel wood permits for public use.

Winter weather allowed federal crews to burn slash piles that resulted from treatments already completed north of Horsethief road. Both machine and hand piles on 800 acres resulting from treatment in 2005-2006 were consumed. This action completes the hand and machine work and prepares the landscape for broadcast burning at a later date.

Hand severing and piling, on a 150 acre fuels break, utilizing the IDIQ contracting authority, will begin in March 2007 with completion by June 2007. This fuels break will help keep a wildland fire on the ground and reduce fire intensity near homes in the area. This fuels break will help move the area from a condition class III toward a condition class I.

Other opportunities are being pursued for use of the wood products including biomass.

In order to maintain the conditions created by the proposed treatment, these areas will need to be retreated in 10-20 years.

MAIN DECISION OR MESSAGE:

In addition to the Horsethief project, Montana BLM will continue to identify projects to implement the Healthy Forest Initiative in collaboration with other federal agencies, state, tribal and local governments, interest groups, local fire organizations, private landowners, and permittees.

BUREAU PERSPECTIVE:

Through public comment and community meetings, most residents have indicated support of the project and have expressed an interest in reducing fuels on their adjacent private property.

Some Horsethief area residents are opposed to the project because they don't want the "natural state" of the area disturbed or because they question whether the project will be effective in protecting private property if private landowners don't also implement fuels reduction projects.

CONTACT:

Robert Meidinger, Supervisory Range Technician, (406) 896-5247

EXEMPTION AREA WILDLAND-URBAN INTERFACE PROJECT

PURPOSE OF THE BRIEFING DOCUMENT:

The South Dakota Field Office is addressing hazardous fuels buildup in the wildland-urban interface in the Exemption Area near Lead and Deadwood in southwestern South Dakota.

ISSUES:

The Exemption Area, in the northern Black Hills in South Dakota, consists of 22,530 acres that were exempted from the Black Hills National Forest due to the complex mineral survey and public land configuration. The BLM administers federal lands (5,220 acres) within the Exemption Area. The rest of the area is private land.

Within the Exemption Area of the Black Hills are several “communities at risk” including Lead, Deadwood, Central City, Pluma, and Englewood as well as numerous rural subdivisions. There are 2,675 acres of BLM-administered forested lands within half a mile of these communities.

In 2003, the Wildland-Urban Interface Plan was completed and implementation began by treating the Fire Containment Zones – treatment buffers along existing roads or trails that would provide safe access for fire crews – and decreasing standing dead trees in the Grizzly Gulch fire area within half a mile of Deadwood.

Commercial and non-commercial treatments will continue throughout this area to decrease the fuel loading. An additional issue is increased mountain pine beetle infestations related to the close proximity of the Exemption Area to the Beaver Park area on the Black Hills National Forest.

MAIN DECISION OR MESSAGE:

Pre-commercial and commercial timber removal began in 2005 around the community of Englewood. This project involves using the stewardship contract to remove the commercial timber and following up with the removal of products other than logs and slash from the area. In FY07, 90 acres near the Deer Mountain Ski Area and associated residences will be treated using stewardship contracting. Areas between Englewood and Lead are being marked for stewardship contract during FY08.

The first round of treatments in each unit of the Exemption Area should be completed by the end of 2010 with follow-up treatments of prescribed fire and other non-commercial means the following years. The first round of burning is planned for fall of 2007 in an area where the timber was harvested in 2002.

BUREAU PERSPECTIVE:

This planning process as well as the implementation is a collaborative effort among the BLM, Forest Service, South Dakota Division of Forestry, South Dakota Division of Wildland Fire Suppression, Lead and Deadwood city fire departments, Lawrence County Fire Board, and private landowners.

CONTACTS:

Marian Atkins, Field Manager, (605) 892-7001; Terry Chaplin, Fire Management Specialist, (605) 720-0745; or go to www.mt.blm.gov/sdfo/pages/eap/index.html.

NOXIOUS WEEDS

PURPOSE OF THE BRIEFING DOCUMENT:

Noxious weeds continue to spread on all lands, reducing natural biodiversity and vegetation production, and leading to soil erosion. BLM noxious weed-infested lands in Montana increased from about 91,000 acres in 1985 to over 500,000 acres in 2006.

In 2006, the Montana/Dakotas treated 331,390 acres using integrated weed management (IWM) methods in cooperation with other landowners and managers. This acreage is down from previous years and is due to declining funds and not all aspects of annual reporting being completed. An additional 343,646 acres were inventoried for weed infestations and 86,202 acres were monitored for the effectiveness of the weed management treatment method or methods.

ISSUES:

The BLM's weed management program involves cooperative efforts with other federal and state agencies, universities, county agencies, high school agriculture science classes and private landowners. There is heavy emphasis on using prevention techniques to protect non-infested lands. These IWM programs average less than \$15 per acre for the BLM. In the past, the magnitude of our weed program, particularly our cooperative agreements with counties and private cooperators, exceeded specifically earmarked weed funding in our annual budget. Discretionary funding in other programs that benefited from weed management was used to augment the program, but that funding is also declining, further reducing our ability to meet project needs.

Over the past few years, our budget has remained fairly flat while our cost of doing business has increased. This gradual increase in costs has also eroded the discretionary funding available from other accounts.

As a result, in FY 2007, we will not have the discretionary funding to maintain our cooperative agreements at previous levels. The declining effective budget frustrates our cooperators when the BLM is not able to be a full partner.

The BLM has cooperated in preventative and educational programs including: noxious weed videos, brochures, posters and other materials; certified weed seed free forage programs; biological weed control demonstration sites; IWM tours; and weed workshops. The Montana/Dakotas BLM staff will continue to provide training and technical assistance to various resource and weed management staffs. We will also support and follow the guidelines set forth in the January 2005 Montana Weed Management Plan in conjunction with other county, state and federal agencies.

MAIN DECISION OR MESSAGE:

We are committed to doing the best job we can with available funding and will work cooperatively with our partners to set priorities. Montana BLM is also committed to IWM, which includes prevention, education, awareness, biological agents (insects and plant diseases), cultural practices, chemicals, physical, mechanical, re-vegetation and the use of domestic animals. To comply with both federal and state law, the BLM will continue to use an IWM approach and encourage all resource management disciplines to participate in active IWM. It is imperative that the BLM and other cooperators continue their efforts or the "weed battle" will be lost.

Weed management will continue to be a very high priority, but lack of funding will inhibit efforts at all levels. There was considerable effort expended by our staff to apply for or assist cooperators to apply for outside source funding. Often these funds will have stipulations preventing their use on public lands which again limits our ability to meet the weed challenge.

BUREAU PERSPECTIVE:

Because BLM's weed program is a cooperative effort involving many counties as well as other state and federal agencies, high schools and universities, and private landowners, the effects of our reduced ability will impact our various partners. There is a universal concern about the spread of noxious weeds and efforts to control them. Weed management cooperative groups and individuals will continue to petition congressional representatives for assistance with this problem.

CONTACT:

John Simons, Vegetation & Restoration Specialist, (406) 896-5043

WILD HORSE AND BURRO PROGRAM

PURPOSE OF THE BRIEFING DOCUMENT:

The Wild Horse and Burro Program has two primary goals: managing the wild horse herd in the Pryor Mountains; and the adoption of excess animals from the Pryors and other herd management areas.

ISSUES:

The Wild Free Roaming Horse and Burro Act of 1971 mandates the BLM to manage self-sustaining herds of wild horses and burros in balance with available resources under a multiple use prescription. It also directs the BLM to remove excess animals and place them with qualified adopters. In addition, the BLM is responsible for compliance inspections and titling.

Montana's only free-roaming wild horses are in the Pryor Mountains, about 60 miles south of Billings. These animals are reputed to be of Spanish ancestry, as evidenced by genetic studies.

The Pryor Mountain Herd Area Management Plan, written in 1984 and revised in 1992, guides management of the Pryor horses. Excess wild horses from the Pryor Range are usually adopted at the Britton Springs Administrative Site at the base of the Pryors. Since 1984, the BLM has placed more than 15,000 horses with qualified adopters in Montana/Dakotas.

A total of 54 Pryor mares have received a primer and at least one booster of PZP (Porcine Zonae Pellucida) vaccine since the fertility control program started in 2001. Fertility control efforts were initiated with yearling and 2-year old mares in order to allow them a chance to fully develop prior to becoming pregnant. The BLM suspended fertility control on younger mares as a result of increased mountain lion impacts on the herd in 2004. Fertility control in older mares (14 years of age and older) began in 2003 and has continued each year. The intent is to allow these older mares a year or more of existence on the range in better physical condition. The long-term goal will be to contracept these mares for the remainder of their lives.

During the winter of 2004, almost 70 percent of the Pryor yearlings were lost and during the summer of 2004 more than 86 percent of the foals were lost. After aggressive hunter activity in the winter of 2004/2005, three adult lions were removed from the area and no foal predation was recorded in the summer of 2005. Use of fertility control on the Pryor range continues after careful consideration of this natural mortality by mountain lion predation. As a result, 22 mares 11 years and older were selected for treatment in 2006 in efforts to partially suppress herd growth rates.

MAIN DECISION OR MESSAGE:

The BLM continues to manage the Pryor herd for optimum benefits to the animals and the fragile ecology of the Pryor Mountains. We are also working on a major revision of the Herd Management Area Plan which involves efforts from all three federal land-ownership agencies. This revision will incorporate the last 14 years of research and studies on herd genetic viability, use of immunocontraceptive (fertility control) techniques for population control, ecosystem modeling, and updates on ecological site inventories, range condition and trend, and revised estimates of range carrying capacity. We will also continue with the well-reasoned application of fertility control to the herd, providing humane, genetic and population control benefits.

BUREAU PERSPECTIVE:

Wild horse issues attract national and international media attention. Local and national groups often get involved in issues surrounding the Pryor Mountain horses. Some groups are interested in minimizing any human management of the horses, some are concerned primarily with the humane treatment of the horses, and some are concerned about the economics of the horse program. The Pryor Mountain Mustang Association and Pryor Mountain Mustang Center both give strong local support.

Senator Burns' proposed legislation regarding wild horse sales should have little or no effect on the Pryor herd. Historically, Pryor mustangs removed from the range have been placed through adoption because of the high interest in the herd. Due to our selective removal policy (primarily removing younger animals) and our use of fertility control to assist with population control, we don't anticipate the need to remove any horses older than ten years of age.

CONTACT:

Sandra S. Brooks, Billings Field Manager, (406) 896-5262

Golden Sunlight Wind Project (GSWP)

PURPOSE OF THE BRIEFING DOCUMENT:

Wind Hunter LLC has submitted a major category right-of-way application for the Golden Sunlight Wind Project, to be located in Jefferson County, approximately 5 miles northeast of Whitehall, Montana.

ISSUES:

The project, as proposed, would consist of a 60MW wind energy development with up to 40 wind turbines of 1.5MW each (or equivalent), a primary access road, an internal road network, and operations and maintenance (O&M) facility, a collector system, a 0.5 mile 17.6kV transmission line, and interconnection with NorthWestern Energy's Butte – Three Rivers 161kV transmission line. Most of the project area would be on the West Waste Rock Dump complex, encumbering approximately 1,100 acres of public land administered by the BLM, with a portion of the project being constructed on land owned by Golden Sunlight Mine, Inc. (GSM). The life of the project is estimated to be 30 years. The wind farm would operate year-round. The proposed wind farm would be built on lands within the current permit area for the Golden Sunlight Mine. The mine operates under an Operating Permit issued by the State of Montana Department of Environmental Quality in 1972 and Plan of Operations issued by the BLM in 1982.

In 2005 Wind Hunter placed three 60M meteorological monitoring towers at Golden Sunlight, two on BLM and one on private lands. The met towers were needed to monitor winds at the site to determine suitability for use of the site for the generation of wind energy. In June of 2006 Wind Hunter LLC submitted the subject right-of-way application.

MAIN DECISION OR MESSAGE:

Renewable energy development is a key part of the national energy policy. The Interior Department and BLM are supportive of the development of wind energy on public lands. BLM issued a National Wind Energy EIS in December 2005 to help facilitate site-specific environmental reviews for wind power projects.

The area is part of the mine's west waste rock dump complex and has been capped and reclaimed, so few environmental issues should be associated with the proposal. The proposed project may result in impacts to visual resources and reclaimed areas. BLM would work to mitigate identified impacts through the design, construction, and operation of the project. The proponent has contracted with Power Engineers of Boise, Idaho, to complete the associated environmental analysis. BLM WO has assigned this project to Walt George, National Project Manager. At this time, the project is in the initial cost recovery phase.

BUREAU PERSPECTIVE:

No public scoping has occurred to date.

CONTACT:

Mary Figarelle, 406-533-7671, mary_figarelle@blm.gov

VALLEY COUNTY WIND ENERGY PROJECT (VCWEP)

PURPOSE OF BRIEFING DOCUMENT:

The BLM is the lead federal agency in a federal/state cooperative environmental review of a major wind energy proposal in northeast Montana. A Texas corporation, Wind Hunter of Dallas, Texas, proposed to build a large wind farm about 26 miles north of Glasgow. The wind farm was planned in four phases over about 10 years. Full build-out of the project as originally planned would comprise some 334 towers of 300-400 foot height producing 500 megawatts (MW) of electricity on a 20,000-acre area of private, state and BLM lands. A 230 KV transmission line 34.1 miles in length would connect to Western Area Power Administration (WAPA) Fort Peck to Havre line southwest of Glasgow. The transmission line and wind farm would involve public lands in all alternatives and phases. In June 2006, BLM and our partners, Montana Department of Environmental Quality, Western Area Power Administration and Montana Department of Natural Resources, issued a "Public Review Environmental Assessment" (EA) for the VCWEP.

In November 2006, Wind Hunter amended its proposal, substantially reducing the size of the wind farm from 500 MW to 170 MW. The reconfigured wind farm would be primarily on private lands.

AGENCY POSITION:

Renewable energy development is a key part of the national energy policy. The Interior Department and BLM are supportive of development of wind energy on public lands. The BLM issued a National Wind Energy EIS in December 2005 to help facilitate site-specific environmental reviews for wind power projects. There are a number of environmental issues with the proposal, including proximity of the project to the Bitter Creek Wilderness Study Area (WSA), visual impacts, impacts to wildlife, and impacts to native grasslands which BLM and the other cooperating agencies would work to mitigate through the design, construction and operation of the project.

BLM is currently preparing a decision record that addresses the amended proposal.

BACKGROUND:

The proponent of the project has studied the wind resource in the area since 1999, and has picked this site because of the elevation and topography which create the most predictable winds. The location is on a high plateau east of a broad lower plain which results in predictable winds from the prevailing NW direction. The original project proposal was made in early 2004, since that time BLM and the other cooperating agencies have worked with the proponent to involve the public, clarify the project proposal, and develop resource information on the site. Wind Hunter contracted Power Engineers of Boise, Idaho, to complete the environmental studies and to prepare the EA.

PUBLIC INTEREST:

Public meetings held during development of the project were well attended and showed strong support. Letters received in response to the EA ranged from strong local support, based on the positive economic benefits of the project, to strong opposition from environmental groups and individuals concerned with the potential impact to the Bitter Creek WSA, wildlife, and the native grassland. There were also questions on the feasibility of the project, including lack of available transmission capacity to support the full 500 MW project.

The amended proposal addresses the environmental issues by moving the wind farm away from the WSA boundary and reducing the size of project; and addresses the feasibility issues by downsizing to fit available transmission capacity.

CONTACT:

John Fahlgren, 406-228-3757, john_fahlgren@blm.gov.

BLM'S DROUGHT POLICY

PURPOSE OF THE BRIEFING DOCUMENT:

Drought conditions over the last several years have impacted most of the West, including Montana and the Dakotas. Current data shows moderate to extreme drought in Montana. Only moderate snow pack and less than average rainfall are impacting rivers, streams, reservoirs, springs and wells. These conditions raise concerns for soils, vegetation, wildlife, recreation and animals grazing on private, state and BLM-administered rangelands.

ISSUES:

Because of the widespread and extreme effects of the drought of 1988, Montana BLM developed and issued BLM's first draft drought policy in October 1988. After incorporating comments from the public, academia, Montana Stockgrowers Association and others, BLM adopted that policy in January 1989. BLM, working with the State of Montana Drought Advisory Committee, updates it as needed. In 2003, BLM's Washington Office issued a bureauwide policy to reflect changes in regulations related to drought or grazing.

Field assessments verify and augment data collected from remote automated electronic instruments about rainfall, snow pack, stream flow, reservoir water supplies, and vital soil moisture at frequent intervals. Information from several agencies is summarized and discussed monthly by the Governor's Drought Advisory Committee. Field personnel continue to observe weather conditions and collect appropriate data. Current data indicates a high concern for most of Montana, especially the southern half of the state.

MAIN DECISION OR MESSAGE:

The Montana BLM's policy, supported by the bureauwide drought policy, presents existing laws and regulations used to guide livestock grazing in Montana and the Dakotas during periods of drought. The BLM has provided copies of this policy to grazing lease holders in the three states several times during the last decade. Montana's Drought Policy may be viewed at <http://www.blm.gov/mt/st/en/prog/grazing.1.html>.

Under the drought policy, BLM assesses soil moisture levels necessary for plant growth, effective precipitation, environmental demands, plant vigor, and the amount of available water and forage prior to and during the grazing season. Emphasis is placed on allotments having multiple resource values, grazing problems, and a high percentage of federal land. If resource assessments indicate a need to delay livestock turnout, reduce livestock numbers, or close areas to grazing, BLM works closely with livestock operators to minimize impacts to their operations. Adjustments in fee payments, including any appropriate refunds, will be made on a case-by-case basis. By providing guidance during winter and spring months, the BLM helps land managers and permittees avoid last-minute economic surprises, improve grazing strategies, and reduce land use impacts.

BUREAU PERSPECTIVE:

Most livestock operators, the Montana Stockgrowers Association, local and state grazing districts, and all resource advisory councils support BLM policy on grazing during periods of drought. Montana BLM is an active participant in the Governor's Drought Advisory Committee as well as local drought advisory committees and groups. When available and applicable, the BLM provides soil moisture and soil temperature conditions from remote automated weather stations (RAWS) as well as Soil Climate Analysis Network (SCAN) located throughout the state. This data, when combined with weather and climate data from other agencies and used with GIS soil survey data, assists Montanans in making decisions affecting their management options and techniques. More extensive and detailed soil information is available at <http://www.cpc.ncep.noaa.gov/soilmst/>

Montana drought information is available from the state's Natural Resource Information System (NRIS) at <http://nris.mt.gov/drought>. Information on a national scale may be obtained at <http://drought.unl.edu/>.

Additional information on the short term outlook can be obtained at http://www.cpc.ncep.noaa.gov/products/expert_assessment/drought_assessment.shtml

CONTACT:

William Volk, State Soil Scientist/Range Imp & Range Monitoring Program Lead, 406-896-5029

**FEDERAL LAND TRANSACTION FACILITATION ACT:
BLM MONTANA IMPLEMENTATION**

PURPOSE OF BRIEFING DOCUMENT:

To provide an update on the Montana Federal Land Transaction Facilitation Act (FLTFA) project status, encourage identification and sale of eligible lands, and request qualifying land acquisition nominations.

ISSUES:

The Montana FLTFA account currently has a balance of \$431,214. FLTFA is a 10-year authorization, set to expire in 2010. The Secretaries of Interior and Agriculture recently decided to use 20 percent of FLTFA funds from each state to fund high priority acquisitions throughout the western states, none of which are in Montana. In order to effectively use the remaining FLTFA funds to the benefit the public, Montana BLM needs to identify qualified parcels for sale and use these funds to purchase the priority nomination agreed to by the Interagency State Team.

BACKGROUND:

The Federal Land Transaction Facilitation Act (FLTFA, a/k/a the "Baca Bill") was passed in July 2000. The purpose of the act is to use BLM land sale proceeds to purchase qualifying lands or interest in lands. Ninety-six percent of the funds from the sales are deposited into a Federal Land Disposal account and four percent are deposited in the State of Montana Trust Fund. Of the total amount in the Federal Land Disposal account, 80 percent can be used for acquisition and 20 percent for BLM administrative costs for processing land sales. FLTFA restricts the acquisitions to lands in Montana, with the final decision on all acquisitions made jointly by the Secretary of Interior and the Secretary of Agriculture. Only proceeds from disposal lands identified in land use plans completed by July 25, 2000, can be used for these acquisitions. The proposed acquisitions must be an inholding or border a federally designated area, must contain an exceptional resource, and must be offered by a willing seller.

Status of Montana FLTFA Actions:

- National FLTFA MOU is in place, effective 5-6-2003.
- State Implementation Plan is in place, effective 2-1-2006.
- The *Federal Register* notice requesting acquisition nominations from the public has been published.
- The state team is composed of the state/regional managers of FWS, NPS, USFS and BLM. This team will review acquisition nominations, determine priority order, and submit recommendations.
- The BLM Montana-Dakotas State Director is the team chairman.
- Recommended fund allocation: BLM-60%; USFS-20%; NPS-10%; FWS-10%. However, the Secretaries can mutually decide on a different allocation.
 - MT: Balance of \$344,972 for qualifying land acquisitions
 - MT: Balance of \$86,242 for BLM land sale administrative costs.

MAIN DECISION OR MESSAGE:

- Field Offices need to identify qualifying land sales to contribute to the FLTFA fund.
- Field Offices need to submit qualifying acquisition nomination packages.
- The State Office needs to publicize and encourage public nominations for acquisitions.
- The Interagency Team will need to meet and prioritize acquisition nominations.

BUREAU PERSPECTIVE:

The 2008 President's Budget calls for legislation that would amend the BLM's land-sale authority under FLTFA. The legislation would expand the public lands available for disposal under the Act and would change the distribution of the proceeds of those sales. The 2008 budget proposes to amend FLTFA by authorizing the BLM to use updated management plans to identify lands suitable for sale and to allow a portion of the receipts to be used for restoration projects.

CONTACTS:

Cindy Staszak, Branch Chief, Branch of Land Resources (406) 896-5039; or Dee Baxter, Realty Specialist, (406) 896-5044

**MONTANA ARMY NATIONAL GUARD (MTANG) WITHDRAWAL
AT LIMESTONE HILLS TRAINING AREA**

PURPOSE OF THE BRIEFING DOCUMENT:

The Army Corp of Engineers (COE) has filed a partial application on behalf of the Montana Army National Guard (MTANG) and the Department of Defense/Army (DOA) to withdraw and segregate from mineral entry approximately 20,000 acres of BLM-administered land about three miles west of the Missouri River near Townsend in Broadwater County, Montana.

ISSUES:

The MTANG has performed training exercises at the Limestone Hills since the 1950s under special land use permits (SLUPs) until 1984 when a 30-year right-of-way (ROW) was issued to authorize the use. Eighty-eight percent of the range is administered by the BLM, with the remainder under state and private ownership. Live fire training at the range has included helicopter, tank, artillery, mortar and Bradley infantry vehicle gunnery. The types of weaponry ranged from small arms to 155 mm artillery, all of which have been fired into the impact area. Military training over the years has resulted in unexploded ordnance (UXO) contamination, particularly within the interior 5,000-acre impact area, though UXO has also been recovered outside that area. In 1993, Army Corps of Engineers (COE) experts determined that the area south of the 2.75-inch rocket safety fan was "widely contaminated" with UXO. Based on BLM policy, the Butte Field Office (BFO) implemented an emergency closure on the impact area. The MTANG was also advised that its ROW for the range would not be renewed upon expiration in 2014, and the only way to assure its continued use of the area was through a withdrawal.

Continental Lime (now Graymont Western) filed mining claims on lands within the ROW area in the early 1980s and permitted a limestone mine at the north end of the range in 1981. In 1992 and again in 1995, Graymont filed mining plan amendments resulting in an approved expansion of its operations further into the rocket firing fan area. In an agreement facilitated by the Montana Consensus Council, the MTANG has agreed to clear UXO from the expansion area so mining can continue under the current safety plan. The BFO recently reviewed a "Safety, Health and Emergency Response Plan" submitted by MTANG that would allow Graymont to conduct exploratory drilling south of and into the rocket firing fan. The plan has been approved by Department of Defense Explosives Safety Bureau (DDESB). The DDESB must release the area for mining before the BLM can authorize exploration. Graymont is concerned that the current rate of UXO clearance may not meet its exploration needs. Graymont filed 36 additional claims in September 2003 and in early 2006 filed a Plan of Operations to expand farther south into the training range. The Butte Field Office is currently working with the Montana DEQ on review of the plan. Graymont will be contracting the EIS on the expansion, with review oversight falling to BLM and the State of Montana DEQ.

Site tours were conducted July 2002 and May 2005 with the following entities represented: BFO; BLM Washington Office military liaisons; several members of the MTANG; the Army COE; the National Guard Bureau; and the plant manager for Graymont Western US Inc.

MAIN DECISION OR MESSAGE:

The BLM is a cooperating agency for the project legislative environmental impact statement (LEIS), which has been contracted by MTANG to Tetra Tech based in Helena, Montana. Public scoping for the EIS was completed, including a working group process. Currently a draft document is undergoing the 3rd internal review by BLM, NGB, and the DOA. It is anticipated that the draft document will be made available for public review later this year.

BFO finalized an interagency agreement with MTANG which defines roles and responsibilities. The LEIS will result in BLM findings and recommendations to the WO and Secretary of Interior. The action will require an amendment of the Headwaters RMP, but is being addressed in the BFO Draft RMP Revision.

In late June 2004 the MTANG shared its proposed action with the public at two public meetings and a stakeholder meeting. The proposal is for MTANG to manage all lands and resources within the training range except minerals. Members of the public who attended the meetings expressed concern with the current proposal. In the fall of 2004, several stakeholder working group meetings were held which have resulted in an alternative to the proposed action that all parties can live with. That alternative will be analyzed in the LEIS.

BUREAU PERSPECTIVE:

Public interest is expected to be high. The withdrawal would affect PILT payments, recreationists/hunters, and could impact several grazing allotments depending on how the resource management plan for the firing range is structured after the EIS is completed. There is also potential for the validity of some of the mining claims to be affected by the withdrawal.

CONTACT: Mary Figarelle, Supervisory Land Use Specialist, (406) 533-7671