

## UNDAUNTED STEWARDSHIP®

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Provide a status update on the Undaunted Stewardship® Program

### **ISSUES:**

Undaunted Stewardship® received earmarked, pass-through funding from the BLM during fiscal years 2001-2006. However, no funding was earmarked for the program in 2007 or 2008 and future funding remains uncertain. The Undaunted Stewardship® Executive Council is pursuing other potential funding sources for the long term continuation of the program. The program is now operating and completing projects with funds remaining from previous allocations.

### **Background:**

Undaunted Stewardship® is a cooperative program directed jointly by federal, state and private agencies, with guidance from statewide historic, conservation, and agricultural groups. Undaunted Stewardship® is guided by the Executive Council, which includes representatives from the Montana Stockgrowers Association, Montana State University, and Montana BLM.

The concept for this program 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, such as 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® provides benefits to visitors on public lands through the development of wayside interpretive exhibits and trails. A 2007 project developed an interpretive trail at the Upper Missouri River Breaks National Monument Interpretive Center in Fort Benton and will install five interpretive panels in 2008. Project plans for 2008 include continuing the Undaunted Land Steward Certification program, public education and outreach activities, and photo monitoring of selected ranches.

The Undaunted Stewardship® program received the 2007 Western Extension Directors Award of Excellence on July 17, 2007. Given by the extension directors from land-grant universities in the western United States, the award recognized the program as a nationally unique partnership that preserves and improves landscapes and communities along the Lewis and Clark Trail in Montana. 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, Md., on May 18, 2005, cited Undaunted Stewardship® as a "wonderful model for similar partnerships across the Nation."

### **MAIN DECISION OR MESSAGE:**

This partnership has generated many positive results, benefitting the local ranching communities, Montana residents and the visiting public. The Montana Stockgrowers Association was instrumental in obtaining the previous Undaunted Stewardship appropriations and serves on the executive council. Several conservation groups are involved in the process and 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. Although Undaunted Stewardship® funding comes to Montana BLM, it is essentially pass-through funding. Future funding for the program is uncertain.

### **BUREAU PERSPECTIVE:**

Public support for the Undaunted Stewardship® program is high. It is an outstanding example of cooperative conservation that will continue to benefit private and public cultural and natural resources for years to come.

### **CONTACT:**

Cindy Staszak, Chief, Branch of Land Resources (406) 896-5039

## **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 a stay on the decision in July 2005. The stay was lifted in September 2005 allowing the area to reopen but the plan was still under appeal. On June 8, 2007, the Interior Board of Land Appeals ruled in favor of the BLM-Billings Field Office and affirmed the May 2005 decision.

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 claimed violation of the National Environmental Policy Act and Federal Lands Policy Act and the administrative procedure. The plaintiff sought declaratory and injunctive relief. On June 28, 2007, the case was dismissed.

### **MAIN DECISION OR MESSAGE:**

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

The area was closed on July 25, 2007, because of extremely dry conditions and the potential for wildfire. The riding area was reopened in September and has remained open all winter. The area could be closed this spring due to wet or muddy conditions.

All users will be required to purchase a use permit before March 15, 2008. A yearly pass is available for \$35, or a day use pass for \$5. Two types of permits are available as well as a day use pass:

- Multiple unit/family permits: \$105 per year. Multiple permits (6 or fewer) can be purchased by one individual for a family, or if an individual owns more than three ATVs/motorcycles.
- Single unit permit: \$35 per year

Proof of registration must be provided when the permits are purchased, and all vehicles must be registered to the same address.

- Day use permits will be available on site and can be purchased for \$5.

### **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

## **MADISON RIVER SPECIAL RECREATION PERMIT PROGRAM**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

To provide a status report on the Dillon Field Office's Madison River Special Recreation Permit (SRP) program in cooperation with Region 3 of the Montana Department of Fish, Wildlife and Parks (FWP).

### **ISSUES:**

The Madison River is the most heavily fished river in the state. Approximately 150 outfitters report use on the Madison River. Currently, most of the commercial uses, competitive events, and organized group activities are unregulated and do not pay a fee for the use of public resources. The BLM and FWP manage nearly all the public land and recreation sites along the river, and each is responsible for managing commercial, competitive, and organized group activities.

Recognizing the benefits of cooperating on river management issues along the Madison, the BLM and FWP initiated the joint special recreation permit program. Implementation of the SRP program (spring of 2008) will require permittees to pay fees and accurately report use of public lands and related waters.

### **BACKGROUND:**

The Madison River is near the community growth area of Bozeman, Mont. Commercial use is a significant component of the overall use of the river corridor, and represents a significant amount of the use of BLM and FWP sites. The SRP program will establish the means to regulate commercial use and group activities. The goal of the project is to obtain for the public a fair return for the commercial use of public resources. Side benefits are an improved ability to monitor and gather user information, and raise additional funds for maintaining recreation facilities and access roads. Permittees will be required to pay three percent of their annual gross revenue earned from the use of public land and related waters of the Madison River. The revenue from the SRP program will be used to administer the program, manage river recreation, and operate and maintain access sites along the river.

The BLM and FWP have received a grant from the River Fund for the first two years of the program and it is anticipated that the permit fee revenue will support the program in following years. The Federal Lands Recreation Enhancement Act (REA, PL 108-447) was passed into law in December 2004 in the Omnibus Appropriations Bill. Section 6 (Cooperative Agreements) states that the secretary may enter into fee management agreements. The BLM and FWP have jointly conducted seven public meetings to provide information and obtain comments regarding this SRP program.

### **MAIN DECISION OR MESSAGE:**

The BLM will provide for and receive fair value in recreation commercial activities as directed by REA, regulations and policy for all commercial activities, through the implementation of the SRP partnership. The overall strategy of the recreation fee program is to retain fee revenues to repair, improve, and maintain recreation sites and settings to quality standards, in order to maintain landscape settings, and to enhance the delivery of recreation services. The BLM will work in partnership with FWP to reduce duplication of administration procedures of permit and staffing operations for the public and governmental agencies. A successful, cooperative SRP program between BLM and FWP already exists on the Blackfoot River in western Montana. The Madison River project will continue this partnership. In the future, other river corridors may be evaluated for similar development/partnerships.

### **BUREAU PERSPECTIVE:**

This partnership will streamline the administrative procedures for permittee applicants as well as the BLM and FWP. This cooperative agreement will benefit management of natural resources and improve recreation experiences.

Permittees support increased management of river uses; however, they are concerned about the cost and additional administrative burden imposed by permits. Some affected user groups are opposed to the SRP program and any regulation of use.

### **CONTACTS:**

Christina Miller, recreation lead, (406) 896-5038; or Susan James, outdoor recreation planner, (406) 682-4082.

## **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. Public scoping began December 19, 2003, with the publication of the notice of intent, and ended February 17, 2004. 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.

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.

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. 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 to determine any further interest from agencies to be involved with the RMP process. 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 BLM canceled the contract with Tetra Tech with the contract closing out in January 2007. The BLM will complete the remainder of the RMP revision.

The Draft Butte Resource Management Plan and Environmental Impact Statement were released for a 90-day public comment period on June 8, 2007. The county commissioners of the eight planning area counties were briefed early in the comment period. Public meetings were held in Helena, Townsend, Butte, Boulder, Divide, and Bozeman. The Butte Field Office received approximately 172 submissions for public comments during the public comment period on the Draft RMP/EIS, which was extended to October 9, 2007. Public release of the Proposed RMP/Final EIS is slated for July 2008.

### **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 La Marr, 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 planning team is preparing a reasonable range of alternatives considering the following issue themes: access and transportation management; ecosystem management; energy development and other commercial uses; land ownership adjustments; recreation, visitor services and off-highway vehicles; and special management area designations. These alternatives will meet goals and objectives developed by the interdisciplinary team. To comply with NEPA, Council on Environmental Quality regulations, and BLM planning regulations and guidance, alternatives should be reasonable and possible to implement.

### **MAIN DECISION OR MESSAGE:**

In May 2006, the Montana State Office approved a preparation plan. Public scoping began September 9, 2006, with the publication of the notice of intent, and ended November 15, 2006. A report completed in May 2007 summarized the scoping process, including the solicitation of public comment and identification/refinement of the planning issues; it is available at the Malta Field Office. The Malta Field Office continues working collaboratively with the various HiLine communities, tribes, and state and local governments in determining alternatives.

Memorandums of understanding (MOUs) 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. Additionally MOUs were executed establishing cooperating agency status for the following eight cooperative state grazing districts: Badlands, Buggy Creek, North Blaine, North Phillips, North Valley, South Phillips, Wayne Creek, and Willow Creek. Ongoing outreach continues to develop opportunities for collaborative planning.

Local economic strategies workshops were conducted in February 2007 in three HiLine communities: 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 allows greater opportunities for collaborative planning.

### **BUREAU PERSPECTIVE:**

Public interest will be high because of energy development, greater sage-grouse populations and access to public lands.

### **CONTACT:**

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

## MILES CITY RESOURCE MANAGEMENT PLAN 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. A draft EIS/RMP Amendment will be issued for a 90-day public review, and the final EIS/Proposed RMP Amendment will be issued for a 30-day protest period. The BLM anticipates the Record of Decision to be issued in December 2010.

About 200 people attended nine meetings held 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. The group developed four alternative "themes" for grouping alternative management actions, including a "local economy" theme.

Cooperating agencies helping to prepare the plan include: Lower Brule Sioux and Fort Peck tribes; Big Horn, Carter, Custer, Daniels, McCone, Powder River, Richland, Rosebud, Sheridan, and Treasure counties; Carter, Garfield, McCone, Prairie, Richland, and Wibaux county conservation districts; Little Beaver Conservation District; Prairie County Cooperative State Grazing 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 area. 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:**

Through the Miles City planning effort, the BLM aims to take a collaborative community-based approach in updating the existing management plan and resource allocations. The new RMP will consider new data, changing resource conditions, changes in the uses of public lands, and BLM planning instruction memoranda 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 more than 274,000 surface acres and 3.7 million subsurface acres in South Dakota, and more than 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 will 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.

### **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. The next phase involves developing management alternatives and preparing the draft environmental impact statement.

### **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), oil and gas leasing in greater sage-grouse areas or areas of high cultural interest, and potential coal development.

### **CONTACT:**

John Hartley, RMP Project Lead, (701) 227-7742

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

### **PURPOSE OF THE BRIEFING DOCUMENT:**

In January 2008, the Lewistown Field Office distributed the Proposed Resource Management Plan and Final Environmental Impact Statement for the Upper Missouri River Breaks National Monument to a wide list of interested organizations and individuals. The protest period for the proposed RPM ended March 4, 2008.

### **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 one 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 are concerned 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, no development on existing natural gas leases, and reduced motorized opportunities on the river. Those favoring motorized recreation are looking for extended opportunities for personal watercraft, seaplanes and other motorized watercraft. American Indian tribes are concerned about protecting cultural sites within the monument.

### **MAIN DECISION OR MESSAGE:**

Public participation was a vital element during the preparation of the proposed RMP, and will continue to play an important role after the record of decision is complete and the approved plan is implemented.

### **BUREAU PERSPECTIVE:**

At the end of the protest period, the BLM will prepare the record of decision and approved plan. Approval will be withheld on any portion(s) of the proposed RMP that is under protest until a final action has been completed on such protest(s).

### **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 in the register. 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 109<sup>th</sup> 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 850 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; the rest of the production comes from wells operated by Pinnacle Gas Resources.

### **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. The BLM issued its record of decision (ROD) in April 2003. The ROD and supporting EIS are currently under litigation.

The U.S. District Court issued an order dated April 5, 2005, that directed the BLM to prepare a supplemental environmental impact statement (SEIS) to the 2003 EIS that analyzes the phased development of CBNG. The order also allowed BLM to approve production related permits within a court-defined geographic area with a maximum combined number of 500 approved federal and state permits per year while BLM prepares the SEIS.

BLM published a Federal Register notice on August 5, 2005, announcing its intent to plan and conduct public scoping for the SEIS. The Draft SEIS was issued for a 90-day public comment period from February through May 2007. In April 2007, EPA notified BLM that the Draft SEIS was unacceptable due to air visibility impacts to Class I airsheds. To avoid a negative rating, BLM and EPA agreed to conduct additional air modeling work to investigate mitigation measures and reduce the predicted visibility impacts. The Supplemental Air Quality Analysis was released on December 14, 2007, for a 90-day public review and comment period that ends on March 13, 2008. BLM anticipates that the final SEIS will be issued in July 2008, and the ROD signed in December 2008 following the 30-day protest period.

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. The BLM then provided the phased development alternative to the public 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. Montana BLM can only approve permits for federal CBNG wells in accordance with the district court order until the ROD is signed for the SEIS.

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) is a conventional truck and shovel mine which 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.

The BLM and Montana Department of Environmental Quality (DEQ) issued a record of decision (ROD) 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 they believed was 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 this plan to the agencies on December 1, 2003. The Montana DEQ and BLM completed a supplemental environmental impact statement (SEIS) which fully evaluated the environmental impacts associated with partially backfilling the GSM pit, issuing separate but essentially identical records of decision in 2007.

### **ISSUES:**

GSM mines approximately 10 million tons of rocks per year, of which 2.5 million tons are ore, and the remainder is waste rock. Approximately 300 million tons of wastes have been placed in waste rock dumps. The ore is milled and processed using a vat cyanide process, and tailings are pumped to a lined impoundment. An earlier impoundment has been reclaimed. In late 2007 GSM applied for a minor revision/plan amendment to deepen the pit, called the 5B Optimization. This proposal would not have any environmental impacts that have not been covered by existing NEPA/MEPA documents. No new surface disturbance was proposed with this revision which was approved in February 2008.

Because the rock at GSM has high potential for “acid rock drainage,” effective reclamation is crucial. Extensive research and monitoring of several reclaimed waste dumps and highwalls has helped the mine and agencies determine what reclamation practices are most effective. Surface water management is an important part of a successful reclamation plan. Together managing mine dumps and surface water practices are aimed at protecting water quality below the mine site. Long-term water treatment is an integral part of the mine plan. GSM has posted a total bond of more than \$50 million to cover reclamation costs.

### **MAIN DECISION OR MESSAGE:**

The BLM and DEQ completed an SEIS which fully evaluated the impacts of the proposed partial pit backfill plan. All backfill alternatives would result in ground and surface water quality degradation/violations. The selected alternative in the SEIS was the Underground Sump Alternative with Additional Visual Mitigation as this was the most protective of ground and surface waters. Collecting all pit water in the underground sump protects ground and surface water from any degradation or violations of water quality standards. Mine impacted waters will be pumped and treated following collection in the underground sump retained from Golden Sunlight’s underground operations. Because of state court timing requirements, the DEQ and BLM did not issue a joint record of decision, as is the normal practice. The DEQ’s ROD predated BLM’s, though the two documents are essentially identical. The plaintiffs in the case returned to state court in late 2007, since the agencies did not select the pit backfill alternative.

### **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 Western U.S. (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 environmental impact statement (EIS) will analyze several issues such as wildlife and cultural resources, as well as potential impacts to the Montana National Guard's Limestone Hills training range, (including potential unexploded ordnance), in which the proposed expansion is located. 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 would likely 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. We expect the draft EIS to be released in early spring 2008.

### **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 2008.

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 mean 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. The preferred alternative will move Clancy Creek and restore a reconstructed channel and riparian zone.

The consequence of any delay 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 have released a draft EIS to cover the proposed expansion.

Montana Tunnels closed in April 2006 while it continued a search for investors after a wall of the open pit mine failed in October 2005. The closure laid off 196 mine workers. The company announced in early August 2006 that it had entered a joint venture agreement that guaranteed financing for the mine to resume operations and continue permitting for the mine expansion. The preferred alternative in the draft EIS will allow Montana Tunnels to continue mining and reestablish a portion of Clancy Creek when mining is complete.

### **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 more than 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 the implementation of decisions made in Record of Decision for the Sioux Ranger District Environmental Impact Statement (EIS) and execution of the terms of the related 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 (SHPO), and the 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. In addition, 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, and 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 Forest Service would lease and develop oil and gas resources and meet its requirements under the NHPA. The CNF worked with BLM and other consulting parties in development of this PA. The PA was signed in March 2007 and the record and decision (ROD) for the EIS was issued on March 15, 2007. As a result, oil and gas companies have begun to nominate parcels within the North Cave and South Cave Hills. The BLM, Forest Service, SHPO, and tribes have met, in accordance with the PA, to discuss possible development surrounding the North Cave and South Cave Hills. This consultation process is a work in progress.

### **MAIN DECISION OR MESSAGE:**

In its ROD, the CNF placed a no surface occupancy stipulation for the North Cave and South Cave Hills. This essentially would push development from CNF lands to adjacent private lands where BLM would be responsible for completing the Section 106 process. Some of the parcels nominated for leasing may be located near cultural resources of such significance that placing a well on private land and resolving potential adverse effects could be difficult. BLM should anticipate that one or more of these nominated leases and subsequent proposed developments could force the application of the special cultural resource management stipulation. This stipulation states that if the potential effects from development cannot be adequately mitigated, BLM may have to disapprove a proposed application for permit to drill (APD).

### **BUREAU PERSPECTIVE:**

The BLM, as a participant in the PA, will continue to consult with tribes and the SHPO on proposed developments on private lands as they are proposed. The CNF has held consultation meetings on the nominated parcels in conjunction the SHPO. Comments from the SHPO to the CNF have identified a number of potential conflicts with cultural resource values and oil and gas development. At this time, the CNF has taken no action on the nominated parcels.

### **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 three 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 of Montana, 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, which heard the case in June 2006. In November 2006, the Ninth Circuit affirmed the ruling of the district court in BLM's favor. In December

2006, the tribes petitioned the Ninth 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 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.

## **BLACKFOOT COMMUNITY PROJECT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Blackfoot Challenge, in partnership with The Nature Conservancy, developed the Blackfoot Community Project as a community-based effort to guide the future ownership and management of key lands in the upper Blackfoot Valley owned by Plum Creek Timber Company. These lands were purchased and are being re-sold by the Conservancy according to a community-driven plan. Some lands will go into public ownership and others to private ownership with safeguards to protect community and conservation values.

Given strong community interest, The Nature Conservancy and Plum Creek reached an agreement in September 2003 on the sale of 89,000 acres in the upper Blackfoot Valley. Purchase of the 89,000 acres by The Nature Conservancy was completed in December 2007. To date, almost 33,000 acres have been re-sold to State and Federal land management agencies. Federal funds have been used for BLM and Forest Service acquisitions and the purchase of conservation easements by the U.S. Fish and Wildlife Service. The BLM has received \$9.5 million, the FS \$18 million and USFWS \$4.2 million in FY 2004, FY 2005, FY 2006, FY 2007 and FY 2008 in LWCF funds to purchase land and conservation easements. The BLM has made out-year LWCF requests for the purchase of additional lands. The balance will be covered by philanthropic donations (\$10 million) and funds generated from sales to private landowners.

### **ISSUES:**

The Blackfoot Challenge, comprised of local landowners, federal and state land managers, local government officials and corporate landowners, has been working in the Blackfoot Valley for 15 years to coordinate conservation efforts in the watershed. The Challenge has developed a disposition and management plan to guide the ownership and management of these lands over the long term, specifically addressing community values for recreational access, grazing, wildlife habitat, forestry, and economic stability.

An important consideration in the Blackfoot's diversity and rural character is that large landholdings in the watershed remain intact. Sixty percent is now in public ownership and the remaining 40 percent is made up of primarily large working ranches or large timberland holdings. Fragmentation of private lands by subdivision and development is a threat to wildlife habitat and the traditional agricultural and rural lifestyle of the watershed. Maintaining the rural lifestyle and protecting the natural resources of the Blackfoot are top priorities for the Blackfoot Challenge.

Community meetings were held in each participating community in the valley. All private landowners adjacent to the project lands were contacted, as some have expressed an interest in acquiring additional acreage. Ranchers with grazing leases on Plum Creek lands were also contacted, and they have indicated a critical need to continue to graze these lands. There was a strongly voiced desire to see these leases remain as grazing areas and to go to public ownership, if necessary, in order to continue traditional grazing usage. The desire to maintain intact working ranches is clear.

### **MAIN DECISION OR MESSAGE:**

At public meetings, Blackfoot Valley citizens and landowners expressed strong support for substantial public ownership of these lands to maintain historic public access, traditional grazing leases, and high natural resource values. They also encouraged ownership consolidation by adjacent public landowners to increase the effectiveness and efficiency of management activities such as grazing administration, forest management, noxious weed control, and public recreation management.

### **BUREAU PERSPECTIVE:**

The BLM is only one public agency expected to acquire some of Plum Creek's acreage. Other agencies include the U.S. Forest Service, the Montana Department of Natural Resources and Conservation, and the Montana Department of Fish, Wildlife and Parks. All agencies are active partners in the Blackfoot Challenge and are committed to collaboration and community involvement.

### **CONTACT:**

Nancy Anderson, Missoula Field Manager, (406) 329-3914

## **BLACK-TAILED PRAIRIE DOG MANAGEMENT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Extensive prairie dog habitat is found on BLM lands throughout eastern Montana. 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 U.S. Fish and Wildlife Service (FWS) determined in February 2000 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 in prairie dog towns, remains one of the most endangered mammals in North America and was listed as endangered under the ESA in 1973. In 1994, an “Experimental Nonessential Population Area” was established in southern Phillips County, Montana.

The Malta Field Office, under the Judith–Valley–Phillips Resource Management Plan, 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, however, 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 the Beauchamp Creek Reintroduction Area, 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.” The most recent legislative session, however, did not reauthorize the 2001 law, and management status for the black-tailed prairie dog ended October 1, 2007. Shooting closure signs have been removed and all areas are now open to shooting.

Region 6 of FWP completed the Prairie Dog Abundance and Distribution Objectives Plan in April 2006, and although the agency can still work on maintaining prairie dog town complexes for possible ferret reintroductions, it no longer has the authority to close areas to recreational shooting. Previous attempts by BLM to close areas to shooting have been appealed as far as the U.S. Supreme Court, so it is unlikely that the Malta Field Office will take over management of shooting closures due to a lack of authority to manage wildlife populations.

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. Another spot-lighting survey in July 2007 also found no ferrets. 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, the Malta Field Office did not request additional ferrets for release in 2006 through 2008.

### **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. Plague, however, severely limits what can be done realistically to provide sufficient prairie dog acreage in the proper arrangement for ferret recovery efforts.

### **BUREAU PERSPECTIVE:**

The Malta Field Office is represented on the Prairie Dog Implementation Committee (PDIC), an 11-member advisory group formed to assist and advise the FWP in implementing the Region 6 Plan in a coordinated and biologically-based manner. The group met six times from November 2007 through February 2008.

The highest priority of the Region 6 plan is for FWP to establish a “category 1” complex of prairie dog colonies, which would cover at least 5,000 acres with no more than one mile between colonies. This size is necessary for the successful re-introduction of black-footed ferrets. The plan also calls for several “category 2” complexes of 1,000 – 5,000 acres with no more than one mile between colonies. Although not large enough for ferrets, category 2 complexes are meant to maintain prairie dogs as well as associated species such as the mountain plover and burrowing owl.

The PDIC has recommended southern Phillips County as a suitable location for the category 1 complex. The FWP and

the PDIC will next work with the land owners and managers to develop concurrence on an exact location, and finally the FWP will manage for establishment of a complex.

**CONTACT:**

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## GREATER SAGE-GROUSE CONSERVATION IN MONTANA AND THE DAKOTAS

### **PURPOSE OF THE BRIEFING DOCUMENT:**

This briefing paper outlines the major ongoing efforts toward greater sage-grouse conservation in Montana, North and South Dakota, beyond the specific measures developed as part of BLM's project-planning processes.

### **ISSUES:**

In Montana, the BLM continues to participate in three greater sage-grouse local working groups (LWGs) (Dillon, Miles City and Glasgow) that were established under the final *Management Plan and Conservation Strategies for Sage-grouse in Montana* (hereafter *Management Plan*), led by Montana Fish, Wildlife and Parks (FWP). Through this forum, Montana BLM biologists work with other greater sage-grouse stakeholders to adapt the state plan down to the local level, and to identify and implement projects that will fulfill the goals of the conservation strategies, including crested wheatgrass re-seeding projects and noxious weed control in important seasonal habitats. The BLM also partners with the Natural Resources Conservation Service (NRCS) and FWP to fund a coordinator position for the purpose of enhancing the function of LWGs and finding new ways to achieve greater sage-grouse conservation across ownerships. 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 refining its draft.

Yearly lek monitoring and data sharing with the state agencies is a high priority for all offices. Data protocols have been developed with local FWP offices to facilitate information sharing, and BLM coordinates inventory and monitoring efforts with FWP, industry, and non-governmental organizations to maximize efficiency. The BLM provides funding for various research projects related to greater sage-grouse, greater sage-grouse habitat, and BLM's multiple-use management of public lands. These ongoing projects include studies that examine opportunities to control West Nile Virus; and research, inventory, and monitoring to identify important seasonal habitats, movements, and survival. BLM has also supported recent studies that examine winter survival, the effects of coal bed natural gas (CBNG) development, and the relationship between West Nile Virus and natural and man-made water sources. In addition, BLM staff and partners are working on resource management plan (RMP) revisions that will cover most of the important BLM-managed sage-grouse habitat in the three states.

In addition to the ongoing work summarized above, the relationship between greater sage-grouse and energy development is a primary emerging issue in Montana and Wyoming, based on availability of new information about the effects of CBNG development and West Nile Virus. Recent research suggests greater sage-grouse population declines in areas of CBNG development in Wyoming, and BLM is currently working with researchers, industry representatives, and FWP to fully understand the variety of available information collected by BLM and others and incorporate the most up-to-date greater sage-grouse conservation actions into its Coal Bed Natural Gas Supplemental EIS, which applies to the Billings and Miles City Field Offices, as well as the Miles City RMP, the lease nomination and sale process, and project analyses. The BLM has a close working relationship with FWP through the Miles City Energy Pilot Office, and is also coordinating with Montana FWP on potential updates to the *Management Plan*.

### **MAIN DECISION OR MESSAGE:**

Through the NEPA and planning processes, the BLM will determine an adaptive management approach that applies the best available science/information to ensure that the public lands continue to be available for BLM's multiple uses while conserving greater sage-grouse and sagebrush habitat. These efforts are especially important in light of the upcoming re-evaluation by the US Fish & Wildlife Service of its 2005 listing decision as "not warranted" and the recent release of a 10-page report on sage-grouse by fish and game agencies from several states.

### **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 on conserving sagebrush and greater sage-grouse on BLM-managed lands. All these efforts will feed into future conservation and restoration opportunities under the Director's Healthy Lands emphasis.

### **CONTACT:**

Katie A. Stevens, planning and environmental coordinator, (406) 896-5246

## **PUMPKIN CREEK LAND EXCHANGE**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Pumpkin Creek Ranch land exchange will consolidate federal land in an area 15 miles south of Miles City that has a checkerboard land-ownership pattern. When completed, the exchange will create a 20,578-acre contiguous block of federal land for the public to enjoy, as well as facilitating a variety of resource programs -- which are less effective on small, isolated land sections.

### **ISSUE:**

This facilitated, two-phase assembled exchange between BLM and The Conservation Fund is now in process.

Phase I included 43 isolated parcels of federal land comprising 14,325.83 acres, and 22 parcels of non-federal land comprising 12,229.15 acres. Seven timely protest letters, one late protest, and ten letters of support were received on the Phase 1 portion. A decision by the Interior Board of Land Appeals affirmed BLM's decision to dismiss the protests and determined that the public interest will be well served through the exchange.

The state director signed the seven decisions for dismissal; no appeals were filed with the Interior Board of Land Appeals. Phase 1 was officially completed Feb. 20, 2008.

### **MAIN DECISION OR MESSAGE:**

The BLM plans to acquire the remaining 1,809.17 acres of private land within the Pumpkin Creek Ranch in Phase 2 of the exchange using an estimated 1,407.1 acres of federal lands in Carter County. The value imbalance in Phase 1 of \$21,578 owed to the United States is being tracked through a ledger account, and values will be equalized in Phase 2.

Phase 2 is now in process and should be complete by the end of 2008.

### **BUREAU PERSPECTIVE:**

Issues relating to access to public lands, recreation trends, agricultural needs, and commercial activities such as outfitting have placed emphasis on providing increased opportunities for the long-term public benefit. Management of the area for multiple-use objectives will benefit surrounding communities and visiting recreationists well into the future.

### **CONTACT:**

Elaine Raper, field manager, or Mark Jacobsen, public affairs specialist; 406-233-2800.

## **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 14,600 acres of fuels reduction projects in fiscal year 2007, exceeding our goal of 13,000 acres. These projects enhance public safety in the wildland-urban interface, and improve forest and rangeland health.

### **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. Wetter conditions in 2007 allowed us to complete additional acres. Where possible, we look for alternative methods for meeting 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 use a combination of contracted and government labor, and mechanical and prescribed burning methods.

### **BUREAU PERSPECTIVE:**

The utilization of Stewardship Contracting, and 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 (HFI), 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

## **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. 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 uses a stewardship contract to remove the commercial timber, followed up by the removal of products other than logs and slash. Since 2005, we have used mechanical treatments on 1,785 acres within this Wildland Urban Interface area. In FY07, 90 acres near the Deer Mountain ski area and associated residences were treated using a stewardship contract; this included some biomass removal for ethanol production. Areas between Englewood and Lead are being marked for stewardship contracting during FY2008 through FY2010.

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 the spring of 2008 in an area adjacent to Lead where the timber was harvested in 2002.

### **BUREAU PERSPECTIVE:**

The 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; or Travis Lipp, fire management specialist, (605) 720-0747.

## **NOXIOUS WEEDS**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Noxious weeds continue to be the single largest threat to the natural resources of the nation. Noxious weeds continue to spread on all lands, reducing natural biodiversity and vegetation production and leading to soil erosion. Noxious weeds infest approximately five percent of BLM lands in Montana.

In 2007, the Montana/Dakotas BLM treated 346,067 acres using integrated weed management (IWM) methods in cooperation with other landowners and managers. An additional 2,067,970 acres were inventoried for weed infestations and 90,423 acres were monitored for the effectiveness of weed management efforts.

### **ISSUES:**

The BLM's weed management program involves cooperative efforts with other federal and state agencies, universities, counties, high school agriculture science classes, and private landowners. There is heavy emphasis on using prevention techniques to protect non-infested lands. The BLM in Montana and Dakotas also uses early detection and rapid response (EDRR) to reduce new infestations and to use existing funds in the most cost-efficient manner. 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.

The BLM cooperates 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. The BLM supports and incorporates the guidelines set forth in the January 2005 Montana Weed Management Plan in conjunction with other county, state, and federal agencies. The Montana/Dakotas also incorporated the management direction of the national strategy of "Partners Against Weeds" and the management plan from the National Invasive Species Council.

### **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. 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 support will affect 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 primary goals of the BLM-Montana Wild Horse and Burro Program are to manage wild horses in the Pryor Mountain Wild Horse Range (PMWHR); conduct adoptions of excess wild horses from the PMWHR; and support the national program by adopting out wild horses from herd management areas in other states.

### **ISSUES:**

The Wild Free Roaming Horse and Burro Act of 1971 as amended mandates the BLM and Forest Service to manage healthy self-sustaining herds of wild horses and burros in a manner that achieves and maintains a “thriving natural ecological balance on public lands while maintaining multiple use relationship in that area.” It also directs the BLM to remove excess animals and place them with qualified adopters. Subsequently, the BLM is responsible for compliance inspections ensuring the humane treatment of adopted animals and the titling of animals into private ownership.

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. Although portions of the PMWHR were established through a [secretarial](#) order in 1968, the Wild Free Roaming Horse and Burro Act of 1971 superseded that direction. The Pryor Mountain Herd Management Area Plan, written in 1984 and revised in 1992, guides management of the range.

The BLM released a draft evaluation of the PMWHR on November 19, 2007. The draft was available for 77 days to solicit additional data, information, or analysis, as well as technical recommendations for management of the range. Completed February 4, 2008, after all public input was incorporated, the evaluation analyzes whether management objectives are being met and possible remedies where needed. A herd management area plan revision has been initiated based upon the evaluation and its recommendations, and could be ready for public review by spring.

Adoptions of excess horses from the PMWHR are typically conducted at the Britton Springs Administrative Site at the base of the Pryors on the Montana/Wyoming state line. Excess wild horses from other states are adopted out through annual events held throughout the region. Since 1984, more than 15,000 wild horses have been placed with qualified adopters in Montana/Dakotas.

### **MAIN DECISION OR MESSAGE:**

The BLM strives to manage the PMWHR primarily for the benefit of wild horses while maintaining a thriving natural ecological balance and preserving multiple uses. A revision of the Pryor Mountain Herd Management Area Plan is currently in progress, involving a partnership among the Forest Service, National Park Service, and BLM. This revision will take a balanced approach to wild horse management while recognizing each agency’s authority in relation to wild horse management. It will identify and attempt to rectify habitat deficiencies that preclude allowing more animals on the range. It will also consider the preservation of unique genetic traits; the use of fertility control and animal removal for population control; range condition, carrying capacity calculations and criteria for future adjustments; and specific range improvements including water developments, vegetation treatments, and additional necessary infrastructure or maintenance.

The BLM strives to place as many excess wild horses as possible with good adopters. Support for the national Wild Horse and Burro Program is paramount for the success of Montana’s own program. Efforts are now being made to hold more adoption events than have been conducted in the recent past. Montana personnel will be called upon more often by the national office to support strategic wild horse goals throughout the BLM.

### **BUREAU PERSPECTIVE:**

Wild horse issues attract national and international attention. Local and national interest groups often are very passionate and highly involved with issues surrounding the Pryor Mountain wild horses. Some groups are interested in minimizing any human management while others are primarily concerned with the humane treatment of the horses, the economics of the horse program, or the environmental impacts wild horses have on the range. The Pryor Mountain Mustang Association and Pryor Mountain Mustang Center provide local support. Success of the wild horse and burro program is highly dependent upon partnerships and volunteer efforts with interest groups and other federal and state agencies.

### **CONTACT:**

Jared Bybee, Rangeland Management Specialist (State Wild Horse and Burro Specialist), (406) 896-5223

## BLM'S DROUGHT POLICY

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Because of the widespread and extreme effects of the drought of 1988, Montana BLM developed and issued its first drought policy. After incorporating comments from the public, academia, the Montana Stock Growers Association and others, the BLM formally adopted that policy in January 1989.

In 2003, BLM's Washington Office issued a bureauwide policy to reflect changes in regulations related to drought or grazing. These policies have the potential to affect annual livestock operations across the state. By providing guidance during winter and spring months, the BLM strives to assist land managers and permittees in avoiding last-minute economic surprises, improving grazing strategies, and reducing land use impacts.

### **ISSUES:**

Although most of the Montana/Dakotas are still dry, conditions are improving. This improvement is expected to continue over the next few months. The February drought report shows a decrease in statewide drought severity with four counties rated as severe (Chouteau, Custer, Fallon, and Prairie), as opposed to twelve counties in January. In the Dakotas, there's a drought alert for all areas containing BLM lands. These areas are considered moderately dry. Between February and April, conditions are expected to persist in the Dillon, Billings, and Tongue and Powder River portion of the Miles City Field Offices, with improvements everywhere else. This document is intended only as an early indication of potential conditions for 2008; it is not a forecast issued by BLM.

### **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.

### **BUREAU PERSPECTIVE:**

Most livestock operators, the Montana Stockgrowers Association, local and state grazing districts, and all resource advisory councils support the BLM's policy on grazing during periods of drought. Montana BLM is an active participant in the Governor's Drought Advisory Committee as well as on local drought advisory committees and groups. When available and applicable, the BLM provides data on soil moisture and soil temperature conditions from remote automated weather stations (RAWS), and the Soil Climate Analysis Network (SCAN) located throughout the state. This information, 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 drought information page at: <http://drought.mt.gov/>  
Information on a national scale is available at: <http://www.drought.unl.edu/dm/monitor.html>,  
[http://www.cpc.ncep.noaa.gov/products/expert\\_assessment/drought\\_assessment.shtml](http://www.cpc.ncep.noaa.gov/products/expert_assessment/drought_assessment.shtml), and  
<http://www.drought.noaa.gov/>.

Additional information on the short-term outlook can be obtained at:  
[http://www.cpc.ncep.noaa.gov/products/expert\\_assessment/seasonal\\_drought.html](http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html)

### **CONTACT:**

Michael Philbin, BLM State Soil, Water, Air, Riparian, and Fire Rehabilitation Program Lead, 406-896-5041

## **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 qualifying land acquisition nominations, and identify qualifying public land sales.

### **ISSUES:**

The FLTFA provides an opportunity for the four federal land-managing agencies (BLM, FWS, NPS, and USFS) to use a portion of the money derived from qualifying public land sales to purchase privately owned high priority lands. Proceeds from BLM land sales and land exchange cash equalization payments have been deposited into an acquisition account. However, no formal land acquisition nominations have been received to date from the public, any Montana BLM field offices, or any of the participating agencies.

The Secretaries of the Interior and Agriculture jointly decided to take 20 percent of the FLTFA acquisition funds from each state to fund 19 multi-state land acquisitions, with a total purchase price of \$17.85 million. The U.S. Fish and Wildlife Service was allotted \$1,425,000 of FLTFA funds to purchase 875 acres in the Red Rock Lakes National Wildlife Refuge in southwest Montana. There were no other FLTFA acquisitions in Montana.

All of the FLTFA land sale administration funds were removed from each state (\$87,000 for MT) and consolidated into a bureauwide account for use by any BLM office, with approval at the WO level.

FLTFA is scheduled to expire in July 2010. The BLM is working to get the bill extended, change the planning date requirement, and recommend other changes.

### **BACKGROUND:**

The FLTFA, a/k/a the "Baca Bill," was passed in July 2000 and is set to expire in 2010. The purpose of the act is to use a portion of the proceeds of public land sales and land exchange cash equalization payments to purchase qualifying lands or interest in lands. FLTFA also allows BLM to use 20 percent of the net proceeds to cover land sale administration costs.

A proposed acquisition must be an inholding or border a federally designated area, contain an exceptional resource, and be offered by a willing seller. Since FLTFA restricts acquisitions to lands in the eleven western states, FLTFA funds cannot be used to purchase lands in the Dakotas. FLTFA accounts were established at the BLM state office level. The final decision on all acquisition nominations is made jointly by the Secretaries of the Interior and Agriculture. Currently, only proceeds from disposal lands identified in land use plans completed by July 25, 2000, can be applied to a FLTFA account.

### **Status of Montana FLTFA Actions:**

- The National FLTFA Memorandum of Understanding and the Montana State Implementation Plan are in place.
- The state team is composed of the state/regional managers of FWS, NPS, USFS, and BLM, with the Montana-Dakotas BLM state director as the team chairman. The team will review acquisition nominations, determine priority order, and submit recommendations to the Secretaries of the Interior and Agriculture for final decision.
- Recommended fund allocation: BLM-60%; USFS-20%; NPS-10%; FWS-10%
- No Montana acquisition nominations have been received from the public, BLM field offices, or other agencies.
- Montana FLTFA Acquisition Account Balance: \$312,227

### **MAIN DECISION OR MESSAGE:**

BLM field offices need to submit qualifying land acquisition nomination packages to utilize the available funds. Once qualified land acquisition nominations are received, the interagency team will review and prioritize the nominations and send them forward for secretarial approval. Qualifying land sale proposals should be pursued to contribute to the FLTFA fund.

### **CONTACTS:**

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

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

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Army Corps of Engineers has filed a partial application on behalf of the MTARNG 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 MTARNG has performed training exercises at the Limestone Hills since the 1950s. The use was authorized by special land use permits until 1984 when a 30-year right-of-way (ROW) was issued. 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, the Army Corps of Engineers determined that the area south of the 2.75-inch rocket safety fan was "widely contaminated" with UXO. Based on BLM policy, the BLM Butte Field Office (BFO) implemented an emergency closure on the impact area. The MTARNG 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.

In 1981, the BLM permitted Continental Lime (now Graymont Western) to operate a limestone mine at the north end of the range. In 1992 and again in 1995, Graymont filed mining plan amendments resulting in approved expansions of its operations further into the rocket firing fan area. In an agreement facilitated by the Montana Consensus Council, the MTARNG 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 MTARNG 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. Graymont has contracted with Geomatrix to complete the EIS for the expansion, with review oversight falling to the BLM and Montana Department of Environmental Quality. The Graymont Draft EIS is scheduled for release to the public in early spring 2008.

The proposed withdrawal would result in a BLM (federal agency) to DOA (federal agency) transfer of administration with land management falling to the MTARNG (state agency). The Montana State Historic Preservation Office (MTSHPO) has raised concerns about how Sec. 106 consultation will occur. The BLM has recommended that the MTARNG enter into a programmatic agreement with MTSHPO to address those concerns.

### **MAIN DECISION OR MESSAGE:**

The BLM is a cooperating agency for the project legislative environmental impact statement (LEIS), which has been contracted by MTARNG to Tetra Tech based in Helena, Montana. Public scoping for the EIS has been completed, including a working group process. A notice of proposed withdrawal was published in the *Federal Register* on August 7, 2007. This notice closes the land for up to two years from settlement, sale, location or entry under the general land laws, including the mining laws. The land will remain open to mineral leasing. The draft LEIS has undergone a third and final internal review by BLM, National Guard Bureau, and the DOA. The notice of availability was published in the *Federal Register* and the draft document released for public review on July 19, 2007, with a 90-day comment period. Public meetings were held in Helena and Townsend on August 21 and 22, consecutively. Less than twenty comment letters were received, with the majority supporting Alternative 3, the agencies' (MTARNG and BLM) preferred alternative.

The final LEIS will result in BLM findings and recommendations to the Washington Office and Secretary of the Interior. The action will require an amendment of the Headwaters Resource Management Plan, but has been addressed in the Butte Draft RMP Revision.

In late June 2004, the MTARNG shared its proposed action at two public meetings and a stakeholder meeting. The proposal is for MTARNG 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 high. The withdrawal would affect PILT payments and recreationists/hunters, and could impact several

grazing allotments depending on how the 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, Assistant Field Manager for Nonrenewable Resources (406) 533-7671