



MONTANA/DAKOTAS BLM Dakotas Resource Advisory Council

RAC MEETING MINUTES: **Miles City, Montana: May 11, 2011** ***Spearfish, South Dakota***

Attending RAC Members:

Category 1

- Donald Nelson, North Dakota (Environmental, Category 1)
- Michael Watson, South Dakota (Energy/Minerals, Category 1)
- Chance Davis, South Dakota (Federal Grazing, Category 1)

Category 2

- Martin Marchello, North Dakota (Dispersed Recreation, Category 2)
- Stan Kohn, North Dakota (Environmental, Category 2)
- Jeff Buechler, South Dakota (Arch/Historic, Category 2)

Category 3

- Tom Cooper, South Dakota (Public-at-large, Category 3)
- Jace DeCory, South Dakota (Public-at-large, Category 3)

Absent from meeting:

- Jeff Herman, North Dakota (Energy/Minerals, Category 1)
- David Straley, North Dakota (Energy/Minerals, Category 1)
- Eric Hunt, South Dakota (Off-Highway Vehicles, Category 1)
- Gerald Schlekeway, South Dakota (Environmental, Category 2)
- Tobias Stroh, North Dakota (Public-at-large, Category 3)
- Bill Bowman, North Dakota (Elected Official, Category 3)
- Viola Waln, South Dakota (Native American tribes, Category 3)

Not enough members in attendance today to permit a quorum.

Attending BLM staff:

- Mark Jacobsen, BLM
- Marian Atkins, BLM, SDFO Field Manager
- Elaine Raper, BLM, Eastern Montana/Dakotas District Manager

- Jamie Connell, BLM, Montana/Dakotas State Director
- Lonny Bagley, BLM, NDFO, Field Manager
- Kim Phillips, BLM, SDFO, Administrative Support Assistant
- Mitch Iverson, BLM, SDFO RMP Program Lead

State Director Briefing: Jamie Connell

- Introduction/background
- Will be looking into guideline of 2 - 3 year terms and need to go off the RAC for a term. In some areas there is a waiting list to be on the RAC which we have not had in the Dakotas RAC (may be just a guideline, not a rule)
- Would like to see MT/DAK RACs work on larger issues together
- Use Sub-RACs/smaller groups work with local communities to gather information and propose resolutions on special issues (also helps with recruitment for the RAC)
- Sub-RACs can be authorized by the RAC; does not need to go through Secretary; Will possibly be in contact with RAC members if there is an issue that she would be interested in having direct input on
- Marchello: Do BLM groups have to compete for funding? Connell: yes, we compete for funds through a very complicated process
- Marchello suggests: sending representatives to Washington to provide guidance on funding issues that directly impact local issues; Connell : RACs are not allowed to work on funding or personnel issues

District Manager Briefing: Elaine Raper

- Background on EMDD; RAC is helping guide public lands management; BLM has a great impact in the Dakotas
- Only 300,000 surface acres, larger in relation to energy; For every \$1 spent by BLM, \$5 in income is generated; Dakotas support 3,300 jobs; 73,000 visitors through BLM
- <http://www.blm.gov/wo/st/en.html> then look for Fact Sheet: "The BLM – A Sound Investment"
- BLM works together with tribes; Currently working on protocols for collaboration with the tribes
- Kohn: No wind energy development on BLM land in Dakotas?
Raper/Bagley/Connell: none that is generating money

South Dakota Field Office Manager Marian Atkins

- Fuels work on Ft. Meade Recreation Area, Exemption Area – decreasing fuels, increasing health of the forest through stewardship projects; Rx burns
- Grazing allotments on Ft. Meade have been auctioned; Sage grouse issues are being worked on with NRCS
- Wharf project: expansion plans which affect BLM land within proposed project area; currently being handled as a mining claim
- GCC Dakotah Cement: right of way for conveyor belt from quarry area to railroad; mining will not take place on Federal surface for 30-40 years
- Keystone Pipeline: does not cross BLM land in SD, may be allowing access to build, but actual pipeline does not involve BLM
- Wind energy: dynamic system, BLM becoming more renewable energy friendly, solar and wind energy projects may be developed in the future; current project just north of Belle Fourche does not involve BLM – BLM is looking at environmental document for Type 2 meteorological towers east of Vale; allows for groundwork to be started – begins the process of working with other agencies and entities to move forward
- Kohn: When they come in for a permit, do companies negotiate with BLM just like they would with private landowners? Atkins: There are set amounts for rights of way application which is how wind energy projects are authorized
- Marchello: another company cannot come in while they have a bid? Atkins/Connell: pilot for bidding on preference for a lease, so that more than one company cannot develop on the same piece of land
- DeCory: are there archeological concerns? Atkins: not currently, there is a survey in process; company is working on a visual simulation to show what it would look like from Bear Butte (hopefully sometime in June)
- Special Recreation Permits: Jeep Jamboree in Exemption Area permit has been extended for 5 years; Ft Meade: Endurance Ride, Lions Run/Walk
- National Cemetery: working on a land transfer <100 acres
- Weeds: SISSMA [South Dakota Invasive Species Management Association] interested in working with BLM; Davis: who is the driving force behind SISSMA? Atkins: County Weed and Pest Boards is my understanding
- Ted Turner's ranch: wants to increase prairie dog populations to introduce ferrets; BLM will be monitoring our parcels within the Turner ranch
- Davis: exemption area affected by/discussions going on with FS & Lead-Deadwood with parties interested in ATV usage? Atkins: travel management plan is next on our agenda after the RMP, all entities Forest Service, Lawrence

County and private landowners will be involved to work together to get people to those FS areas where ATV usage/trails will be allowed or have been designated.

North Dakota Field Office Manager Lonny Bagley

- Good Investment for America: energy, three state area involvement; 50% of bonuses and royalties goes back to the states
 - Allows us to work together and share resources with other offices/agencies; improving and streamlining processes and helping develop more creative solutions
 - Split estate: private surface/Federal minerals
 - 175 rigs in state; 25% on Federal/Indian land
 - Increasing number of inspectors to keep up with monitoring
 - Rig count up to 240 by end of summer
 - Housing boom; lodging is at a premium – 3 new hotels being built in Dickinson
- Fracking Forum took place in April in Bismarck, North Dakota
 - Took place to address issues with hydraulic fracturing
 - Surface impacts: spills (before& during operations), road traffic, health of watersheds, cleanup of operations, illegal dumping
 - Social impacts: how harmful, road conditions & safety
 - Actual impacts: long term effects, well construction integrity, well monitoring, surface water issues, aquifer depletion, spill containment
 - Better informing the public: what is in the fluids, MSDS, chemical tracking surveys, baseline testing of water wells, Groundwater Protection Council
 - Who should regulate? On public lands, feeling is that Federal Govt should be the monitoring agency.
 - Bond check cement casings, pressure checks, work closely with state to set requirements,
- Accountability from both industries and agencies is critical
- Discussion of EPA involvement/concern about what their strategy is (brought up by D.Nelson) – commend BLM for having the discussion to begin with – appreciates the proactive position of BLM, concerns remain with the amount of water used by wells – depletion of aquifers, recycle about 25%, but most of the water used is rendered unusable after the fracking process
- Connell: roughly 85% of development is on private land – management has to be more than just BLM – we are trying to take steps for what we are responsible for, and encourage other groups to help with the education process to help us move forward

- Nelson: concern about companies setting up on private land to get to Federal minerals; appreciates the fact that there are surface use permits
- Kohn: question related to grazing allotments coming up for review – how did those get selected?
 - Atkins: based on when leases are expiring, or if the range health was in question, or if the management of the parcel has changed – can comment and let BLM know if there is a parcel of concern that should be looked at.
- Marchello: how do you get access to the public land parcels that are surrounded by private?
 - Atkins: section line access, if available. Private landowner does have the right to refuse access – BLM works with landowners to try to secure public access. BLM is looking at a goal of consolidating smaller parcels into a bigger area where access is
- Some discussion of lease length and rates on public v. private land for O&G.

Visual Resource Management (Marian Atkins, SDFO)

- Why do we manage resources? What the public sees when they are on public lands is important – the challenge is simultaneous resource management
- First impression often gives you the final opinion; Minimize the visual impact of man on the land without causing project delays, causing public opposition, or long-term visual disturbances
- How do we manage resources? Inventory and planning actions to establish objectives for managing identified values & develop management actions to achieve visual management objectives
- Values: scenic quality, sensitivity levels, distance zones; Scenic quality: form, line, color, texture; Principal philosophy: reduce contrast in the landscape

Sensitivity Analysis: what the public feels in association with a particular area

- Driven by emotional response
- Types of users: who is doing the looking?
- Amount of use: Public interest: local, state, national; Adjacent land uses: interrelationship of users effects visual resources; Special areas: require special consideration to protect certain features
- Other factors; Requires careful analysis of all influencing factors; Discussion of examples

Distance Zones:

- Foreground/middle ground (0 to 3-5 miles)
- Background (5 to 15 miles)
- Seldom seen (15+ miles or unseen)

Not an exact science – qualitative v. quantitative – would like to have input

- Discussion of sensitivity analysis – does our inventory make sense?
- Buechler: Is there a time-factor involved? Short-term v. long-term
- Atkins: there is a time factor considered at the project level itself – how long will the visual attributes be affected?
- Connell: difficult because it is subjective to an extent, and is affected by the uses of land around it; can be flexible and change as time passes and land uses change; finding the best long-term balance can be difficult
- Davis: those who live in an area should have more weight given to their opinions than those who pass through an area once a year (tourists); highway corridors shouldn't be high priority
- DeCory: Sacredness and joy are important factors (emotion)
- Kohn: everyone has different expectations of what they expect the land to be, to look like
- Buechler: for some people, just because you can see it is a reason to be opposed to it; some explanation or education is helpful
- Marchello: not having something that is obtrusive, whether it be power lines, oil rigs or wind towers is important

Public Comment Period:

No attending public wished to comment

SDFO RMP review (Mitch Iverson, SDFO)

RMP Background

- Purpose: to have a comprehensive land use guide to guide management of public lands and minerals in SD; Since the original RMP was approved, several things have changed, and the new RMP is designed to address those issues and usages and offer direction for the future
- Development of the RMP is a long process with many steps; Prepared in conjunction with an Environmental Impact Statement (EIS); each area of management has several alternatives for management that are considered. A selection of alternative is made by considering impacts of all resource uses on a given area.
- Progress made since last August: Additional input from the state of SD. State is currently reviewing chapter 3. Chapter 1 & 2 sent to Cooperating Agencies, Chapter 3 available by request. Alternatives sent out in August. SDFO completed impact analysis (chapter 4). Montana State office reviewed the preliminary draft SD RMP/EIS.

- Impact Analysis Discussion; Direct Impacts; Indirect Impacts; Cumulative Impacts
- Marchello: can you give an example of a minor impact v. collectively significant action? Iverson: it varies according to the resource in question. We look at what point do we think the threshold for cumulative damages will make a measureable impact on the resource. We look at what studies have been done by other agencies to help us make a decision.
- Watson: On the mining side, it would fall under the cumulative impact? Iverson: we looked at things like how many potential acres might be mined, how many acres might be disturbed due to equipment moving, etc.
- Summary of major comments/recommendations from State Office Review of preliminary draft of RMP/EIS
- Steps from here: Incorporate comments from the State Office; Submit for secondary review/Montana Solicitor Review; Incorporate new changes; Update Cooperators; Washington Office Review; Final Edits; Release draft to public; Address public comments; Respond to public comments
- Davis: curious how we are addressing climate change issue? Iverson: has changed direction since the beginning, becoming more specific; We are considering how systems will be affected by a change in climate as well as how many metric tons will be released as a result of BLM activities. We need to properly manage resources according to climate changes & climate in general.
- Atkins: incorporating adaptive management is the best way to address the effect of climate change on the resources since we don't know what the climate is going to do.
- Connell: BLM is doing its best to plan, and we will have to wait to see what kinds of challenges we face on a localized basis. We are putting as much data in our plan regarding anything BLM does to disclose what puts carbon into the atmosphere.
- Raper: where does the RAC come in on this RMP update? Iverson/Atkins: The RAC would be under the same considerations as the cooperating agencies. We would inform them of the changes that have occurred. If there was a cooperating agency meeting, we would let the RAC know so that they could attend. If there is a public meeting in their area, we would look for help in the form of attendance at the meetings as a public contact. Could send a notification via mail or email.
- Connell: I think we should send it out to them, just keeping in mind that the document(s) we send to you are not yet ready for public consumption. Be cautious about distribution of the information provided to you.
- Atkins: Later this summer, you will receive a letter with a card in it to allow you to select how you would like to receive the document.

RAC Discussion Period/Tabled Items

Addressing the issue of establishing a chairman for the RAC:

- Vice Chair position is a recent development. Having a Vice Chair will allow someone to step in when the Chair is not available.
- A good time to change out the Chair position would be in the fall when other positions change over.
- Davis not officially elected as Chair.
- Marchello motions to keep Davis as Chair until September, when an official election will take place. Seconded by Cooper. Motion carries.

Davis presents that regular housekeeping items don't need a quorum to decide.

- Can we send out resolution issues to RAC members to vote via email?
- Connell: internal workings are up to the group in house; when it comes to passing a resolution, you can route things around electronically, but before you could pass a resolution, it has to be discussed at a RAC meeting open for public comment; it must be on the agenda and public must be able to respond. If the public knows you are doing it and have the opportunity.
- Group consensus is to follow Connell's suggestion.

Atkins: Vice-Chair needed between now and next meeting?

- Nelson motions that we accept Tom Cooper as VC. Kohn seconds. No other nominations. Motion passed.

Nelson: would like to see fracking and bonding addressed at next meeting; discuss these issues as a council in order to submit a resolution.

Jacobsen: by laws addressed at next meeting which addresses minimum attendance for council members? Council agrees.

Build agenda for the next meeting. Include information on fracking as seen at recent briefing; will include field managers and chairman.

Connell: suggestion: if someone doesn't attend 2-3 meetings in a row, give the member the opportunity to relinquish the position.

- Mark: is this something the group wants to pursue? Chance: this is something that should be considered. It would make the group as a whole more productive. Find out who is still interested in being RAC members and go from there at the next meeting. Point of concern would be filling empty positions.
- Marchello: send a letter to determine interest from members in continuing, so that we can get a group in attendance to be able to have a quorum
- Suggestion made to have Chair make a phone call to those members to determine interest. Emphasize the fact that we cannot accomplish anything without more

people in attendance. Davis agrees to make phone calls to see where folks are at and where their interest lies. Can't take action against members, but we can encourage them to attend (Davis). Need to emphasize that attendance is important to the function of the council. Connell: two term rule should not affect participation, ignore for now.

- Connell: which categories do we need to recruit for? One in first, three in second, one in third.

Meeting wrap up:

Location for next meeting:

- Look for a location near where fracking is taking place.

Connell: might want to set time aside for public comments if you expect a large public response regarding the topics of discussion

- Davis: work that into the morning, so if it runs long (into lunch), things can be adjusted accordingly

Date for next meeting?

- Consensus is mid-August. August 16-17, allowing time for a field trip. Suggest meeting in Dickinson, travel to field site, and continue onto meeting site.

Call Chance or Tom with comments or suggestions for the next meeting.