

Dakotas Resource Advisory Council Meeting
April 16, 2009
Spearfish, South Dakota

Attendance: Andrea Stomberg, Bill Bowman, Toby Stroh, Jeff Buechler, Lyndon Bucher, Eric Davis, Dave Pieper, Tom Cooper, Chance Davis, Marian Atkins, John Hartley, Chuck Berdan, Eric Hunt, Lonny Bagely and Chris Swenson (guest Speaker)

Introductions and Housekeeping Items

- Minutes from the last meeting were reviewed
 - Chance Davis moved to approve the minutes
 - Second by Lyndon Bucher
 - Minute were approved

- Andrea asked Lonny to lead a discussion regarding a follow up letter that the Montana State Director sent to all RAC members regarding issues and initiatives that were discussed at a joint RAC meeting held in Billings, MT in May 2008.
 - The letter covered an initiative to hire a program manager to oversee access issues to public lands in the Montana/Dakotas; notification to land owners of oil and gas lease nominations when split estate is involved; an updated to planning efforts across the three state area; and the implementation of a three-tier organization for BLM.
 - The District Manager located in Miles City will become official designated federal official (Elaine Raper)
 - The Montana State Office will begin to send notices of oil and gas lease nominations to landowners and the Washington Office is looking to make this a national requirement. Andrea found the split estate notification of interest in that not many people know when the minerals underlying their surface are being leased. Lonny and Marian commented that in Montana, surface ownership is readily available through the Internet. However, that is not the case in North and South Dakota. BLM is considering a requirement for nominator's to provide the information at the time they submit their nomination packages.

Field Office Updates

Marian Atkins, South Dakota Field Office

- In October 2007, BLM was verbally informed by the Veterans Administration that BLM will need to move their fuels module out of the VA facility at Fort Meade. The VA is in the process of expanding their facilities and need the space. Formal notice was received in April 2008. To accommodate those personnel BLM installed a modular trailer in parking lot at their office location in Belle Fourche. The SDFO is working through a five-year plan for new office space. The new space will remain in Butte County. The current building is leased through GSA.

- New Law Enforcement Officer, Jeff Herriford started last September. The BLM shares this position with the Bureau of Reclamation, who also funds a portion of his salary. This opportunity became available by redirecting funds from an agreement the BOR had with Butte County to BLM. Lyndon Bucher asked what authority allows BLM to hire Law Enforcement personnel. Marian answered that there are various authorities that BLM uses but FLPMA provides the authority to hire. Dave Pieper asked if BLM has a cooperative funding program? Yes we do but not with Butte County
- Continue to perform rangeland health assessments. We will utilize seasonals during the summer of 2009 to conduct reviews of 20 allotments.
- Continuing with weed program. Tamarisk Control in Fall River County
- Ft. Meade Events and Activities. Provided a handout that was sent to local landowners, cities, counties, and associations; Continue with Fuels Treatment/Stewardship; and Back Country byway; For safety reasons logging trucks won't be allowed on the roads during the Sturgis Rally.
- 200 kids participated in Fish Day event. Several other Federal agencies participate.
- Conducted prairie dog treatments at Ft. Meade because an adjacent landowner was treating them to reduce noxious weeds.
- Archeologist, Brenda Shierts has been located in the SDFO.
- Paleontological bill passed. It was signed end of March. Copies are available
- A mining claim for uranium has been filed south of Dewey, SD. We will cooperate with the NRC & EPA in the NEPA process. We have not received any detailed plans, however, the claim involves 300 acres of Federal Surface.
- Draft EIS is available regarding the GCC Dakota Cement limestone Mining Claim
- Take it outside efforts for kids are underway. Using GPS class for kids was held at the Belle Fourche Community Center.
- A meeting is scheduled in Sturgis next week regarding involuntary annexation of an area east of Ft Meade into the city Mtg
- BLM is now considered the "National System of Public Lands"

Lonny Bagley, North Dakota Field Office

- Participated in a Take it Outside envirothon event designed to bring students out to study soils.
- At the request of the RAC, presented information regarding Wind Energy permitting on BLM Lands. This included the NEPA process, cost recovery, affects on endangered species, etc. A question was posed regarding if effects to sage grouse would be considered? We would need to consider effects to all species. Dave Pieper asked how many applications are pending. There are no applications on federal lands in North or South Dakota. Andrea said that MDU has a 13 tower project in Montana. Dave Pieper can BLM acknowledge a "Take" (some losses) in the RMP? We would need to consider it in our alternatives. We also know of a project in Emmons County, North Dakota. Florida Light and Power and Minnesota Light and Power have interests in these projects due to state law that requires a certain percentage of their power come from renewable energy.
- BNI Coal 168 acre lease by application - Still in the NEPA process

- Dakota Westmoreland 300 acre coal- lease modification- still in the NEPA
- Uranium exploration permits on the Little Missouri National Grasslands has slowed due to downturn in prices. Current permits allow for on-foot ground radiation survey
- Oil and Gas activity is on target with last year. However, activity is picking up on the Fort Berthold Reservation. Currently drilling on eastern side of Reservation where most of the minerals are private. We are expecting 50 wells to be drilled this year. An Indian Energy Development Office has been opened in New Town to ensure permits are timely issued, increase communications between agencies and to provide prompt responses to questions and issues raised by the Tribes and Allottees. We have been participating in meetings with BIA, MMS and OST to ensure our trust responsibilities are being met. We are in the process of hiring a Natural Resource Specialist to assist with permit processing.
- We are expecting an audit of our use of categorical exclusions for APDs and Production accountability
- Process of hiring a Writer/Editor and Editorial Assistant for our RMP efforts
- Held annual Fishing Derby on June 6, over 300 kids participated
- National Public Lands Day is set for September 6.

Sage Grouse Update - Chuck Berdan and Chris Swenson

Chuck Berdan-

We have completed the Sage Grouse Studies in the Dakotas that began in the spring of 2005 in North Dakota and closed out in March of 2008 in South Dakota.

The field seasons for the studies were:

2005 – ND – Nesting and brood rearing, Winter
 2006 – ND & SD – Nesting and brood rearing, Winter
 2007- SD – Nesting and brood rearing, Winter
 2008 – SD – Winter

We had two students working on their master degrees doing the nesting and brood rearing portion; they were Katie Hermann-Branson and Nic Koczor. Chris Swenson, a dissertation student worked on winter use, brood breakup and general sage grouse ecology in the both Dakotas. A new study was started in the spring of 2007 in ND, on the effects of oil and gas activities on nesting and brood rearing.

We captured over 200 adult and juvenile sage grouse during the study.

Chris Swanson-

Chris talked about his sage grouse study in the Dakotas 2005-2008. His study for his doctorate included brood breakup, winter use and general ecology of sage grouse in the Dakotas.

His findings include:

- Sagebrush should be 7-12 inches above the snow
- Observed strutting in November
- Precipitation has a large effect on nesting and brood rearing

- West Nile virus can have a major effect with losses up to 25% of the population. The highest mortality is generally in July and August. There is 57% survival during this part of the study with 78% survival the normal.
- Once the chicks that survive to 10 weeks their survival goes up to 73%.
- Males are more susceptible to predation
- Males disperse after the lekking period and occupy same habitat as hens with chicks and broodless hens.
- The area must have a good abundance of forbs and insects
- Male hormones may suppress antibodies, making them more subject to West Nile virus and West Nile virus makes them more susceptible to predation
- 21 degrees C is a threshold for Culex tarsalis to breed. 2005 temperatures were below 20 degrees and there was less West Nile loss.

Mosquito control for West Nile virus

- Limit man-made water or sources
- July and August temperatures are critical

Factors affecting sage grouse

- Hen mortality
 - Need to look at ways to limit mortality during nesting and brood rearing
 - Improve habitat.

Lyndon Bucher asked if population fluctuations related to habitat improvement or is it something beyond our control. Chance Davis asked about improving habitat – How do you protect mesic and riparian areas? There was some discussion about Best Management Practices for grazing and helping sage grouse. Can we develop guidelines for grazing? We should consider what could be done in the RMP, for instance grass and forbs height.

Discussion of winter habitat selection – Grouse do not use silver sage or greasewood. 98% of the time they were in big sagebrush areas and lower sagebrush and windswept areas. One major habitat area in South Dakota is from Two-Top Butte to Battle Creek Butte.

Dave Pieper recommended not using fire as a strategy.

US Forest Service Update - Dave Pieper

- In the process of amending their Land & Resource plan in regards to the Ebert's Ranch acquisition. A controversial part will be the grass bank proposal.
- In the process of reducing grazing about 9%. In some cases ranchers are exceeded NRCS recommendations
- Plan to burn some juniper encroachment areas this year
- Working on a controversial travel management plan for the Grasslands
 - They have a need to develop a map showing the public where they can travel on National Grasslands
 - In some cases they have no legal access
 - New owners along Little Missouri are locking gates/roads

- Keen focus on access issues – Rights-of-Ways and easements
- Bill Bowman- Concerned about the Government purchasing of more land. Advice-Travel Management should proceed slowly and gingerly
- Toby Stroh asked who maintains these roads? The county maintains their roads and the oil companies maintain theirs
- The Little Missouri River crossing in Billings County.- National Park Service is opposed if it goes through Buckhorn Ranch. The county is still studying where they may build a bridge across the Little Missouri.
- USFS concerned over the aging oil field infrastructure. Oil spills are increasing, increased potential of spills reaching Lake Sacagawea, lack of trained personnel and they are expensive to cleanup. We have been working with companies to test pipelines and to promptly clean up spills.

Resource Management Planning Update - John Hartley

Discussed where both plans were in regards to status (Handout)

- Scoping Reports
- AMS status
- Alternative development
- Oil and gas reasonable foreseeable development (RFD)
 - Lonny described the potential development for each State and provided handouts.
 - There was some discussion about the effects the newly talked about Three Forks formation, whether it will be as large as the Bakken formation. There's not enough data at this point to make any determinations regarding the Three Forks.
- Coal RFD
- Air quality issues

Marian reported out on their (SDFO) alternative workshop efforts to date.

April 17, 2009

0800 – Public Comment Period

No public were present to make comments.

Other discussions

More discussions led by Lyndon Bucher regarding sage grouse examined protection of the species versus the benefits of jobs and livelihood created from agriculture and oil and gas development. Why does there continue to be a hunting season? Let's control the predators that are taking the sage grouse. Is there anything we can do about West Nile? Should a cost-benefit analysis be used?

Tom Cooper stated that BLM needs to take some action in regards to hunting seasons, i.e., change the season or lower the limits.

John Hoganson reported that the Paleontological Resources Prevention Act (HR 146, Sec 63) was signed on March 30, 2009. He covered the high points of the Act and a handout was provided to the group that was prepared by Dale Hanson, Regional Paleontologist, Bureau of Land Management.

Next Meeting

September 2009, in Bowman, ND with a sage grouse habitat tour.

Toby Stroh made a motion to adjourn, seconded by Lyndon Bucher, motion carried.

Resource Advisory Council
Days Inn, Dickinson, ND
September 02, 2009

Attending:

Andrea Stomberg – MDU - *chair*
John Hoganson – ND Geological Survey – *co-chair*
Bill Bowman – District 39 Senator
Jeff Buechler – Dakota Research Services
Lyndon Bucher – American Colloid
Tom Cooper – Public at Large
Chance Davis – Public lands Grazer
Stan Kohn – ND Game and Fish Dept
Toby Stroh – Dickinson State University

Marian Atkins – BLM SD Field Manager
Lonny Bagley – BLM ND Field Manager
Larry Melvin (for Dave Pieper) – USFS

Andrea Stomberg and Larry Hoganson were presented awards in appreciation for their contribution to the RAC.

Call for nominations for a new chair and co-chair.

Lyndon Bucher was nominated for chair and elected unanimously.

Chance Davis was nominated for co-chair and elected unanimously.¹⁰

It was suggested that the RAC stagger ND and SD chair/co-chair representation in future elections.

Updates

Marian Atkins, SD office:

A letter asking for suggestions of buildings that fit the SDFO criteria for a new office was recently sent to area residents. The office is also working on consolidation storage.

Their law enforcement officer has resigned. They have already started interviews for a replacement, and hope to have someone in place by the end of November.

The new administrative assistant is Kim Phillips.

Two landowners removed cables from BLM land. Landowners are responsible for repairing the damages. SDFO has received \$7k for cable.

The current long-term wild horse holding facility on the Cheyenne River Reservation is being closed, and a new one is being created in Stanley County. It will be run by the same operator.

Several events that took place on BLM lands, including a 25-mile horseback ride at Fort Meade and the Primal Quest endurance race.

Clouded Creek crossing is getting re-graveled with stimulus money.

The office has been working with youth through the "Take it Outside" program and through "Project Archeology," a cooperative effort with the University of Montana to figure out a curriculum for Sturgis schools.

Rangeland health assessment - every rangeland in the Dakotas was visited in the last ten years.

She also touched on commercial timber and meadow expansion, the potential Sturgis annexation, stewardship projects, GCC Dakota Cement's proposed elevated conveyor belt, Dewey Burdoch Uranium well monitoring, and Oil and Gas leases in Harding and Butte Counties.

Lonny Bagley, ND office:

Stimulus money is being used for trails and weed treatments.

President Obama has nominated Bob Abbey to be director of the BLM.

Mineral workload on the Fort Berthold Reservation is heavy, including the tribe's oil company.

Wells at Three-Forks are very prolific. Fracturing (vertical) is half-cost. Fracturing was explained.

Public Lands Day

ND Public Lands Day is September 12.

SD Public Lands Day is September 26, coinciding with National Public Lands Day.

Status of the RMPs, presented by John Hartley

The BLM internal document, the Analysis of Management Situation (AMS), is ongoing for both states. Completion of the AMS is expected by the end of November.

Areas of Critical Environmental Concern (ACEC)

John Hartley explained the ACEC designation process. John Hoganson suggested adding Paleontological Importance to the Relevance and Importance Criteria. Dale Hanson informed the group that the BLM has been interpreting the process to include paleontological importance.

Paleontology in the BLM, presented by Dale Hanson

The discussion included information about the Potential Fossil Yield Classification (PFYC). The discussion also included information about the Omnibus Public Lands Act – Paleontological Resources Preservation (OPLA-PRP), which became law in March, 2009. This act mandates that hobbyists may collect common, not significant, invertebrate and plant fossils.

Mud Buttes as possible ACEC, presented by John Hartley

John Hartley asked the RAC to focus on the significance of the area and what makes it so different from other BLM lands that it might call for special management. Fossils from the Mud buttes area were shown and passed around for RAC members to see.

There have been 65 paleo finds at Mud Buttes. It has received national and international scientific recognition. It has the only known K-T boundary that exhibits all five points of evidence of meteor impact. It has three producing oil and gas wells, three archeological sites, one grazing permittee, 3 Rights Of Way (ROWs), and is in BLM's Visual Resource management (VRM) Class 3. The oil and gas maps indicate a high potential for more oil and gas in the Mud Buttes area.

Suggestions were made: using as an educational and research site, public digs, guided tours, and cooperative efforts with the local museum.

Public Comment Period

The room was asked if there were any questions or comments from members of the public in attendance. There were none.

Fort Meade as Area of Relative Ecological Importance (ARIE)/ ACEC, presented by Brenda Shierts

The BLM does not have a specific historical designation, but maintaining ACEC status will ensure special management considerations. RAC recommended that surveys be undertaken in the northern portion of Fort Meade.

RAC nominations

RAC nominations are moving through the process, but it will be at least a month before anyone new is confirmed.

Fossil Cycad as possible ACEC, presented by Brenda Shierts

There is no evidence of fossil cycads left in the ground, but there is a strong belief amongst the scientific community that there are. Suggestions were made: developing the area for research and digs, using maps and signage to draw people to it and educate them about why there are no fossil cycads to be seen, and incorporating research into neighboring universities' curriculum. It was also suggested that the RMP show a need to conduct research in the area.

Dogie Butte Dunes as an ARIE, presented by Russ Pigors

There is an opportunity for cooperative management with Harding County and the State of South Dakota. The significance is visual, geological, unusual plants, and possibly paleo. It has not been surveyed. It could have high cultural and archeological significance since dunes often cover and preserve artifacts.

Cedar Canyon as an ARIE, presented by Marian Atkins

Significant, uncommon vegetation has been discovered at cedar Canyon. There is interest in deer hunting in the area. There are no current oil and gas stipulations, and no known interest. It has not been looked at for VRM classification. There are currently no management concerns. John Hoganson recommended paleo studies be done in the area.

Sagebrush/ Sage Grouse as an ARIE, presented by Chuck Berdan

Sage grouse in South Dakota are easier to study than in many areas because they are not migratory – they winter and brood in the same area. There are currently about 200 males in Butte County. The number should be similar in Harding County. Two years ago the number was 400, not 200. “Protection” of sage grouse means to sustain their numbers.

Chuck Berdan stated that he will get Lonny Bagley information about research done since the 1987 RMP. Lonny will get this information to the RAC.

Recommendations

As these are non-binding recommendations and not resolutions, it was determined that a quorum is not needed.

Lyndon Bucher moved that **Fort Meade and Fossil Cycad be carried forward with their current ACEC designations**. The recommendation carried unanimously.

John Hoganson moved that **Mud Buttes be considered for ACEC designation**. The recommendation carried unanimously.

Lyndon Bucher moved that the current **Cedar Canyon ACEC designation not be carried forward**. The recommendation carried unanimously.

Andrea Stomberg moved that **Dogie Buttes not be carried forward with an ACEC designation**. The recommendation carried unanimously.

Jeff Buechler moved to **table the Sagebrush/ Sage grouse decision** until they have more information. It was carried unanimously.

Housekeeping

Lonny Bagley reminded everyone about their travel vouchers. He also reminded everyone of the Socioeconomic Workshop on September 3.

Meeting adjourned.