

## **RAC MEETING MINUTES: Billings, Montana: March 4, 2010**

RAC Attendees: Lance Kalfell, Tim Lechner, Doug Kary, Bernard Rose, Larry Pilster, Robert Lubbers, Ernest Strum, Thomas Hohn, Wayne Sander, Bill Kennedy, Jerry Kaiser

Staff in Attendance: Mark Jacobsen, Debbie Johnson, Jim Sparks, Elaine Raper, Mary Bloom, Kathy Bockness, Sarah Young, Janne` Joy, Carolyn Sherve-Bybee, Joni Packard, Mary Apple

Attending Public: JT Korkow (Field Rep., Congressman Denny Rehberg)

Members were welcomed and the meeting was brought to order, housekeeping items and ground rules for the meeting were reviewed. All members and employees in attendance provided a brief introduction for the new members. Documents and website links will be sent out electronically. The three ring binders will not be created from this office; members may download and print their own documents if they wish. Please check your e-mail accounts to receive current information.

## **Field Manager Updates**

### **MCFO: Debbie Johnson**

The responsibility of the Field Manager position is becoming more familiar. Really appreciates the diversity and complexity of the office. Debbie reviewed her biography for RAC members.

The EIS for the Keystone Pipeline is in draft form. The DEQ has proposed variations of the route to meet the statute. The Governor of MT and ND has proposed on ramps for oil but the location hasn't been determined. This is a Dept. of State project because it crosses the United States/Canadian border.

The document to expand the Spring Creek Coal Mine is out for public comments. The RAC may like to have a summer field trip to the sight. Appreciate the letter of support from the RAC.

American Colloid Company has proposed an expansion for mining Bentonite. The office is developing habitat and reclamation proposals for the site.

Gas drilling is down, only Fidelity and Pinnacle are working on plan of development packages.

MCFO has seen an increase in lease land parcel requests. Interdisciplinary teams are working on various requests for leasing the public lands. Carter County public land uses must include mitigation for Sage Grouse. There will be deferring actions until concerns are addressed in the RMP.

MCFO is under a Federal Court order to exchange private coal under the Tongue River for federal coal. The owners have recently identified tracts that they prefer and the sites are south of Colstrip. They sites all have private surface. The exchange is to be completed by next year.

The MT Conservation Corp (MCC) will work at several BLM sites this summer. They will assist with signing and clean-up at the Short Pine OHV and Howrey Island recreation sites. The MCC group is made up of High School or recent graduates and is an opportunity for them to increase knowledge in natural resources.

The Pumpkin Creek Land exchange is complete. The management plan will be addressed in the RMP revision. Hunters and trappers have been successful this past season.

The RMP is MCFO's primary project. The collaborators meeting is scheduled for March 25, the draft will be available for review at that time.

The office provided pictures to the Department of WSA areas and Terry Badlands. Debbie is not aware of a proposal for a Northern MT Prairie Monument.

Larry noted that he had been part of the Pumpkin Creek Land exchange committee; he wanted to reiterate that the team supported the historical use of grazing. Debbie responded that Recreation and Education was the purpose of the exchange, not grazing. Grazing may not be eliminated, but may be accommodated creatively. Larry remains concerned of off road use and grazing rights.

Lance had questions about the status of Sage Grouse and if it was listed, how would the public land be managed. His concern was for ranchers that have made accommodations already to improve habitat and management of their land and how much more they might be expected to do without compromising there operations. He requested clarification on the photos that were provided to the Bureau. Debbie stated that they were of area WSA that are already in a management program and there wouldn't be a benefit to identify them as a monument.

Jim Sparks noted that WSA's have more restricted management than monuments and that monuments usually have an object that the public is interested in. Debbie noted that there could be some benefit from recognizing prairie grasslands for their value.

Bernie Rose volunteered to arrange for a viewing of the Prairie Grasslands presentation.

### **BiFO: Jim Sparks**

Jim reviewed office management responsibilities. The emphasis on mineral development is increasing in this area. The program hasn't been large in BiFO, but it is growing. A coal lease application has been received and is being processed.

The biggest program issue for Billings is the urban interface issues.

The RMP is the primary focus and the office staffs have pared back other things to address the RMP.

The Wild Horse and Burro is the smallest program in the states, but has very high visibility nationally.

FWP and BLM in partnership with Habitat Forever and Pheasants Forever hired gentleman to farm the Yellowstone River Ranch and sites at Pompeys Pillar and Sundance. The farms will be returned to native grasses. The operator will use the profits from alfalfa hay and other crops to cover the equipment costs and expenses. The MT Conservation Corp will be working in the area for fourteen weeks. They will remove interior fences at the farms and recreation sites and remove some Russian Olive; native plants will replace the Russian Olive, trail work and at the horse range. Trail work continues at Shepherd Ah-Nei OHV area.

The Pryor Mountain Wild Horse Management Plan was appealed but the ruling was favorable to the BLM. The horses don't use the middle section of the mountains; BLM will install water sources in this area to encourage the horses to utilize the entire range. The horse gather was successful, there were no injuries and all the horses were adopted. Eleven horses remain on the Forest Service. The birth control program will be continued. The herd area includes BLM, Park Service and Forest Service lands. The adjacent Forest Service does issue grazing permits for the area, there isn't grazing in the herd area.

BiFO is using ARRA funds to complete several projects:

1. Russian olive removal in forested areas and treating stumps; Fire personnel are completing the work.

Three projects at Pompey's Pillar

- a. Reclaim the old road and parking lot
- b. New entrance road
- c. Replace the heating system

The Pompey's Pillar Historical Society and BLM are cooperating on projects for the site. There will be a teepee, river walk and art work.

There will be a fair market hearing in April for bidding on the Signal Peak coal lease. Documents are completed.

Meteetse Spires acquisition is complete. BLM has acquired a cabin through the acquisition and are concerned about being able to provide maintenance of the site. Looking into a possible partnership with Rocky Mountain College; they will maintain the cabin for trade of use.

**MCFO RMP update:** Mary Bloom and Kathy Bockness

Mary updated the members on the Miles City RMP Revision. A handout of the slideshow presentation was distributed. The planning process began in 2005 but was postponed due to the demands of planning for the SEIS for CBNG development. The collaborators/cooperating agencies established themes for the alternative categories or how to group a management action.

A newsletter was sent out last April to see if the collaborators had any additional issues they felt should be considered in the document. Larry and Lance lead a discussion of ACEC designations in the RMP: If an area meets the criteria for a proposed ACEC and special management is required, then it should be managed as an ACEC.

March 25, 2010 will be a meeting with the collaborators to review the preliminary draft. The environmental consequences and special designations won't be ready for review for this meeting; second meeting to be held in April or when Chapter 4 is ready for their review. In June 2010 the draft RMP will be available for review; a preferred alternative will not have been selected at that time.

July and August, the collaborators will meet to help select the preferred alternative. Summer 2011, the document will be available for the public to review and comment. The RMP is an "umbrella" document for the management of the public land the MCFO administers and provides guidance for objectives and how to manage the area. Implementation plans are written for specific actions and projects. The RMP will be used as long as the decisions are adequate; amendments may be developed to keep the plan current.

- **The RAC MCFO RMP subcommittee members are: Larry Pilster, Gerald Reichert and Shanara Spang-Gion.**

Lance requested to be added to the committee. A quorum is needed to approve a change in membership and each category is to have equal representation; Lance chose to remain an interested land owner and will participate when the draft is released to the public. Robert asked about actions for the Piping Plover and Black-footed Ferret; sites have been identified as ACECs.

### **Realignment of Forests under BLM RACs: Joni Packard**

Handouts provided explanation of REA and BLM-FS RAC partnership. The USFS is proposing that the NFs be more evenly distributed under the MT RAC's. This was not a formal request, but an opportunity to discuss the proposal and get a feel if there was local RAC support. The change would put the Custer and Gallatin NF under the Eastern MT RAC responsibility.

The USFS primarily seeks the RAC's input and approval for fee increases. The fees have not been changed for 5-10 years, thus there will be several fee proposals coming forward. Lance commented that as a committee, they needed to look ahead for possible workload increase beyond fee increases.

Doug was concerned that the fees would be increased to cover the expense of the recreation sites. Joni responded that the fees are to help cover the costs and leverage the money that is received through appropriated funds. Full cost recovery is only an option if the government is the only agency that offers the service. Commercial and state campgrounds are available, so fees are similar to the private sector and fair market value.

The Coeur d'Alene RAC is considering tying the fee schedule to inflation. This proposal is still being looked into; consolidating fee decisions would streamline the process and be more efficient and coordinated. The RAC could validate the schedule on an annual

basis. New fees must be published in the Federal Register, change to existing fees do not. BLM and USFS are cooperating agencies so no reason to change the RAC charter to accommodate the addition of Gallatin NF.

A quorum wasn't present but all the members in attendance supported the proposal to accept the responsibility of the Gallatin National Forest.

### **Public comment period**

No members of the public wished to comment.

### **BiFO RMP/Travel Management: Carolyn Sherve-Bybee**

Carolyn provided a handout of the slideshow presentation. The RMP planning is for all lands in the FO boundary, regardless of ownership. This includes state, private and federal lands. Decisions will only be made where BLM has authority to do so. The RMP is to provide management framework for implementation of decisions for specific outcomes and projects. The public has been involved from the beginning of the revision. The office held seven public meetings, had 90 participants and received 575 comments.

Some alternatives proposed by the public were dismissed and not considered:

- Eliminate all livestock grazing- this is an established use and there are no concerns to consider removal
- Develop an OHV Rock Crawl Area in Petroglyph Canyon-proposal is not compatible use with rock art
- Sykes Ridge to be included in an ACEC-this site is already in another ACEC

The travel planning area management is for eleven areas that have blocked up lands, high use and or conflicts between multiple users. Used GIS coverage's of resources to establish areas this decreased the emotional involvement in determining sites. Each alternative will specify use.

ACEC designation allows us to acquire adjacent lands if they are of relative importance.

Robert requested a list of special status species, both plants and animals. This list is reviewed and updated annually.

Rivers must be both eligible and suitable to be selected as a Wild and Scenic River, also require legislation to have them designated.

Wilderness Study Areas can't be addressed in the RMP as these are designated by Congress and can't be changed. They are managed to maintain the unique values.

Ernie asked if they foresee any conflicts with state laws. The State has been a collaborating agency so there shouldn't be any surprises.

### **Access strategy: State Access Coordinator Janné Joy**

Janné informed the RAC of her experience and plans for the program. She provided brochures regarding “Respected Access is Open Access,” that are available at no cost from the referenced website. FWP is also an excellent source of information.

Janné made three points regarding the access initiative: her first observation is that the BLM needs to take care of what it has. BLM-land-access is more challenging because of the scattered land-tract ownership patterns. MCFO has a well organized access committee and plan. Access sites have been identified and prioritized by complexity; some are easy fixes and others will require a land exchange. Signing entering and leaving public land is ongoing. Problems still arise for users to know if they are still on public land or not. Possible solutions are having maps or GPS coordinates available at the trailhead for handheld GPS units and cooperating with FWP to download coordinate information. She is willing to come and listen to any user groups with concerns about access.

The second point was cooperative partnerships. The BLM and FWP are cooperating on common access points. The BLM and the DNRC have a pilot MOU for reciprocal rights that we are working to expand state-wide. The BLM must pay for the use of State Lands but we have the ability to mutually waive fees.

Participants in the Block Management plan provide access on an annual basis. This is a temporary fix for access; BLM is trying to develop more permanent access to public lands.

Counties secure access across county roads; the BLM has a supportive role in county road access. The BLM is assisting some counties in determining the historic roads so they can determine public access.

Her third point involved access acquisition. Direct acquisition is another means of gaining access. The National Wild Turkey Federation, Rocky Mountain Elk Foundation and other organizations may provide funds for purchase or to facilitate acquiring access. Janné’s position is to put the people and projects together to benefit the access to public lands. Special designation areas can compete for available LWCF or FLTFA funds. Obtaining reciprocal rights with land owners is mutually beneficial to each party. A land exchange is a good tool, but is solution requiring a large commitment of staff resources.

Lance asked about the Terry Badlands access; the Scenic View route is a county road issue. Prairie County is also working on the Milwaukee county road route which will connect with the Calypso Trail.

Lance brought up for discussion accreted land that has been created by the shifting of the rivers. Janné referred him to the surveyors and adjudicators for more info.

Ernie stated that the public isn’t so concerned about which agency owns public lands, (BLM, USFS and State) they just want access. Cooperation benefits everyone. Janné hosts a cooperative meeting twice a year to improve communication and cooperation between the public agencies.

One of Ernie’s favorite project is the Crater Lake and Lilly Pad Lake areas. There is public access to the area, but the mountain is steep and he would like to see a trail to

an open meadow. Working with the Billings Field Office is the way to address the trail proposal across public lands.

### **Sage Grouse Briefing: David Wood, MSO Biologist**

David provided a handout on the greater Sage Grouse conservation plan for the Montana/Dakotas. Larry expressed concern about the possible listing of Sage Grouse as an endangered species.

According to David, The "delisting" process actually is similar to the listing process. The FWS evaluates the threats, population status, regulatory requirements, etc. to determine if the species has recovered adequately to be removed or downgraded on the ESA list. Recovery actions due take time to implement but certainly public input is welcomed during all parts of the listing decision, rule development and evaluation stages of the ESA process. (Note that the FWS rather than the USFS administers the ESA program so the public input would go to FWS)

The decision will be announced March 5, 2010 (later subsequent to the RAC meeting the listing decision was categorized as "warranted but precluded"). David stated that the populations can be listed by states of parts of populations.

Larry questioned how a species could be "delisted." A letter requesting delisting due to the plan in place reaching goals and identifying what protections are in place that will continue to benefit the species and maintain the population would be sent to FWS. Lance asked if only 15 percent of the population decline is due to habitat degradation, what else contributes to the decrease in populations. Conservation and preservation of sage-grouse will take cooperation and actions from many different parties; (no magic bullet). Each agency and entity can really only tackle a portion of problem and the BLM and NRCS has a focus on habitat, but will address other issues and threats in there management as appropriate. David stated there are numerous causes for the change in populations, but habitat is one area that can be modified to benefit the species.

Jim stated the Sage Grouse areas, size and management are considered in the BiFO RMP. Debbie said that the protection, restoration and reclamation are priority concerns in the MCFO document.

Tim asked about the buffer zone requirements for development. There will be buffer zones, season development timeframes and noise levels limits in critical areas. Critical winter range dates are December through March and lek protection is the end of February to May.

### **Meeting wrap-up**

- Debbie will send Lance a map of the Keystone Pipeline per his request.
- Dan Benoit will arrange a tour of Spring Creek Coal mine in June or July. The RAC will be asked for two sets of dates that Dan can present to the company for coordination.

### **Next Meeting**

- August 26, 2010 in Miles City

Possible agenda items for consideration

- Prairie Grasslands presentation- Bernie will coordinate

- Sensitive and threatened and endangered species
- Access issues in our region- top ten in our area and the RAC bring access ideas
- RMP briefings from the subcommittee members, both Billings and Miles City
- Coal Bed Natural Gas update
- Red Lodge, Bridger and Bear Creek Coal Mines
- Terry Badlands hiking trail update-Lance will share this information
- Sage Grouse-specific findings and mitigation for ranchers-Dave Naugle or MT FWP representative

**MONTANA/DAKOTAS BLM**  
Eastern Montana  
Resource Advisory Council

**RAC MEETING MINUTES:**  
**Miles City, Montana: August 26, 2010**  
***BLM Main Conference Room***

**Attending RAC Members:** Lance Kalfell, Bernard Rose, Larry Pilster, Robert Lubbers, Wayne Sander, Thomas Hohn, Ernest Strum, Gerald Reichert, Doug Kary, Tim Lechner, Shanara Spang-Gion

**Attending BLM staff:** Elaine Raper, Mike Nedd, Jim Sparks, Debbie Johnson, Mark Jacobsen, Donna Bradley, Heather O'Hanlon, Mike Ford, Eric Lepisto

**Attending Public:** J.T. Korkow (Field Rep., Congressman Denny Rehberg), Fritz Zook (rancher), Marian Hanson (rancher), Dean Sieffert (public-at-large), Mark Good (Mont. Wilderness Assoc.)

Members were welcomed and the meeting was brought to order, housekeeping items and ground rules for the meeting were reviewed. Larry made a motion to accept the minutes from the last RAC meeting, Bernie seconded the motion, all voted in favor to approve them for the record.

Gerald and Larry were honored for their service on the RAC. Both expressed their thanks for being able to serve on the RAC and their appreciation of the members working together, having good discussions and being able to reach a consensus on many issues. Ray Trumpower was unable to make this meeting for his recognition due to a personal commitment.

**Acting MT State Director Mike Nedd**

Mike shared his experience and philosophy for accomplishing goals; expressed his appreciation for the RACs and assured members that their recommendations do make a difference. He asked members to remain involved, but also to encourage multi-generational involvement. Thoughts, goals and concerns may vary with generations and WO needs that input. Requested input for the WHB program. The experience brought to the RAC from each member is invaluable.

**Field Manager Updates**

**Miles City Field Office Manager Debbie Johnson**

Her presentation focused on just a few updates and a proposal for RAC help with the MCFO RMP. She requested that for the next meeting, RAC members identify specific topics they would like more in depth information on. The Montana Conservation Corp youth projects were a success. MCFO had three separate groups and they completed signage, trail work and cleanup and weed spraying at the BLM administered Glendive Short Pine OHV Area, Howrey Island, Matthews Recreational Area and Dean S. Reservoir.

The Keystone Pipeline project under construction is not moving as fast as previously thought. The BLM has reviewed the plan. MT DEQ is the leading organization for approval and they are reviewing some variations of the project.

Debbie said the Bison pipeline –to be used for carrying natural gas has been permitted. People in Miles City, Baker and Broadus should benefit economically while the line is built; there may be some delay because of concern from FWS for nesting birds that are covered by the Migratory Bird Treaty Act.

Otter Creek coal has been sold to Arch Coal. The company will be starting baseline studies to identify what is needed to receive a permit. The BLM role is very limited; only a small amount of surface acreage in this area that is affected.

The Oil and Gas review of 131 leased parcels has been completed and is out for public comment.

The draft RMP is scheduled to be released the summer of 2011. The Oil and Gas EA and the Alluvial Coal exchange have pushed the RMP timeline back again. Debbie requested that the RAC subcommittee help draft the preferred alternative; expect this will be in November or December.

The MCFO needs RAC input on the Pumpkin Creek Recreation site, specifically, what to do with it. Various groups have expressed interest in use that benefits their program, OHV users, livestock grazing and Pheasants Forever want to complete projects; need RAC members to listen to the public and help determine what the public wants. The MCFO management plan will be part of the RMP, but wants to hear all the sides and not make management decisions based on BLM interpretation of comments that have been received. Larry is the last remaining member of the original Pumpkin Creek subcommittee; new members will need to be incorporated.

Tim mentioned that the Keystone Pipeline has been re-routed through McCone County due to scenic views and scarring of the badlands. Debbie is waiting for MT DEQ to move forward as they are the lead agency on the project.

Lance asked about the Terry Badland access issue. Debbie stated that she anticipates that the Prairie County Commissioners will file suit against the landowner. The MCFO is

working with the commissioners and providing information that has been requested. The BLM doesn't have a working group on the Scenic View Road.

Lance also asked about access to the Terry OHV area; Debbie said she will check into that as she wasn't aware of any work being done at the site. Lance said this was information that was on the street, she thanked him for bringing it forward.

Shanara asked about the alluvial valley coal exchange for the Northern Cheyenne tribe. Debbie stated that the MCFO is under court order to exchange coal for that which is in the alluvial valley in the Birney area. There are six sections that are being looked at south of Colstrip that has federal coal, but private surface. The next public meeting will be in Colstrip Oct. 5 to solicit input on the EA. The exchange will be coal for coal and will not include any surface acres. Shanara said that there is a third party that will be exchanging with the tribe too and she wondered if the tribal exchange would be addressed in the BLM NEPA document.

Great Northern Properties (GNP) owns eight sections that were assigned to the tribe, but was never documented. Great Northern Properties is working with the tribe for an exchange and the tribe would like to work with BLM to do this. Debbie said she will respond to that issue at a later time.

Gerald asked about the status of the BLM Glendive Short Pines OHV Area. Debbie responded that she has looked at grazing changes, patrols have been stepped up, boundary signage has been completed and trail barriers have been placed. Existing trails have been mapped this summer. The management of the site for both shooting and OHV will be incorporated into the RMP.

Larry requested to remain on the Pumpkin Creek RAC subcommittee even after he goes off of the RAC. He is the only remaining member from the original committee and is concerned that it seems that the site is being promoted for recreation only. He stated that when the exchange was proposed, the RAC supported it, stipulating that historical use of grazing would be continued. He is proud that the exchange has taken place and supports multiple uses but is very concerned that grazing might not be getting considered.

Members of the Miles City RMP subcommittee expressed frustration in not being included in the RMP process to date. They have been invited to be part of conference calls but the times are very inconvenient for them to participate to offer input into the document. They requested that there be better coordination from the planners.

## **Billings Field Office Manager Jim Sparks**

Jim reported that the Youth Conservation Corp completed several projects using stimulus funds that were a benefit to the Billings FO. Russian olive trees were removed and the area replanted with buffalo berry at Pompey's Pillar; guzzlers were installed in

the Pryor Horse Herd Management area; trail work was completed and fences were removed at some of the recreation sites.

The Oil and Gas EA to review the gas leases that were previously issued has been completed and is available for public comment. Additional stipulations will be added to the parcels that will have their suspensions lifted.

The RMP process has slowed down with summer field work and work shifting to the O&G Leasing EA review, but the draft is to be out the first of 2011.

The EA for the Signal Peak's Mine has been out for public comments. The comments are being reviewed and will determine the final document.

Water projects were implemented for the Wild Horse and Burro management area. A scoping notice to implement a new fertility control program for managing the herd has been issued. Nationwide, adoptions are down, as the horse market is way down. Pompey's Pillar had three stimulus funded projects completed. Work was accomplished on the heating and cooling system, maintenance the entry road and restoration of an old building. A bridge was built at Gyp Springs on a road that has washed out every year.

A trail will be built at Lilly Lake. The Back Country Horsemen have been active in this agreement and most of the work with the public, BLM, the MT FWP has been accomplished in the past two months. Parking remains an issue, but NEPA will be done this fall so the trail can be constructed. The trail will cross USFS and state land.

Jim asked if there were topics that the RAC would like to have as standing items or specific items they would like to have reported at the RAC meetings. Bernie noted that Sage Grouse is a continuing issue that seems to affect everything else and providing current information would be a good idea.

Larry expressed concern about the trapping/collaring of Sage Grouse and the tracks that have been created by staff driving all over the land. He expressed concern that hunters will see these tracks as two tracks that are available for use. He recommended that the RAC should play a role in Sage Grouse management and show that we are taking care of the habitat to promote Sage Grouse. Gerald commented that Sage Grouse are an indicator species for the effects on grazing and future development. Actions taken now will effect decisions for future species.

Additional topics requested for future meetings is Oil and Gas issues across the board, the antiquities acts and "land grab" implications/perceptions. Access issues and concerns were discussed and requested. Jim and Debbie commented that access sites have been prioritized for each office and BLM is working with the counties regularly with any issues that arise.

## **David Wood: the Landscape Conservation Cooperative (LCC)**

David provided an update on the initiative. The idea is to look at landscapes and how they interact with communities. The basic approach is to identify actions that would mitigate or decrease threats and to adapt or take action that would prepare for a threat, i.e., drought and fire.

The LCC was formed to improve and provide a coordinated response between agencies the Energy and Climate Change Council and Response Center. It will address climate change, but also cover other pressures as fire management, invasive species and sage grouse. The goal is to identify common issues and goals and to coordinate partnerships, not replace them. The landscape approach is being adopted because issues on the land can't be case by case, site by site, the concern spans over a broader expanse. They can't just focus on BLM because neighbors are private land owners or state land.

Gerald expressed concern that there would be duplication of efforts. David countered that if there is duplication or re-inventing of projects, then LCC has failed. This is to identify common concerns and coordinate landscape and management efforts across the U.S.

Shanni asked who represented the tribes. David stated that ideally the BIA Regional Director and individual tribes would send representatives, but understands the logistics of that is difficult.

The western side of the state is the initial focus as the eastern side of the state is working on five RMPs.

Larry asked where the funding is coming from. Answer: it has all been federal dollars to this point.

Mike commented that we are trying to determine how to compliment each organization in coordination of the work and striving to reach the same goals. The LCCs are looking toward the future; the RAC should be talking about what we need to do two, three years from now. Robert commented that he sees this as a long range holistic approach to land and species management.

Tim asked about the concern of climate change and what it means to the Sage grouse. David responded that "weather is whether you wear boxers or long underwear, climate is the balance of boxers and long underwear in your closet". Overall decreased precipitation has resulted in lower grass height resulting in less nest protection. The climate change is an average of weather change over a selected period of time.

Implementation is through the Healthy Landscapes program. This program is about doing large scale restoration in partnership with other groups and agencies. Our focus is on areas that have already been identified by individual groups and working together with them to build opportunities and partnerships so infrastructure will be set so we can compete for funds.

## **Public Comment Period**

**Dean Sieffert** shared his concern that the MCFO RMP hasn't been completed and that the completion dates continue to be extended. His concern is for the funds that have been spent thus far and that the timeframe will continue to be moved out. Pheasants Forever want to increase pheasant habitat on the Pumpkin Creek Ranch and Recreation land and he's concerned that there hasn't been anything done for three years on the site. He stated that weeds have been growing for three years and there hasn't been any spraying or grazing. He's working through the FOIA process for information.

Gerald asked if the Pheasants Forever concern was that the habitat work can't be done until the RMP is completed? Dean stated yes, he feels that the plan is two years too late and that the work PF want to accomplish will be more difficult and take longer to complete.

**Marian Hansen** is concerned that there are no cattle on the Pumpkin Creek Ranch and Recreation Area yet and that there are vehicle tracks where vehicles have been driving off road. Three years of no grazing is not multiple-use. Need to have two types of permittees, one to harvest and one to graze. Suggested that the haying be contracted out, there are neighbors that would gladly fill the permits.

She was a RAC member when the exchange was begun and stated that the intent and what the RAC supported has not been fulfilled. If it continues to be let go, then it becomes a fire hazard and that is a travesty. She suggested that the RAC seek higher authority for pushing to establish good range management and use the site so it doesn't continue to just sit there.

**Fritz Zook** ranches near Volberg and is involved in natural resource management. The ranch has been successful with multiple use, public access, hunting, low impact and ecologic tours. Concern is Pumpkin Creek Recreation Area; recreation area, as stated on the sign, is not multiple-use. He has had fence and trespass issues with BLM; BLM regulations state that boundary fences are the land owner's responsibility and MT state law states that the property owner is responsible for their portion of fence to the right.

When hunting guidance was issued for Pumpkin Creek, the MT state laws were to be followed, seems to be confusion as to when state laws apply and when they don't. BLM Firefighters have completed maintenance on the fence this year and is greatly appreciated. BLM is also providing materials now and that hadn't been available last year; this is positive.

Something that RAC should think about with the lack of use and management plan for Pumpkin Creek is how it is affecting the community. We have shortchanged the Miles City community \$1.5 million per year for the past three years. That is based on what the previous owner would have spent in the area for his operation and the number of times dollars change hands. Winter forage is short in this area, suggests that when hunting

season closes cattle would be brought in for two to three months, this would eliminate conflicts between hunters and ranchers. The spring growth would benefit wildlife.

Need to maintain current water sites and develop additional water sources. To Debbie, he asked that there be more cooperation with ranchers and local business when these issues are addressed. There are far too many rumors on both sides, more public forums with focus on facts and taxpayers pocketbooks and not based on emotions.

Robert asked about the calculations for his economic impact. Fritz responded that for every dollar that is spent in the local economy it goes around seven times before it stops, this ranch had been producing about \$2.15 million income, some of that was also spent in Billings.

**J.T. Korkow** spoke representing Congressman Dennis Rehberg's office and also as a private citizen. One word to describe the National Park Service is preservation, what is the one word for BLM? Answer—conservation, multiple uses. He feels that the BLM agency is land managers and that leads to the Pumpkin Creek Ranch and the limited management he sees for the site.

He understands the tremendous challenge BLM has to meet wildlife, livestock, and recreation interests and that there is concern over what to do with it. Understands frustration of what do we do with it that won't ultimately be contrary to RMP, but echoes his constituency comments that there is much discontent with not doing anything and this is a problem. It doesn't show the management capability of the BLM.

The LCC will be gathering information through studies, but groups, (i.e. Stock growers, Woolgrowers), are not being included in this information gathering stage. They will be handed the results of the studies. He feels that this is wrong because these groups and ranchers are caretakers. Ranchers observe and protect their land and LCC's and BLM are missing the boat if they don't incorporate this knowledge into plans. Don't see the mismanagement today that occurred years ago, those still out there survived and are tough. Listen to the producers.

Shani asked J.T. about pending legislation for water and power concerns and the Crow tribe settlement bill. No hearings scheduled at this time.

Rehberg has cosponsored a bill that would eliminate the Grey Wolf from the Endangered Species Act. Predation is a problem, and those supporting the introduction of the wolf realize there is a problem and disagree with Judge Malloy's decision.

Tim asked about the Great American Outdoors Initiative. J.T. discussed the document released that identified lands that could be considered for monuments. The Antiquities Act allows the President through executive order to create monument sites, but Dennis feels that the executive order should not prevail, that congress should be allowed to debate the proposals.

J.T. discussed Sage Grouse and how they may be affected by the EIS draft that DOD has just completed to expand the training area for the Powder River MOA. The mission for the B1 bomber has changed to provide air support, carry missiles and could be hovering overhead 12-14 hours for air support for those on the ground. This creates a prime target, so the pilots need to learn evasive tactics and this requires more air space. The change will have adverse affects on Sage grouse and other concerns. There will be "dog fights" and supersonic flights. Public comment will be received starting in September.

Stakeholders are invited to a meeting in Billings to voice concerns and make comments about the EIS. The BLM does have concern with potential impacts on species, cultural and helitak and air fire fighting.

Debbie stated that BLM will seek advice from other offices that are located near airbases. MCFO comments have been sent in and primarily have to do with aviation and fire fighting and patrol concerns. J.T. stated that the Air Force really wants this expansion and are willing to negotiate.

Bernie asked if there was anything that could be done with Pumpkin Creek to have a management plan quicker than waiting for completion of the RMP. Debbie responded that we have looked at the fire danger, have treated weeds and closed some roads we can mow and address concerns as they arise. She asked for help from the RAC to bring forward comments that they hear and identify common ground. She would like the RAC to be the medium to educate the public and help formulate the plan for the area.

Ernie is concerned that waiting for the RMP, (which the due date continues to get moved out) is a long time, what can you do now or next month? He realizes that it sounds like even if the RAC brought ideas, it would still be a couple of years out.

Elaine stated that BLM is trying to get groups together now, gather information and have a plan in place. We are not waiting for the RMP completion and then going to pursue a plan for PC. The management will be in place when the RMP is final. Ernie echoed Bernie's comments and asked about utilizing temporary grazing. Debbie stated that we have postponed a decision of using the site for grazing until the RMP is complete. The time to assess temporary use for grazing could take almost as long as the completion of the RMP. MCFO has a unique opportunity to use this site for education and recreation, OHV and if MCFO allows grazing now, we might set ourselves up for use concerns in the future.

Lance asked if specialists were consulted prior to acquiring the site. Debbie doesn't want the site to be status quo, think out of the box; not just have one group represented there.

Gerald supported winter grazing as meeting a need for the community and do it on a temporary basis. Make it known that this isn't done year after year. Debbie stated that it would still have to go through the public process; there are trappers there in the winter.

Ernie commented that Mike might be able to provide resources to help MCFO out. Debbie reassured members that Pumpkin Creek plan is being incorporated into the RMP, will not be addressed after the RMP is implemented.

Mike addressed the BLM management on how to move forward, must follow NEPA and public process.

Shani suggested using Facebook and the subcommittee also use it to make the information available. Elaine responded that BLM has just received permission to use Facebook and we will be utilizing that.

Mark reviewed subcommittee information. When Larry leaves he will be the last member of the Pumpkin Creek subcommittee that was formed May 31, 2007.

Subcommittee formation must be approved by the RAC and without a quorum that can't be accomplished. Mark suggested that members think about possible membership for the subcommittees. The group must represent equal numbers from each category. People that are not RAC members can be on the subcommittee if approved by the RAC, but will not be reimbursed for expenses. The subcommittee must bring proposals to the committee as a whole to be voted on; the subcommittee doesn't make final decisions. The RAC would need to approve Larry's membership to the subcommittee since he will no longer be a council member after September.

Robert asked if Larry could be temporarily appointed to the committee and then when the RAC has a quorum, he could be ratified. Mark commented that it would be best to come up with the RAC subcommittee first as new members will be announced and then add Larry later.

**Subcommittees:**

Lilly Pad Lake Trail subcommittee- formed Feb 23, 2007; members were Boggess, Olson, Reichert, Trumpower. They had a field trip May 2007

Glendive ShortPine OHV formed May 31, 2007; members were Williams, Branch, Olson, Boggess, Aye, Reichert. They looked at Pumpkin Creek R. & RA OHV use. Made a July 10, 2007 field trip.

MCFO RMP formed May 27, 2009, members were Pilster, Reichert and Spang-Gion. Lance later requested to be added to the committee, but RAC category disparity issues limited that option for the time being.

Billings/Pompeys Pillar Special Designation subcommittee formed May 27, 2009; members Hohn, Hauptman, Strum, Rose, Cole.

Travel/Transportation Management subcommittee formed May 27, 2009. Members: Branch, Kary.

Discussion: A Pumpkin Creek working group could meet separately for a half day meeting and field trip to bring specialists and members to focus on Pumpkin Creek issues. This would not be a regular meeting. A quorum would allow work to be accomplished.

Debbie will schedule a meeting in coordination with the RAC to get greatest number of attendees.

Need to have full quorum to address subcommittees. Next meeting this will be priority agenda item.

## **Montana Wilderness Association Presentation**

Bernie and Mark Good presented a talk on the Montana Wilderness Association. They have identified areas that warrant protection in Montana. Mark is MWA Outreach Coordinator for Eastern Montana. Presentation was developed for those that aren't familiar with the area.

## **Heather O'Hanlan Fire Education and Mitigation Specialist**

Heather administers community assistance and mitigation grants to counties and conservation groups to mitigate fuels in urban and wild land interface issues. The goal is to provide education, planning and development of county plans and implement projects with local contractors that will reduce effects of a catastrophic wildfire. Efforts are toward product development and getting the word out about what is available. Members viewed a video for landscaping and mitigation that can be accomplished around homes to decrease fire danger titled: "Ready, Set, Go". North Dakota has developed some good prevention programs that should be available this fall.

## **Dena Lang Recreation Planner**

Dena provided and updated on Terry OHV area. BLM had been working on an access route to the site. MT Highway Department discouraged using that site because of traffic and safety concerns. The BLM MCFO is looking at access from the top of the hill instead of the middle of the hill. Issues with this entrance are that there is an old dump site that must be cleaned up and this route doesn't access the entire area so the MCFO is looking at establishing some trails. Some Miles City users with Terry roots are willing to participate in the development of the site, i.e., making jumps etc. BLM is coordinating with them to get some of these ideas implemented. Lance has some GPS information of a specific trail, Dena would like to have that information. The BLM is working on improving boundary markers.

The BLM Strawberry Hill Recreation site is an undeveloped area with no off road use areas. The existing road can be driven, but work is being done to repair some sections.

## **Jim Sparks**

Jim led a discussion on the Secretary's Wild Horse and Burro Initiative. The comment period ends next week for input regarding the initiative. BLM has a strategy to implement the program, but would like the RACs to have input. Montana is a minor player in the whole picture as its herd is only 150 animals. The number of horses in holding facilities is growing; adoptions haven't been successful due to the overall-low demand horse market.

The cost to care for the horses in holding facilities is \$40 million this year and will continue to increase. BLM needs to balance herd growth, gathers, and adoptions to manage the herds and costs. The RAC members supported drafting a letter regarding the Secretary's initiative for managing the WHB program. The letter will be sent electronically to members. The RAC does not have a quorum so letters will be sent with members listed that are in attendance today. Members may also comment as a public individual, but the BLM would still like to have comments from the RACs.

Debbie responded to Shani's question regarding the GNP and tribe coal exchange; Sites were identified for an exchange with federal coal and the proposal has been presented to Washington D.C. Debbie said she doesn't have any more information at this time.

## **Wrap up**

Next Meeting: December 2, 2010 in Billings, MT  
Meeting adjourned.

**MONTANA/DAKOTAS BLM**  
Eastern Montana  
Resource Advisory Council

**RAC MEETING MINUTES:**  
**Billings, Montana: December 2, 2010**  
**Clark Room, Hampton Inn**

**Attending RAC Members:** Lance Kalfell, Bernard Rose, Robert Lubbers, Thomas Hohn, Ernest Strum, Tim Lechner, Shanara Spang-Gion, Bill Kennedy, Howard Boggess, Harold Guse, John Sterchi, Tim Lehman

**Attending BLM staff:** Elaine Raper, Jim Sparks, Debbie Johnson, Mark Jacobsen, Donna Bradley, Jamie Connell, Mary Apple, Janné Joy, Shane Findlay, Dena Lang, Dawn Doran

**Attending Public:** J.T. Korkow (Field Rep., Congressman Denny Rehberg), John Gibson, Mike Penfold

Members were welcomed and the meeting was brought to order, housekeeping items and ground rules for the meeting were reviewed. Bernie made a motion to accept the minutes from the last RAC meeting, Lance seconded the motion, all voted in favor to approve them for the record. All members and BLM personnel introduced themselves as new members were in attendance.

**MT State Director introduction: Jamie Connell**

Jamie provided her bio and work history that has brought her to this new position. She began working with RACs when the program began in the 1980's. BLM is extremely fortunate to have this program and have the people who are willing to volunteer. She said she appreciates this resource that is available to help with issues.

She talked about Colorado RAC members and how she helped them be more efficient in making decisions; she has worked with RACs to create "little RACs" that were made up of volunteers that were familiar with the issues; these might be ranchers and local people.

The "little RACs" were approved by the formal Colorado RAC committee and would report to them for final proposals; this might be something that the EMT RAC could consider. The different background of members provides a balanced representation to the issues and helps in what the BLM does. She encouraged the RAC to have a quorum at the meetings so actions can be moved forward.

The public often feels more comfortable presenting to the RAC because RAC members are the public's representatives. She looks forward to working with the RACs and hopes that the issues don't just come from BLM but that members will bring ideas forward that they want BLM to work on.

The RAC passing a unanimous decision and sending the proposal to the Secretary for consideration can be a very powerful tool: This is your committee, we want advice from you, and these are your meetings.

The Montana BLM provides a Briefing Statements book twice a year. Considering printing and mailing costs, does the RAC benefit from this document? All spoke in favor of continuing to receive the briefings. The binding might change, but a hard copy of the document will be sent to the members and it will be placed on the homepage so that it can be updated and kept current. The next volume is ready for release. Members will be contacted to make sure they receive their copy. The BLM Montana mailing address list may need to be updated.

Naming a spokesman or chairman for the RAC was discussed. Members were divided, so the item will be on the agenda at the next meeting.

## **Field Manager Updates: Jim Sparks, Billings Field Office**

Jim reviewed high points in the Billings Field Office (BiFO) and major workloads for the new members. The Recreation program has urban interface issues as they manage sites that are located within the city limits (Motorcycle area, Four Dances, Sundance Lodge).

These require good management and maintenance to make sure they are kept up. The office has a small Range program and the public land is scattered, except for some that has been blocked up in Carbon County. BLM continues to complete Wildlife habitat improvement projects with cooperators. BiFO manages fire dispatch center and the tanker base for the Fire program. BLM does initial attack on the fires in the Pryor Mountains. Pompey's Pillar visitation remains constant. The minerals program is small, receiving only four or five applications per year. BiFO has the only Wild Horse herd in the state. The herd is very important both locally and nationally; also have Weatherman Draw which has a tremendous number of cultural sites; four WSA's and nine ACEC's and a suitable and eligible wild and scenic river in Crooked Creek.

BiFO has been working on the Resource Management Plan (RMP) for the last couple of years; this document is the generic plan that the office will use in managing the public land for the next 10-20 years.

The tentative timeframe for the RMP is:

- December 2010, the alternatives will be mailed out to Cooperators and the RAC members

- January 2011, the Draft will be sent to MSO for review
- February 2011, Final Draft will be sent to WO for review; that will be at least four months
- 2012 the RMP will be final

Jim apprised the RAC of the status of Lily Pad Lake Trail, Pompey's Pillar, the Signal Peak Coal lease application, suspended O&G leases, Wildlife Habitat work and the Wild Horse and Burro Program.

## **Field Manager Updates: Debbie Johnson, Miles City Field Office**

Debbie asked the additional Miles City Field Office (MCFO) staff to introduce themselves to the RAC members. The MCFO put together a briefing book for topics that are going on in the office; this will be a reference book for the members. MCFO is in the process of writing a Resource Management Plan (RMP) for the entire field office. MCFO has completed the preliminary draft; planning a collaborators meeting Dec. 15 to gather feedback to be used to determine the preferred alternative. The comment period ends Dec. 17. The draft will go to the public August, 2011.

Debbie pointed out that the Range Management program is the largest in the nation and she appreciates the staff and their commitment.

The RAC had requested updates on the O&G program. The Bison Pipeline is in the ground, covered and tested and the equipment has been moved until spring. They accomplished their goal of being to this stage by Dec. 17. The EIS for the Keystone Pipeline may be complete by Jan. 2011. This report will be issued by the MT DEQ. The applications for permit to drill have increased over last year, particularly in the Cedar Creek Anticline. MCFO reviewed 131 Oil & Gas leases taking into consideration the new criteria for nominating a lease. The selected leases will be available for the Dec. 9 sale. MCFO also has an Environmental Assessment (EA) out for public comment for the leases that will be sold May 10. MCFO will do one for the October sale; this is available on the website.

Shani requested contact information for the South Dakota RAC members and the BLM to be able to express tribal concerns about drilling at Bear Buttes.

Jamie Connell suggested she contact the State office because the land is private but the state approves the permit. She also asked for an update on the AVF public meeting regarding the trade of coal in the Colstrip area; the private landowners were concerned that they would be able to retain the rights of ownership and would be able to give consent and work with the companies to obtain the coal.

Lance questioned where the money that the government collects is sent. Jamie responded that it depends on the dollar source and a short discussion of funding and allocations followed.

Robert asked if a setback was considered to protect streams in riparian areas. Debbie answered that projects are site specific and reviewed by an ID team. One size doesn't fit all, use water gaps, setbacks, fencing, also partner with Montana Fish, Wildlife & Parks. The national database is the format that sites are electronically recorded. This sets standards so that sites are evaluated the same across the country.

Jim pointed out that proper functioning is the minimum standard, okay to exceed. If the site does not meet this minimum standard, then management action will be taken to improve the location.

## **Pumpkin Creek Ranch & Recreation Area update: Shane Findlay, Dena Lang, Dawn Doran**

Debbie again asked that RAC members assist in developing the management plan for the site. The overall management plan will be part of the MCFO RMP and included in the final alternative. She would like a team to work on a specific management plan for the site that would be completed and ready to put in place when the MCFO RMP becomes final.

Shane reviewed the exchanges that took place to complete the Pumpkin Creek land exchange and provided a map of the area. The state section is not leased; there is a desire from the state to exchange the state section for BLM lands within the Tongue River Ranch. The objective for the exchange was to provide the public much needed hunting and recreational opportunities near Miles City and to provide the BLM increased habitat in range management opportunities.

Debbie stated that there is a public perception that BLM is not managing Pumpkin Creek until the RMP is completed. She emphasized Shane's comments of what the site is being used for and asked the RAC to help inform the public of what we are doing and what is available.

Dena reviewed the objective of Pumpkin Creek which was to provide hunting and recreational opportunities close to Miles City. She identified what has been accomplished since the exchange was final. Since 2008 MCFO has spent around \$40,000; MCFO has installed eight low maintenance cattle guards, contracted out boundary signing, erected four large entrance signs, developed four parking areas and signed them with rules and regulations. Map boxes are located at the parking areas for users to know where to go.

Hunter patrols have been done since 2008; MCFO tries to visit with users and get their opinions. National Public Lands Day was held there in 2009 and cleaned up a corral area. Cultural inventories have been completed on 1,600 acres and have identified 14 sites dating back about 2,500 years; three are eligible for listing on the national register for public places.

The Montana Conservation Corps pulled and sprayed weeds this summer. Pheasants Forever and Range Days, the RAC, Acting State Director tours have been held there.

Hunting in 2008 was under block management, since then, hunting has been open. OHV and snowmobile and mountain biking and camping users have been out there; activities include Geocaching, shooting, and sledding. BLM makes 400 contacts on a yearly basis.

Lance asked why some activities have been allowed before inventories have been completed. Debbie responded that MCFO is not allowing any use that requires a permit at this time. OHV is limited to existing roads and trails. She is looking to the RAC to help determine which areas may be limited to horse use; whether a gravel pit be opened up or not, if open to OHV users, if there's a need a developed campground. All regular uses for public land are continuing out there except those that require a permit; activities such as outfitting or grazing.

Dawn presented the infrastructure and projects that are located on Pumpkin Creek. The vegetative resources are mostly grass and uplands, shrubs, trees in the Jack Creek divide area; but mostly limited trees except along creeks. Pumpkin Creek side is hay lands; some leafy spurge along Pumpkin Creek has been treated and hasn't grown back. Riparian areas were assessed a couple years ago; six miles was functioning at risk with an upward trend. Another reach was at risk, but was due to other reasons, road, culverts, and other issues so trend not noted.

Regeneration in these areas has been good, no winter grazing, appears to have lead to improvements. In the 1985 Powder River RMP this allotment was categorized as "M", in 1988 felt concerns, so changed to "I", in 1999, standards for rangeland health assessed and determined that it was meeting standards. This was for the original 5,000 acres that was public land, not the acquired private lands. No grazing authorization is in effect at this time, so it's not a priority to assess at this time. BLM will see where the RMP goes and then determine what will be done for range management.

The infrastructure includes 17 pits and reservoirs, 11 wells, 12 miles of pipeline, several miles interior fence, 15 pastures; most of the fence is old and requires maintenance and new cross fences. The range improvement projects need maintenance; what will be done will be dependent on the RMP. There's about 29 miles of boundary fence. Eight neighbors have concerns about boundary fence. It's the livestock owner's responsibility to keep livestock off public land, we're trying to be a good neighbor and fire crew has maintained a portion of that fence.

One neighbor is interested in old fence, we were able to provide materials for four miles and they provided the labor; hope to complete a portion each year; the boundary is fenced, some sections in better shape than others.

## **Public Comment Period:**

### **J.T. Korkow:**

Ranchers want access to the Pumpkin Creek site for grazing. He would like to see BLM consider an effort to encourage young people to ranch. The young people don't have resources to purchase a ranch that would be able to sustain a living. USDA has a beginning ranching program, 100% financing, low interest, seven year repayment plan. Pay off cattle, then able to purchase land. Pumpkin Creek Ranch needs management, utilization; could coincide with the beginning farmer program to build a herd; permittee would know that they'd have to rotate out every 10 years. This would be a great educational tool for young ranchers to learn to get along with the public on multiple use issues.

Lance said he was concerned about winter grazing; you will need to have a place for winter grazing, state fee for animal unit month; land owners will need to get along with the public.

Robert: will thought process conflict with other public uses? J.T. responded that there are 15 pastures and BLM doesn't have resources to maintain fences; permittees would have the responsibility of this maintenance. J.T. stated that public land currently has multiple use, grazing, and hunting.

Debbie responded that J.T.'s suggestion would be considered as meeting the objective of the site and may fit into the RMP.

### **John Gibson:**

John is the President of Public Land and Water Access Association and wants to draw attention to the vote on I-161; to repeal outfitters licenses that are guaranteed. Indicated dissatisfaction in money dictating who could hunt. Hunters don't like how public roads are managed. Antiquated system roads should be either open to everyone or closed to everyone. Exception for livestock management or access to another section of private, but many BLM roads used by landowner/outfitters are used exclusively by private parties and are closed to the public for use because they cross or originate on private land and then move onto BLM lands. He is dissatisfied that public land and public wildlife are benefiting a few that are charging fees to use public resources at the exclusion of the public. He is concerned that some landowners are closing public roads, and are profiting from selling access and wildlife that belongs to the public. Jamie asked that the organization provide specific locations so that BLM can check the circumstances and address the situation.

### **Mike Penfold:**

He appreciated the information on Pumpkin Creek; good way to be able to manage the land is to have large blocks instead of the small scattered parcels. Really needs to consider long term management, the first grazing districts were established on that site and needs to be considered as historical use for the area.

BLM recently completed the transportation plan for the Missouri Breaks and so the roads have been identified. Mike had hiked into the area, only to meet a vehicle that had access to the area through private land. His concern is that the BLM land with open roads that are blocked by private land is unavailable to the general public. If the road can't be accessed by the public, then it should be closed where it comes onto public land to those that have ownership or permission on the private land where the road may come from. Administrative use is acceptable, but recreational use should be restricted.

Jim stated that known sites are being addressed in the BiFO RMP, but to let them know of additional situations so they can be included.

Lance commented that the ranchers also face similar situations when hunters have access to public land and then continue on to ranch roads from the public land.

Ernie reported the successful outcome of working with Jim on the Lily Pad Lake Trail Project; to build a trail across BLM to access state land and lakes that are stocked with fish; without the trail, access was limited to those with permission to enter through the private land.

The attendees discussed travel management and issues that affect access to public lands.

## **Scenic View Road Update: Shane Findlay**

Shane provided a briefing on what BLM has in files regarding the Scenic View or Badlands View Road located in Prairie County. This information has been shared with parties that requested the information through the Freedom of Information Act (FOIA). The road is about six miles long with mixed ownership located just north of Terry.

The aerial photos show the road existed prior to 1958. Prairie County obtained a permit for Recreation from the BLM in 1965; the commissioners let that permit expire in 1991. Facilities at the site include two dilapidated outhouses, a fire ring, a BLM interpretive sign and a plaque honoring a Prairie County commissioner.

May 1965: Prairie County and the BLM signed a cooperative agreement- BLM provided a cattle guard and 3 culverts were installed, Prairie County agreed to install and maintain the road per the cooperative agreement

Feb 1967: BLM has documentation that the projects were installed and the road was being maintained by Prairie County.

September 17, 1969: William Nefsy and BLM signed an agreement that allowed access to make lands available for public use with option to be cancelled per the agreement with 30-day written notice.

1982: the road shows up on the assignment of range improvements; no longer assigned to Prairie County, no documentation that shows explanation of the change, road was available for livestock management to be used by the permittee.

1976-1977: BLM attempted private and state to get easement, process went to a certain point but was never completed.

2008: the Karrels' placed a locked gate across the road; the rationale was because of abuse of the private land and for the health and safety to the public. Mike and Terry Karrels have executed the option to cancel the Nefsy agreement and to no longer allow access for recreational purposes. The Karrels' concern is for the health and safety of the public due to the condition of the road.

Nov 16, 2009: Prairie County Commissioners submitted an application for transportation right of way for the portions of BLM on this road. The BLM chose to return the application due to the situation with Mr. Karrels; until the issue is resolved.

July 29, 2010: The Karrels requested cancellation and abandonment of the road; BLM approved that request and removed the road from their assignment Aug 17, 2010.

Aug 19, 2010: The Prairie County Commissioners filed a FOIA request to BLM for all material regarding Scenic View Road and the surrounding area.

Sept 15, 2010: The Prairie County Commissioners submitted a request for an R and PP permit; this is on hold in the BLM MCFO.

Sept 21, 2010: Prairie County commissioners filed suit against the Karrels'.

Oct 15, 2010: Prairie County Commissioners requested that BLM reconsider the 8/17 decision; this request remains on hold.

Nov 4, 2010: The Karrels' filed a countersuit naming Todd Devlin and the Prairie County Commissioners as defendants.

RAC members viewed pictures showing both the private and public sections of this road; pictures were taken approximately six weeks ago. BLM is waiting until the outcome of the legal actions to address the items requested.

Shane stated that the BLM is trying to obtain access through the West side. The BLM has a right-of-way with Custer County and are working with the Prairie County Commissioners to obtain a right of way in that county.

RAC members discussed the information provided and their concerns for future situations that are similar and would affect public access.

## **State Access Program Update: Janné Joy**

Under the MT/DK access initiative there are three focus areas: (1) to take care of what we have (protecting, signing, mapping); (2) work cooperatively with partners (such as counties, MT FWP, DNRC, USFS, landowners and private groups); and (3) acquire new access. The access program is to secure public access to public lands. Once you come to the BLM boundary, the topic becomes travel management.

- (1) BLM signing could be improved; signing is difficult because of the scattered land pattern and need for boundary surveys. The MT/DK is creating a sign prototype for better recognition for roads providing access to the public lands.
- (2) BLM is not the front runner for perfecting historical or prescriptive rights for roads; BLM works with the counties to help them assert the public right to access. BLM has a working partnership with MT FWP in the Block Management Area program for access across private lands; this is not a secured right as they are annual agreements. The BLM has a cooperative agreement with the DNRC for access and BLM has to pay the state for access to use roads that cross state school sections that lead to public land; BLM is working to streamline this agreement so that it is statewide.
- (3) To gain access to public lands, the BLM field offices get the information that there is a need for access and then prioritization is addressed. Miles City has developed a four tier list of access needs that are determined by the difficulty of the required action, i.e.: simple signage or land exchange. The RAC can be the liaison for access issues and requests from the communities and can help to facilitate resolutions.

Bill requested information on what roads are being maintained and that BLM already has easements on before getting new access.

## **EMT RAC Subcommittee updates and discussion:**

The RAC subcommittees are made up of RAC members; non-members may be part of the subcommittee but must be approved by the RAC. Non-members are not reimbursed for travel expenses like RAC members are.

***Historical subcommittees***; some active some inactive.

### **Public Access**

To be continued as a subcommittee.

### **Weatherman Draw**

Howard supported maintaining the subcommittee. Discussion by RAC members determined that the remaining issues for the area are administrative and enforcement issues and a subcommittee were not needed at this time. However, Ernie proposed

that it be on the agenda for the next meeting, Robert seconded the motion and all approved.

Jim noted that a travel management plan is being developed, but this will be addressed in the Travel Management portion of the Billings RMP.

**Lily Pad Trail**

Ernie stated this was no longer needed.

**Travel Management for Billings RMP**

To be continued as needed.

**Pumpkin Creek Ranch and Recreation Area**

Shani supported continuing the committee to provide in-depth input on the site. Mark reported for Shane that the action for Pumpkin Creek hinges on completion of the RMP may not make sense to form subcommittee at this time.

Debbie requested that a subcommittee be formed for the Pumpkin Creek Recreation Area. There are two components for this subcommittee.

Some of the management of Pumpkin Creek will be addressed in the RMP. She would like input right away from the RAC for management that will be established through the RMP process. The RAC would be a collaborator on the RMP so she can consider that information in the selection of the preferred alternative. This group would then develop a long term management plan that would be written concurrently with the RMP and would be put in place when the RMP is completed.

The RAC members decided that the Miles City RMP subcommittee would be determined if there was a need for a subcommittee for Pumpkin Creek. A subcommittee at this time would be premature if the RMPs selected alternative conflicted with the work of a subcommittee.

**Currently active subcommittees** with some RAC representation

<b>Committee</b>	<b>Category 1</b>	<b>Category 2</b>	<b>Category 3</b>
OHV	Doug Kary		Lance Kalfell
Travel/Transportation Management	Doug Kary		
Pompey's Pillar./Special Designation	Tom Hohn	Ernie Strum, Bernie Rose	
Miles City RMP			Shani Spang-Gion
Billings RMP- Travel Planning	Doug Kary Colby Branch	Howard Boggess Jerry Kaiser	Lance Kalfell
Billings RMP- Special Designation	Thomas Hohn Charles Hauptman	Bernie Rose Ernie Strum	Mack Cole
Billings RMP- RAC		Bernie Rose	Mack Cole

Representatives			
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\*\*\* no longer members\*\*\*

The following committees and members were ratified by the RAC to be active for 2011.

<b>Committee</b>	<b>Category 1</b>	<b>Category 2</b>	<b>Category 3</b>
Billings RMP	Tim Lechner	Bernie Rose	Harold Guse
Miles City RMP	John Sterchi	Robert Lubbers	Shani Spang-Gion
Access	Thomas Hohn	Ernie Strum Howard Boggess	Bill Kennedy Lance Kalfell

The MCFO RMP subcommittee may invite retired RAC members; Larry Pilster (Cat. 1), Jerry Reichert (Cat. 2), and Mack Cole (Cat. 3) to participate as they have historical knowledge of the RAC, area issues and the process. The expansion of the committee would require approval of the entire RAC.

Jamie stated that the subcommittees would not have to be made up of RAC members because they provide information to the RAC and the RAC makes the decision. She recommends obtaining community representatives for subcommittees that are close to the issue because this eases the workload for the RAC members.

Bernie suggested that Marion Hansen (past Cat. 2 RAC member) could be appointed to the Pumpkin Creek subcommittee when one is formed. He stated maybe all the members of that committee could be non-RAC members and then report to the RAC.

Jim asked the RAC Access subcommittee to provide feedback on priority access sites for the Billings Field Office area. The initial projects selected for access have been completed and BLM will be determining the next priority group.

Robert asked if there would be a need for a subcommittee for the Scenic View Road after the legal issues are resolved. There will be an update at the next meeting .

An agenda item for next time will be to discuss naming a RAC chairman/spokesman or continuing with the current format.

Category 1 will be polled to see if others want to be a representative on the Access committee.

Jamie reminded attendees that the subcommittee only gives advice to the large RAC group. The RAC members meet the requirements for category representation and they make the actual decision. If the RAC approves the subcommittee as a fair group, then it will meet the need and can help get work done.

Future meeting dates were discussed and the meeting was called to a close.

**Next Meeting: March 23-24, 2010, Miles City, MT**

