

**United States Department of the Interior
Bureau of Land Management
HiLine District**

**Environmental Assessment DOI-BLM MT-M030-2013-0020-EA
October 23, 2013**

**Expansion of Richard Birdsell (The Northern Rockies
Outfitter) Operating Area to include East Butte of
Sweet Grass Hills**

Location:

BLM-administered lands within the following portions of Liberty
County, Montana;
T 36 N, R 5 W, Sec.8, 17, 19, 20, 30, 31;
T 36 N, R 4 W, Sec. 6, 7, 13, 18, 24, 25
(see map).

Applicant:

Richard Birdsell, Northern Rockies Outfitters, Ltd.
SRP# MT093-15-15, RMIS# MT0931015
270 Bayou Road
Kalispell, MT 59901

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Bureau of Land Management
Havre Field Office
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CHAPTER 1 PURPOSE AND NEED FOR THE PROPOSED ACTION

Introduction and Background

Northern Rockies Outfitters, Ltd., owned by Richard Birdsell, has applied to expand its Special Recreation Permit (SRP) operating area to include the East Butte portion of the Sweet Grass Hills and adjacent private and State lands. This business has held an SRP (#MT093-15-15) for BLM lands in the West Butte of the Sweet Grass Hills along with the surrounding private lands since 2003. Currently, BLM has no commercial outfitting SRPs that include the East Butte of the Sweet Grass Hills within the operating area.

The Code of Federal Regulations (CFR) is the legal authority that allows BLM to manage the permit program under section 43 CFR Parts 2930, et al. "Commercial use" is defined as the recreational use of the public lands for business or financial gain. When any permittee, employee, or agent of a permittee, operator or participant makes or attempts to make a profit, salary, increase his business or financial standing, or supports in any part, other programs or activities from amounts received from or for services rendered to customers or participants in the permitted activity, as a result of having the SRP, the use will be considered commercial.

Under the authority of Federal Lands Recreation Enhancement Act (REA) the BLM utilizes the Special Recreation Permit (SRP) system to satisfy recreation demand within allowable use levels in an equitable, safe and enjoyable manner while minimizing resource impacts and user conflicts. Fees for SRPs are intended to recover at least part of the cost of issuing and administering the permit plus provide a fair return to the government for the opportunity to make a profit while using BLM administered public lands.

Purpose and Need

The purpose of the proposed action is to provide Northern Rockies Outfitters access to public lands for the purpose of commercially guiding deer and elk hunters during Montana's archery and rifle big game seasons.

The need for the proposed action is to respond to an SRP request submitted by the proponent to expand his area of use to include public lands in the East Butte portion of the Sweet Grass Hills administered by the BLM Havre Field Office.

The Decision to be Made

BLM will determine whether to approve or deny The Northern Rockies Outfitters' application to add the East Butte of the Sweet Grass Hills to his operating area within the HiLine District and, if it is approved, under what terms and conditions.

Scoping

Internal (BLM) Scoping

An internal scoping notice was sent out to BLM resource specialists on June 19, 2013. Potential resource impacts identified by specialists will be further analyzed in this environmental assessment.

External (Public) Scoping

A news release announcing the application for an SRP in the East Butte portion of the Sweet Grass Hills was sent to the Great Falls Tribune, Havre Daily News, and the Liberty County Times on July 19, 2013. The news release was also posted on the BLM Havre Field Office website. The public was asked to provide substantive written comments to the HiLine Outdoor Recreation Planner by August 9, 2013 for consideration in the application decision.

Ninety-nine written comments from individuals, agencies, and organizations were received regarding this issue. The majority of those who commented were against authorizing a commercial hunting SRP for public lands in the East Butte area. Most pointed out the relatively small size of the BLM lands in the area, and expressed concerns that the additional hunting pressure from commercial clients could lead to more user conflicts and could also impact the public access that is currently being provided through the Block Management Program. A few comments were in favor of issuing the permit, pointing out that non-resident hunters who access the area with a guide may be less likely to create conflicts with other hunters and area landowners.

Copies of all scoping responses and comments will be maintained as part of the administrative record for this environmental assessment.

Issues Identified for Analysis (Resource Issues)

Internal and public scoping identified the issues that are considered in this analysis. For each resource issue identified, one or more impact indicators are described. These indicators will be used to describe the affected environment and to evaluate the environmental consequences of implementing the various alternatives on each issue.

How would the proposed action and the alternatives affect Recreation?

Resource Impact Indicator(s):

Quantitative measures to determine resource impacts:

- How will the proposed action impact recreational hunting in the area?

How would the proposed action and the alternatives affect Wilderness Characteristics?

Resource Impact Indicator(s):

Quantitative measures to determine resource impacts:

- How will the proposed action impact the opportunities for solitude in the area?
- How will the proposed action impact the opportunities for outstanding primitive recreation in the area?

Issues Considered but Eliminated from Further Analysis

The following issues were determined by BLM resource specialists to either not be present or not be impacted at a level that warrants analysis by the proposed action.

Cultural and Paleontological Resources, Native American Concerns

The East Butte of the Sweet Grass Hills, along with the Middle and West Buttes, is a Traditional Cultural Property (TCP). The nature of the proposed project will not adversely affect any

cultural resources or any qualities of the TCP. The activity is mirroring one of the existing historical usages of the area (hunting) and will not hinder traditional components of the Sweet Grass Hills utilized by Native Americans.

Hydrology

There would be no new surface disturbances associated with the proposed action. The Stipulations for Commercial Outfitter Permits (HiLine District - revised January, 2013) would provide necessary protections to riparian and wetland areas, surface water, and groundwater.

Invasive Species

If properly mitigated, there should be little impact of the proposed action to Invasive Species. The switchbacks to the MT Royal Communication Sites has been infested w/ leafy spurge in the past but is believed to be eradicated. The McTosh Coulee area near the quarry and in general the SE portion of East Butte does have documented infestations of Spotted knapweed. The concern would be cross contamination from this operator moving seed and reproductive material between West and East Buttes because West Butte had heavy infestations of leafy spurge in some areas. The Policy and Stipulations addendum for HiLine SRPs provide guidance and mitigations that the permittee must follow to mitigate this issue.

Oil and Gas Rights-of-ways

There are no oil/gas right-of-ways in the project area.

Soils

There would be no new surface disturbances associated with the proposed action. The Stipulations for Commercial River Outfitter Permits (HiLine District-revised January, 2013) would provide necessary protections to soil resources.

Vegetation

There would be no new surface disturbances associated with the proposed action. The Stipulations for Commercial Outfitter Permits (HiLine District - revised January, 2013) would provide necessary protections to vegetation.

Visual Resources

The proposed action is within a VRM Class II area. The area is closed to motorized travel and the permittee would not be authorized for overnight camping under the SRP, therefore there will be no surface disturbance and the proposed action is consistent with other current uses in the area. Visual resources are not expected to be impacted by the project.

Special Designations

The proposed action is within the Sweet Grass Hills ACEC. Designated in 1992, the 7,419-acre ACEC, which includes the East, West and Middle Buttes of the Sweet Grass Hills, was selected to protect habitat which was determined to have high potential for reintroduction of peregrine falcon; protect areas of traditional religious importance to Native American tribes; and protect

seasonally important elk and deer habitat. Hunting is allowed within the ACEC and the addition of guided hunting is not expected to impact the resources for which the ACEC was established.

CHAPTER 2 THE PROPOSED ACTION AND ALTERNATIVES

Introduction

Alternatives were developed based upon National and State BLM direction and policy, and existing condition and resource issues. Resource issues are discussed in Chapter 1. Other factors that influenced alternative development are discussed in Chapter 3.

Alternative A - No Action

BLM would not amend SRP# MT093-15-15 to include the East Butte of the Sweet Grass Hills.

Alternative B –Proposed Action

Northern Rockies Outfitter, Ltd. (SRP# MT093-15-15), which has been operating in the **West Butte** area of the Sweet Grass Hills since 2003, would be allowed to expand its SRP operating area to include the **East Butte** of the Sweet Grass Hills (see Map 1) for the purpose of providing commercially guided big game hunting. The permittee would provide approximately 24 hunter use days for archery deer and elk during September and approximately 10 hunter use days for rifle deer and elk hunting during October and November. Access to East Butte would mainly be from leased private lands to the east of the BLM parcel and would be walk-in only. No overnight camping or use of livestock is being proposed.

The permittee would conform with all requirements and stipulations for Form 2930-1 Application for Special Recreation Permit, Form 2930-2 Special Recreation Permit, and Addendum to Form 2930-2 Stipulations for Commercial River Outfitter Permits (HiLine District-revised January, 2013). A signed and dated copy of each form would become part of the permittee's permanent file. As per the BLM SRP Manual 2930, the permittee would also be required to provide L-1s (proof of use agreement) for the private and state lands within the operating area (see Map 1).

In addition to the requirements and stipulations already provided in the aforementioned forms, these stipulations specific to the East Butte area would be included in the permit:

- All equipment and vehicles will be thoroughly washed before entering public lands and before moving from one Butte (East and West) to the other.
- Operator will report any sighting of state listed noxious weeds to the BLM or the Liberty/Toole County Weed District Coordinator.

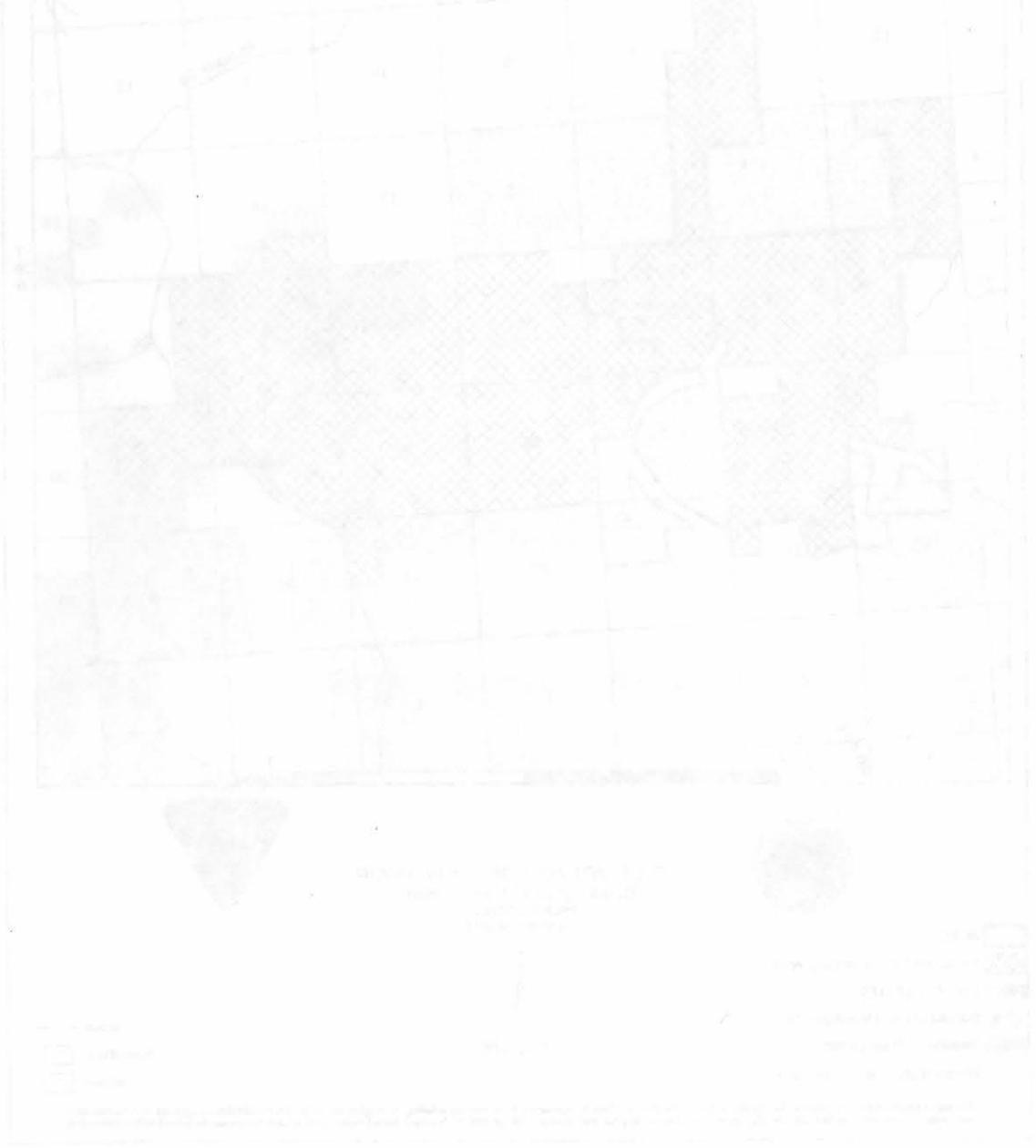
Conformance with Land Use Plan

This action is in conformance with the policy and guidelines established in The Federal Land Policy and Management Act of 1976, as amended, Public Law 94-579 (43 United States Code 1701 et seq.).

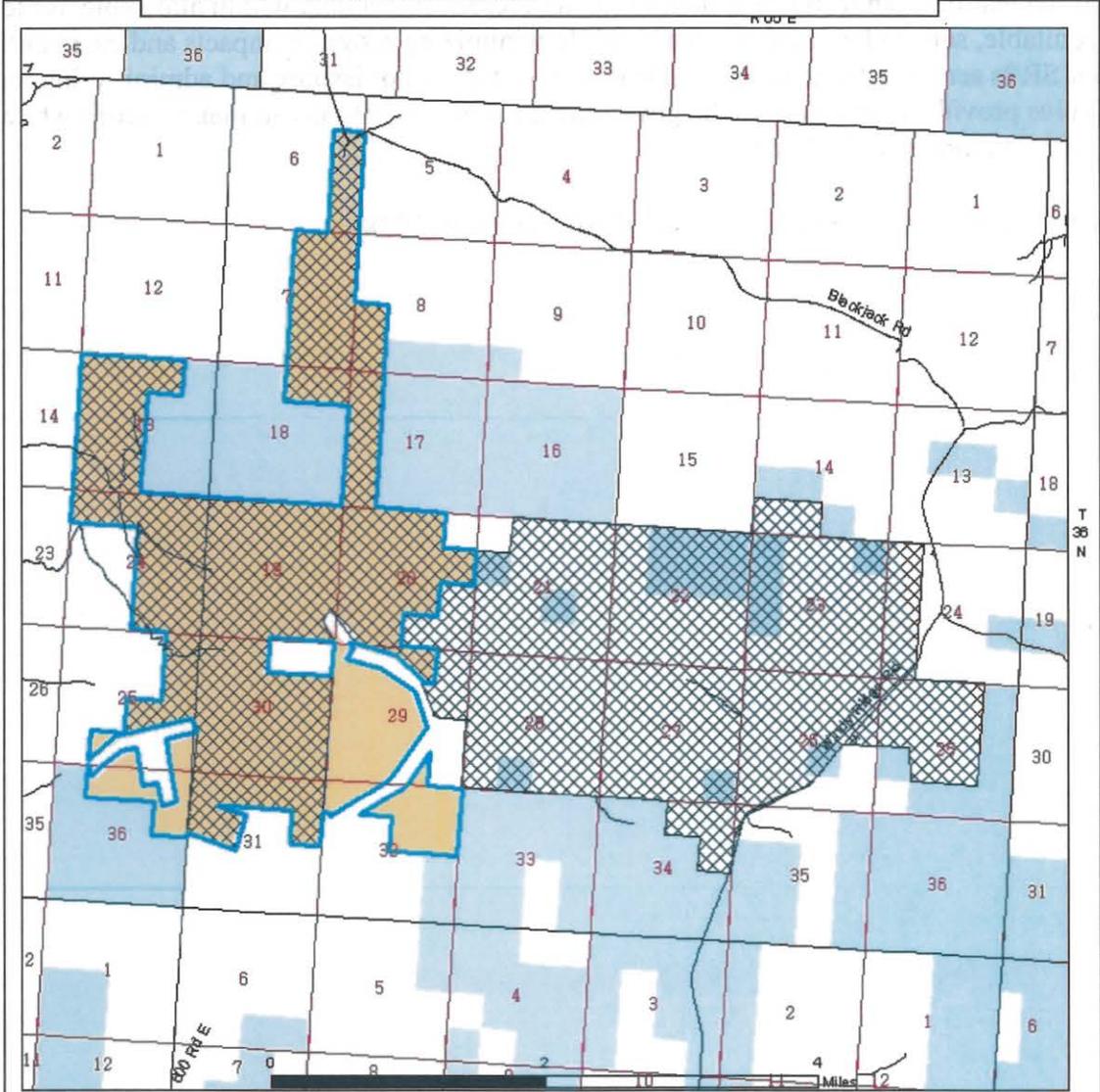
The Code of Federal Regulations (CFR) is the legal authority that allows BLM to manage the permit program under section 43 CFR Parts 2930, et al.

Under the authority of Federal Lands Recreation Enhancement Act (REA) the BLM utilizes the Special Recreation Permit (SRP) system to satisfy recreation demand within allowable use levels in an equitable, safe and enjoyable manner while minimizing resource impacts and user conflicts. Fees for SRPs are intended to recover at least part of the cost of issuing and administering the permit plus provide a fair return to the government for the opportunity to make a profit while using BLM administered public lands.

This action is in conformance with the West HiLine RMP (1988).



Map 1. Area proposed to be added to permittee's current SRP operating area (cross-hatch), including private, State and BLM-administered lands.



U.S. DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 HiLine District
 Created: 8/19/2013

-  ACEC
-  Proposed SRP Operating Area

- PROPERTY STATUS**
-  Bureau of Land Management
 -  Division of State Lands
 -  Private Individual or Company



1:65,485

- Road 
- Townships 
- Section 

This map is intended for display purposes. No Warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of this data for individual or aggregate use without their data or for purposes not intended by the BLM. This Map may not meet National Map Accuracy Standards. This product was developed through digital means and information may be updated without notification.

CHAPTER 3

AFFECTED ENVIRONMENT

Introduction

The affected environment section describes the existing condition and trend of issue-related elements of the human environment that may be affected by implementing the proposed action or an alternative. This discussion is organized by the resource issues that were identified in Chapter 1 and provides the baseline for comparison of impacts/consequences described in Chapter 4.

General Setting

The East Butte of the Sweet Grass Hills is a small, island mountain range in Liberty County north of Chester, Montana. The forested habitat, topographic relief, and lush drainages in this otherwise prairie setting provide important winter habitat for deer and elk. The area is also a destination for many human visitors and has a rich history of cultural, recreational and mining uses. The East Butte is the only one of the three buttes that has direct public access to BLM lands via a county road.

The BLM-administered portion of East Butte consists of approximately 4,300 acres and includes a communications site on Mount Royal. The surrounding private and state lands also provide important wildlife habitat and recreational opportunities. Livestock grazing on the BLM surface is managed in conjunction with the surrounding private and state lands.

Relevant Past and Ongoing Actions

The BLM-administered lands in East Butte are adjacent to the Sweet Grass Hills Block Management Area (BMA) administered by Montana Fish Wildlife & Parks (FWP), Region 4, since 1996. The BMA program provides additional walk-in public access to the East Butte area from the surrounding state and private lands. Otherwise, the only legal walk-in public access to the BLM lands would be from the extreme north end from Black Jack Road. In 2012, approximately 1,000 hunter days were attributed to the East Butte area, including the BLM portion, through private lands included in the Sweet Grass Hills BMA. Access through these private lands helps distribute recreational use throughout the BLM lands which would otherwise be concentrated in the northern portion.

Resource Issues Brought Forward for Analysis

Recreation

The proposed action is within the Sweet Grass Hills SRMA. There are no developed recreation sites in the area. Year-round, nonmotorized public access to the BLM portion of East Butte is available at the north end from Black Jack Road. Recreational access is by foot or horseback, as the BLM-administered lands are closed to motorized travel. While the majority of recreational use takes place during the fall hunting seasons, East Butte is also a destination for hiking, backpacking, photography and other primitive types of recreation. Devil's Chimney Cave is a popular destination for hikers and the Sweet Grass Hills are also important for Native American religious practitioners.

Recreation within the Sweet Grass Hills is managed to provide a Semi-Primitive Nonmotorized experience which allows some opportunity for isolation from man-made sights, sounds, and management controls in a predominantly unmodified environment. Visitors can expect a high degree of interaction with the natural environment and to have moderate challenge and risk while utilizing outdoor skills. Motorized use is prohibited.

During the hunting seasons, additional walk-in access is provided through the BMA program. BMA access points from state and private lands to the east, west and south help distribute hunters throughout the area rather than concentrating the majority of public use at the north end. During the 2012 hunting season, over 1500 hunters days were provide through two private landowners in the Sweet Grass Hills BMA. According to FWP, at least 1000 of those use days were directly accessing the BLM-administered lands.

Wilderness Characteristics

The East Butte of the Sweet Grass Hills was determined to meet the minimum criteria for wilderness characteristics during the 2011 inventory update. Although the area identified in the Island Mountain Range unit is somewhat less than 5,000 acres, the majority of the surrounding private and state lands are currently managed in a manner that complements the management of the BLM portion of East Butte. Because the area is closed to motorized travel, there are opportunities for a variety of primitive and unconfined recreation such as hiking, backpacking, hunting, horseback riding, snowshoeing, photography, and sightseeing for botanical, zoological and geological features. Supplemental values include topography and forested lands unique to the prairie setting and important winter habitat for wildlife.

CHAPTER 4 ENVIRONMENTAL EFFECTS

Introduction

Potential effects include direct, indirect and cumulative effects. Direct effects are those which are caused by the action and occur at the same time and place. Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Cumulative effects result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.

Methodology and Analytical Assumptions

The effects analysis is based on professional judgment, experience, and field measurements. This analysis is organized by resource issues. Under each resource issue, the estimated effects common to the alternatives or those unique to a particular alternative are described. The analysis of effects focuses on the predicted or anticipated change to the resource impact indicator(s) identified for each resource issue.

How would the proposed action and the alternatives affect Recreation?

Alternative A - No Action

Under Alternative A, the application would be denied and there would be no change to recreation within the East Butte of the Sweet Grass Hills.

Alternative B – Proposed Action

Under Alternative B, the application would be permitted. The permittee would use leased, private lands to the east to access the BLM portion of East Butte by walk-in only.

The addition of approximately 34 more hunter days initiating from the east and southeast portion of the BLM-administered lands would lead to a cumulative impact on that area where two of the main BMA access points are located.

Due to the relatively small area of public land and the intensity of use during hunting season, commercially guided hunting would be in conflict with the semi-primitive nonmotorized objectives for which the Sweet Grass Hills is managed. Guided hunters would have an advantage over non-guided hunters with potentially improved motorized access for hunting and game retrieval from adjacent private lands. Commercially guided hunters also utilize the local knowledge of the area and outdoor skills of the guides rather than relying on their own skills.

There is a concern among some public land hunters that outfitting reduces public hunting access by leasing exclusive use of private lands which may have provided public hunting access in past years. Further, competing with commercial outfitters on the limited accessible public land while outfitters have leased exclusive hunting access on adjacent private land has created resentment with some hunters (personal comm to S.Jaynes 5-9-13 & comment letters). This resentment could lead to user conflicts as contact between hunters is likely due to the limited size of the area.

A related concern expressed in public comments regards the effect of increased hunting pressure on the limited publicly accessible land in the Sweet Grass Hills. Commenters indicate a potential for “concentrating game” on private land leased for exclusive use by outfitters. Concentrating game may reduce the success of non-guided hunters and pose a challenge to meeting game harvest targets according to these commenters.

Conversely, comments in favor of allowing commercially guided hunts on East Butte suggest that guided hunters unfamiliar with the area would be less likely to make mistakes or break rules. The cumulative effect of this alternative would be to enhance commercial recreation opportunities while reducing the quality of self-guided, non-commercial recreation. It might also lead to more conflicts between the two groups on East Butte as this is the only Butte in the Sweet Grass Hills that currently has formal, legal access for the general public.

How would the proposed action and the alternatives affect Wilderness Characteristics?

Alternative A - No Action

Under Alternative A, the application would be denied and there would be no change to wilderness characteristics within the East Butte of the Sweet Grass Hills.

Alternative B – Proposed Action

Under Alternative B, there would be an impact to the wilderness characteristics in the inventory unit. The introduction of commercial hunting activities alone isn’t expected to impact the size or naturalness of the BLM lands in the East Butte inventory unit. However, increasing the hunting pressure by 34 hunter days and the potential increase in noise and wildlife displacement from motorized use on private lands along the eastern boundary of the unit would have a cumulative impact on the opportunities for outstanding primitive recreation and supplemental values found in this relatively small area.

Cumulative Impact Analysis (All Resources)

Alternative A - No Action

The BLM will not authorize an SRP for The Northern Rockies Outfitters, Ltd. for the East Butte of the Sweet Grass Hills.

Alternative B – Proposed Action

Under Alternative B, there would be impacts to recreation and wilderness characteristics in the East Butte area. Access to the BLM lands under the SRP use would be from private lands to the east near two of the BMA access points. The cumulative effects from more hunters accessing the same portion of the unit would lead to an increase in user conflicts and fewer opportunities for solitude and outstanding primitive recreation.

Mitigation and Residual Impacts

1. The permittee would be limited to no more than 24 hunter days during the big game archery season and no more than 10 hunter days during the big game rifle season.
2. The permittee would conform with all requirements and stipulations for Form 2930-1 Application for Special Recreation Permit, Form 2930-2 Special Recreation Permit, and Addendum to Form 2930-2 Stipulations for Commercial

River Outfitter Permits (HiLine District-revised January, 2013). A signed and dated copy of each form would become part of the permittee's permanent file. As per the BLM SRP Manual 2930, the permittee would also be required to provide L-1s (proof of use agreement) for the private and state lands within the operating area (see Map 1).

3. All equipment and vehicles will be thoroughly washed before entering public lands and before moving from one Butte (East and West) to the other.
4. Operator will report any sighting of state listed noxious weeds to the BLM or the Liberty/Toole County Weed District Coordinator.

CHAPTER 5 CONSULTATION and COORDINATION

Introduction

A notice of availability regarding this EA was posted on the Havre Field Office NEPA log available online @ <http://www.blm.gov/mt/st/en/info/nepa.html> on June 19, 2013. A press release initiating public scoping regarding the application for an SRP in the East Butte portion of the Sweet Grass Hills was sent to the Great Falls Tribune, Havre Daily News, and the Liberty County Times on July 19, 2013. A second press release announcing the availability of the EA and the Decision Record was sent to the same local newspapers in November, 2013.

A copy of this EA and the associated Finding of No Significant Impact (FONSI) and Decision Record is available on the Havre Field Office website at:
http://www.blm.gov/mt/st/en/fo/havre_field_office.html.

Persons, Groups, and Agencies Consulted

| <i>Name/Title</i> | <i>Purpose of Consultation</i> | <i>Findings &/or Results of Consultation</i> |
|--|--|--|
| <i>Ken Farthing/Regional Program Coordinator, Montana Fish, Wildlife & Parks, Region 4</i> | <i>Requested information on hunter use in the Sweet Grass Hills BMA</i> | <i>FWP provided a letter providing information on hunter days in the BMA as well as comparative information within HD 401 between East Butte and West Butte.</i> |
| <i>Montana Department of Natural Resources Conservation</i> | <i>Requested information on public recreation and commercial uses on state lands in the Sweet Grass Hills.</i> | <i>No response</i> |

List of Preparers

The BLM Interdisciplinary (ID) Team prepared this environmental analysis. ID Team membership is detailed below:

Micah Lee, Realty Specialist
 Craig Miller, Wildlife Biologist
 Steve Zellmer, Rangeland Management Specialist
 Kenny Keever, Natural Resource Specialist
 Kirsten Boyle, Natural Resource Specialist
 Tom Probert, Hydrologist
 Josh Sorlie, Soil Scientist
 Josh Chase, Archeologist
 Kathy Tribby, Outdoor Recreation Planner (Lead)

Other BLM personnel briefed and/or consulted during the preparation of this analysis:

Brian Hockett, Planning & Environmental Coordinator
 Stanley Jaynes, Havre Field Manager
 Chris Miller, Recreation Lead for Montana/Dakotas



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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ENVIRONMENTAL REVIEW

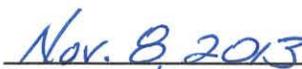
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| Office/Area: Havre Field Office | EA#: DOI-BLM- MT-M030-2013-0020-EA |
| | Date Posted: 6/19/2013 |
| Name: Richard Birdsell SRP#MT093-15-15 Add East Butte of Sweet Grass Hills | Date Due: 9/13/2013 |
| | |
| Location: See EA | Liberty County, Montana |

| Originator Date/Initials | Title | Date/Initials |
|--------------------------|----------------------------|---------------|
| Kathy Tribby | Outdoor Recreation Planner | 9/04/2013 kmt |

| Reviewer | Title | Assignment | Date/Initials |
|-----------------|-----------------------------|--|--------------------------|
| Josh Chase | Archaeologist | Cultural, Paleontology, Native American Concerns | 9/4/2013 JJC |
| Craig Miller | Wildlife Biologist | Wildlife, T&E | Craig Miller 9/5/2013 |
| Kathleen Tribby | Recreation Planner | Recreation & Visual Resources | 9/04/2013 kmt |
| Kenneth Keever | Natural Resource Specialist | Noxious & Invasive Species | 9/5/13 KCK |
| Josh Sorlie | Soil Scientist | Soils | 9-5-2013/JS |
| Steve Zellmer | Rangeland Management Spec. | Vegetative Resources | 10/22/2013/SZ |
| Tom Probert | Hydrologist | Surface Water, Riparian & Wetland Areas, Groundwater | 9/4/13 TGP |
| Kirsten Boyle | Natural Resource Specialist | Oil & Gas Right-of-ways | 9/4/13/kmb |
| Micah Lee | Realty Specialist | Rights-of-ways | 09/05/2013 mrl |



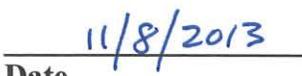
Environmental Coordinator



Date



Authorized Officer



Date