

**STATE DIRECTOR'S
INTERIM GUIDANCE
for managing the
UPPER MISSOURI RIVER BREAKS
NATIONAL MONUMENT**



United States Department of the Interior



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STATE DIRECTOR'S INTERIM GUIDANCE

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FINAL

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State Director's Interim Guidance for the Upper Missouri River Breaks National Monument June, 2001

Introduction

On January 17, 2001, The Upper Missouri River Breaks National Monument was officially added to the Department of the Interior's National Landscape Conservation System. This national monument includes the Upper Missouri National Wild and Scenic River (UMNWSR) in north-central Montana. Much of the land in this area is public land (about 375,000 acres) managed by the Bureau of Land Management (BLM). In some areas, these BLM acres are intermingled with State of Montana lands and private property. The designation applies only to the BLM managed lands and is subject to valid existing rights, including those of any Indian tribe.

Interim guidance for the Upper Missouri River Breaks National Monument will be pursuant to the President's Proclamation and BLM's Interim Management Policy for Newly Created National Monuments. This interim guidance also incorporates those consensus recommendations from the Central Montana Resource Advisory Council that are within BLM's scope of authority. The BLM will also review relevant land use plans that apply to monument lands to ensure consistency with the Proclamation.

State Director's Guidance

Table 1 lists the existing land use plans relevant to this monument. Management policies, designations and allocations from existing plans will be maintained until completion of the monument resource management plan (RMP), except where changes are necessary to comply with the Proclamation and to protect the objects of scientific and historic interest within the monument. In general, actions that are not precluded by the Proclamation and which do not conflict with the established purposes of the monument may continue, subject to compliance with the National Environmental Policy Act (NEPA) of 1969, and other laws. Activities will be restricted where: the BLM identifies places where such uses ought to be restricted or prohibited as necessary to protect the federal land and resources, including the objects protected by the monument designation; or where the BLM finds a clear threat from such a use to the federal lands and resources, including the objects protected by the monument designation and the circumstances call for swift protective action.

Prior to designation of the monument, the BLM was (and still is) involved with on-going projects. The projects identified in Table 2 are in conformance with the management guidance shown in Table 1 and are considered to be consistent with the goals of the Proclamation in protecting the objects of interest within the monument.

Table 1: Existing Management Guidance Relevant to Upper Missouri River Breaks National Monument

Upper Missouri National Wild and Scenic River Management Plan, 1978
 West HiLine Resource Management Plan, 1988 and 1992
 Upper Missouri National Wild and Scenic River Cultural Resource Management Plan, 1992
 Wood River Ranch Habitat Management Plan, 1992
 Upper Missouri National Wild and Scenic River Management Plan Update, 1993
 Judith-Valley-Phillips Resource Management Plan, 1994
 Interim Management Policy For Lands Under Wilderness Review, 1995
 Upper Missouri National Wild and Scenic River Facility Maintenance/Replacement EA, 1997
 Two Calf Watershed Plan, 1998
 Woodhawk Watershed Plan, 1998
 Armells Watershed Plan, 2000

Table 2: Ongoing Projects Within the Monument

*Coal Banks Site Improvements---- These improvements include replacing the existing boat ramp; installing shade shelters over the picnic tables; installing a sprinkler system and potable water; and installing a concrete pad for the host trailer.

*Fort Benton Canoe Launch----This is a cost share project among the City of Fort Benton, Chouteau County and Montana Power for a new canoe launch at the Chouteau County Fairgrounds.

*Decision Point----This project will re-gravel the parking lot, replace a boundary fence, and install an informational kiosk and a Lewis and Clark campsite monument.

*Cow Island Trail----This project will reconstruct 6 miles of the Cow Island Trail, including an improved low-water crossing on Cow Creek. Reconstruction would occur in the existing road right-of-way and would consist of shaping and graveling. This road is a major access route to the north-eastern part of the monument and provides access to private property. The road is in a state of disrepair and is considered a safety concern.

*Knox Ridge Road Resurface----This project is maintenance of 14 miles of Knox Ridge Road (11 miles within the monument).

*Knox Ridge Pipeline----This pipeline will help implement grazing systems needed to meet rangeland standards and guidelines as agreed to in the Two Calf Watershed Plan.

*Two Calf Pipeline----This pipeline will help implement grazing systems needed to meet rangeland standards and guidelines as agreed to in the Two Calf Watershed Plan.

*Hazard Tree Reduction---- This involves trimming/removing hazard trees in developed and semi-developed campsites along the Upper Missouri National Wild and Scenic River segment of the monument to enhance visitor safety.

*Stafford Ferry Improvements----This project consists of upgrading the loading ramp to the ferry and the living quarters for the ferry operator (which will be paid for by Montana Department of Transportation) and installing a unisex vault toilet (which will be paid for by BLM) for use by the ferry operators and floaters.

*Historic Structure Stabilization----The historic homesteads on public land within river corridor need stabilization for preservation of an irreplaceable resource and for eventual visitor interpretation, as well as visitor safety.

All of the projects in Table 2 have had or will have NEPA documentation completed prior to implementing the project. Some of the NEPA documents were completed prior to the monument designation. Those documents will be reviewed to determine if there are impacts to the monument that would require additional NEPA documentation. If this review finds there would be no impacts to the monument, no further NEPA documentation would be required. However, if potential impacts to the monument are identified, additional NEPA documentation and public participation would be needed. For those NEPA documents not yet complete, potential impacts to the monument will be analyzed.

The BLM is also in the process of completing several watershed plans which include lands within the monument. These efforts include the Loma/Vimy Ridge, Bullwhacker and North and South Missouri River watersheds. These watershed plans will address the BLM's implementation of Standards for Rangeland Health and Guidelines for Livestock Grazing Management. The BLM will continue with these watershed plans consistent with the Proclamation and the interim management guidance.

Resource Specific Guidance

Recreation/Visitor Services

The BLM will continue providing volunteer hosts at the Fort Benton, Coal Banks, Judith Landing, and Kipp Recreation Areas within the UMNWSR segment of the monument. These hosts are necessary to provide for visitor contact and information distribution. The BLM will also continue to employ six to eight seasonal river rangers for river patrols, providing campground maintenance, assisting with visitor education and providing health and safety information.

The Fort Benton Contact Station will provide informational, educational and interpretive products for visitors to the monument.

The BLM is currently coordinating with the City of Fort Benton and Chouteau County on the feasibility of a larger, more complete Visitor Center in Fort Benton for visitor contact, education, and interpretation of resources for the UMNWSR segment of the monument. This effort will continue.

Dispersed recreation (camping, hiking, sight seeing, etc.) will continue, consistent with current policies and practices and the Proclamation.

The State of Montana's responsibilities regarding wildlife management, including hunting and fishing, within the monument are unaffected by the Proclamation.

Law Enforcement/Emergency Services

Law enforcement and emergency service operations will be directed by the Lead Field Office Ranger from the Lewistown Field Office. The BLM will provide uniformed law enforcement patrols of the monument, including jet boat patrols on the river. The Monument Manager will

coordinate with the Lead Field Office Ranger to establish priority areas and frequency of patrols. The law enforcement program will stress public compliance through education and outreach to develop a sense of public ownership of the national monument.

The BLM will provide reactionary response to resource violations that arise in the monument as consistent with current law enforcement responsibilities within the Field Office.

County Sheriffs will have the primary responsibility of search and rescue operations in the monument. The role of the BLM will be to support the counties by providing assistance consistent with the Lewistown Field Office Search and Rescue Plan.

Special Recreation Permits

A moratorium will continue on the number of Special Recreation Permits (SRP) issued to outfitters floating the UMNWSR segment of the monument. The moratorium caps the number of SRPs at the same number issued in 1999. Permits may be adjusted during the interim period, if unacceptable resource impacts are occurring. This moratorium ends April 2002, unless further extended. Recommendations on how to best manage outfitted use and the number of SRPs issued will be part of the interim visitor use management plan effort referred to under the Visitor Use Inventory/Study heading .

SRP applications for activities or events outside the river corridor may be considered, if the activity does not impact the resources or values for which the monument was designated.

Off-Highway Vehicle Use

Established roads will remain open to use as presently authorized. The area will be closed to cross-country, off-road travel by motorized vehicles and mechanized vehicles, including mountain bikes, to reduce inadvertent damage to natural resources, except for emergency (fire, search and rescue, law enforcement) or authorized administrative purposes. Motorized wheeled cross-country travel for lessees and permittees would be limited to the administration of a federal lease or permit. Persons or corporations having a valid permit or lease could perform administrative functions on public lands within the scope of the permit or lease. However, this would not preclude modifying permits or leases to limit motorized wheeled cross-country travel during further site-specific analysis to meet resource management objectives for which the monument was designated. Some examples of administrative functions include:

- a) Gas or electric utilities monitoring a utility corridor for safety conditions or normal maintenance.
- b) Accessing a remote communication site for normal maintenance or repair.
- c) Livestock permittees building or maintaining fences, delivering salt or supplements, moving livestock, or checking wells or pipelines as part of the implementation of a grazing permit or lease.

Motorized wheeled cross-country travel for the BLM would be limited to official administrative business. Examples of administrative use would be prescribed fire, noxious weed control, revegetation, and surveying. Where possible, agency personnel performing administrative functions would locate a sign or notice in the area they are working to identify for the public the function they are authorized to perform.

The cross-country closure does not apply to non-motorized game carts used during a legal hunting season.

Emergency closures will be initiated prior to completion of the monument RMP only if significant resource damage is documented. Final decisions on designated routes for vehicular travel, including mountain bikes, will be established through a transportation plan that will be done in conjunction with the monument RMP.

The completed watershed plans shown in Table 1 include travel plans that become part of this interim guidance.

Roads

In general, road improvements should be minimal and designed to correct those conditions that are unsafe or hazardous. Activities that maintain and improve safety on, as opposed to enhance, existing roads will be permissible. Additional access above and beyond existing public access will not be provided until analyzed in the RMP.

An example of a road that may require correcting a hazardous condition is the Clagget Hill Road. Fergus County, with the assistance of the Montana Department of Transportation is in the process of obtaining rights-of-way across the BLM and private surface to re-align a portion of Montana Secondary Highway 236. The existing road is in passable condition from the top of Reed Hill to the Missouri River bottom, but is being eroded by the Judith River and could easily be closed by landslides where unstable soils exist. The need for continuous maintenance has caused problems for the county. The re-alignment of the road may be necessary to correct unsafe and hazardous conditions and to maintain access to private land.

Visitor Use Inventory/Study

The University of Montana, through the Rocky Mountain Cooperative Ecosystem Studies Unit, and in cooperation with the Central Montana Resource Advisory Council and its subgroup, is directing an on-going effort to provide technical assistance and research on recreation visitor use and landowner participation in the management of the UMNWSR segment of the monument. This information will be used to develop a river visitor management plan, including indicators by which actions may be evaluated and adjustments made. A framework for the river visitor plan will be developed during 2001/2002 and will provide visitor use management guidance until a comprehensive monument planning effort begins. At such time the river visitor plan will be absorbed into the larger monument planning effort.

Livestock Grazing

Continued livestock grazing is permitted, pursuant to the terms and conditions of existing permits and leases. Guidelines for Livestock Grazing Management practices will be followed to protect rangeland resources, and where necessary, to mitigate any conflicts with other monument uses and values. Administrative actions will be implemented under existing regulations to assure compliance with existing permit/lease requirements, monitoring and supervision of grazing use, and enforcement actions in response to unauthorized use. Completed watershed plans will be implemented as part of this guidance to meet Standards for Rangeland Health.

Noxious Weeds

The BLM will continue to monitor, inventory and take control actions on noxious weed infestations within the monument.

Land Health Assessment

The BLM will conduct rangeland and riparian health assessments as part of the ongoing watershed planning process for implementation of Standards and Guidelines.

Livestock, Watershed and Wildlife Developments

Maintenance of existing projects can occur in the same general manner and degree as they have been in the past. Grazing management facilities, included in completed watershed plans and analyzed through the NEPA process, will be implemented as part of this guidance to meet Standards and Guidelines. Other projects will only be constructed where detailed NEPA assessment demonstrates that they would not have an adverse impact on monument resources protected by the Proclamation.

Vegetation manipulation projects (such as spiking) will be reviewed on a case by case basis. There are areas of crested wheatgrass seedings within the monument that will be managed to native species to restore natural ecological functions as funding and priorities allow. Planting non-native plants will only be allowed when native species are not available for emergency protection such as following fires. Non-native species would be limited to those such as cereal grains that do not have long-term viability for the site.

Animal Damage Control

Animal damage control will only be conducted with monument manager approval; when the animal control measure targets the specific offending animal(s); and health and safety factors are not issues. This direction is consistent with the 2001 Plan of Operations submitted to the BLM by the Montana State Office of the USDA Animal Plant and Health Inspection Service (APHIS) Wildlife Services (WS).

APHIS WS personnel will also adhere to off-road vehicle restrictions in that all vehicle travel is restricted to existing roads. Any other necessary site specific restrictions will be discussed with APHIS personnel prior to Monument Manager approval.

Cultural Resources

The monument Proclamation discusses the importance of the archaeological and historic resources within its boundaries. The Lewis and Clark and Nez Perce National Historic Trails, teepee rings and abandoned homesteads are also mentioned. The Proclamation states, “Remnants of this rich history are scattered throughout the monument, and the river corridor retains many of the same qualities and much of the same appearance today as it did then.” The Proclamation further states, “Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.”

Archaeological and historical sites, historic landscapes and legal traditional public uses of the monument will be preserved to the extent practical and consistent with other goals in the establishment of the monument. Inventory, study, excavation, stabilization and restoration will be permitted or administratively authorized to qualified groups and individuals.

The use of metal detectors inside the monument will not be allowed except by permit. A permit for metal detector use may be authorized by the Monument Manager when determined to be in the interest of the public and consistent with the preservation goals of the monument. Metal detectors, magnetometers or other remote sensing equipment may also be allowed for administrative purposes or public health and safety uses as determined by the monument manager.

Paleontological Resources

Scientific use allows for survey/reconnaissance or limited excavation work with a minimum amount of surface disturbance, as long as such work is conducted under a paleontological permit, and maintains the values for which the monument was established. No collection of any specimens for commercial purposes will be permitted. The collection of common invertebrate fossils and petrified wood will be allowed for personal use where consistent with preservation goals of the monument, and as limited by the BLM’s Code of Federal Regulation.

Right-Of-Way Grants

New applications for rights-of-way (ROW) or ancillary facilities will be processed pursuant to existing policies and practices, valid existing rights, and as necessary for access to private or state in-holdings (e.g. access to explore, develop and produce private and state minerals).

The West HiLine RMP/EIS identifies the scenic and recreation portions of the UMNWSR corridor as avoidance areas for right-of-way location. The BLM will consider ROW applications consistent with the seven ROW corridors identified on Table 2.4 in the West HiLine RMP/EIS.

Withdrawals, Reservations

Nothing in the Proclamation is deemed to revoke any existing withdrawal, reservation, or appropriation; the national monument is the dominant reservation.

Land Tenure Adjustment

As stated in the Proclamation, no federal lands within the boundaries of the monument will be disposed of other than by exchange, which would be done only when necessary to further the protective purposes of the monument, to block up public land within the monument, and to enhance the values for which the monument was designated. Private land or easement acquisitions that enhance the values of the monument will be considered with willing sellers. Consistent with the RAC report to the Secretary (December, 1999) and as funding and priorities allow, the BLM will explore the feasibility of a land exchange program with the Department of Natural Resources and Conservation to divest the state of its interests in the monument area. Such exchanges would focus on those state lands that would contribute to the objects for which the monument was designated.

Wilderness Study Areas

Wilderness study areas (WSA) will continue to be managed under the “Interim Management Policy for Lands Under Wilderness Review.” The Lewistown and Malta Field Offices have approved modified surveillance plans in place that require monthly monitoring from April to November. The non-impairment standards under the Federal Land Policy and Management Act continue to apply to WSAs within the monument. Existing non-impairment standards and practices will be applied to activities to protect WSA values and to assess proposed actions that may affect wilderness values.

Water Rights

The Proclamation states, “there is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water in the Judith River and Arrow Creek sufficient to fulfill the purposes for which this monument is established.”

The BLM Management will begin collecting the baseline hydrologic, biologic, and water use information required to make instream flow recommendations to the State of Montana on the Judith River and Arrow Creek. The same types of information will also be collected to support applications for water rights to support monument water uses and management purposes, and to manage existing water sources and developments addressed in the monument RMP.

Fuelwood and Vegetative Use Permits

It is not BLM’s intent to conduct forest product sales within the monument. However, vegetative use areas for forest products will be identified at BLM’s discretion, as long as the resources for which the monument was established are not adversely impacted. Also, before these products are lost to prescribed fire or mechanically cleared for fuel reduction, the BLM may consider a

forest product sale.

Non-Prescribed Fire Management

Fire will be used to manage fuels to minimize risk to those biological, geological, and historical objects of interest for which the monument was established. Fire could be a positive influence in much of this area, and restoration of natural fire regimes will be encouraged where practical. However, each occurrence will require special consideration. Obvious concerns focus around structural developments, crop lands, livestock and livestock forage needs. Social and political considerations will dictate how each fire occurrence will be managed. Appropriate management responses based on current fire danger, resource availability and predicted weather may also be used to: ensure safety of fire suppression personnel; reduce cost of fire suppression; and provide an opportunity to return fire to its natural place in the ecology of the area. Appropriate management response may also include limiting natural fire occurrences (lightning) to pre-planned barriers and natural fuel breaks. A decision matrix will be developed based on fuel and weather conditions, fire danger, other fire activity and resource availability. This matrix will be used to determine the appropriate response for each fire occurrence in the monument area.

Wildland Fire Suppression and Rehabilitation

The BLM will suppress fires at minimum cost considering fire fighter and public safety, benefits, and values to be protected, consistent with resource objectives. Where there is an identified risk to private crop lands, wildfire will be suppressed during any hot or dry season. Appropriate management responses to wildland fire in the monument, including the wilderness study areas, will include traditional fire line tactics, including the use of natural barriers and hand constructed fire line. Using earth moving/tillage equipment is prohibited for wildland fire suppression in the monument, unless waived by the authorized officer. Staging areas and fire camps will be placed outside the monument wherever possible. The application of fire retardant will be prohibited within the White Cliffs section of the monument. A resource advisor will be on site during wildland fire suppression and rehabilitation efforts to ensure compliance with the decisions and guidelines for the monument. Should earth moving equipment be authorized by the authorized officer for use in the monument, careful consideration will be given to how and where it will be used to minimize erosion. Rehabilitation will be based on careful consideration of resource objectives, area concerns, and constraints. Certified weed-free seed will be used, and seeding with appropriate native plant species will be required.

Prescribed Fire and Other Fuels Management

Prescription burns will be pursued in the monument to protect infrastructure or wildlife habitat that would be permanently lost in the event of a catastrophic wild fire. Prescribed fire may be used to achieve desired plant communities and to reduce hazardous fuel loads. The BLM will coordinate fuel management with private landowners, affected interests, and other agencies. Land uses will be monitored and adjusted as necessary after a fire, to sustain shale soils and vegetation. Some prescribed fire management objectives may be achieved by the limited fire suppression plan, developed as part of the Missouri River Watershed Plan or monument RMP.

Oil and Gas Exploration and Development

Under this interim management plan, monument lands will remain open to continued oil and gas development under existing leases, current lease restrictions and BLM regulations. However, the Proclamation also directs the Secretary to manage development, subject to valid existing rights, so it does not create any new impacts that interfere with the proper care and management of the objects protected by the Proclamation.

The intent of interim management of oil and gas activities is to honor existing leaseholders rights, avoid any significant commitment of resources before the monument RMP is completed, and acquire additional geologic data for preparation of the field development plan. With respect to oil and gas leases, "valid existing rights" involve rights to explore, develop, and produce within the constraints of the lease terms, laws and regulations. The monument RMP will include a field development plan to allow oil and gas leases with valid existing rights to continue while protecting the resources for which the monument was designated.

Existing well operations and maintenance will continue. This could involve activities that don't require approval under existing oil and gas regulations. The type of activity that may occur include operations to stimulate production, enable production, or test for production capability.

The BLM will use a NEPA analysis to determine the potential impacts of oil and gas operations and mitigation measures to avoid interference with the proper care and management of the objects protected by the monument. If the analysis and documentation indicate that the proposal may have impacts that are not in conformance with the Proclamation or with existing resource management plans, the BLM will work with the applicant to find alternatives or modifications to the proposal that will minimize such impacts through special permit conditions, consistent with the applicant's rights under applicable laws, regulations and stipulations. Minimal impacts to surface resources will be striven for throughout the monument.

The current APD review process will be utilized and will include a 30-day public review of the environmental analysis completed for proposed actions. The BLM will determine if public review periods are necessary for additional well operations (e.g., pipelines, production pits, compressors) that require BLM approval.

Surface construction for new well pads, roads, pipelines and associated facilities will involve the minimum acreage necessary for safe operation in order to mitigate impacts to monument objects. Existing rights-of-way and roads will be used for new operations as much as possible to avoid impacts that interfere with proper care of monument resources. Using existing disturbed areas for well locations will be emphasized. Production facilities will be located at individual well sites or co-located if grouping of production facilities would minimize visual contrasts with monument objects. Gas pipelines will follow existing road corridors if available. All oil and gas operations, including reclamation activities, within the monument will be made a high priority for surface inspections.

Leasing

The Proclamation does not allow new oil and gas leases within the boundaries of the monument.

Seismic Operations

Notices of Intent and/or Sundry Notices will be required for all seismic operations. Any approvals by the BLM will include inventories and mitigative measures to avoid new impacts that interfere with the proper care and management of the objects protected by the Proclamation. Off lease seismic operations or seismic operations on public lands with unleased Federal minerals will only be permitted for the purpose of defining the limits of the Federal lessee's interests. Seismic operations may also be permitted for the purpose of exploring State and Fee oil and gas minerals. Seismic operations planned off of existing roads must demonstrate that proposed transportation and exploration methods will minimize the potential for creation of new roads or trails.

Locatable Minerals

The Proclamation reserved and appropriated all federal lands and interests in lands within the monument and withdrew them from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws, including the mineral leasing and mining laws. No new mining claims can be located, and no new prospecting or exploration activities can be undertaken to identify locatable minerals or to establish the discovery of valuable mineral deposits. Plans of operation for mining operations will not be approved, unless the Department of Interior has determined the validity of the mining claims and mill sites covered by the plan of operation.

Saleable Minerals

No permits for saleable minerals, such as sand and gravel, will be issued within the monument.

Cooperation and Consultation

Once funding is available, development of a comprehensive monument RMP will be initiated. A pre-plan will be completed and approved by the State Director to identify existing information and data needed prior to initiating the monument RMP. The BLM is committed to developing this plan and managing the monument through active public participation and consultation with all affected interests and stakeholders.

All interested publics, both local and national, will have opportunities for input into all significant decision making, including all aspects of the development of the monument RMP. The plan will be prepared in close consultation with appropriate federal, state, tribal, county and local agencies.

The monument will be managed in partnership with citizens, landowners, organizations, and volunteers, building on the tradition of local stewardship of the area.

The BLM will consult and coordinate closely with affected tribes in developing the comprehensive monument RMP.

Central Montana Resource Advisory Council

The BLM appreciates very much the effort the Central Montana Resource Advisory Council (RAC) invested in hosting numerous public participation opportunities and then crafting their “Report to the Secretary on the Upper Missouri River and Breaks Area.” This interim guidance incorporates those consensus recommendations from the RAC that are within BLM’s scope of authority. Several of the RAC’s consensus recommendations (banning commercial or recreational overflights, managing military overflights and fully funding the Payment in Lieu of Tax program) are beyond BLM’s authority to implement. The RAC also discussed, but could not reach consensus on four other resource topics (rights-of-way, oil/gas/timber/mining, hunting outfitting, and motorized water craft).

The BLM plans to continue benefitting from the full involvement of the Central Montana RAC, its associated sub-groups and the public while addressing resource issues and management recommendations for this monument.