



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Great Falls Resource Area
812 14th Street North
Great Falls, Montana 59403

SGH 1616.86

Dear Reader:

This is a copy of the Record of Decision (ROD) and the approval of the Sweet Grass Hills Resource Management Plan (RMP) Amendment to the West HiLine RMP. This ROD approves the Bureau of Land Management's (BLM) decisions in the preferred alternative identified in the proposed final Sweet Grass Hills RMP Amendment and Environmental Impact Statement (EIS). The preferred alternative will recommend to the Secretary of the Interior a withdrawal of the Sweet Grass Hills study area from mineral entry, close the Sweet Grass Hills Area of Critical Environmental Concern (ACEC) to off-road vehicles, and apply a no surface occupancy stipulation to new oil and gas leases within the ACEC. This alternative will focus primary BLM management on preserving areas of traditional spiritual importance to Native Americans, aquifers in the area that provide potable water to local residents, high value habitat for reintroduction of endangered peregrine falcons, and seasonally important elk and deer habitat.

This document has been sent to all recipients of the proposed final Sweet Grass Hills Amendment/EIS published in April 1996.

We are pleased to provide this copy for your reference and we extend our appreciation for your cooperation and assistance during this planning process.

Sincerely,

Richard Hopkins
Area Manager

RECORD OF DECISION

and

RESOURCE MANAGEMENT PLAN SUMMARY

for the approval of the

**SWEET GRASS HILLS
RESOURCE MANAGEMENT PLAN AMENDMENT**

and

ENVIRONMENTAL IMPACT STATEMENT

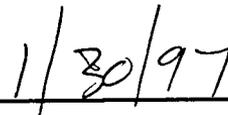
January 1997

Prepared by

U.S. Department of the Interior
Bureau of Land Management
Montana State Office
Lewistown District Office
Great Falls Resource Area



Larry E. Hamilton
Montana State Director
Bureau of Land Management



Date

INTRODUCTION

This document approves and records the decisions reached by the Bureau of Land Management (BLM) for managing approximately 7,717 surface acres, 19,765 acres of all mineral estate, and 1,644 acres of only oil and gas estate in the Sweet Grass Hills in Toole and Liberty Counties, Montana.

DECISION

The decision is hereby made to approve the preferred alternative of the proposed final Sweet Grass Hills Resource Management Plan (RMP) Amendment and Environmental Impact Statement (EIS) published in April 1996 to amend the West HiLine RMP. The Sweet Grass Hills RMP Amendment/EIS was prepared under the regulations for implementing the Federal Land Policy and Management Act (FLPMA) of 1976 and the National Environmental Policy Act (NEPA) of 1969.

Of the 19,765 acres studied for withdrawal and identified under the preferred alternative, the BLM, at this time, will recommend to the Secretary of the Interior a withdrawal of approximately 19,685 acres of public mineral estate from location and entry under the mining laws for a period of 20 years to protect the unique resources within the Sweet Grass Hills Area of Critical Environmental Concern (ACEC) and surrounding areas. This acreage is consistent with the Notice of Proposed Withdrawal published in the Federal Register (58FR41289-91) on August 3, 1993. A petition/application for withdrawal of the other 80 acres of public minerals will be submitted when necessary. Any acquired minerals will also be withdrawn or closed to hardrock mineral leasing.

The Sweet Grass Hills ACEC will be closed to off-road vehicles, and a no surface occupancy stipulation will apply to new oil and gas leases within the ACEC.

This will focus BLM management on preserving areas of traditional spiritual importance to Native Americans, aquifers in the area that provide potable water to local residents, high value habitat for reintroduction of endangered peregrine falcons, and seasonally important elk and deer habitat.

SUMMARY of the ALTERNATIVES

Four management alternatives were considered in the development of the Sweet Grass Hills RMP Amendment/EIS. These were identified as Alternative A - Current Management (No Action); Alternative B - Maximum Resource Protection (Sweet Grass Hills study area);

Alternative C - Preferred Alternative; and Alternative D - Resource Protection (Sweet Grass Hills ACEC).

Alternative A, the Current Management Alternative, represents a continuation of present management direction and would continue to implement policies, regulations, and decisions from the West HiLine RMP. This alternative also serves as the No Action alternative required by NEPA. Under this alternative the study area would remain open to locatable mineral entry with specific management guidelines; the study area would be open to oil and gas leasing with standard stipulations and special raptor stipulations (21,409 acres); an emergency road closure would remain in effect for the ACEC (7,580 acres); BLM land outside of the ACEC would be open to off-road vehicles (137 acres); and a total of 137 acres of public land would be available for disposal.

Alternative B, the Maximum Resource Protection Alternative, emphasizes resource protection for all public lands in the Sweet Grass Hills. Alternative B is the environmentally preferred alternative, providing the greatest protection from surface disturbing activities. Under this alternative the BLM would recommend to the Secretary of the Interior that the Federal minerals in the study area (19,765 acres) be withdrawn from locatable mineral entry; the BLM would pursue relinquishment of any valid claims through purchase, exchange, condemnation, or conservation easements from private sources; the study area would be closed to future oil and gas leasing (21,409 acres); all BLM land would be closed to motorized vehicles with no exceptions (7,717 acres); and none of the public land would be available for disposal.

Alternative C, the Preferred Alternative, focuses on the BLM's statutory authority to manage the culturally significant natural landform in the Sweet Grass Hills based on resource values and public input. Under this alternative the BLM would recommend to the Secretary of the Interior that the Federal minerals in the study area (19,765 acres) be withdrawn from locatable mineral entry; the BLM would encourage holders of valid mining claims to relinquish their claims through purchase, exchange, or conservation easements from private sources; a portion of the study area would be open to oil and gas leasing with a no surface occupancy stipulations on 6,750 acres with the remainder open with standard stipulations and special raptor stipulations (14,659 acres); the ACEC would be closed to off-road vehicles (7,580 acres) but off-road travel for administration of a Federal lease or permit would be granted, unless specifically prohibited; BLM land outside of the ACEC would be open to off-road vehicles (137 acres); and none of the public land within the study area would be available for disposal.

Alternative D, the Resource Protection Alternative, emphasizes resource protection for the Sweet Grass Hills ACEC.

Under this alternative the BLM would recommend to the Secretary of the Interior that the Federal minerals in the study area (19,765 acres) be withdrawn from locatable mineral entry; the BLM would pursue relinquishment of any valid claims through purchase, exchange, condemnation, or conservation easements from private sources; the Sweet Grass Hills ACEC and some adjacent lands (6,750 acres) would only be available for oil and gas leasing with a no surface occupancy stipulation if Federal minerals are being drained by a state or fee well with the remainder of the study area open with standard stipulations and special raptor stipulations (14,659 acres); the ACEC would be closed to off-road vehicles (7,580 acres) but off-road travel for administration of a Federal lease or permit would be granted, unless specifically prohibited; BLM land outside of the ACEC would be open to off-road vehicles (137 acres); and a total of 137 acres of public land would be available for disposal.

ALTERNATIVE C (THE PREFERRED ALTERNATIVE)

This alternative has been selected as the approved amendment to the West HiLine RMP. This alternative focuses on BLM's statutory authority to manage the culturally significant natural landform in the Sweet Grass Hills based on resource values and public input. The preferred alternative would withdraw the Sweet Grass Hills study area from mineral entry, close the Sweet Grass Hills ACEC to off-road vehicles, and apply a no surface occupancy stipulation to new oil and gas leases within the ACEC. This alternative will focus primary BLM management on preserving areas of traditional spiritual importance to Native Americans, aquifers in the area that provide potable water to local residents, high value habitat for reintroduction of endangered peregrine falcons, and seasonally important elk and deer habitat.

Land Tenure Adjustment

The BLM will consolidate public holdings (surface and subsurface) in areas adjacent to or within the vicinity of the Sweet Grass Hills ACEC by emphasizing exchange for BLM lands outside the study area, purchase, or conservation easements. None of the BLM land in the study area will be available for disposal. Some important acquisitions will require that both subsurface and surface be acquired. Areas identified as high priority for acquisition include the mineral estate of patented mining claims adjacent to the ACEC, any valid unpatented mining claims, private minerals in the vicinity of Devils Chimney Cave, and other private surface and minerals adjacent to the ACEC. All acquisitions will depend on a willing seller.

The Sweet Grass Hills ACEC boundary will be adjusted to include adjacent acquired lands. These lands will be managed under the guidance in this amendment and the West HiLine RMP.

Off-Road Vehicle Use

The Sweet Grass Hills ACEC will be closed to all motorized off-road vehicle (ORV) use (7,580 acres). Off-road travel for administration of a Federal lease or permit will be granted, unless specifically prohibited. The BLM land outside of the ACEC but within the study area will be open to ORV use (137 acres).

Oil & Gas Leasing and Development

The BLM will issue future oil and gas leases in the Sweet Grass Hills ACEC (6,328 acres), 262 acres adjacent to the ACEC, and 160 acres in the Sage Creek area with a no surface occupancy (NSO) stipulation. When existing oil and gas leases expire they will be offered with NSO stipulations. On existing leases, the BLM will work with operators to apply guidelines to any new activity which may threaten areas of traditional spiritual importance to Native Americans and include mitigating measures for protection of aquifers that provide potable water.

The remainder of the study area, 14,659 acres of Federal fluid mineral estate, will be leased with standard stipulations and special raptor stipulations. Some of these leases will also be subject to enhanced mitigation measures to protect ground water. This mitigation will require cementing casing strings back to the surface for any wells drilled that could affect water districts. This will be determined during processing of applications for permit to drill and will consider the surface recharge, water table level, ground water movement, and geology in the area.

Locatable Mineral Development

The BLM will recommend to the Secretary of the Interior that the Federal minerals in the Sweet Grass Hills study area (19,765 acres) be withdrawn from locatable mineral entry for a 20-year term. The withdrawal will be subject to valid existing rights. Validity exams of existing claims in the East Butte area (14 claims) have been conducted to determine valid existing property rights. The results indicate eight of the claims meet the test of discovery under the mining law and are valid. The remaining six claims have been determined null and void and contest action has been initiated for lack of discovery. The BLM will encourage holders of valid claims to relinquish their claims through purchase, exchange, or through conservation easements from private

sources. Any acquired minerals will also be withdrawn. The BLM will process Plans of Operation for claims with valid existing rights where acquisition cannot be accomplished. Rights-of-way across BLM land will be issued for the purpose of developing the private mineral estate or to any claims determined to be valid.

The BLM does not intend to examine the six unpatented claims on Middle Butte for validity at this time. These claims are located outside of the Sweet Grass Hills ACEC on private surface over Federal minerals. No new claims could be located on these lands.

Part of a Bureau of Reclamation withdrawal (532 acres) was recommended for termination in a withdrawal review effort (May 1993) since the withdrawal is no longer serving the purpose for which it was withdrawn. The remaining 40 acres was recommended for a 20 year term modification (May 1993) since it is serving the purpose for which it was withdrawn by providing for a current and future riprap quarry for Tiber Reservoir. However, under this alternative the 40 acres will be recommended for termination since the continued use of the riprap quarry will be incompatible with the resource values being protected by the proposed withdrawal of 19,765 acres.

MANAGEMENT CONSIDERATIONS

The alternatives were reviewed for effectiveness in resolving the planning issues, conformance with the guidance established by the planning criteria, avoidance of unnecessary impacts to the human environment, responsiveness to public concern, and BLM's statutory authority.

The preferred alternative establishes management direction to accomplish public land adjustment and clearly identifies the area where the BLM would like to acquire lands from willing sellers, that being the mineral estate of patented mining claims adjacent to the Sweet Grass Hills ACEC, private minerals in the vicinity of Devils Chimney Cave, and other private surface and minerals adjacent to the ACEC. This is the area where foreseeable hardrock development could occur.

The preferred alternative will make permanent the management direction that has been in place under a year-round emergency road closure (ERC) implemented in 1989. The ERC was at the request of a local landowner and sportsmen organization because of the high use of all-terrain vehicles during the hunting season and the landowners threatened to close the area to public entry. Development of park and walk areas resolved the problem and the BLM participated with the ERC. Keeping the Sweet Grass Hills ACEC closed to this type of activity will enhance the values for which the area was designated.

The preferred alternative protects the Sweet Grass Hills ACEC and lands in the area that are important as potable water sources (6,750 acres). The remaining Federal oil and gas minerals in the study area (14,659 acres) will remain open to leasing with standard stipulations, a special raptor stipulation, and enhanced mitigation measures to protect ground water. Thus, ACEC values will be protected, loss of revenues due to drainage will be prevented, and the lands with the highest oil and gas potential will still be available for development.

The preferred alternative will recommend to the Secretary of the Interior a withdrawal of the Federal minerals within the Sweet Grass Hills study area (19,765 acres) including the Bureau of Reclamation withdrawn land, along with acquiring through willing sellers the mineral estate of patented mining claims adjacent to the ACEC and any valid unpatented mining claims. Any acquired minerals will also be withdrawn. This will provide protection, within BLM's statutory authority, for the Sweet Grass Hills. However, without the acquisition of patented or valid unpatented mining claims, the BLM cannot ensure protection of traditional spiritual values or aquifers that provide potable water to local residents.

MITIGATION

The RMP amendment has been designed to avoid or minimize environmental harm where practicable. Specific mitigation measures are described in Chapter 2 of the proposed final Sweet Grass Hills RMP Amendment/EIS.

IMPLEMENTING AND MONITORING DECISIONS

The BLM will proceed with the mineral withdrawal for the Sweet Grass Hills. Other decisions in this plan will be implemented over a period of years depending on budget and staff availability. Funding levels will affect the timing and implementation of management actions and project proposals, but will not affect the decisions made under this RMP amendment.

Decisions will be monitored to evaluate the continuing effectiveness of the decisions in the plan. Monitoring will provide the information needed to chart the progress being made toward reaching the plan's stated goal and objectives. Monitoring the land use plan will provide the following:

1. Determine if a management prescription is fulfilling the purpose for which it was designed.
2. Determine if predictions of effects and impacts from management actions were accurate as a basis for appropriate management action.

3. Reveal unanticipated and/or unpredictable effects including off-site impacts.
4. Determine if mitigation measures are satisfactory and are as effective as predicted.
5. Determine if any established threshold levels have been met or exceeded.
6. Provide for continuing evaluation of consistency with plans or programs of federal, state, and local government or Indian Tribes.
7. Provide for continuing comparison of plan benefits versus costs (social, economic, and environmental).
8. Determine if new data and/or information have affected the plan, its conclusions, or estimation of effects.
9. Determine the rate and degree to which the plan is being implemented in terms of both the decisions that can be implemented without activity planning and those that require activity planning.

MAINTAINING AND AMENDING DECISIONS

Decisions in this plan will be maintained to reflect minor changes in information. Maintenance is limited to refining or further clarifying a plan decision and cannot expand the

scope of the decision nor change the terms and conditions of the decisions. Maintenance will be documented in supporting records. A plan amendment may become necessary if major changes are needed or to consider a proposal or action that is not in conformance with the plan. Plan amendments are accomplished with public input and environmental analysis.

PUBLIC INVOLVEMENT

The views and concerns of the public were actively solicited throughout this planning process. Public involvement and coordination is summarized in Chapter 5 of the proposed final Sweet Grass Hills RMP Amendment/EIS.

CONSISTENCY

This plan is consistent with the plans, programs, and policies of other Federal, state and local governmental agencies.

PUBLIC AVAILABILITY OF THIS DOCUMENT

Copies of the ROD are available from the Lewistown District Office, Airport Road, P.O. Box 1160, Lewistown, MT 59457-1160 or the Great Falls Resource Area, 812 14th Street North, Great Falls, MT 59403.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Great Falls Resource Area
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