



FIDELITY
Exploration & Production Company

March 4, 2005

VIA OVERNIGHT MAIL

Mary Bloom
Miles City RMP Comments
111 Garryowen Road
Miles City, Montana 59301-0940



Re: Miles City Field Office Resource Management Plan

Dear Ms. Bloom:

Fidelity Exploration & Production Company (Fidelity) is a federal oil and gas lessee, operator and surface owner within the existing Powder River and Big Dry Resource Areas. Fidelity currently operates natural gas production in the Cedar Creek Field in Fallon County and owns non-operated oil and gas interests on the Cedar Creek Anticline in Fallon and Wibaux Counties. Fidelity operates coalbed natural gas production and owns fee surface over federal minerals in Big Horn County. In this regard, Fidelity believes that it is an interested and affected party to this Resource Management Plan Amendment (RMP). Below are Fidelity's "scoping" comments to be considered in the drafting of the Draft Environmental Impact Statement (DEIS) for the proposed RMP Amendment.

1. The U.S. Bureau of Land Management, Miles City Field Office (BLM) should develop a broadly-defined statement of Purpose and Need for Action, allowing multiple use of all public resources on Federal lands for the maximum benefit of the public. Complimentary and competing uses should be reviewed and evaluated by the BLM. Multiple use of resources in the same geographic areas should be encouraged, at the discretion of the BLM, rather than categorically excluded (e.g., no surface occupancy stipulations for other resource uses within coal leases – see comment 4).
2. BLM should discuss increasing energy demands, decreasing domestic energy supplies and the strategic necessity for development of mineral resources. Montana oil and natural gas from all sources (including coalbed natural gas) need to be identified as crucial sources to help offset the deficit between supply and demand. The EIS should clarify that mineral ownership of the United States is a legitimate property right, and the United States has a legal "right" to develop their minerals. The Record of Decision (ROD) should reflect that one of the reasons this EIS was conducted was to facilitate the "right" to develop these minerals.

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3. BLM should explain in detail that the updated RMP will be a planning document. BLM should include an explanation of the nature and use of planning documents and disclose that additional site-specific NEPA analyses will have to be conducted for individual Applications for Permit to Drill (APDs), Plans of Development (PODs) and other resource development and use.
4. BLM should address development of oil & gas, relative to other mineral resources, e.g., coal, and other mining. The legal issues and regulatory procedures for jointly developing different minerals in the same area should be thoroughly addressed. Co-development of different mineral resources in the same geographic area is feasible. Arbitrary restrictions should not be imposed. Development should be evaluated by the BLM on a case-by-case basis.
5. BLM should address the recoverable oil and gas resource potential and how that potential affects domestic supply and demand.
6. BLM should analyze and define the impact that various stipulations cause on the access to recoverable oil and gas reserves.
7. BLM should expand its socio-economic analysis to include the impact of stipulations on the human environment such as: affordable energy, school funding, jobs, tax and royalty revenue.
8. BLM should tier off existing Environmental Impact Statements (EIS's) and Environmental Assessments (EA's) (e.g. Montana Statewide Oil and Gas RMP Amendment - 2003 and Dry Creek RMP Plan Amendment - 1996).
9. Prior to implementing oil and gas stipulations, BLM should conduct a complete cost/benefit analysis of individual stipulations, conduct a thorough data review on the proposed stipulations and adopt a monitoring program to track the effectiveness of and continuing need for the stipulations.
10. BLM should solicit information about the potential for oil and gas development from the operators within the RMP area to assist in the preparation of a realistic, potential reasonable foreseeable development to be analyzed in the RMP Amendment.
11. BLM should be aware and fully explain that the new RMP and any associated Conditions of Approval (COA) may significantly affect the rights of operators and mineral lease holders. BLM should document valid existing mineral lease rights, as protected by statute and regulation, and explain how and when new stipulations can legitimately be applied to existing leases without exceeding the terms and conditions of existing leases.
12. BLM should evaluate the wide range of options available for the management, re-use and disposal of produced water and oil and gas production wastes. The ROD and EIS should not unnecessarily restrict or limit oil and gas operators to using specific methods or technologies for management of water and wastes. The ROD should allow operators the latitude to propose methods or technologies appropriate for each specific project and the BLM should evaluate each proposal on its own merits.

13. BLM should clearly identify potential technical/environmental areas of concern related to oil and gas development and the basis for those concerns in the EIS. BLM should discuss the need for monitoring and mitigation of these areas of concern. The ROD should allow operators the flexibility to propose monitoring and mitigation methods and/or approaches appropriate for each specific oil and gas project. The BLM should evaluate each proposal on its own merits. Regional and area-wide requirements and stipulations should be kept to a minimum, and be clearly applicable to the individual project.
14. There should be recognition and disclosure in the RMP that changes in oil and gas technology will create the benefit of allowing development and operations to take place with less disturbance and impact than might have been the case historically. Some examples include horizontal drilling reducing well numbers, electronic flow measurement reducing trips to the well, coiled tubing operations reducing completion time, etc.

Fidelity greatly appreciates BLM's commitment to complete this RMP Amendment in a timely fashion. Should the BLM be in need of any additional information or material related to Fidelity's operations to complete the RMP on time, please feel free to contact us.

Sincerely,
Fidelity Exploration & Production Company



G. Bruce Williams
Vice President – Operations

cc: Montana Petroleum Association





Montana Fish, Wildlife & Parks

BO70015

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Ref: DO0112-05
March 4, 2005

Bureau of Land Management
Miles City Field Office
Resource Management Plan Comments
P.O. Box 219
Miles City, MT 59301-0219

Dear BLM Staff:

The purpose of this letter is to convey scoping comments to be considered during revision of the existing Big Dry and Powder River Resource Management Plan (RMP) and their integration into a single RMP for eastern Montana. Following is a list of considerations that Montana Fish, Wildlife & Parks (FWP) believes are important.

Fish and fish habitat

- Formulation of management actions should consider the importance of prairie streams and riparian areas to native fish and amphibian species.
- Restoration of prairie stream and riparian habitats should be a priority.
- Coal bed natural gas (CBNG) development is occurring faster than FWP's understanding of the impacts of exposure to water discharges to aquatic communities and their various life stages. Priority should be given to acquiring the funding necessary to investigate the results of both acute and chronic exposure of aquatic communities to CBNG discharge water. The cumulative effects of oil and gas development on prairie stream habitats must also be assessed and analyzed.
- The Tongue River Reservoir provides an extremely important flat water fishing opportunity in eastern Montana. While long-term baseline fisheries data exists for the reservoir, limnological data has not been collected since the 1970s. Priority should be given to acquiring the funding necessary to determine the influence of CBNG waters on the chemical limnology, primary and secondary production and the benthic community of the reservoir.

Wildlife and wildlife habitat

- Emphasize coordinated vegetation management at the landscape scale that considers vegetation management of both public and private lands - irrespective of political boundaries - and that fosters traditional livestock use while emphasizing the compatibility of livestock grazing and productive wildlife habitat.
- Continue to identify key antelope and mule deer winter ranges. Resource management direction should emphasize maintaining the integrity and or improvement of these habitats - both on and adjacent to BLM-administered lands.
- Continue to identify key sage grouse and sharp-tailed grouse nesting, brood rearing and winter habitats. Resource management direction should emphasize maintaining the integrity and/or the improvement of these habitats - both on and adjacent to BLM-administered lands.
- Promote the integrity and condition of shrubland (including sagebrush) and grassland habitats to address the habitat needs of bird species associated with these habitats. *Birds in a Sagebrush Sea: Managing Sagebrush Habitats for Bird Communities* (1999) is one of several references that features management strategies designed to promote conservation of bird species dependent on grassland and sagebrush habitats.
- Maintain and perpetuate the habitats (and habitat features) required by all wildlife species deemed “of concern” in Montana. FWP anticipates completion of conservation plans for bats, amphibians and reptiles by early 2006. (<http://fwp.state.mt.us/wildthings/concern/default.html>).
- Ensure that management actions incorporate provisions of statewide conservation plans.
 - Prairie Dogs: Continue to map and monitor prairie dog complexes. Resource management direction should emphasize maintaining prairie dog complexes while minimizing negative impacts to adjacent private lands, other critical wildlife habitat and other concurrent uses. The new RMP should incorporate goals and objectives of the *Conservation Plan for Black-tailed and White-tailed Prairie Dogs in Montana (2002)* – including identification and perpetuation of a Category 1 prairie dog complex (5,000-12,000 acres in size) capable of supporting black-footed ferrets, as well as Category 2 (at least 1,000 acres in size) and Category 3 (less than 1,000 acres in size) prairie dog complexes (refer to pages 15-17 of the plan).
 - Sage Grouse: The new RMP should implement provisions of the *Management Plan and Conservation Strategies for Sage Grouse in Montana – Final (2004)*, including the conservation actions listed in Section VI (pages 49-81).
 - Incorporate provisions of the *Comprehensive Fish and Wildlife Plan* to be completed by FWP in October 2005. A draft of this document will be released for public review and input in June, 2005. This plan will prioritize habitat conservation needs, conservation

needs for individual wildlife species (Tiers one, two and three), and priority survey and inventory needs, across the entire state.

Recreation

- Consider recreational access to federal lands a priority. Additional access to publicly owned properties is needed to provide outdoor recreational opportunities to a growing population base.
 - Maintain existing access to public lands (BLM, Forest Service and State School Trust Lands)
- Continue to pursue land trades that serve to block up public lands to provide increased public recreational access opportunities.
 - Identify key public lands that are currently inaccessible but have recreational access potential. Pursue and develop access to these lands.
 - Suggest securing either fee title for lands adjacent to the Tongue and Yellowstone Rivers - or securing access easements to these rivers for fishing and floating activities.
 - In recognition of the fact that traditional vehicular access can be a contentious issue, nontraditional access agreements could be pursued in some cases. Nontraditional access to public lands could include narrow access corridors limited to foot traffic or equestrian traffic, seasonal access, and temporary access agreements (3-5 years). Nontraditional access agreements could be used to avoid impacts associated with motorized vehicle use, including damage to soils and vegetation and the spread of invasive weed species.
 - Consider the cumulative effects of the Tongue River Railroad on recreational access to public lands.
 - Partnerships with other agencies and organizations to address access issues are critical to success and therefore should remain a high priority.
- Travel Management Planning should be continued throughout the planning area.
- Address the cumulative effects of the Tongue River railroad, Coal Bed Natural Gas development, coal mining, and increased development associated with increasing human population.
- Continue annual signing projects and maintenance in concert with Department of Natural Resources and Conservation and FWP.
- Tongue River Reservoir State Park: Coal Bed Natural Gas development will most likely result in an influx of additional people to southeastern Montana. This increase in the local population will place a strain on existing recreational resources at the Tongue River Reservoir State Park.

Current visitation is approximately 90,000 visitors per year. This current level of visitation is crowding the park on summer weekends and taxing the limited facilities and park staff. Additional folks with their water toys may well force FWP to establish and enforce carrying capacities for both the park and reservoir. Such a move would thereby deny some people the opportunity to recreate at the Tongue. Development of additional campground facilities is needed to address the needs of these additional visitors. Additional staffing will be necessary to provide basic services. Additional Enforcement personnel will also be needed to deal with both social and resource related issues.

- Address the increased need for enforcement due to the population influx associated with CBNG development.

Cultural

Maintain the integrity of the Rosebud Battlefield State Park and the surrounding view shed. This culturally and historically important park currently preserves the largest intact Indian wars battlefield in the nation. FWP's management of the site has been directed towards preserving the overall appearance of the park in a state that closely mirrors that of 1876. This battlefield is very significant to U.S. military history, the settlement of the west, and the cultures of several Indian tribes. The battlefield also contains a prehistoric buffalo jump and has a total of 66 Smithsonian registered archeological sites. Development of federally owned minerals at the park, or within the view shed of the park would destroy the ambiance of the site that FWP is striving to preserve. Perhaps the BLM would consider withdrawing federally owned minerals from development consideration and as a show of good intentions, exchange federally owned minerals in other areas of southeastern Montana or northern Wyoming for the privately owned minerals at the Rosebud Battlefield.

Thank you for the opportunity to be involved in the scoping portion of the RMP planning process.

Sincerely,



M. Jeff Hagner
Director

B070009 ^{encl}



MONTANA WILDLIFE FEDERATION

March 4, 2005

Miles City Field Office
RMP Comments
PO Box 219
Miles City, MT 59301-0219

*Six decades of
preserving our
hunting, fishing,
and wildlife
heritage.*

To whom it may concern:

I am writing you on behalf of Montana Wildlife Federation (MWF), Montana's oldest and largest conservation organization. The MWF is an advocate for sound conservation principles that enhance and sustain secure, non-fragmented, healthy habitats necessary for the perpetuation of diverse fish and wildlife species. MWF is this states lead citizen-based proponent for public hunting, angling, and wildlife related recreational opportunities. MWF formally submits the following comments to you to be included during the scoping phase of management planning for the Miles City Area RMP.

Economic and cultural benefits derived from hunting and other outdoor recreation activities is substantial. A report from the Montana Chapter of the Wildlife Society documents 1.2 million hunter/days for deer, 900,000 hunter/days for elk translating into \$360 million in economic benefits for the entire state of Montana. FWP figures quote \$58,533,640 in license fees associated with big-game hunting, bird hunting, and fishing statewide. For the sake of hunters and anglers, MWF asks that you keep these issues in Mind especially where CBM exploration Plans are developed.

Include the following items into the list of concerns for scoping:

- Hunting and fishing shall be recognized as historic and traditional uses in the Monument and shall be included in current and future management plans. "Hunting and fishing shall be recognized as historic and traditional uses in the Expanded UMNWSR (now UMRBNM) These legitimate recreational activities (in compliance with state and federal law) shall be included in current and future management plans" RAC recommendation to Secretary Bruce Babbitt, December 1999
- Hunting outfitting on Public Land within the monument shall ONLY be permitted on those public lands that have EQUIVALENT public access. Establish a management program that provides for EQUITABLE access for hunting and other purposes. Discontinue permits that contribute to EXCLUSIVE use of public land by commercial outfitters. In short, consideration for the public as a whole cannot be sacrificed for the benefit of commercial venues. These provisions are within BLM discretionary powers when developing an RMP for the UMRBNM, courts have affirmed the BLM's discretionary authority to deny permission for certain uses. (Conservation on America's Public Lands, October 2001).
- Pursue and maintain healthy, natural populations, population dynamics and population distribution for wildlife species, both game and non-game species, warm-blooded and cold-blooded wherever possible.
- Adopt high priority management actions necessary to protect the further conservation and restoration of native wildlife and wildlife habitat with no net-loss of wildlife species.
- Maintain up-to-date inventories of flora and fauna; pursue expanding the breadth of the present database.
- Determine and promote suitable habitat for sensitive species such as sage grouse and protect those resources with Area of Critical Environmental Concern (ACEC) protection.
- Re-establish sage grouse to its historic range within the monument.
- Encourage regrowth of Big-sage habitat types for expansion and repopulation by sage grouse. Recognize that parameters call for seven-inch stubble height to ensure successful sage grouse brood survival and manage livestock grazing to meet this end in suitable sage grouse habitat.
- Discourage wildfires in potential sage regrowth areas, as wildfires are counterproductive to recovering sage grouse populations.



- LAND USE AND WATERSHED PLANNING

- The Monument Proclamation requires that traditional uses of the area continue. Such uses require sound management decisions based on best use of the resource. We submit the following comments to be included in scoping regarding land-use and watershed planning:
 - Recognize the proclamation's provision for continuation of existing land ownership and use.
 - Pursue conservation easements for private properties to add to protection of surrounding resources. Recognize that the BLM has the tools to effectively manage cattle use of the monument.
 - Institute active monitoring and enforcement of grazing allotments to insure that lessees are adhering to management plans and respecting wildlife population priorities. Implement rest-rotation grazing plans that improves wildlife habitat.
 - Ensure that new and existing livestock fences comply with legal parameters as directed in BLM Manual H-1741-1 that do not inhibit free movement of wildlife. Those standards for domestic fence requirements as quoted, "...3-wire, 38-inch height, with bottom wire 16 inches of the ground..." fences constructed as such comply to the Unlawful Inclosures(sic) of Public Lands Act of 1885 (43, USC, 1061-1064; 23 Stat. L. 321, ch.149).

NOXIOUS WEED CONTROL

Noxious weeds become more widely distributed each year. Many factors influence the establishment and spread of invasive plant species. The following points should be incorporated into the RMP:

- Give high priority to noxious weed control by aggressively seeking funds to achieve this goal. Use biological controls whenever possible, chemical control when needed to restore natural environments, techniques that fit the "integrated pest management" guidelines. USDA- CSREES (Cooperative State Research Education and Extension Service) defines Integrated Pest Management (IPM) as "a sustainable approach to managing pest species by combining biological, cultural, physical and chemical tools in a way that minimizes economic, health, and environmental risks." Incorporate some or all of the following techniques.
 - Biological controls such as differing various insects are known to control Leafy Spurge, Knapweed, Canada Thistle and Hounds tongue. Leafy spurge flea beetles have proven high success in the Lewistown area as bio-vector of leafy spurge. (Conversation with Craig Roberts, MT DNRC)
 - Study the suitability of domestic goats as a bio-agent to control Russian and Spotted knapweed and domestic sheep for leafy spurge. Grazing contracts could concentrate these species, if suitable, in areas of infestation using small enclosures to minimize grazing on desirable species.
 - Disturbed ground is prime substrata for noxious weeds to become established. Plans must emphasize reclamation begin very quickly in those activities that produce this condition: gas wells, drill pads, pipeline system and roads etc. should be reclaimed within 90 days of work completed: Avoid overgrazing by domestic livestock to reduce a disturbed ground situation.
 - Minimize use of herbicides in big-sage habitat types to minimize negative impacts to potential sage grouse expansion within the refuge.

TRAVEL MANAGEMENT AND SOCIAL ISSUES

Studies have been done that document the correlation between road density and habitat security. In light of some studies, determinations in these studies indicate that excessive roads impact the nature of the monument. For the benefit of providing non-fragmented habitat for mule deer, antelope, and other game and non-game birds and animals, MWF requests the following factors be included in the planning process:

- Reduce habitat fragmentation by eliminating non-essential and user made roads.
- Travel Planning should aggressively ensure that the integrity of the resource be left intact; Primitive travel corridors should not be replaced by high-speed roads, motorcycle, or ATV trails. Corridors built to facilitate Oil and Gas and coal-bed methan production drilling should not be

included in the travel infrastructure and will be reclaimed as soon as feasible. Travel corridors and pad locations contribute to a "disturbed land" condition that encourages noxious weed infestation (USDA-CSREES report, 1999)

- OHV use is to be limited to existing designated open trails and roads: Post signs and distribute brochures outlining available open trails to minimize abuse of this restriction. Recreational vehicles introduce and encourage weed growth (Montana TWS report, 1999.)
- Identify sensitive biological and geological formations that could be adversely affected by foot-travel and set restrictions to protect these areas.

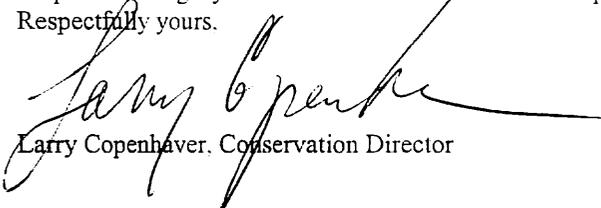
MONITORING AND FOLLOW-UP

- Establish monitoring programs to insure adherence to management plans for wildlife habitat enhancement, grazing, travel, river travel, weed control, and other people use controls: Establish enforcement measures to respond to related problems.
- Establish communication protocol with local civilian advisory groups.

In conclusion, this area will come under pressures for Coal Bed-Methane Production in addition to other more typical land uses. Hunting and angling does indeed have its own economic and historical perspective on the public lands. For their benefit, the plan must include components that ensure the future of sustainable fish and wildlife populations, non-fragmented habitats (priority), and public hunting and fishing opportunities. Please recognize the cultural values of hunting, fishing and sustainable fish and wildlife and the need for maximum measures to ensure their future and not sacrificed for methane production. Future review will determine the areas where both interests can be served without sacrificing the whole to save the smaller parts.

The Montana Wildlife Federation's 7000 plus members appreciate the opportunity to offer comment on the development of a resource management plan which recognizes and maximizes the ecosystem integrity of the unique public lands of southeast Montana. All efforts must be pursued to preserve and enhance this irreplaceable legacy of the historic American West for present and future generations.

Respectfully yours,



Larry Copenhaver, Conservation Director



**MONTANA
WILDLIFE
FEDERATION**

PO Box 1175, Helena, MT 59624

*Six decades of
preserving our
hunting, fishing
and wildlife
heritage.*



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070011

Montana Wilderness Association – Eastern Wildlands Chapter
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March 4, 2005

Attn: Miles City RMP Scoping Team

The BLM has publicly stated that comments will be accepted electronically. However, there is a word limit per comment that is not mentioned in any of the documents that were mailed to interested parties, it was not mentioned in any of the press coverage, and it was not mentioned at the public hearings or in the information available at the public hearings.

In addition, the website indicates that a choice of choosing more than one categories is possible. It is not.

Having compiled comments in the manner requested by the BLM (according to category or **categories**), we now find out that electronic submission of our comments is not possible. As we were informed that we had through the end of today, March 4th, to submit comments, we did not choose the postal service option of delivery, and it is now too late.

For that reason, we will do the following in order for our comments to be considered:

- Fax comments to the Miles City Office
- Email comments to the email address listed on the "Contact Us" page in 2 formats:
 - 1: Word Attachment
 - 2: Text insertion into main message
- Mail a copy of the comments to the Miles City Office

Thank you for accepting our comments.

Access is denied.

Page 1 of 1

PO70011

Server Error in '/CmntSignUp' Application.

Access is denied.

Description: An unhandled exception occurred during the execution of the current web request. Please review the stack trace for more information about the error and where it originated in the code.

Exception Details: System.UnauthorizedAccessException: Access is denied.

ASP.NET is not authorized to access the requested resource. Consider granting access rights to the resource to the ASP.NET request identity. ASP.NET has a base process identity (typically (MACHINE)\ASPNET on IIS 5 or Network Service on IIS 6) that is used if the application is not impersonating. If the application is impersonating via <identity impersonate="true"/>, the identity will be the anonymous user (typically IUSR_MACHINENAME) or the authenticated request user.

To grant ASP.NET write access to a file, right-click the file in Explorer, choose 'Properties' and select the Security tab. Click "Add" to add the appropriate user or group. Highlight the ASP.NET account, and check the boxes for the desired access.

Source Error:

An unhandled exception was generated during the execution of the current web request. Information regarding the origin and location of the exception can be identified using the exception stack trace below.

Stack Trace:

```
[UnauthorizedAccessException: Access is denied.]
  System.RuntimeType.CreateInstanceImpl(Boolean publicOnly) +0
  System.Activator.CreateInstance(Type type, Boolean nonPublic) +66
  System.Web.Mail.CdoSysHelper.Send(MailMessage message) +64
  System.Web.Mail.SmtpMail.Send(MailMessage message) +150
  CommentTool.frmCmntSub.sendMail(String ID) +418
  CommentTool.frmCmntSub.btnSubmit_Click(Object sender, EventArgs e) +1114
  System.Web.UI.WebControls.Button.OnClick(EventArgs e) +108
  System.Web.UI.WebControls.Button.System.Web.UI.IPostBackEventHandler.RaisePostBackEvent(String eventArgument) +108
  System.Web.UI.Page.RaisePostBackEvent(IPostBackEventHandler sourceControl, String eventArgument) +33
  System.Web.UI.Page.RaisePostBackEvent(NameValueCollection postData) +33
  System.Web.UI.Page.ProcessRequestMain() +1292
```

Version Information: Microsoft .NET Framework Version:1.1.4322.2032; ASP.NET Version:1.1.4322.2032



BLM Miles City Field Office
RMP Comments
P.O. Box 219
Miles City, Montana 59301-0219

March 4, 2005

RE: MILES CITY RMP SCOPING COMMENTS

Dear Sir/Madam:

Thank you for providing an opportunity to comment on what issues should be addressed in the upcoming revision of the Big Dry and Powder River Basin Resource Management Plans (RMPs).

The Montana Wilderness Association (MWA) is an active, grassroots conservation organization that was founded in 1958 by a group of hunters, outfitters, anglers, and outdoor enthusiasts. MWA has over 6,000 members who work to preserve Montana wildlands for everyone to enjoy.

Our way of life here in Montana is based on our freedom to enjoy the wild landscapes and pure waters of our surroundings. Destructive use of our lands is not going to preserve this freedom. Eastern Montana is home to some truly spectacular elements of Montana's natural heritage, and its unique lands are a national treasure. The Eastern Wildlands Chapter of MWA urges the agency to take great care in deciding the future of the Miles City Area's vast array of natural resources. Let's make sure we pass this great treasure – our lands – on to future generations by acting responsibly, now.

Listed below are the issues identified as most important to our members. We ask that you address them in drafting the Resource Management Plan. As requested, our comments are organized into the categories provided on the BLM Miles City RMP Scoping Comment Form.

Wilderness, Special Management Designations

- Re-evaluate the wilderness potential and the 1991 recommendations of the 7 Wilderness Study Areas within the planning area.
- Inventory areas possessing natural, remote, and/or primitive characteristics and designate appropriate areas for special management in the RMP

Both the Buffalo Creek WSA and the Zook Creek WSA meet the minimum requirements for solitude and outstanding opportunities for primitive recreation, and both provide excellent scenic features. As the BLM notes in the Wilderness Study Report, these two WSAs represent an ecotype (Great Plains Shortgrass Prairie Province/Eastern Ponderosa Forest) that is not represented in the National Wilderness Preservation System (NWPS). Yet, the BLM currently does not recommend wilderness designation for Zook Creek due to potential for future coal development. This is not an adequate rationale for a non-wilderness recommendation, especially

for an area representing an ecotype that exists on only two other BLM WSAs nationwide (another of which is the Buffalo Creek WSA). The addition of the Buffalo Creek and Zook Creek WSAs would expand the diversity of natural systems and ecotype representatives in the NWPS. They would also provide the opportunity for southeastern Montanans to recreate in a local wilderness area (the nearest designated wilderness area to both of these WSAs is over 200 miles).

In 2003, the Bureau of Land Management committed to never again conduct wilderness inventories in any state and to never again establish new WSAs in any state. Given the inability of the BLM to ever designate another WSA, and given the passage of 14 years, it would be appropriate for the Bureau to go back and take another look at its "wilderness" and "nonwilderness" recommendations in light of current conditions rather than the situation which existed 14 years ago.

Although BLM's has no authority to designate new WSAs, the agency retains its Section 201 FLPMA authority to inventory resources or other values, including areas with wilderness characteristics such as naturalness, and those that offer solitude and are conducive to primitive, unconfined recreation. Given that the Department has publicly committed to continue identifying and designating special management areas (such as ACEC's) as a component of the land use planning process, we request that you inventory the areas outside of the WSAs that possess natural, remote, and/or primitive characteristics and consider them for special management designation. In particular, we ask that you evaluate BLM land that borders or is near to the C.M. Russell Wildlife Refuge and the Missouri River, land in southern and eastern Prairie County, and lands near the Tongue, Powder, and Little Powder rivers.

Wilderness, Off-Highway Vehicles, Recreation, Soils, Vegetation, Visual

- **Manage all WSA's as motor-free**

All 7 Wilderness Study Areas must be managed in accordance with the BLM's Interim Management Plan. *The IMP states that management of Wilderness Study Areas must not impair their suitability for preservation as wilderness until such time as Congress either designates them as wilderness or releases them from further study.* Wilderness, by Congressional definition, "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable". Under the nonimpairment mandate, all activities (other than exceptions such as grandfathered and valid existing rights) *must be temporary uses that create no surface disturbance.*

A management strategy of motor-free will not only provide the sorely needed recreation opportunity of a true motor-free setting in Eastern Montana, but will also allow the BLM to be in full compliance with the Interim Management Plan. Continued motorized use and increasing use does not allow the BLM to manage under the nonimpairment mandate. The cumulative effects of motorized use, widening road and trails, spread of weeds, noise, pollution and reduction of solitude add up to a major reduction of wilderness values. In particular, please make every effort possible to ensure that the pristine character of these areas is not degraded by summer or winter off-highway vehicles (OHVs). These uses certainly have their place on public lands, but they

should not be allowed in areas of uncommon wildness. See below for additional problems associated with OHV use.

Wilderness, Recreation, Off-Highway Vehicles, Soils, Air/Climate, Water, Vegetation, Wildlife

- **In the interim before designation of routes, identify all OHV-impacted areas and include closures and remediation efforts, especially in important wildlife areas, riparian areas, or heavily eroded areas.**
- **Manage OHV use throughout the planning area to best protect natural resource and cultural values**
- **Prohibit the designation of any new "Open Areas" for OHV use**
- **Develop management actions to control damaging OHV use in the 16 ACEC's in the management area**

Management of off-highway vehicle use is one of the most critical issues facing the public land managers today. Several years ago, former Forest Service Chief Mike Dombeck singled out OHVs as among the major threats to America's forests and other public lands. Now, his successor, Chief Dale Bosworth, has identified unmanaged recreation, particularly off-highway vehicle use, as one of the four great threats to our National Forests. Similar problems occur with OHV use on public lands administered by the BLM.

The damage caused by off-highway vehicles, much of which occurs whether "on road" or "off road," is extensive and well documented by a large body of published scientific literature. OHVs destroy plant life and cause soil erosion, resulting in streams clogged with sediments that damage fisheries, wetlands, and riparian areas. Motorized cross-country travel and travel along unplanned routes causes the spread invasive weeds, fragments valuable wildlife habitat, and degrades entire ecosystems. Off-highway vehicles can disturb and be used to harass wildlife. Large mammals, such as elk, antelope and deer, suffer the greatest harm. Vehicle noise can directly impede the ability of wildlife to find prey, avoid predators, and successfully reproduce. Humans suffer as well. OHV engines, especially two-stroke engines, are highly polluting, and these pollutants have demonstrated adverse human health effects. Last, but not least significant, uncontrolled OHV use adversely affects other users of public lands, including ranchers, outfitters and guides, hikers, horseback riders, bike riders, and hunters and anglers. All of these negative impacts and others are occurring throughout our public lands with the rapid proliferation of OHV use and the many miles of unauthorized roads they have created.

It is undisputed that OHV use on public lands managed by the BLM has exploded over the past 15-20 years. Many land management plans did not anticipate such use and, therefore, the plans failed to provide adequate management for the dramatically increasing level of use and the vast diversity in type of OHV use (e.g., dirt bikes, all-terrain vehicles, 4x4s, and rock-crawlers) on public lands. Thus, the explosion of OHV use coupled with inadequate management plans has resulted in the current situation in which numerous public lands have become a free-for-all for motorized recreation.

There is every reason to believe OHV use levels will continue to increase and that the makers of these machines will continue to expand their products' capabilities in order to allow them to navigate increasingly rugged and diverse terrain. In order to effectively manage this progression, it is imperative that BLM take a forward-looking approach to OHV management and route designation.

We encourage the agency to close roads that receive limited use and to severely restrict future road-building. Furthermore, none of America's public lands should be "sacrifice areas". "Open Area" designations often result in considerable adverse resource effects and threats to public safety. Often, there are also accompanying inappropriate and/or illegal activities on adjacent public and private lands. Because "Open Area" designations ultimately sacrifice the natural, cultural, and historical resources of the area, the RMP should prohibit travel plans from including any new open OHV areas.

Recreation, Off-Highway Vehicles, Wilderness, Wildlife

- **Require the development of opportunities for motor-free recreation outside of WSAs that are geographically separate from motorized areas**
- **Create "Hiking and Riding Area" designations**
- **Actively incorporate methods to reduce user-conflict, keeping in mind the vast majority of public land users seek quiet and primitive conditions to hunt, fish, hike, and pursue other outdoor activities.**

The new RMP, including OHV management and travel planning, must comply with the Federal Regulations (43 C.F.R. 8342.1 and 8342.2), codifying Executive Orders 11644 and E.O. 11989, that instruct BLM on OHV management. Specifically, the RMP must take into account not only the increase in OHV use, but also the damages caused to the natural resources by such use, and the heightened conflict between user groups as the number of OHVs increase and heretofore non-motorized areas are transformed into motorized areas.

In revising the Resource Management Plan, the agency must recognize and acknowledge the values that Americans place on wild, remote, undisturbed areas – areas they can go to escape the sights and sounds of everyday life. And like the increase in OHV use, people's awareness of, and demand for unspoiled places has also grown and intensified. *This increased demand for unspoiled quiet places is due, in part, to the increase in OHV use in general and the pioneering of OHV routes and the establishment of OHV use in places that were formerly free of motorized vehicle use.*

The RMP planning process provides an excellent opportunity for the BLM to be a leader in land management. Following the precedent and nomenclature previously established in the Ashland District of the Custer National Forest, we recommend creating a Hiking and Riding Area designation that will provide sections of public land to enjoy hiking, bicycling, horseback riding, and other non-motorized pursuits in a non-motorized setting. Although these areas would be designated for quiet, traditional recreation, they would serve other equally important functions

such as providing secure wildlife habitat and protecting multiple cultural and natural resources. The RMP should direct the agency to investigate and pursue this possibility.

Wilderness, Lands and Realty

- **Consider acquisition of private inholdings within WSAs from willing sellers as one of the criteria for land acquisitions.**

Wilderness, Vegetation, Soils

- **Identify restoration and rehabilitation needs, including in WSAs.**

The Resource Management Plan process is an excellent time to look at restoration and rehabilitation needs within the WSAs and elsewhere in the planning area. Roads, both illegal and legal could be removed, thus restoring wilderness values and reducing the main conduit for weed spread in WSAs. The BLM should begin a program of road rehabilitation in areas which are important for wildlife management, ecological integrity, roadless recreation and scenic values. Because gated road closures are often ineffective in most areas, road rehabilitation should include re-contouring and reforestation where possible.

Vegetation, Wilderness, Grazing

- **Assess the role of OHV activities in the spread of noxious weeds on BLM-managed lands in the Miles City planning area, and assess the effects on neighboring landowners and farmers.**
- **Include appropriate management actions to limit the spread of noxious weeds**

Prevention of the introduction and spread of noxious and invasive weeds should be a goal of the RMP. Noxious weeds degrade wildlife habitat, reduce wildlife-related expenditures, threaten sensitive and rare plant communities, cost farmers money in forage and crop losses, and cause soil erosion. The BLM needs to address noxious weeds in the RMP, and the agency should be proactive in working to halt the introduction and spread of weeds. According to BLM statistics, noxious weeds covered 91,000 acres of public land in MT in 1985, and 292,000 acres in 1995. This amounts to an increase of 320% increase in a mere 10 years!

Roads and motorized routes are the most efficient means for the spread of invasive plants into the new areas. Increased motor traffic spreads noxious weeds onto public lands, and there is an abundance of data to support this. Motorized traffic should be restricted from entering areas that have not been invaded by weeds. Treatment of weeds is extremely costly, often with unsatisfactory results. The only way to stop weed infestations is to not let them start. The only way to achieve this goal is by restricting the vectors – primarily motorized traffic and grazing – that weeds use to invade new areas. The Resource Management Plan must prepare for the future by continuing to implement policies that protect the land from noxious weed infestations.

Wildlife:

- **Provide meaningful protection to threatened and endangered species.**
- **Take steps to safeguard wildlife, including both game and non-game species.**

The BLM should create specific wildlife management areas for federal threatened and endangered species, Montana Species of Concern, and species designated by the BLM as "special status / sensitive" or "watch" status. Special management considerations should be required in areas these species inhabit.

In addition, the RMP should protect wildlife habitat and provide non-motorized areas for hunting. As has been repeatedly demonstrated, roads can lead to reduced hunter opportunity and the loss of quality hunting experiences. (Consider, for example, the Targhee National Forest in Idaho where federal government road construction led to the general elk hunting season being slashed from 44 to 5 days between 1969 and 1989). Wildlife is an important resource, and habitat preservation and enhancement must be a priority in the RMP.

Water

- **Develop and promote alternatives that protect the quality of eastern Montana water**

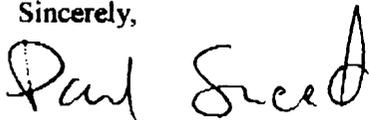
Socioeconomics

- **Consider the economic benefits of providing non-motorized recreation opportunities**

The 1992 Five Year Strategic Plan for the Travel and Tourism Industry in Montana states that "with its vast scenery, varied topography, and abundance of natural wildlife, Montana is extremely well positioned to become a key supplier of eco-tourism experiences to meet these emerging national trends. Of course, Montana will have to ensure that this development is sustainable and does not damage the very resources it is trying to promote." Increasing the opportunity for quiet recreation pursuits on BLM-managed lands in Eastern Montana can generate considerable economic benefits to surrounding communities. In addition, guiding and outfitting can be a sustainable use of wildlands as well as an excellent source of environmental education.

Thank you very much for considering our comments on the future of the our public lands in Eastern Montana. As the widespread conversion and degradation of native ecosystems continues at an alarming rate in all major habitat types, protecting the remaining roadless, natural, and primitive areas on all public lands from damaging human uses may be one of the single most important actions the public land management agencies can undertake. We hope that as stewards of our land, you create a Resource Management Plan that preserves will ensure the protection of the healthy, wild, and open landscapes of Eastern Montana. We look forward to seeing our comments addressed in the Draft RMP and working with you during the RMP development process.

Sincerely,



Paul Sneed, Ph.D.

President, Eastern Wildlands Chapter of the Montana Wilderness Association

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The Morning Star

NORTHERN CHEYENNE TRIBE ADMINISTRATION

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-WOHEHIV-
The Morning Star

March 4, 2005

David McInay, Director,
U.S. BLM Miles City Field Office
P.O. Box 219
Miles City, MT 59301-0219

Dear Mr. McInay,

I would like to thank you for the opportunity to provide scoping comments on the U.S. Bureau of Land Management's Proposed Miles City Regional Management Plan. It is my understanding that this will be the foundation document that will guide the U.S. BLM's management directions in the years to come for the Miles City Planning Area in eastern Montana. I would like to encourage the U.S. BLM to take a hard look at how its management of BLM lands in eastern Montana will affect Northern Cheyenne Tribal cultural and natural resources in order to ensure that these resources are protected in the years to come. I look forward to coordinating with the U.S. Bureau of Land Management staff on this project in the months to come so that we may produce a planning document that meets the needs of all those affected by its guidelines.

If you have any questions regarding this matter, please feel free to contact me at (406)477-6284.

Sincerely,

Eugene LittleCoyote,
President,
Northern Cheyenne Tribe.

cc: file.

Northern Cheyenne Tribe Public Scoping Comments

Regarding BLM proposed Miles City Resource Management Plan for the Tongue River and Powder River resource areas

Coal Bed Methane (CBM) production in southeastern Montana and northeastern Wyoming will be accomplished by pumping groundwater from coalbed aquifers for the life of gas production. This will significantly reduce the volume of groundwater that is normally available to wells, springs, coal mine reclamation and stream base flow in this region of Montana. Surface discharge of CBM water can severely impact agricultural practices, streams, alluvial aquifers, soils and riparian areas.

House Bill 572, from 2001 legislative session, mandates that local conservation districts be able to evaluate these CBM development impacts to wells and springs, and provide appropriate financial compensation for damages to landowners. State and federal CBM permit decisions must be based on scientific data. Currently there is no infrastructure in place to provide the scientific data required for such decision making.

Issues of concern include impacts to wildlife, protection of cultural resources, effects on water quality and quantity, reclamation of disturbed areas, cumulative impacts (past, present, and foreseeable actions) of CBM exploration and development of related activities.

Effects may comprise: air quality by contributing particulate emissions from construction and exhaust from drilling equipment and field compressors, surface and ground water impacts occurring from drawdown of coal bed aquifers and discharges from private and federal wells, wildlife habitat and human interactions, and cultural resources may be inadvertently revealed. The Tongue River and Powder River have "high levels of biological, chemical, physical, and cultural integrity that may be adversely affected".

Issues of concern include:

- Use of water treatment technologies for CBM pumped/discharged water. Review of Flow Based Permits and a Treated Permit, which is an ion-exchanged water treatment process (PRNG)
- Best Management Practices should be implemented to reduce adverse environmental impacts of CBM development. BMPs can be viewed as adaptive and concise management tools.
- Strategic planning to include site specific analysis, responsible and sustainable development of CBM, and possible development of a consultation process to address concerns
- Issues of Numerical versus Narrative standards
- High SAR levels can permanently damage soils
- Significant impacts downstream: Storage ponds will only recharge shallow aquifers, which will eventually discharge into surface waters. Shallow water aquifers discharging into surface waters will be uncontrollable and may lead to

significant impacts downstream. The Tongue River is not capable of handling additional sodium loadings.

- Scientific data/baseline data must be included in comprehensive analysis. Baseline data must evaluate the impacts of current development on overall stream integrity, including fish populations, water chemistry, aquatic resources and communities, and habitat health.
- Land, Realty, and Mineral development: Geology and Minerals
- Geologic and hydrologic conditions (including depth of coal seams)
- Soil types and Noxious weeds
- Livestock Grazing
- Water quality and quantity: Hydrological Resources
- Air Quality: Dust abatement, exhaust, and emissions from OHV and construction activities, resulting in distribution of pollutants through local topography and meteorology. The Northern Cheyenne Tribe has a pristine Class I air quality standard. BLM's air quality analysis can be described as completed deliberately, underestimates the actual increase in emissions, is scientifically unsound and incomplete, and therefore seriously underestimates potential ambient air quality impacts throughout the region. This analysis ignores a visual impact analysis; CBM development may create a dust plague.
- Oil, Gas, and Coal Leasing/Mineral and Energy development
- Management of Special status species: Wildlife and Vegetation
- Adaptive Management approach to include continued and increased monitoring and evaluation of CBM impacts over time, as well as investigations into fisheries, macroinvertebrates, reptiles, amphibians, and birds. Adaptive management entails monitoring component to provide feedback and continual refinement of management techniques. (Monitoring Plans)
- Recreation, noise, and traffic: Visual Resource Management
- Land use activities, access needs, and land tenure adjustments
- Environmental Justice and Fair Treatment of all people
- Identification of Alternatives for beneficial uses of water (i.e. surface water, discharge, irrigation, crop production, etc.) Includes water treatment, constructed wetlands for treatment, seepage ponds (recharge basins), aquifer recharge through shallow injection wells (including Aquifer storage/Recovery wells, Aquifer recharge wells, and other types of Class V injection wells) irrigation, livestock and wildlife watering, and other alternatives to be identified.
- Higher bonding limits to cover adverse damages to environmental and physical impacts to landowners should be implemented
- Plans of Operation from leasees
- Proposed development of the Tongue River Railroad and local water resources
- Cultural Resources and Paleontological Resources: Cultural and Ethnographic surveys. (e. g. Platte River Country)
- Social and Economic values
- Solid and hazardous wastes
- Wilderness Study areas: "Management of Wilderness Study Areas"
Recommendation: Zook Creek Wilderness Study Area *is suitable* for wilderness

designation. There various big game species (Mule Deer, Whitetail Deer, Elk, Black Bear, and periodic Moose) present in this area, located immediately south of the Northern Cheyenne Reservation, but Sage Grouse frequent the area, in addition to the numerous avian species like Bald Eagles, waterfowl and numerous neo-tropical migratory songbirds as well as local perennial species. These are not “low wilderness values,” as described on page 10, “Wilderness” section, first paragraph, second line.

- Project Planning: Phased Development for accurate analysis of environmental development and consideration of alternatives to full-field development. Phase implementation includes a pre-planning process to consider mitigation strategies that are flexible, enforceable, have a preventative ability and can be implemented in phases. This way, specific project operations will be paired up with appropriate mitigation measures.
- First Rights to excess water development/resources, pursuant to Water Rights Compact (PL-102374) Tribe has first right to excess water from CBM development.
- Demand mitigations to reduce the impacts: Water well replacement, re-injection or water treatment and storage for future use, higher bonding, noise controls, limited access during critical wildlife mating, calving or hunting season. Mitigation Measures include compensation for damages to irrigation and cultivated crops.
- EIS “Standard 2”: What assessment methodology is used to evaluate proper functioning condition? Suggestion: EPA Rapid Bio-assessment.
- “Guideline 14”: Consult with Northern Cheyenne Tribe, Environmental Protection Department, Wetlands Coordinator, concerning culturally significant native wetland and riparian areas.
- Consult with Fort Peck Tribes about native species culturally significant to them
- Institute a non-native species eradication program on a watershed basis within the planning area.
- A comprehensive assessment of all resources, including GIS analysis of base layers/data of natural resources

There are many unanswered questions concerning the environmental effects and significant impacts of widespread CBM development. Congress has mandated BLM to lower/lessen the obstacles to energy development in the Northwest, at the expense of Native tribes, private landowners, plant and ecological processes, wildlife, natural resources, the general public, etc. However, an intricate web of efficient methodologies and practices of careful strategic planning and coordination can be used to accomplish tribal objectives. Effective monitoring can provide the means to develop analytical procedures for future analysis and improving mitigation measures. Tribal environmental standards can serve as a baseline for efficient monitoring.