

B-070004



By Federal Express

February 7, 2005

**Bureau of Land Management
Miles City RMP Comments
111 Garryowen Road
Miles City, Montana 59301**



Re: AGA Comments on Miles City Field Office Draft Environmental Impact Statement & Resource Management Plan Scoping (Notice of Intent, February 4, 2005 70 Fed. Reg. 6034)

Ladies and Gentlemen:

The American Gas Association (AGA) appreciates the opportunity to comment on the Miles City Field Office's scoping process as it begins to draft an Environmental Impact Statement and Resource Management Plan (DEIS/RMP). We understand that the plan will include land eastern Montana including land in the current Powder River and Big Dry resource management plans and will guide future land use decisions on approximately 2.78 million acres of BLM-administered public lands and 1.17 million acres of subsurface mineral estate administered by the BLM.

The American Gas Association represents 195 local energy utility companies that deliver natural gas to more than 56 million homes, businesses and industries throughout the United States. AGA member companies account for roughly 83 percent of all natural gas delivered by local natural gas distribution companies in the U.S. AGA is an advocate for local natural gas utility companies and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international gas companies and industry associates. Natural gas meets one-fourth of the United States' energy needs.

We understand that the DEIS/RMP will focus on many components of land-use issues including, but not limited to, maximizing use of public lands in species recovery and habitat conservation, providing adequate facilities for safe recreation and visitation on public lands, and energy and mineral development. As you begin to make decisions related to this effort, we would like to bring to your attention an important policy concern that we believe you should consider in the context of the development of this important plan.

Nearly one-third of the United States is owned in common by its citizens, but is managed by BLM for divergent purposes including conservation of natural



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resources, recreation, resource extraction, and grazing. The Federal Land Policy and Management Act of 1976

(FLPMA) directs land managers to promote multiple use of federal lands in a manner that will ensure sustained yields from natural resources. The FLPMA requires land managers to balance the needs of the American public for open space and preservation, but also for natural resources that maintain and improve our quality of life. Multiple use management is a complicated task, requiring BLM to strike a balance among many competing uses to sustain the health, diversity, and *productivity* of the public lands for the *use* and enjoyment of present and future generations.

Currently, one of our Nation's most pressing concerns is to reduce our reliance on foreign energy. The vast energy and mineral resources under BLM's jurisdiction gives the agency a natural and key role in *ensuring that our country has an adequate supply of energy necessary for the safety and security of our families, our communities, and our Nation*. These priorities can be met *without diminishing the BLM's ability to manage other important interests*.

AGA believes that BLM's DEIS/RMP should take into consideration the natural gas development opportunities that exist in the planning area and to consider an approach that will help meet current and future demand for this clean fuel. Natural gas is the cleanest fossil fuel, which has made it increasingly desirable for home heating, appliances, and electric generation. As a result, demand has been steadily rising in recent years. We need to be sure that enough natural gas supply reaches consumers to meet this demand.

The "gas bubble" of the late 1980s and '90s, is gone. No longer is demand met while unneeded production facilities sit idle. The valves are wide open, yet demand has been outpacing supply, and the result has been both higher and more volatile prices. See AGA's Study *Avoiding the Wild Ride – Ways to Tame Natural Gas Price Volatility* (<http://www.aga.org/WildRide>).

Natural gas utilities and customers are in the same boat when prices go up—we are all hurt. Higher and more volatile prices have made customers shocked and angered by their monthly natural gas bills. Our member companies have borne the brunt of that anger, even though we simply pass the costs we pay for that gas on to the customer—with no mark-up or profit. In addition, utilities must write off hundreds of millions of dollars in uncollectible bills, while regulators -- using perfect hindsight -- disallow gas-purchase costs that the utilities had to incur to meet their obligation to serve under state laws.



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There are only two ways to solve this problem. We must decrease demand *and* increase supply. Americans have already significantly decreased their per capita use of energy—by around 20 percent per person during the past decade. Yet overall demand for natural gas is rising due to population increases and regulatory pressure for using clean natural gas for electric power production. Conservation alone is not the answer. Instead, we must also increase supplies of natural gas to meet rising demand. We need *both* conservation and increased supplies to ensure a healthy, vibrant economy with sustained growth. See AGA Study *From the Ground Up – America's Natural Gas Supply Challenge* (<http://www.aga.org/FromTheGroundUp>).

This two-pronged policy approach was recently advocated in the National Commission on Energy Policy's December 2004 report. In order to provide the ample, secure, clean and affordable energy supplies the nation requires, the Commission recommended "policies to expand and diversify available supplies of natural gas" among other things. Furthermore, the Commission notes that natural gas is a "fuel that is critically important to the nation's energy supply and that is likely to play a substantial role in the transition to a lower-carbon energy future." See *Ending the Energy Stalemate, A Bipartisan Strategy to Meet America's Energy Challenges* (<http://www.energycommission.org>).

Public health and welfare is also at stake. Poor families have had to struggle to pay to heat their homes in recent winters. Applications for charitable assistance and federal assistance under the Low Income Home Energy Assistance Program (LIHEAP) soared last winter. And many working poor families do not qualify for such assistance. Many poor families have to make hard choices between being warm and being fed. This tough fact often seems forgotten in the debate over natural gas drilling in the West.

From a broader public welfare perspective, if the current supply-demand imbalance and the resulting price volatility are allowed to continue, it could cause natural gas customers to switch to other less efficient, less secure and less environmentally friendly fuel sources. An AGA study estimates that a 50 percent increase in natural gas use could reduce oil imports by approximately 2.6 million barrels a day, while reducing emissions of our principal greenhouse gas, carbon dioxide, by some 930 million tons every year. See *Fueling the Future – Natural Gas & New Technologies for a Cleaner 21st Century (2001 Update)* at page 1 (<http://www.aga.org/FuelingTheFuture>).



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Indeed, just last month a coalition of major manufacturers, three environmental groups and energy-efficiency groups have written to President Bush and Congress calling for new U.S. natural gas policies to strike a much needed balance between growing natural gas demand and limited supply while ensuring that gas development takes place in an environmentally responsible manner.

See *Letter to President Bush and Congress, January 3, 2005*

(<http://aceee.org/energy/natgasprinciples.pdf>).

To ensure that the United States has adequate supplies of natural gas to meet demand and to moderate prices, it must pursue new gas supply options in a timely and environmentally responsible manner and diversify domestic sources of gas supply. BLM has an opportunity at this juncture to do just this. By balancing the varied uses in the planning region, it can increase natural gas supply and ease the nation's energy burden and natural gas demands.

We recognize that it is not easy to balance other competing interests with the public interest in obtaining a reliable, clean, domestic supply of energy. We believe that BLM can develop a workable and well thought out approach as it begins to draft the EIS/RMP, but must consider the policy initiatives discussed herein when finalizing its work. AGA urges you to give appropriate weight to the broad environmental, economic, national security, and public health impacts when considering access to natural gas supply at a time when we need to increase supply to meet rising demand.

If you should have any questions, please call Susan Wegner at 202-824-7335.

Respectfully submitted,

American Gas Association

By:

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BO 70014

Yellowstone Valley Audubon Society

P.O. Box 1075
Billings, MT 59103-1075

February 28, 2005

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

Dear Sir/Madam,

Thank you for the opportunity to comment on the issues to be considered in the upcoming Resource Management Plan for the public lands under the jurisdiction of the Miles City Field Office of the Bureau of Land Management. The Yellowstone Valley Audubon Society believes the following issues are very important to our members and request that they be addressed in the Plan:

Off-Highway Vehicles

Unregulated off highway vehicle use is one of the greatest threats to the health of America's public lands and to bird habitat. The continued rise in the irresponsible use of off-highway vehicles combined with the BLM's limited ability to enforce the management strategies it has come up with so far, makes this one of the most critical issues to be addressed in this RMP.

Wildlife

We believe one of the greatest values of America's public lands is the maintenance and enhancement of wildlife habitat. As such we would request that BLM address the following issues in this RMP:

- BLM should enter into a partnership with the Montana Natural Heritage Program to identify critical bird habitat, assure that the Heritage Program's lists of species of concern on public lands are based on the best available information, and that BLM management activities effectively maintain and enhance bird habitat on public lands.
- We propose a partnership between Audubon and BLM which would enable Audubon to assist BLM in the identification and monitoring of species and habitats of concern. For example, sage grouse areas, prairie dog colonies, riparian/wetlands, and grasslands used for breeding shore birds should be habitats of particular interest.
- Prairie dog colonies, in particular, are in need of management because they are so important to the biological needs of a great number of birds native to the northern Plains. Examples include mountain plovers, burrowing owls, and many raptors.

Special Management Designations

The Yellowstone Valley Audubon Society would like to work with BLM to identify Important Bird Areas within the planning area. Identification of these nationally and locally recognized areas will assist the BLM in identifying areas in need of special management within the planning area.

Water

Preservation of water quantity and quality are vital to the long term health of lands in the planning area. Of particular concern are potential degradation of surface waters from coal bed methane development and other potential mining activities, dewatering of ground water aquifers, and erosion caused by unregulated OHV use.

Vegetation

- We recognize the BLM has an active invasive species program in the planning area but it is one of those issues which bears continued attention and vigilance.
- We believe the BLM should consider some pilot programs designed to replicate diverse vegetative conditions across broad landscapes which incorporate various grazing and fire regimes. While the BLM's range management strategy over the past 60 years has arrested the resource degradation caused by overgrazing during the late 1800's and early 1900's, the objective of maximizing forage production for livestock should be examined to assure that natural habitat values are enhanced.

Lands and Realty

Given the scattered nature of much of the public land in the Miles City planning area, we believe it would be a benefit to address the issue of land consolidation in this RMP.

Sincerely yours,



Kathy Haigh, President
Yellowstone Valley Audubon Society

FAXED TO BLM 233-2886 March 5 05

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Miles City RMP Comments
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Miles, City, MT 59301-0219
FAX 233-2886

Feb. 28, 2005 12:15 a.m.

Regarding-Scoping meetings for BLM plans to do an EIS to combine Big Dry Resource Area and Powder River Resource Area-

COMMENT PERIOD DEADLINE-

* **EXTEND THE COMMENT PERIOD AT LEAST 90 DAYS AFTER ADVERTISING IN EVERY NEWSPAPER, ENOUGH INFORMATION SO EVERYONE KNOWS WHAT ISSUES NEED COMMENTED ON AND WILL MORE THAN LIKELY DRASTICALLY ADVERSELY AFFECT OR RUIN THE LIVES & FUTURES OF MOST PERMITTEES AND LOCAL COMMUNITIES FINANCIALLY AND EMOTIONALLY FOREVER.**

*We Permittees had just received the flyer saying BLM would be conducting a scoping meeting at the VFW Hall in Jordan tonight. When we attended the Jordan and Glendive meetings, we expected that BLM employees would inform us what their plans were so we knew what to make comments about and be allowed time to consider then comment.

*I asked BLM employees numerous times what BLM's plans are so we can have intelligent comments and address the issues but I can never get an answer other than they aren't allowed to "lead us what to comment about". We learned we would only be allowed FIVE DAYS to both consider and comment when decisions no doubt will Drastically Negatively affect future generations forever and this is NOT LEGAL.

*Very few people knew about the meetings because it was NOT WELL PUBLICIZED in the affected areas so meeting attendance was terrible. I'm positive BLM IS REQUIRED BY LAW TO ADVERTISE IN THE AFFECTED AREAS AND ALLOW ENOUGH OF A COMMENT PERIOD FOR THOSE MOST AFFECTED TO HAVE A CHANCE TO COMMENT (not during calving, planting, harvesting, shipping time).

*I submit that BLM's plan was to have it appear that nobody was concerned enough to comment or attend and that we're all very stupid which suits the government because there won't be much opposition so they can later state that nobody commented against whatever plans BLM has. Billings, environmentalists, gov. employees and eastern people will have plenty of comments to do away with Grazing completely!

*We only have maildays on Tuesday's and Friday's so it is IMPOSSIBLE to get our comments to BLM by March 5, 2005. Dialup network is dreadfully slow 50 miles from town and disconnects us so we can't count on e-mailing comments since we have trouble staying connected.

*When I get on the site to send comments, not enough space is provided to address even one issue at a time then I have to e-mail that tidbit of a comment and do it again since only 1,000 characters are accepted at a time.

* I can't tell if the e-mail has gone thru or not because no response is provided.

In Jordan Jon Seekins, the contractor made a smart comment that their plan was publicized in the Federal Register on Feb. 4 and in the Billings Gazette. I don't know anybody that gets the Federal Register, or Billings Gazette in our remote area. We have no time to "surf the net" (which is impossible with dial-up network because it is dreadfully slow) or check on whether some agency is publicizing something that will forever ruin the custom, culture, economic and historical use of the land and our futures forever.

*The Constitution is to protect the **RIGHTS of the individuals (minority)** from the whim of the majority (Democracy) which we are **NOT** because Art. 4 Sec. 4 **GUARANTEES** us a Republican form of government and you will NOT find

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the word DEMOCRACY ANYWHERE in the Constitution or other important documents. If agencies or people decide to TAKE away our way of making a living and change our custom, culture, heritage and economic stability, they have to DEARLY PAY us for it.

***Comments from Permittees, landowners, and locals should Carry FAR MORE WEIGHT than people that do not have all the FACTS or have absolutely nothing to lose financially or as a livelihood because of adverse decisions they cause with their comments when they have not even been in the area to see if there is a need to reduce or eliminate grazing or some other thing. I don't feel we have a right to tell them what to do with their lives or property so they should NOT have any right to destroy ours and if they do they had better pay dearly for it as per the 4th amendment. Their comments should NEVER be allowed to ruin our futures or livelihood.**

PLANNING CRITERIA-PERMITTEE & LOCAL INVOLVEMENT-

***Allow Permittees-Ranchers to MANAGE ALL FEDERAL LANDS or at least THEIR ALLOTMENTS and it will be cost effective and reach all goals much quicker because we KNOW from generations of EXPERIENCE and if allowed, we could better manage the lands. ***

***BLM MUST work with ALL PERMITTEES, Local people and local government and NEVER adversely affect the economics, custom, culture or heritage of the area and that is Ranching and Farming in this area.**

*** Permittees, local people and commissioners MUST BE and WANT to be involved with EVERY STEP of the planning process. BLM involved every agency early on but waited until 5 days before the deadline for comments to involve the permittees which violates our due process....**

***Have meetings at a more convenient time of year-NOT when everybody is starting to calve, plant, harvest, or ship and have no time to comment.**

***Permittees, local people and commissioners MUST BE mailed all information as it progresses, Draft EIS' and Final EIS' as soon as possible because decisions so seriously influence or ruin their livelihood, futures, economic stability...We also want a copy of every comment.**

***no. 12 of Miles City Field Office Resource Management Plan (pg. 2 of pamphlet) says, "The lifestyles and concerns of area residents will be recognized in the plan."**

Sure doesn't seem to have been important enough to have let us know in time to consider and make intelligent comments!

***no. 15 of Miles City Field Office Resource Management Plan (pg. 2 of pamphlet) says, "The planning process will include early consultation meetings with FWS during the development of the plan.**

***BLM employees told us at the Jordan and Glendive meetings that the Commissioners were also involved but why weren't the PEOPLE included in these plans as it affects them most?**

***Should Wayne and Helen Chenowith Hage win their lawsuit against BLM and whatever other agencies, BLM must abide by the court decisions and not bother permittees again.**

***Comments from Permittees, landowners, and locals should Carry FAR MORE WEIGHT than people that do not have all the FACTS or have absolutely nothing to lose financially or as a livelihood because of adverse decisions they cause with their comments when they have not even been in the area to see if there is a need to reduce or eliminate grazing or some other thing. I don't feel we have a right to tell them what to do with their lives or property so they should NOT have any right to destroy ours and if they do they had better pay dearly for it as per the 4th amendment. Their comments should NEVER be allowed to ruin our futures or livelihood.**

***BLM will NEVER make this area something like the "Wild and Scenic Rivers Area".**

LIVESTOCK GRAZING-

***Allow Permittees-Ranchers to MANAGE ALL FEDERAL LANDS or at least THEIR ALLOTMENTS and it will be cost effective and reach all goals much quicker because we KNOW from generations of EXPERIENCE and if allowed, we could better manage the lands.**

***DO NOT CUT OR CHANGE GRAZING AUM'S and DO NOT RAISE FEES.**

BO TOOOX

***Livestock Grazing and farming is the economic stability of our local areas in Montana and BLM nor any other agency or person should ever be allowed to adversely affect our livelihoods.**

***WORK WITH THE PERMITTEES EVERY STEP OF THE WAY.**

***Is BLM involved in Grazing Buyouts?**

***IS BLM planning to "RELOCATE" us in the future?**

*** Will BLM price us permittees out like CMR is doing?**

***The Constitution GUARANTEES us the RIGHT to Pursue happiness..... and if BLM, any agency or person negatively affects those RIGHTS, we are to be paid for the losses which include loss of income because of grazing cuts.....**

***BLM MUST work with permittees and allow them to Voluntarily reduce livestock numbers WITHIN REASON during periods of drought, hail, frost damage...**

***BLM MUST NEVER try to keep ranchers-permittees from using horses, ATV's, OHV's, pickups, tractors.... to do their normal ranching work such as gathering or doctoring livestock. Ranchers are not going to destroy the land because it is our whole way of life and we won't be here long if we destroy the vegetation.**

CHECKIN and CHECKOUT WITH PERMITTEE WILL BE REQUIRED-

***Permittees want BLM to make it a REQUIREMENT that every person (public including BLM employees) is required to CHECKIN and CHECKOUT with the permittee because we are required to sign a permit saying we are responsible for that allotment. There is a serious Rustling problem in our area so we have to know who is traveling thru our allotment and livestock, plus who it is that drove all over and ruined vegetation and caused erosion on an allotment we are responsible for.**

LAW ENFORCEMENT

*** "BLM RANGERS" should NEVER have the right to carry weapons or "enforce law" because we elected our Sheriff to do this job and any BLM Ranger or Game Warden is "IMPERSONATING A PUBLIC SERVANT" if they write tickets or try to enforce law because they were not elected to do so and have no "legal authority" to do so. The Constitution does not give any government agency the power to enforce law.**

***MCA 2-1-207 The State's RESERVED the right to Police the lake area and land in the CMR boundary.**

LAND USE PLANNING-

***Allow Permittees-Ranchers to MANAGE ALL FEDERAL LANDS or at least THEIR ALLOTMENTS and it will be cost effective and reach all goals much quicker because we KNOW from generations of EXPERIENCE and if allowed, we could better manage the lands.**

*** Permittees, local people and commissioners MUST BE and WANT to be involved with EVERY STEP of the planning process. BLM involved every agency early on but waited until 5 days before the deadline for comments to involve the permittees which violates our due process....**

***From now on BLM MUST INCLUDE ALL Permittees, landowners and local government in every decision involving land use planning and this includes decisions such as this RMP-EIS.**

***Decisions can NEVER adversely affect the economics, custom, culture or heritage of the area which is Ranching and Farming in this area.**

***Work with Garfield County Commissioners and local permittees and comply with the Land Use Plan the county has passed to protect the customs, culture, economic and historical values of the area.**

***Have meetings at a more convenient time of year-NOT when everybody is starting to calve, plant, harvest, or ship and have no time to comment.**

***Permittees, local people and commissioners MUST BE mailed all information as it progresses, Draft EIS' and Final EIS' as soon as possible because decisions so seriously influence or ruin their livelihood, futures, economic stability...We also want a copy of every comment.**

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***BLM employees told us at the Jordan and Glendive meetings that the Commissioners were also involved but why weren't the PEOPLE included in these plans as it affects them most?**

***Should Wayne and Helen Chenoweth Hage win their lawsuit against BLM and whatever other agencies, BLM must abide by the court decisions and not bother permittees again.**

***We want BLM to allow ranchers-permittees to put in more Reservoirs, Pits, Water Storage because it helps distribute livestock better and also the wildlife. We also would like to see more compacted ground broken up and reseeded because there are so many areas that are so hard the rain can't even penetrate it. We don't believe letting the lowest bidder have the job because the guys that did the work in our South Pasture made it so rough you can't ride a horse thru it and they farmed over rocks plus they stole the major portion of the seed and used it at their ranch because they were talking about it while they were here welding the equipment they ruined farming over the rocks. Some grass came but not much since they had stolen most of the seed.**

***BLM will NEVER make this area something like the "Wild and Scenic Rivers Area".**

SPECIAL MANAGEMENT DESIGNATIONS- & AREAS OF ENVIRONMENTAL CONCERN (ACEC's)-

Ash Creek Divide ACEC should be REMOVED from special management designation because the "bonediggers" have already REMOVED all good bones. Believe me, they don't miss much because they take everything and sell it for their personal benefit!!!!!!

***What are the plans for the Ash Creek Divide ACED?**

***We want everything to remain the same as it has been which means grazing is allowed-not reduced and no intensive management is necessary because the "bonediggers" have removed all the good bones anyway.**

LANDS AND REALTY-

***BLM will NOT use Eminent Domain to FORCE permittees or landowners off their land and if ranchers choose to sell land, it must be totally voluntary with no duress.**

***Allow Permittees-Ranchers to MANAGE ALL FEDERAL LANDS and it will be cost effective and reach all goals much quicker because we KNOW from generations of EXPERIENCE and if allowed, we could better manage the lands.**

***BLM will NEVER make this area something like the "Wild and Scenic Rivers Area".**

SOCIOECONOMICS-

(WHAT WE CALL CUSTOMS, CULTURE, ECONOMICS OF THE LOCAL AREA AND HISTORICAL USE OF THE LAND)

***Government agencies such as FWS, FWP, USDA..... must NEVER be allowed to economically destroy our livelihoods.**

***BLM MUST work with ALL PERMITTEES, Local people and local government and NEVER adversely affect the economics, custom, culture or heritage of the area and that is Ranching and Farming in this area, including the right to keep and bear arms even on public lands.**

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VEGETATION-

- *Permittees KNOW what grasses are "most desirable and beneficial to livestock and wildlife" so stop treating us as though we're little kids on these issues.
- *Be realistic about what grasses that are naturally "native" to this area and what grasses are good quality grasses. Example-BLM hates "Nigger Wool" and it is one of the most desired & beneficial grasses by livestock and wildlife.
- *Protect our vegetation and soils from methane or any other thing that could be dumped while drilling for gases or whatever.
- *During drought, hail, frost damage..... BLM will allow the permittees to Voluntarily reduce numbers within reason to benefit the land.
- *After fires the Ranchers-permittees are smart enough to know when and how long to rest the area so as not to cause erosion and grazing should NOT be reduced by the BLM -just work together.

NOXIOUS WEEDS-

- *Permittees will NOT be charged a fee to control weeds on public land. Nobody helps us pay to control noxious weeds on our land! Charge the hunters, environmentalists and anyone that wants to reduce grazing the fees to control noxious weeds.
- *FORCE CMR to control their weeds that are now all over our private land.
- *We would like BLM to control cockleburrs and other noxious weeds that have come down Lone Tree Creek during runoff and have now taken over our private land.

VISUAL-

- (Karen Budd Falen will tell you this is not a legal way for BLM to do studies).
- *What exactly does this mean?

CUSTOMS-CULTURAL-HISTORICAL-

- *BLM will NOT be allowed to endanger the cultural, economic, customs, heritage..... of any local area by making decisions that will adversely affect any of the aforementioned.
- *BLM will NEVER try to infringe on our right to keep and bear arms even on public land.

WATER-

- *BLM will NEVER be allowed to TAKE water rights away from permittees or local areas.
- *MCA 2-1-207 Follow this because it reserves our right to police ourselves, water, recreate.....
- *Protect our water quality from companies that come in to mine, drill for oil, gas, methane, or from any industries.
- *Protect our water from methane or any other thing that could be dumped while drilling for gases or whatever.
- *We want BLM and other agencies to help us keep water from Fort Peck Reservoir in our state and in the dam to protect our state.

AIR/CLIMATE-

- *Protect our air quality from companies that come in to mine, drill for oil, gas, methane, or from any industries.

FIRE-

- *Whenever there is a fire on "public land", the permittees, local Sheriff, local Commissioners, local fire warden, local people.... should be in charge even when they have no "red card" because they are most familiar with the area and how to fight fires or get to the fires....
- *Permittees and local people should NOT be required to have a "red card" to be allowed to fight fire. This is our livelihood and we know more about the fires and country than anybody else.

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- *Have more controlled burns every year where sagebrush or trees or underbrush is thick and causes a fire hazard. **Before the burn**, allow local people and permittees to remove the trees to build things.
- *No permittee or landowner of an area should be run out of the area by any agency because they are fighting to save their livelihood, home and we are not dumb, if things become real life threatening we are smart enough to get out of the way and if we don't, that is our fault.
- ***Wildfires should be suppressed immediately** (unless they are a planned controlled burn) and BLM nor any other agency should be allowed to come in and dictate to the local people, permittees, commissioners, sheriff or local fire warden that they cannot fight the fire BLM will not allow the fires to burn like they did at Brusett 2 years ago.
- *BLM will NOT reduce grazing after fires because Ranchers-permittees are smart enough to know when and how long to rest the area so as not to cause erosion.
- *After a fire, BLM should hire local people to cut burned timber for building barns, sheds, firewood.....

FLUID MINERALS-

- *BLM should allow exploration of oil, gas, minerals in our area in the near future but make sure the companies stay on existing roads and only build what roads are absolutely necessary to get wells drilled... and that they are not polluting water, air, soil.....
- *Does BLM plan to explore for oil, gas, methane, minerals in our area in the near future?
- *BLM and all other agencies, drilling companies..... will be **REQUIRED** to protect the air, water, vegetation, grazing, livestock, humans..... from any dumping, CBM waste, hazardous waste..... and will NOT reduce livestock grazing for something someone else was responsible for.
- ***Permittees private property rights must be protected** anytime minerals of any kind are removed.
- *Protect our water & air quality from companies that come in to mine, drill for oil, gas, methane, or from any industries.

PALEONTOLOGY-

- ***"Bonediggers" will be REQUIRED** to show the permittee their permit to dig for fossils.
- ***"Bonediggers" will be REQUIRED** to inform permittees whenever "bonediggers" are going to be in a permittees area to hunt for fossils so we can help make sure they are not stealing the fossils from our area or damaging the land....
- ***Keep dinosaurs in the museum of the area they were found. DO NOT allow them to be taken out of state.**
- * When a "bonedigger" applies for a permit, BLM should be out checking on their progress during the dates their permit is for to be sure that what they find is actually put into local museums of the area in which they were found.

RECREATION-

- *We reserve the right to recreate (fish, hunt, boat, hunt coyotes.....) and no roads should be closed which would cause limited use of any areas.
- *We want BLM and other agencies to help us keep water from Fort Peck Reservoir in our state and in the dam to protect our state.
- *Camping on public lands should NOT be abolished but campers and hunters should be **REQUIRED** to **checkin and out with the local permittee** and find out where or when it is NOT convenient to camp and what their schedules are because many times our lives have been endangered while riding to gather during hunting season, plus hunters end up showing up at the exact wrong time and causing the livestock to scatter and need gathering again. **Many problems can be avoided if ALL concerned work together.**

SOILS-

- *Permittees know that nothing will ever grow on gumbo (acidic soils) so stop acting like it is the fault of the ranchers when nothing grows in those areas.
- *Protect our soils from methane, hazardous waste, CBM waste, or any other thing that could be dumped while drilling for gases or whatever.

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SOLID MINERALS-

- *BLM should allow exploration for coal and other solid minerals in our area in the near future but make sure the companies stay on existing roads, only build what roads are absolutely necessary to get mining done... and that they are not polluting water, air, soil.....
- *Does BLM plan to explore for coal or any other solid mineral in our area in the near future?
- *Permittees private property rights must be protected anytime minerals of any kind are removed.
- *BLM will protect our air and water quality, vegetation, grazing, livestock, humans.... from hazardous waste, CBM waste, pollution of any kind, and will NOT reduce livestock grazing for something someone else was responsible for doing.

WILDERNESS-

- * We do NOT need or WANT anymore wilderness areas.

WILDLIFE-

- ***BLM will NOT reduce grazing or recreation because of any bird or animal of any kind.**
- *Wolves, cougars....-We do NOT want BLM or any other agency to allegedly "reintroduce" wolves, cougars....
- *Any Endangered species-BLM will NOT use any species of animal as an excuse to reduce livestock grazing, recreation....
- *Sage grouse-BLM published articles that sage grouse are not endangered so there is no need to protect them further or reduce grazing....
- *Prairie Dogs in general-BLM will NOT protect them in any way and will NOT reduce grazing because of them.
Prairie Dogs cause awful erosion and should be controlled intensively.
- *Predators - BLM will allow the hunting of predators. If ranchers were allowed to totally control predators, there would be a lot more birds, deer, antelope, elk,..... because these predators eat all the babies.
- *BLM will NOT use Any other "wild animal", fish, mammal or whatever BLM usually decides to use against permittees to "take" aum's or allotments away from permittees.

OFF-HIGHWAY VEHICLES-

- *Permittees want BLM to **REQUIRE Checkin and Checkout with the permittees** so we know who is in our allotment and livestock as we have a bad Rustling problem in our area, plus we are required to sign that we're responsible for our allotments so we must be allowed some control to keep people from causing erosion....
- *Permittees reserve the right to use pickups, OHV's, ATV's, tractors... to check on or move, doctor livestock.....Ranchers will not harm the land because it is our life.
- *Permittees want the general public to stay on the roads.

HAZARDOUS MATERIALS-

- *Permittees and locals do NOT want ANY hazardous waste or materials to be "dumped" or allowed in our area PERIOD.

FISH-

- *Permittees do NOT want fish or any other animal.... used as an excuse to remove livestock from the allotments.
- *Fish can be protected WITHOUT cutting livestock grazing, mining, or anything else. We can all work together to achieve the highest standards of reaching all goals and not harm anyone or anything.

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FORESTRY-

*Where there are thick trees such as the Brusett area, the ranchers should be allowed to thin the trees, cut out the underbrush.... to prevent fires in the future and these ranchers should be allowed to use the lumber to build barns, sheds..... it should not go to waste needlessly.

*BLM should hire only local people to do thinning, cutting of burned timber for firewood, building barns, sheds.....

NATIVE AMERICAN CONCERNS-

***DISCRIMINATION**-We want equal treatment and involvement.

*If Native Americans are to be chosen to have special input, I want a chance as a permittee, a woman, a white person.... to have extra input and I'm sure every race will want the same opportunity!!!!

OTHER-

BLM DID A FINAL EIS' in 1984 and 1995 SO LEAVE THINGS ALONE - WE DO NOT NEED TO DO AN EIS EVERY 10 YEARS.

*What kind of scientific studies will be done?

*Will the studies be done impartially with no slant to benefit the gov. agency?

no. 12 of Miles City Field Office Resource Management Plan (2 pg. pamphlet) says, "The lifestyles and concerns of area residents will be recognized in the plan."

Why is BLM NOT doing it then?

FOLLOW THE CONSTITUTION AND STOP INFRINGING ON PRIVATE PROPERTY RIGHTS.

Federal land was supposed to be Homesteaded years ago and the government was NEVER supposed to OWN land.

Please keep us on the mailing list for hard-copy information, update us by e-mail and mail on project progress and the RMP.

Many problems can be avoided if ALL concerned work together.

We will have plenty more comments we will send next week because we have not had time enough to consider or know what to consider with no info from BLM but we want to mail these comments in time. Thank you.

Sincerely,

Karen & Clay Taylor & family & future generations
Karen and Clay Taylor and family (future generations)



NATIONAL WILDLIFE FEDERATION®

People and Nature: Our Future Is in the Balance

Northern Rockies Office

March 2, 2005

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

Dear Sirs:

Thank you for the opportunity to submit comments during scoping for the Miles City Field Office Resource Management Plan revision.

The National Wildlife Federation (NWF) was founded in 1936 as the national voice of state and local conservation groups, and has since emerged as the nation's foremost grassroots conservation organization, leading an integrated network of members and supporters and 47 affiliated organizations throughout the United States and its territories. We have been involved in wildlife issues in Montana for more than 20 years and have participated in the planning process for prairie dogs, sage-grouse and many other species of native Montana wildlife.

As requested, our comments below are separated by topic.

Category: Wildlife - Prairie dogs and black-footed ferrets

The BLM and many other agencies and individuals collaborated to produce the Conservation Plan for black-tailed and white-tailed prairie dogs in Montana (2002). This plan calls for establishment of "a minimum of 2 black-tailed prairie dog complexes sufficient to maintain viable populations of black-footed ferrets". These two complexes must be at least 100 kms apart and from 5,000 to 12,000 acres in size. Based on the distribution of prairie dogs in Montana, it is clear that the Montana objective for prairie dog colonies large enough to sustain ferrets can only be accomplished if one of these complexes occurs in the BLM's Miles City Field Office planning area.

Correspondingly, it is critical that this need be accommodated in the revised plan. Montana Fish, Wildlife and Parks (FWP) is in the process of planning to implement the state plan in FWP

Region 6 (which includes the northern part of the Miles City planning area). The next area targeted for this planning effort will be FWP Region 7, which includes the southern half of the Miles City planning area. Currently, the Custer Creek area is identified by BLM as an Area of Critical Environmental Concern (ACEC) because of its potential to reintroduce ferrets and this is a likely place to establish one of the Category 1 complexes called for in the Montana Plan. Although the Montana Plan calls for use of a 7-km spacing between colonies ruled for Category 1 complexes, more recent information indicates that this is too wide and that colonies within a ferret complex should be spaced no more than 1.6 km apart.

In addition to needing at least one prairie dog colony adequate to sustain a ferret population, the Planning Area must be home to a significant proportion of Category 2 (>1,000 acres) and Category 3 (<1,000 acres) complexes and colonies as defined in the Montana Plan. The Miles City revised plan should lay out a clear strategy for accomplishment of a portion of the state-wide target for acres occupied by prairie dogs.

Given the problems and expenses associated with achieving the objectives of the Montana Plan on private lands, it appears clear that public lands administered by the BLM will necessarily need to form the core of Category 1 and Category 2 complexes with incentives being used to assure compatible management on adjacent private lands.

Category: Wildlife - Sage Grouse

The Miles City Field Office planning area is critical to the long-term conservation of greater sage-grouse populations in the core of the species' current remaining range. This planning area contains the largest number of traditional sage-grouse breeding areas ("leks") of any Montana BLM Field Office and also many critical wintering areas.

In the recent proposed rule and finding that the greater sage-grouse is currently "not warranted" for listing under the federal Endangered Species Act (ESA) (Fed. Reg. v. 70, n. 8, 1/12/05), the US Fish and Wildlife Service (USFWS) discussed listing factors which included:

- A. present or threatened destruction, modification, or curtailment of habitat or range (threats identified as habitat conversion, habitat fragmentation, powerlines, communication towers, fences, roads and railroads, grazing, mining, non-renewable and renewable energy development, fire, and invasive species/noxious weeds);
- B. overutilization for commercial, recreational, scientific, or educational purposes;
- C. disease or predation (in particular, West Nile virus);
- D. the inadequacy of existing regulatory mechanisms;
- E. other natural or manmade factors affecting its continued existence (identified as pesticides, herbicides, contaminants, recreational activities, climate change/drought).

A panel of experts convened by the USFWS ranked the threats to the continued survival of sage-grouse, from most to least significant, in the following way: "invasive species, infrastructure as related to energy development and urbanization, wildfire, agriculture, grazing, energy

Miles City Field Office

March 2, 2005

Page 3

development, urbanization, strip/coal mining, weather, and pinyon-juniper expansion." While some of these threats may not be germane to the Miles City Field Office, we believe that discussion of the relevant factors listed above, and how the Miles City Field Office plans to address them in the context of the BLM's new national sage-grouse strategy and other actions, is within the scope of the proposed RMP.

Adequate planning for sage-grouse is especially critical within the context of coalbed methane development. The RMP should set comprehensive standards for areas where coalbed methane projects are developed, including requirements for burying powerlines, reducing road densities, limiting disturbance, and otherwise mitigating the direct impacts of development. The RMP should also evaluate the need for offsite mitigation and sequencing coalbed methane projects. Offsite, sage-grouse habitats may need to be enhanced to mitigate any unavoidable adverse impacts that will result from coalbed methane development. The RMP should also evaluate how coalbed methane projects might be sequenced over time so that impacts can be diluted.

Categories: Off-Highway Vehicles, Vegetation and Livestock Grazing

We would also urge the BLM to evaluate how off-road vehicle use can be limited, how noxious and invasive weeds can be controlled, and how rangeland health can best be improved.

In the future, please email us on project progress and the RMP. Please add Tom France, france@nwf.org, Sterling Miller, millers@nwf.org, and Ben Deeble, deeble@nwf.org, to your electronic mailing list.

Thank you for this opportunity to comment.

With best regards,



Tom France, Director
Northern Rockies Office
National Wildlife Federation



NATIONAL WILDLIFE FEDERATION®
Northern Rockies Office
240 North Higgins, Suite 2
Missoula, MT 59802-4445

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



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BURLINGTON
RESOURCES

March 4, 2005

Attn: Jon Seekins
Bureau of Land Management
Miles City Field Office RMP Comments
P.O. Box 219
Miles City, MT 59301-0219

email: jseekins@milescityrmp.com

Re: Scoping Comments for the Miles City RMP

Dear Mr. Seekins:

Burlington Resources Oil and Gas Company L.P. (BR) appreciates the opportunity to provide comments through the public scoping process of the proposed Miles City Resource Plan (RMP). BR is one of the largest independent (non-integrated) oil and gas exploration and production company in the United States in terms of total domestic proved equivalent reserves. We are the lessee of approximately ten percent of all wells located on federal oil and gas leases, and hold a substantial number of federal leases in the Miles City Field Office area. Additionally, BR is a significant fee mineral owner in the eastern portion of the state. As such, BR is extremely interested in the outcome of this plan amendment.

Currently, BR is involved in a Bakken formation development program, within the boundaries of the Miles City RMP, and could potentially drill up to 75 wells over the term of the plan. Combined with our checkerboard fee mineral ownership and our horizontal drilling technology, many wells may penetrate federal minerals or be included in federal CA's or PA's in the future.

The following comments are submitted for your consideration in the RMPA:

- **BLM adherence to 1624 Manual Supplemental Program Guidance (SPG) for fluid minerals:** BLM must include the basic elements of the SPG as planning criteria. The SPG requires consideration of mineral resources in the planning process *and* elevates mineral resources to an equal level with all other resource values. Additionally, per the SPG, BLM must use the least restrictive management option to protect sensitive resources. BR suggests that a discussion of the specific requirements of a resource to be protected, along with a discussion of the perceived conflicts between it and oil and gas activities be included in the plan. An examination of less restrictive measures must also be included. BR recommends that the following factors be included by the BLM in the analysis: examination of management options that would protect or enhance opportunities

Miles City RMP Comments

3/4/2005

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to explore for and develop oil and gas resources; management options for surface resource management that are compatible with oil and gas resource management objectives; reasonable mitigation measures designed to limit or avoid impacts to surface resources as a means to lessen restrictions on access to public lands for leasing; and the lack of oil and gas resource potential or current industry interest must not be used as a basis for closing lands or imposing constraints on exploration and development activities. Additionally, access to public lands for purposes of exploration and production of oil and gas resources must be considered a separate issue from economic impacts. Compliance with leasing laws, that require all lands to be evaluated, is an access issue that should be considered separate from economic impacts as well.

- **Statement of adverse energy impact:** BLM's Instruction Memorandum (IM) #2002-053, that provides for a "Statement of Adverse Energy Impact", is now required on decisions or actions that will have a direct or indirect adverse impact on energy development, production, supply and/or distribution. BR applauds this new direction in the BLM (in response to the President's Executive Orders 13211 and 13212) and understands that it should be applied, if necessary, on the plan amendment.
- **Socio-economic analysis:** A comprehensive analysis of the socio-economic benefits of oil and gas development activities in the area should be included in the plan amendment. BR recommends that BLM include a chart that represents costs of administering the mineral program and industry's financial contributions to local, state and federal treasuries. The BLM's recent FEIS and Proposed Plan Amendment for the Powder River Basin Oil and Gas Project is a beneficial template to use when conducting the socio-economic analysis for the Miles City RMP. Socio-economic information in regards to oil and gas activities will also be beneficial should a "Statement of Adverse Energy Impacts" be utilized.
- **Adaptive Management (AM):** BR supports the principles of adaptive management; however currently in Wyoming there appear to be three different approaches employed. BLM must agree upon and utilize a single template so that interested parties have an understanding of what the process entails. Performance-based parameters should be utilized as they encourage innovation and embrace changing conditions and new technological advancements. Monitoring must be a critical component in measuring the effectiveness of these parameters. BR recommends that AM and the related performance-based parameters be specific enough for the project proponents to fully understand the expectations at the time of permit issuance. Unclear and unspecified parameters, mitigation and monitoring causes serious difficulties for project proponents in terms of scheduling, unanticipated costs and uncertainty. BLM has utilized the "work group" concept in the past with respect to AM. This concept may be ineffective when it involves participants with little technical expertise. BR recommends that BLM make the following changes relative to the "work group" concept: 1) individuals selected must possess a scientific and working knowledge of the issues being addressed as well as an understanding of the industry project subject to the monitoring under consideration; 2) project proponents must be

represented on the work group; 3) costs associated with monitoring must be considered by the work group (including the project proponent) prior to implementation of the monitoring; 4) a balanced approach to managing all resources must be an integral part of the process; and 5) an open dialogue with public participation is imperative.

- **Valid existing rights:** BLM must ensure that valid, existing rights are not abrogated by the plan amendment. BR requests that the BLM include language in the RMP that clearly states valid, existing rights will be protected and how and if these rights could be impacted by new leasing decisions.
- **Directional drilling:** BLM must not make assumptions that industry can directionally drill in any situation. Generally, the technology of directional drilling is used to develop fields rather than in exploratory areas. It is too risky and difficult to determine where a structure may be without the added knowledge of data from previously drilled wells in the area. More specifically, directional drilling is extremely risky and costly in areas with excessive gas production, where well control becomes difficult and thus raises the odds of encountering serious well control problems. Formations that require sharp, high angle deviation are not good candidates for directional drilling. Deviated wells may also be problematic in the production stage due to the high angle turn in the pipe. Increased cost coupled with increased mechanical challenges may prevent directional projects from ever being drilled and thus related revenues not realized by the state and nation.
- **Wildlife Management:** BLM must utilize sound science principles and data from current project-level NEPA documents in determining areas of concern and species-specific mitigation in the plan amendment. Additionally, a localized approach is crucial to retain needed flexibility for BLM, operators, and other interested parties.
- **Interim Development:** BR urges the BLM to follow the requirements found in Instruction Memorandum (IM) 2001-191 during the current planning process. This IM states that "When a RMP is being amended or revised, BLM will continue to process site-specific permits, sundry notices, and related authorizations on existing leases in an expeditious manner while ensuring compliance with NEPA and other laws, regulations, and policies."
- **Effects of Other Resources:** Generally, past BLM planning documents address the impacts that oil and gas activities may have on other resources, but fail to address the effects that surface management decisions may have on future subsurface opportunities and activities. BR urges the BLM to describe the impacts of surface management decisions and trade-offs selected as they relate to oil and gas opportunities.
- **National security regarding pipeline corridors:** How will BLM address the national security implications with respect to pipeline corridors? In lieu of recent terrorists attacks, BR recommends that BLM consider threats to oil and gas infrastructure and facilities when making planning decisions.
- **Monitoring Stipulations and COAs:** It is imperative that BLM monitor lease stipulations and conditions of approval (COAs) to ensure necessity and

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Miles City RMP Comments

3/4/2005

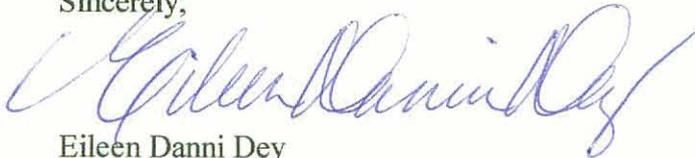
Page 4 of 4

reasonableness. BLM may wish to refer to The White River Resource Area Plan (Meeker, Colorado Field Office) for an example of an effective monitoring plan.

- **Cumulative Impacts of Reasonably Foreseeable Development (RFD):** BR recommends that BLM use a method to determine the cumulative impacts of reasonably foreseeable oil and gas development that incorporates historical data on what types of impacts have typically occurred in the area. It is difficult to determine exactly how many miles of roads, pipeline, size of well locations, etc. that may occur until the actual project applications are submitted and even determined productive. Therefore, BLM should use a local average for these surface uses. The discussion of cumulative impacts related to potential development should include not only possible impacts from oil and gas activities, but also the measures available to mitigate adverse effects. Moreover, the BLM should implement a new approach for determining RFD that addresses acceptable levels of surface disturbance rather than the number of wells in the planning area. This would provide for more flexibility in future development scenarios, such as the utilization of one well pad for several wells and consideration of reclaimed surface from producing wells in addition to plugged and abandoned wells.
- **Areas of Oil and Gas Potential:** It is the BLM's responsibility to assess the occurrence of mineral potential in the study area. The lack of current industry interest or even mineral potential must not be the basis for closing lands or imposing unjustified constraints on future leasing and/or development. Industry interest, due to new technology, new information, and economics, can change dramatically over time. Areas previously deemed unknown or low potential for oil and gas resources may change to high potential in the near future.

Again, BR appreciates this opportunity to provide you with our input and looks forward to working with you throughout the planning process. Please contact me at (432) 688-9042 should you have any questions or would like to discuss this information further.

Sincerely,



Eileen Danni Dey
Regulatory Compliance Manager



Encore
Operating, L.P.
*A Subsidiary of
Encore Acquisition Company*

entered
B070010
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March 4, 2005

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

RE: Miles City RMP Comments

Dear Ms. Bloom:

Encore Operating, L.P. has concerns as to how the new RMP will effect our operations within this RMP area. Encore operates over 700 wells in this area and wants to be involved during the RMP process. Encore is a mineral owner, surface owner and leasehold owner in the Miles City RMP area and may be impacted in each of these areas. Encore currently has primary, secondary and tertiary recovery operations going on in this RMP area.

Encore is the largest oil producer in the State of Montana producing over 1/3 of the states oil from this area. Encore wants work with the BLM regarding the new RMP to insure that any new rules are for the benefit of all and will not impede or stop ours or others activity in this area. Any negative or excessive rules will slow down or possibly halt our activity levels which in turn will lower production and royalties to the BLM, State of Montana and local fee owners in the area. If you have any further questions regarding this matter, please feel free to contact me at 817-339-0828 or by email at macarter@encoreacq.com.

Sincerely,

Mark A. Carter, CPL
Senior Landman

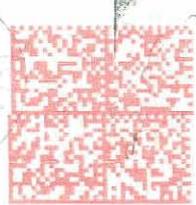


Encore

Operating, L.P.

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RMP Comments
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