



*Miles City Field Office
Resource Management Plan
and
Environmental Impact Statement*

FINAL SCOPING REPORT

Prepared for:

**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
111 Garryowen Road
Miles City, MT 59301**

Shared Lands

Shared Plan

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Acronyms and Abbreviations

ACEC	Area of Critical Environmental Concern
AIRFA	American Indian Religious Freedom Act
AUM	Animal Unit Month
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
EIS	Environmental Impact Statement
EPCA	Energy Policy and Conservation Act
FLPMA	Federal Land Policy and Management Act
GIS	Geographic Information System
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NOA	Notice of Availability
NOI	Notice of Intent
OHV	Off-Highway Vehicle
RFD	Reasonably Foreseeable Development
RMP	Resource Management Plan
ROD	Record of Decision
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

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1.0 Introduction

This report documents the public scoping process of the Bureau of Land Management's (BLM) Miles City Field Office Resource Management Plan (RMP) and Environmental Impact Statement (EIS), (draft RMP/EIS). The scoping report includes an overview and summary of the scoping process, the planning schedule, the scoping meetings, the comments submitted by the public, and the issues identified from scoping comments.

Scoping helps the BLM identify issues that could potentially affect the future management of public lands and resources. These issues focus development of the alternatives to be evaluated in the EIS and ultimately guide development of the RMP.

1.1 Background

The Miles City Field Office is combining and revising the Powder River and Big Dry RMPs. The Big Dry RMP Record of Decision (ROD) was signed in April 1996. The Powder River RMP ROD was signed in 1985. Both RMPs have been amended several times. The purpose of the RMP is to provide a comprehensive framework for managing the public land and for allocating resources. The RMP sets forth land use decisions and terms and conditions for guiding the management of activities on public lands.

The draft RMP/EIS will be prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended; the Council on Environmental Quality regulations implementing NEPA, the Federal Land Policy and Management Act of 1976 (FLPMA), and other related regulations.

1.2 Purpose and Need

The draft RMP/EIS will analyze any new data, changes in resource conditions, and changes in the use of public lands that have occurred since the RMPs were completed, as well as incorporate the direction provided by the BLM's planning instruction memorandums and bulletins. The draft RMP/EIS is scheduled for completion by December 2007. The draft RMP/EIS will provide an overview of goals, objectives, and needs associated with public land management.

1.3 Planning Area Location and Description

The BLM will make decisions on the BLM-administered surface and mineral estate within a defined planning area (see Map 1). The planning area includes approximately 2.8-million surface acres and 11.7-million sub-surface acres of BLM-administered estate. The planning area includes Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Wibaux and portions of Big Horn and Valley Counties.

Most of the BLM-administered lands in the planning area are small tracts interspersed with other federal, state, and private lands. Other federal land managers include the U.S. Forest Service (Custer National Forest), U.S. Fish and Wildlife Service (USFWS; Charles M. Russell National Wildlife Refuge), and the U.S. Department of Agriculture (USDA) (Fort Keogh Livestock and Range Research Station). Other large land owners and managers include the Montana Department of Natural Resources and Conservation for state trust lands; numerous private ranching interests; and various tribes including the Fort Peck Assiniboine and Sioux, the Northern Cheyenne, and the Turtle Mountain Band of Chippewa.

1.4 Scoping Process

Scoping takes place early in the planning process and is open to agencies and the public. Scoping results help identify the range, or scope, of issues to be addressed in the draft RMP/EIS.

The BLM solicited comments from agencies and the public using a variety of tools to announce the beginning of the draft RMP/EIS process.

The scoping meetings were announced in the *Federal Register*, a scoping brochure, a legal notice, newspaper advertisements, and media releases (see Appendix A). Some of the counties also publicized the scoping meetings through word of mouth and by posting flyers in public venues. A notice was also posted on the Montana BLM Web site.

The 30-day scoping period began with the publication of the *Federal Register* notice of

intent to plan published February 4, 2005 (Vol. 70, No. 23, Page 6034).

Comments received in writing or during public meetings were entered into an electronic database and sorted several ways, including type of issue, geographic location, and type of submitter (e.g., agency, special interest group, individual). Issues were then identified from the comments. For all resource categories, specific resource topics were defined within the category (e.g., noxious weeds were a topic within the vegetation category). Within each resource topic, issues were identified as those (1) issues that will not be addressed as they are outside the scope of the draft RMP/EIS, (2) issues that need to be addressed administratively and so are not RMP decisions and (3) issues that need resolution and will be addressed in the draft.

1.4.1 RMP/EIS PUBLIC MEETINGS

The BLM hosted nine public scoping meetings during February and March of 2005. The registered attendance for all nine meetings was 199 people, with some people attending more than one meeting. The number of participants located within the planning area indicates a high level of local interest (Table 1). Attendance at each public

scoping meeting was recorded using a sign-in sheet. Copies of scoping meeting sign-in sheets are provided in Appendix B.

While each public scoping meeting raised unique issues and concerns, a number of common themes emerged. When viewing all of the public meetings as a whole, the ideas and concerns relating to mining and oil and gas development are mentioned most frequently; access (including off-highway vehicle use), fire management, and noxious weeds are also often cited. Informal comments addressed to the BLM staff during conversations at the open houses were not formally recorded, but were noted in general.

1.5 Cooperating Agencies

Cooperating agency status provides a formal framework for governmental agencies—local, state, tribal, or federal—to engage in active collaboration with a federal agency to implement the requirements of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321, et seq.). Federal and state agencies and local and tribal governments may qualify as cooperating agencies because of “jurisdiction by law or special expertise” (40 CFR 1501.6 and 1508.5).

**TABLE 1
PUBLIC SCOPING MEETING DATES, LOCATIONS AND ATTENDANCE**

Meeting Date	Meeting Location	Number of Attendees
February 22, 2005	Baker, Montana	14
February 23, 2005	Ashland, Montana	17
February 23, 2005	Broadus, Montana	31
February 24, 2005	Terry, Montana	41
February 28, 2005	Jordan, Montana	22
March 1, 2005	Sidney, Montana	20
March 1, 2005	Glendive, Montana	8
March 2, 2005	Billings, Montana	17
March 3, 2005	Miles City, Montana	29

Collaboration can be used to describe a wide range of external and internal working relationships, including the Cooperating Agency relationship. The BLM strongly supports the engagement of cooperating agencies in developing resource management plans. According to BLM Handbook H-1601-1, Appendix A, collaboration implies that other federal agencies; tribal, state and local governments (cooperating agencies); and various members of the public will be involved in the plan well before the lead agency officially initiates the planning process, rather than at specific points mandated by regulation and policy.

Agency coordination is an important step in a successful collaborative process for several reasons. First, early involvement with other federal, tribal, state, and local governments establishes a solid working relationship with each agency. Next, coordination builds trust and credibility between agencies; this relationship can serve as the basis for building a similar relationship with the public. Finally, coordination helps ensure that the BLM develops land use decisions that are supported by other jurisdictions in any given area to the maximum extent possible. Similarly, active involvement by the public early in the process helps to ensure that the alternatives considered address the diversity of public interests. The process can build trust between the BLM and the public, create public support in understanding the eventual management decisions, and develop a working relationship to carry into the shared implementation of those management decisions.

As a part of initiating the Miles City draft RMP/EIS, the BLM listed the federal, state, county, and local agencies and Indian tribes that may want to participate in the planning process. A letter was sent to more than 50 agencies to introduce the RMP/EIS, identify the upcoming data gathering efforts, and invite them to become cooperating agencies in the planning effort (see Appendix C).

Agency personnel were invited to attend a workshop in Miles City on December 2, 2004. The meeting was held to discuss the BLM's planning process, collaborative planning, and the meaning and responsibilities of being a cooperating agency. The BLM's goal was to encourage involvement by all interested parties.

The BLM held seven meetings with government agencies and tribes between December 6 and 10, 2004. The meetings served as an opportunity for the BLM to introduce the project to the agencies and to initiate working relationships between project team members and agency personnel. The meetings included a short presentation on the planning process and the planning area, followed by informal questions and answers. Table 2 lists the dates and locations of the cooperating agency meetings.

The BLM developed a memorandum of understanding (MOU) for those agencies choosing to become cooperating agencies. The MOU outlines the roles and responsibilities of the cooperating agency and the BLM throughout the planning process. To date, 15 agencies have become cooperating agencies in the development of the draft RMP/EIS. These agencies are listed below:

- Big Horn County
- Bureau of Indian Affairs
- Carter County Conservation District
- Custer County
- Daniels County
- Garfield County Conservation District
- Little Beaver Conservation District
- McCone Conservation District
- Montana Department of Environmental Quality
- Montana Department of Natural Resources and Conservation
- Powder River County
- Prairie County Conservation District
- Richland County
- Rosebud County
- Sheridan County

The EPA and the Lower Brule Tribe have also indicated they would like to become cooperating agencies.

Coordination meetings with these and additional agencies will continue throughout the planning process. Other types of agreements also have been established, including an MOU between USFWS and the BLM regarding Endangered Species Act Section 7 consultation.

**TABLE 2
COOPERATING AGENCY MEETING DATES, LOCATIONS, ATTENDANCE AND
PARTICIPANTS**

Meeting Date	Meeting Location	Number of Attendees	Participants
December 6, 2004	Miles City, Montana	9	Montana Department of Natural Resources and Conservation; USDA Fort Keogh Livestock and Range Research Laboratory
December 6, 2004	Jordan, Montana	12	USFWS Charles M. Russell National Wildlife Refuge; Garfield County; Garfield County Conservation District
December 7, 2004	Glendive, Montana	18	Dawson County; Dawson County Conservation District; McCone County; McCone County Conservation District; Richland County; Wibaux County
December 7, 2004	Ekalaka, Montana	16	Carter County; Carter County Conservation District; Fallon County; C-B Grazing
December 9, 2004	Wolf Point, Montana	11	Daniels County; Roosevelt County; Sheridan County; Valley County
December 9, 2004	Poplar, Montana	12	Fort Peck Tribes (Assiniboine and Sioux), Trenton Indian Services representing the Turtle Mountain Band of Chippewa
December 10, 2004	Miles City, Montana	17	Custer County; Powder River County; Prairie County; Rosebud County; Treasure County

1.5.1 COOPERATING AGENCY ISSUE SUMMARY

The following is a summary of the key issues that were discussed during the telephone interviews and meetings with collaborating agencies. Resource-related discussions appear first, in alphabetical order. These discussions are followed by topics that do not fall within the list of resources and resource uses that will be addressed in the RMP/EIS (for example, issues and concerns regarding participation in the collaborative process). Issues raised during meetings with the tribes are included in Section 1.6.1. Meeting summary notes were recorded and are available in Appendix C.

Fire and Forestry. The Montana Department of Natural Resources and Conservation encouraged the BLM to continue to strive to improve all interagency efforts regarding wildland fire management issues. The same participant also noted that timber harvest contributes to the economic diversity in the region and called attention to a thinning/salvage program initiated by BLM's fuels management planner.

Lands and Realty. Some attendees asked for more information on the BLM's procedure for land exchanges. County commissioners asked whether the BLM would consider siting communication towers on public land. Some participants said people trespassed on their land to gain access to BLM-administered public lands. They said that easements across the public lands were important to the area, particularly for title insurance. Some participants mentioned interagency coordination on travel planning and asked for maps that clearly show routing and seasonal restrictions on all ownerships. They emphasized the importance of signs identifying property boundaries. A county commissioner asked about prescriptive use and entitlement regarding land and road ownership.

Livestock Grazing. County commissioners noted concerns about grazing, for instance, mentioning constituents who are unhappy over losing their grazing rights. Other participants cited concerns regarding grazing intensity, distribution over time and space, and the impacts to other resources. Some noted potential conflicts between recreational users and grazing leaseholders.

Minerals. Several participants expressed concern about energy development and the associated potential impacts. Others expressed concern about the proliferation of pipelines without consideration of planned corridors. Others asked that new energy project be incorporated into the revised RMP analysis. Attendees stated that some oil and gas companies have been threatening them with loss of a BLM lease if the private owner does not sign an agreement allowing private companies access to their lands.

Socioeconomics. Several participants inquired about the BLM's intentions regarding payments in lieu of taxes.

Vegetation. Noxious weeds were described as spreading throughout the area, particularly salt cedar. Attendees asked for interagency coordination to minimize weed infestation.

Water Resources. County commissioners expressed concerns over water rights and proposed that the BLM put ownership issues out in the open and address prior claims to such rights. They asked what the BLM planned to do about drought management. Attendees also suggested that some streams identified as impaired probably should not be listed on the 303(d) list. Others thought that more data gathering might be necessary to confirm delisting. Stream impacts resulting from off-highway vehicle were also raised as an issue.

Wildlife. Participants expressed concern over the reintroduction of turkeys and wolves, sage grouse population declines and habitat restoration, and prairie dog management. One participant asserted that overabundant deer and pronghorn antelope exacerbated the noxious weed problem.

Collaborating Agencies. Several participants stressed the importance of including other entities and agencies at future meetings and in the draft RMP/EIS process. They mentioned the Crow Tribe, the U.S. Department of Agriculture, the Montana Board of Oil and Gas Conservation, Montana Fish, Wildlife and Parks, and the Montana Department of Environmental Quality. The BLM representatives noted that these agencies have been, and will continue to be, invited.

Collaborating Agency Responsibilities.

Agencies were unsure how much effort would be required if they participated as cooperating agencies. Some agencies expressed concerns about whether costs might be associated with their participation. Participants also noted that the BLM could help by defining the extent of participation and the decisions over which collaborators could wield some influence.

Decision Criteria. People asked what criteria would be used to make decisions for the draft RMP/EIS. One attendee said that the BLM should refer to FLPMA, the Taylor Grazing Act, and other laws while also citing its mission. Another suggested that more information about the regulatory and statutory mandates that govern the BLM's operations would be helpful.

Information Availability. There were some requests for maps of existing roads. Several participants asked to see mineral lease holding maps. One participant asked for the definitions the BLM developed for wildlife and plant habitat and characteristics.

Local Influence. Participants thought that their comments should carry more weight than those from out-of-state residents who might be unfamiliar with local needs, particularly on issues such as livestock grazing. Some questioned whether statewide plans and policies should automatically be adopted, particularly if issues and resources in western Montana do not apply in eastern Montana. Participants also noted that local taxpayers often pay for mitigating the impacts associated with energy development, but do not receive any of the revenue benefits.

Public Involvement. Participants offered suggestions for ways to encourage public participation in the planning process, including opportunities to comment and meeting advertisements, venues, and procedures. The agencies asked that the scoping meetings be designed to diffuse animosity and encourage positive relationships.

1.6 Tribal Government-to-Government Consultation Process

As previously described, the planning area encompasses lands where BLM will not be making decisions, including tribal lands. As part of the scoping effort, the BLM has contacted the tribes by telephone, letter, email, and fax to initiate consultation and reiterate the opportunity to be a cooperating agency in the planning process. Letters of introduction were sent to the following tribes:

- Assiniboine and Sioux Tribes of Fork Peck – November 18, 2004
- The Crow Tribe of Indians – November 23, 2004
- The Turtle Mountain Band of Chippewa Indians – November 23, 2004
- Lower Brule Sioux Tribe – November 23, 2004
- Northern Cheyenne Tribe – January 19, 2005
- Rosebud Sioux Tribe – February 18, 2005
- Oglala Lakota Tribe of Pine Ridge Sioux Reservation – February 18, 2005
- Cheyenne River Sioux Tribe – February 18, 2005
- Standing Rock Sioux Reservation – February 18, 2005
- Eastern Shoshone Tribe – February 18, 2005
- Northern Arapahoe Tribe – February 18, 2005
- Blackfeet Tribe – February 18, 2005
- Fort Belknap Community Council – February 18, 2005,
- Chippewa-Cree Tribe of the Rocky Boys Reservation – February 18, 2005

The Fort Peck Tribes, the Northern Cheyenne Tribe, the Crow Tribe, and Trenton Indian Service representing the Turtle Mountain Band of the Chippewa and the Lower Brule Tribe issued responses.

To date, three tribal meetings have been held to address specific concerns from the tribes and to initiate the government-to-government

consultation process. The meetings were held with the Fork Peck Tribes, Trenton Indian Services representing the Turtle Mountain Band of the Chippewa, the Crow Tribe, and the Northern Cheyenne Tribe.

The first meeting was held at the Fork Peck Tribal Building, in Poplar, Montana, on December 9, 2004. Representatives from both the Fork Peck Reservation Tribes, as well as the Trenton Indian Services, were present for the meeting. The tribal representatives expressed a number of issues and identified specific areas of concern to the tribes (see below for summary). Meeting notes are available in Appendix D.

The second meeting was held on February 25, 2005, with representatives from the Crow Tribe at their tribal headquarters facility in Crow Agency, Montana (see summary below). Meeting notes are available in Appendix D.

The third meeting was held on March 14, 2005, with the Northern Cheyenne Tribe in their council chambers in Lame Deer, Montana. The Northern Cheyenne Tribal President and several council members attended the meeting. The meeting notes can be viewed in Appendix D.

The BLM also attended a public meeting in Poplar, Montana, for the Fort Peck Tribe's *Integrated Resource Management Plan in Indian Country* held at the Fort Peck tribal building on December 13, 2004.

1.6.1 TRIBAL CONSULTATION SUMMARY

The following issues were identified during the tribal meetings:

Cultural Resources. Discussions with all the tribes addressed methods for protecting sites without disclosing sensitive information. The Fort Peck Tribes recommended that the BLM restrict the availability of information about traditional cultural properties that are located on the BLM-administered surface estate, so as to protect these sites. The Fort Peck and the Northern Cheyenne Tribes would like to establish a formal process under which their staff would review projects affecting the public surface or mineral estate for potential impacts to traditional cultural properties

before the BLM approves the project. The Fort Peck Tribes expressed concern about protection for traditional cultural properties that may be located on private lands. Both the Northern Cheyenne and the Crow have also expressed concerns over the same issue.

Minerals. The Northern Cheyenne Tribe expressed concern regarding the notice to lease process, oil and gas leasing, and the tribe's involvement.

Water Resources. The Fort Peck Tribes have a drought management plan. They are concerned about the checkerboard surface ownership resulting in management challenges as they address this issue.

Wildlife. The Fort Peck Tribes asked for the BLM's definitions for wildlife and plant habitat and characteristics. They expressed concern about turkey reintroduction. The tribes also expressed concern over sage grouse population declines and the loss of habitat.

Nation-to-Nation Status. Several participants wanted assurance that they would be able to review materials, regardless of whether they became a cooperating agency. They received assurances that the BLM intends to engage the tribes fully, whether or not they sign an MOU. Government-to-government consultation with all the tribes will be conducted throughout the course of the project at regular intervals or as often as needed or requested by the tribes.

Resource Management Plan. The BLM attended a meeting of the Assiniboine and Sioux Tribes at the Fort Peck tribal facility on December 13, 2004. The meeting addressed the development of an integrated resource management plan for tribal lands. The tribe's plan is being funded by the Bureau of Indian Affairs (BIA) and prepared by the Fort Peck Tribes. They anticipate the plan taking 3 to 5 years to complete. BLM and the tribes agreed that the tribe's plan and the draft RMP/EIS should be as consistent as possible with regard to resource management around the

reservation. The Fort Peck Tribal Executive Board will ultimately make the decisions for the tribe's plan. An EIS will also accompany the plan. The tribes agreed to forward any public comments they receive during their process to the BLM.

GIS Data Exchange. The Fort Peck Tribes are interested in exchanging mapping information with the BLM, and they expressed interest in the potential to work together to gather additional data.

Reservation Boundary. The Northern Cheyenne Tribe is concerned about the reservation boundary and the ongoing lawsuit with an oil and gas developer regarding its eastern boundary. The Northern Cheyenne also asked that the BLM transfer any surface estate within the Reservation to the tribal government.

Resurvey of Reservation. The Crow Tribe stated that there was a need to resurvey its reservation border.

American Indian Religious Freedom Act (AIRFA). The Northern Cheyenne Tribe requested that the AIRFA requirements be built into the RMP. They explained that the Forest Service, in one of its plans, had provided access to Indian practitioners for activities such as plant gathering.

Conservation. The Northern Cheyenne Tribe expressed concern with over-grazing, erosion, and other resource uses. They asked that the BLM consider these issues when reevaluating the RMP.

Wild Horses. The Crow Tribe explained that a business group from Billings, Montana, approached them about housing several thousand wild horses on their reservation. The Crow stated that they were not interested in working with this group. They would, however, be interested in working with the BLM regarding wild horse grazing and retaining a young herd of wild horses (200) on their reservation so that their 4-H Club children could have their own horses.

2.0 Issue Summary

2.1 Summary of Public Comments

The BLM received verbal, written, email and Website comments. The BLM also recorded comments made during agency and tribal coordination meetings and public scoping meetings.

Seventy-three individuals, agencies, and organizations submitted comment forms, letters, email messages, and Website postings. More than 1,000 comments were recorded. Some commenters submitted more than one set of unique comments using different methods on separate occasions; or more than one person or organization signed the same letter or submitted duplicate copies of a letter. In a few cases, the same commenter submitted identical (or nearly identical) comments twice by different methods (e.g., via the Website and via email). Such comments were counted only once. Four additional comment forms were submitted by individuals who offered no specific comments, but asked to remain on the project mailing list. Copies of all comment submittals are found in Appendix E.

Each unique comment form, letter, email message, or Website posting was counted as a single comment submittal. Seventy-one comment submittals were received. Of these, 49 (69 percent) came from individual citizens. Six comment submittals were received from federal, state, and local agencies. Businesses and organizations submitted sixteen comments. The following tribes, agencies, and organizations submitted comment letters:

Tribes

Northern Cheyenne Tribe

Federal

U.S. Environmental Protection Agency

State

Montana Fish, Wildlife and Parks

County and Local

Big Horn County Weed District

Carter County Commissioners

Missouri River Basin Cooperative State Grazing District

Richland County Commissioners

Businesses

Burlington Resources

Encore Operating, L.P.

Fidelity Exploration & Production Company

Wyoming Sawmills, Inc.

Organizations and Interest Groups

American Gas Association

Capital Trail Vehicle Association

Coalbed Natural Gas Alliance

Dawson County Rod and Gun Club

Montana Petroleum Association

Montana Wilderness Association

Montana Wildlife Federation

National Wildlife Federation

Northern Plains Resource Council

Predator Conservation Alliance

Public Lands Advocacy

World Wildlife Fund

Yellowstone Valley Audubon Society

Of the 73 individuals, agencies, businesses, and organizations submitting comments, 44 (60 percent) had addresses within the planning area. Most of the rest (19 commenters) were from elsewhere in Montana. The remainder came from Colorado (four), Wyoming (three), Texas (two), and Washington, D.C. (one). More than half of the commenters from within the planning area had addresses within Custer (15 commenters) or Carter (eight commenters) Counties. Five were from Dawson County, and three each were from Garfield and Powder River Counties. Two submittals each came from Prairie, Richland, and Rosebud Counties; and one submittal came from each of the following: Big Horn, Fallon, Sheridan, and Wibaux Counties.

Of the more than 1,000 individual comments recorded for the draft RMP/EIS, the highest number (126) addressed oil and gas (Table 3). Most comments in this category addressed potential resource impacts that might result from oil and gas exploration and development activities and the effectiveness and restrictiveness of measures implemented to minimize or mitigate those effects. Another large group of comments (90) focused on water; half of these comments expressed concern about the effects to resources from oil and gas development. Another 90 comments addressed the requirements of the planning process, citing concerns about public involvement and analysis requirements. Lands and realty management also featured prominently, with 89 comments, primarily about access, travel management and ownership consolidation. Other prominent resource categories included vegetation (83 comments, many concerning noxious weeds), livestock grazing (79 comments), fire (76 comments), OHVs (71 comments), and wildlife (69 comments). Of the remaining 285 comments, nearly half (134) addressed recreation, special management designations, or socioeconomics. The remaining 151 comments addressed other resources and resource uses.

2.2 Issues Identified During Scoping

The following issues were identified from comments provided during the public scoping period. These issues will help guide the development of alternatives for the draft RMP/EIS.

2.2.1 AIR QUALITY AND CLIMATE

Commenters expressed concern regarding the effects of management activities, particularly mineral extraction, on air quality. In addition, a commenter proposed protecting all Class I air quality areas from visibility degradation, as well as defining mitigation measures for emissions from coal bed natural gas development, power plant construction and operation, incremental increases in coal mining production, and railroad expansion. The same commenter recommended developing measures to minimize or mitigate sulfur dioxide and nitrogen oxide emissions from oil production and natural gas processing operations. One commenter encouraged the BLM to address air quality by considering increment consumption (the maximum allowable increase in concentrations of certain pollutants) when permitting mineral extraction.

**TABLE 3
SUMMARY OF SCOPING COMMENTS RECEIVED ON THE MILES CITY FIELD
OFFICE DRAFT RMP/EIS**

Resource or Topic	Number of Commenters	Number of Comments	Issue Topic (and number of comments)
Air Quality and Climate	6	21	<ul style="list-style-type: none"> • Impacts associated with oil and gas development (12) • Analysis requirements (4) • Increment consumption (3) • Dust (2)
Aquatic Resources	6	11	<ul style="list-style-type: none"> • Impacts associated with oil and gas development (7) • General (2) • Habitat restoration (1) • Pond development (1)
Cultural Resources	6	11	<ul style="list-style-type: none"> • General (4) • Protection criteria (3) • Impacts associated with oil and gas development (2) • Specific sites (2)

TABLE 3
SUMMARY OF SCOPING COMMENTS RECEIVED ON THE MILES CITY FIELD
OFFICE DRAFT RMP/EIS (CONTINUED)

Resource or Topic	Number of Commenters	Number of Comments	Issue Topic (and number of comments)
Fire and Forestry	19	81	<ul style="list-style-type: none"> • Interagency coordination (14) • Local participation (13) • Fuel treatment (13) • Fire planning (10) • Suppression policy (8) • Post-fire rehabilitation and responsibilities (7) • Control methods (4) • Forestry as a fire management tool (4) • Risks associated with oil and gas development (4) • General (4)
Forest Products	3	5	<ul style="list-style-type: none"> • General (5)
Hazardous Materials and Waste Management	7	18	<ul style="list-style-type: none"> • Coalbed natural gas wastewater treatment (9) • General (9)
Lands and Realty	28	53	<ul style="list-style-type: none"> • Consolidation (12) • Access – permittee notification (13) • Disposal (7) • Access – permittee control (6) • Rights of way (6) • General (3) • Land use designation (2) • Impacts associated with oil and gas development (1) • Communication towers (1) • Conservation easements (1) • Split estate (1)
Livestock Grazing	28	82	<ul style="list-style-type: none"> • General (19) • Allocation of Animal Unit Months (18) • Non-use determinations (10) • Water developments (8) • Impacts associated with oil and gas development (5) • Conflicts with other uses (3) • Biosecurity (2) • Monitoring/enforcement (2) • Allotment Management Plans (2) • Price determination (2) • Access to forage (1) • Bioethics (1) • Funding (1) • Effects of climate change (1) • Custodial permits (1) • Subdivision and separate permitting of base properties(1) • Determination of standards for range conditions (1) • Improvements (1) • Buyouts (1) • Relocation (1) • Compensation (1)

TABLE 3
SUMMARY OF SCOPING COMMENTS RECEIVED ON THE MILES CITY FIELD
OFFICE DRAFT RMP/EIS (CONTINUED)

Resource or Topic	Number of Commenters	Number of Comments	Issue Topic (and number of comments)
Minerals	30	156	<ul style="list-style-type: none"> • Mitigation (14) • General (13) • Resource impacts (12) • Surface Use Agreements (11) • Adaptive management (9) • Determination of areas suitable for exploration for oil and gas (8) • Impacts of solid mineral development (8) • Infrastructure (8) • Public Safety (8) • Supply (8) • Monitoring (6) • Phased development (6) • Surface management (5) • RFD determination (5) • Areas for solid mineral development (4) • Conflicts between coal mining and coal bed natural gas development (4) • Well densities (3) • Valid existing rights (3) • Reclamation (3) • Bonding (2) • Interagency coordination (2) • Road material (2) • Carbon sequestration (1) • Coal-fired plant (1) • Economic benefits of oil and gas development (1) • Federal leases adjacent to private leases (1) • Noise (1) • Privatization (1) • Residual effects (1) • Right to development (1) • Royalties (1) • Stipulation modifications (1) • Subsidence (1) • Worker safety (1)
Off-Highway Vehicle Use and Access	32	71	<ul style="list-style-type: none"> • Enforcement (18) • Area designation (14) • Resource impacts (12) • OHV use by grazing permittees (10) • Use restrictions (7) • Interagency cooperation (4) • General (3) • OHV area rehabilitation (1) • User fees (1) • Conflicts with non-motorized recreation (1)
Paleontology	3	5	<ul style="list-style-type: none"> • Disposition of fossil finds (3) • General (2)

TABLE 3
SUMMARY OF SCOPING COMMENTS RECEIVED ON THE MILES CITY FIELD
OFFICE DRAFT RMP/EIS (CONTINUED)

Resource or Topic	Number of Commenters	Number of Comments	Issue Topic (and number of comments)
Recreation	33	85	<ul style="list-style-type: none"> • Access and Travel Management (17) • Access – general (13) • Access – public information (12) • Conflicts between outfitters and other users (11) • Infrastructure (8) • Conflicts between motorized and non-motorized recreation (7) • Impacts associated with oil and gas development (4) • Hunting (3) • Road maintenance and closure (3) • Camping (2) • Resource impacts (2) • User fees (2) • General (1)
Riparian and Wetlands	3	5	<ul style="list-style-type: none"> • Impacts associated with oil and gas development (2) • General (2) • Wetland restoration (1)
Socioeconomics	17	41	<ul style="list-style-type: none"> • Economic impacts associated with oil and gas development (16) • Use of biomass for energy development (5) • Social impacts associated with oil and gas development (4) • Payments in lieu of taxes (4) • General impacts associated with oil and gas development (3) • Way of life (3) • General (2) • Interagency coordination (1) • Economic benefits of recreation (1) • Privatization (1) • Comparative value of different uses (1)
Soils	6	7	<ul style="list-style-type: none"> • Erosion (3) • Impacts associated with oil and gas development (2) • Productivity (2)
Special Management Designations	18	42	<ul style="list-style-type: none"> • Recommendations (13) • Wilderness Study Area (WSA) management (10) • Specific areas (7) • Wilderness designation (7) • Management (3) • General (2)
Special Status Species	21	38	<ul style="list-style-type: none"> • Prairie dog (18) • Sage grouse (13) • Other species (7)
Tribal Interests	4	18	<ul style="list-style-type: none"> • Coordination (5) • General (5) • Mineral reserves (4) • Key plants (3) • Significant areas (1)

**TABLE 3
SUMMARY OF SCOPING COMMENTS RECEIVED ON THE MILES CITY FIELD
OFFICE DRAFT RMP/EIS (CONTINUED)**

Resource or Topic	Number of Commenters	Number of Comments	Issue Topic (and number of comments)
Vegetation	25	81	<ul style="list-style-type: none"> • Noxious weeds – general (24) • Noxious weeds – control (16) • General (11) • Noxious weeds – funding (9) • Interagency coordination (6) • Impacts associated with oil and gas development (5) • Revegetation (4) • Noxious weeds – oil and gas development (3) • Sagebrush management (2) • Grass banking (1)
Visual Resources	2	2	<ul style="list-style-type: none"> • General (2)
Water Resources	21	79	<ul style="list-style-type: none"> • Impacts associated with oil and gas development (44) • Water quality (9) • General (6) • Monitoring (5) • Interagency coordination (4) • Water quantity (4) • Water rights (4) • Beneficial uses (3)
Wildlife	19	33	<ul style="list-style-type: none"> • General (13) • Interagency cooperation (7) • Conflicts with livestock grazing (5) • Road management (4) • Impacts associated with oil and gas development (3) • Big game (1)
Process	15	90	<ul style="list-style-type: none"> • Public involvement (32) • Analysis recommendations (20) • NEPA requirements (17) • Data needs (8) • Interim development (6) • Need for draft RMP/EIS (4) • Tier to previous analyses (2) • Funding (1)
Other Concerns	15	23	<ul style="list-style-type: none"> • Interagency coordination (6) • Property rights (6) • Data (4) • Funding (2) • Monitoring/enforcement (2) • Management flexibility (1) • Interagency consistency (1) • No changes to agreements (1)
Total	82*	1,058	

* This number includes comments recorded during the nine public scoping meetings, as well as those received from the 73 individuals, agencies, and organizations who submitted written comments.

2.2.2 AQUATIC RESOURCES

Issues relating to aquatic resources include those that address watersheds, lakes, and reservoirs, as well as fisheries. Commenters called for the development of more fishing ponds and restoration of prairie stream and riparian habitats. One commenter observed that adequate habitat protection could be provided without reducing livestock grazing or other activities. Another encouraged the BLM to give high priority to acquiring the funding necessary to investigate the results of both acute and chronic exposure of aquatic communities to discharge water from coal bed natural gas development.

2.2.3 CULTURAL RESOURCES

Commenters stressed protecting cultural resources from damage resulting from human activities. One commenter cited teepee rings as a cultural resource that may warrant specific protection. The Powder River Depot and Rosebud Battlefield State Park were mentioned as important historical resources.

2.2.4 FIRE AND FORESTRY

Several commenters addressed the issue of fire planning and management, as well as use of forest management as a fire management tool. One commenter identified the need for even distribution of fire-management personnel throughout the planning area. Another stated that oil installations within the Cedar Creek anticline need specific protection from wildfire potential. Another recommended that fire planning efforts be aimed at discouraging wildfires in potential sage re-growth areas to avoid conflicts with sage grouse population recovery. One commenter recommended the reintroduction of fire (consistent with public health and environmental quality considerations), and the restoration of more natural fire disturbance regimes. Participants at the Billings public scoping meeting encouraged the BLM to incorporate county-level Wildland Protection Plans into the RMP.

Another topic of concern was fuels treatment. Commenters encouraged the BLM to burn 5 to 10 percent of lands in the planning area per year, recommended accelerated prescribed burning in the Cedar Creek anticline suggested using livestock for fuels management in fire regime condition Class III areas, and urged the use of commercial timber harvest to reduce fuel loadings, particularly in the

wildland-urban interface. Some commenters encouraged the BLM to pursue a policy of immediate fire suppression, either in all cases, or only during periods of extreme fire hazard. Others urged the BLM to use timber harvest, rather than prescribed burning or other methods, as the primary means of fuel treatment.

With regard to control methods, one commenter observed that fire suppression activities should not be limited to typical daytime working hours. Several contributors also commented on the need for cooperation with local landowners and leaseholders. Some suggested that permittees should be allowed to fight fire on public lands without first having to obtain certification (i.e., a red card). Others encouraged the BLM to compensate landowners and permittees for all fences or other infrastructures damaged during fuel treatment or fire suppression activities and to clear hazardous snags after fires.

2.2.5 FOREST PRODUCTS

This issue concerns the value and need for timber harvesting. Some individuals recommended the development of a commercial harvest program for the field office. One commenter suggested that land owners should be allowed to thin trees on BLM grazing allotments.

2.2.6 HAZARDOUS MATERIALS AND WASTE MANAGEMENT

One individual said that no hazardous materials should be released in the planning area. Some commenters recommended treatments for wastewater from coal bed natural gas development. One called the discharge of untreated wastewater directly into the Tongue River (or to unlined percolation ponds next to the river's tributaries) unacceptable and recommended reinjecting wastewater into the aquifer or coal seam from which the water originates. Another expressed concern about the risks associated with storage ponds and mentioned ion-exchange water treatment processes. One commenter, in contrast, stated that the BLM should not unnecessarily restrict or limit oil and gas operators to using specific methods or technologies for management of water and wastes. Another commenter offered the following suggestions for different wastewater management techniques: use for managed irrigation; use for

livestock and fowl; discharge to lined and unlined ponds; discharge to streams and rivers; injection, re-injection or treatment; use for spraying on roads to reduce dust; drinking and domestic water uses (if viable); and ponds for farming fish.

2.2.7 LANDS AND REALTY

Issues raised with regard to lands and realty concerned the criteria for acquiring or disposing parcels of land. Several commenters encouraged the BLM to pursue consolidation of public lands, citing reasons such as acquiring inholdings in wilderness study areas, increasing public recreation opportunities, preventing trespassing on private lands, or facilitating habitat management for wildlife species. One commenter encouraged the development of criteria that would expedite land exchanges.

Some commenters also addressed disposal of public lands. One suggested that BLM lands with no public access should be sold to nearby grazing permit holders; another stated that all parcels smaller than 80 acres should be offered for sale to lessees. Another recommended allowing leaseholders to purchase leased lands at fair market value over 15 to 20 years. Conversely, one commenter remarked that public lands should be sold or traded only in rare and extreme cases. During the Ashland public scoping meeting, the BLM was encouraged to look into transferring public surface and subsurface ownership within the Northern Cheyenne Reservation to the tribal government and to consider the exchange of private coal holdings within the reservation for other federal coal reserves outside of the reservation.

Several commenters recommended that the general public (including outfitters, recreation users, fossil hunters, oil and gas development workers, and government employees) be required to notify permittees before using public lands within grazing allotments. One commenter suggested that permittees should have more control over access to public lands by means of a block management system similar to that used by the state of Montana. Another remarked that the BLM should rescind permittee privileges when the permittee knowingly restricts or hinders access to legally accessible public lands. Some commenters suggested that temporary easements

should be used to secure access to isolated parcels, while others said such easements should not cross private lands.

One commenter encouraged the use of conservation easements for resource protection. Another said that individuals from outside of the area should not be allowed to change agreements without first consulting with land owners. One noted that communication towers may be necessary in some areas and said that they would be visible over great distances.

2.2.8 LIVESTOCK GRAZING

Grazing issues address public interest in allowing continued grazing while protecting ecosystem health. Several comment letters raised the issue of animal unit month (AUM) allocations, encouraging the BLM either to increase or decrease AUMs on grazing allotments. One commenter recommended managing yearlings at a rate of to 0.75 AUMs, or basing AUMs on body weight. Another encouraged greater flexibility from year to year, stating that if permittees used fewer than the allotted AUMs in a drought year, they should be allowed to use more during more favorable climate conditions. One commenter asserted that AUMs should not be reduced to accommodate any other resources. Another stated that grazing guidelines should be set on a case-by-case basis, rather than using a single blanket policy throughout the planning area. One comment encouraged the BLM to limit road construction (particularly that associated with oil and gas development) and prevent erosion, so as to maintain current allowable AUM levels.

Six commenters provided input regarding nonuse (no grazing) policies. One encouraged the BLM to consider extending the nonuse period during drought beyond three years. Another recommended a two-year livestock grazing rest period following prescribed burns. Another commenter noted that decisions to reduce grazing should be based on resource conditions and should not take periods of nonuse into account (in other words, permittees should not be penalized for running less than 100 percent of an allotment's permitted capacity). Other grazing-related comments included the following:

- Fifty percent of the BLM's grazing lease money should be credited to range improvement projects where the lease money is generated.
- The RMP should specify that allotments with a certain percentage of BLM-administered land will have to enter into allotment management plans.
- Resource condition, not percentage of federal land, is more important in instituting an allotment management plan.
- The BLM should lease grazing by acre, not AUMs.
- Riparian areas should not be used to set grazing standards for an entire allotment.
- The BLM should consider alternative pasture rotations, grazing strategies, and livestock distribution strategies.
- The BLM should monitor the health of animals grazing on public lands and protect against the introduction of diseases and parasites.
- The BLM should not grant grazing permits to people who subject livestock to inhumane feeding or handling practices.

2.2.9 MINERALS

The main issues related to minerals include the need to allow for mineral extraction and protect natural and cultural resources from impacts associated with mineral extraction. Nearly all comments addressed leaseable minerals; the great majority of those identified issues related to fluid minerals (i.e., oil and gas and related resources).

Several commenters encouraged the exploration and development of oil and gas on BLM-managed lands. One cited the need to increase supplies to meet rising energy needs, and another stated that the United States has a legal right to develop mineral resources.

Others expressed concern about the potential for oil and gas exploration and development activities to harm other resources and suggested techniques for minimizing and mitigating such impacts. One commenter encouraged the BLM to review and update all existing lease stipulations and to develop new lease stipulations (including no surface occupancy stipulations) to address air

quality impacts, groundwater drawdown, methane migration, and disposal of methane wastewater. Another recommended implementation of best management practices to reduce adverse environmental impacts. Another commenter suggested that best management practices could help private landowners mitigate impacts to surface rights. Mitigation measures that were specifically mentioned included the following: well water replacement, reinjection or water treatment and storage for future use, higher bonding; noise controls, limited access during wildlife breeding periods or hunting season, cementing and well completion requirements that isolate aquifers and prevent contaminant migration, and compensation for damage to irrigation and cultivated crops. One commenter stated that the BLM should require oil and gas exploration companies to stay on existing roads or build new roads only as absolutely necessary and to prohibit pollution of water, air, or soil. Others recommended revisions to the bonding program to ensure that bonds are sufficient for reclamation of disturbed lands.

Several commenters urged the BLM to eliminate unnecessary restrictions and to avoid the implementation of any new rules that impede energy development. One suggested that regional and area-wide requirements be kept to a minimum and be clearly applicable to individual projects. This recommendation contrasted with another commenter's proposal for a standard lease stipulation and standard condition of approval for all applications for drilling permits, with the requirement that all modifications, suspensions, or waivers be subject to public review and comment. Two commenters also cautioned against the widespread application of directional drilling as a means of avoiding impacts, citing the limited range of situations where that technology is feasible. Commenters also noted that the BLM must ensure that valid, existing rights are not voided by any stipulations developed in the new RMP.

Several commenters offered recommendations regarding monitoring and adaptive management. One stated that the implementation of mitigation measures has to be monitored and enforced by agency inspections during all phases of exploration and development. Another recommended increased monitoring and

evaluation of impacts, as well as continual refinement of management techniques in response to monitoring feedback (i.e., adaptive management). The same commenter also proposed that environmental standards implemented by the Northern Cheyenne Tribe could serve as a baseline for efficient monitoring. Another commenter encouraged the BLM to monitor lease stipulations and conditions of approval to ensure necessity and reasonableness. Others recommended that the BLM allow operators the flexibility to propose site- and project-specific monitoring methods. Two commenters supported an adaptive management program that uses performance-based parameters.

Several commenters raised the issue of coordination with surface owners. Participants in the Miles City public scoping meeting suggested that the BLM ensure that legal agreements with surface owners are in place before any exploration or development activity occurs and that any such agreements be changed only in consultation with landowners. Meeting participants also recommended that oil and gas operators complete the analyses requested by landowners. One commenter said that surface landowners should have the right to decide where compressor stations, roads, and ponds are located on their property.

Two commenters reminded the BLM of its responsibility to assess the occurrence of mineral development potential in the planning area and asserted that lack of current industry interest or mineral potential must not be the basis for closing lands or imposing constraints on exploration and development activities. Conversely, another commenter encouraged the BLM to err on the side of designating some areas off limits to leasing and exploration and imposing strict restrictions on areas open to leasing, exploration, and development (including wide use of no-surface-occupancy stipulations to protect resources).

Participants in the Billings public scoping meeting cited a need for the RMP to address conflicts between coal bed natural gas and coal development. Ashland meeting participants proposed that, where practical, the BLM should encourage development of coal bed natural gas before coal. One comment letter discouraged the implementation of blanket restrictions that would

hinder co-development of different mineral resources in the same area.

At the Sidney public scoping meeting, participants recommended that the BLM review the policy on oil and gas royalty rates and consider increasing them to reflect the current market. Participants in the Broadus public meeting asked whether the BLM could lease federal minerals at the same time minerals on surrounding private properties are leased. During the Sidney public scoping meeting, carbon sequestration was identified as providing opportunities that the BLM should address. One commenter recommended that the BLM consider threats (i.e., sabotage) to oil and gas infrastructure and facilities when making planning decisions.

Concerning solid minerals, one commenter stated that the BLM should allow exploration for coal and other solid minerals in the planning area, but only if the exploration companies stay on existing roads or build new roads only as absolutely necessary, and they would not pollute the water, air, or soil. Participants in the Ashland public scoping meeting encouraged the BLM to look into coal development near existing coal mining operations, in areas that were analyzed in past RMP efforts, specifically in the Otter Creek area. At the Terry public meeting, an individual said that Prairie County would like the BLM to minimize the impediments to coal development. One commenter inquired about a policy to address burning coal seams on BLM land. The issue of road material and the use of materials from within the planning area arose at the Baker and Billings public scoping meetings.

2.2.10 OFF-HIGHWAY VEHICLE USE AND ACCESS

Issues associated with OHVs include balancing the needs of continued use for recreation and grazing allotment administration while protecting multiple resource values. Several letters and other comments contained recommendations regarding designation of specific areas for OHV use. Some discouraged the designation of open areas, while others said the BLM should allow for more OHV area and route designations. Twelve different commenters cited a need for more enforcement of OHV use, including enforcement of road and trail designations and closure of areas subject to

irresponsible use. One commenter encouraged increased public awareness through signing, while another suggested that signing would be counterproductive.

Six commenters stated that OHV use should not be restricted for grazing permittees conducting maintenance and operations. Others discouraged any restrictions on OHV use in general. In contrast, several people suggested restrictions on OHV use, including the following: limit OHVs to primary access roads; close OHV user-created roads and trails; prohibit use of two-track trails that are grassed over; and limit OHV use to management personnel and grazing permittees.

2.2.11 PALEONTOLOGY

Issues related to paleontology include the identification of opportunities for scientific, educational, and recreational use of paleontological locales in the planning area. Three comments recommended that fossils and artifacts found in the planning area be deposited in local museums, rather than being shipped out of the area. One commenter called on the BLM to help leaseholders search for fossils and artifacts when a productive paleontological area has been identified.

2.2.12 RECREATION

Issues concerning access featured prominently in the comments that addressed recreation. In addition, development of specific sites was identified as an issue. Some commenters discouraged the BLM from closing certain areas (specifically, the Sheep Mountains) to vehicle travel. Others encouraged the BLM to provide more recreation access in general through easement purchase, land exchanges, and nontraditional access agreements. The BLM was also urged to consider travel planning management alternatives that provide for mitigation instead of road closures.

Access to isolated parcels of BLM-managed land was a prominent subtopic among the comments associated with recreation. Several commenters cited the need for travel management planning. Part of such planning would be development of maps and road signs to let the public know which roads and parcels are open and which are closed

to access. Some suggested that the BLM explore using nontraditional access agreements (e.g., non-vehicular access, seasonal access, and short-term access) for parcels where unrestricted public access might lead to conflicts with other resource uses. Others sought restrictions that would prohibit outfitters from driving on roads on isolated parcels if the general public does not have similar access to those parcels. One commenter noted that travel planning should maintain the integrity of natural resources. Other commenters encouraged the BLM to close roads that receive limited use or cannot be maintained and to severely restrict future road building.

Several commenters cited concerns about commercial outfitters receiving access privileges that are unavailable to the general public. One suggested that outfitting should not be allowed unless the lands are accessible to the public. Another recommended an alternative that precludes commercial outfitting for hunting on legally accessible public lands. One commenter encouraged the BLM to identify criteria for authorization of guides and outfitters based on need. Also, one commenter proposed that the BLM consider including a condition of approval for guide and outfitter permits that would prohibit commercial guides or outfitters from interfering with the lawful use of public lands by hunters. The same commenter also proposed penalties (including warnings, fines, and permit cancellations) for use of public lands without authorization. Participants in the Ashland public meeting suggested that legal access to blocks of public land should be permitted through the special recreation permit process only after public review.

Several commenters expressed concern about conflicts between motorized and non-motorized recreation users and encouraged designation of areas for non-motorized recreation opportunities. Two commenters recommended the establishment of hiking and riding areas, as was done for the Custer National Forest. One comment letter encouraged the development of a motorized access and recreation mitigation bank, so that loss of motorized recreation options in one area would be balanced by new opportunities elsewhere.

Other commenters identified opportunities for investment in recreation infrastructure. Examples include the following: a hiking trail and parking lot at Sand Arroyo badlands in McCone County; a hiking trail to a river overlook at Mortarstone Bluff in Richland County; river access and campsites at the mouth of the Redwater River; development of the Powder River Depot Special Recreation Management Area (SRMA) in Prairie County; a rifle range near Strawberry Hill in Custer County; a bicycle trail along the Yellowstone River; maintenance of the road to Calypso Trail, located in the Calypso SRMA of Prairie County; and improvements to the prairie trail between the Powder River bridge and the Yellowstone River. One commenter called attention to the need to develop additional campground facilities for visitors who cannot be accommodated by the facilities at Tongue River Reservoir State Park.

One commenter encouraged the BLM to designate specific camping and no-camping areas, particularly during hunting seasons. Another proposed that all recreationists should pay a user fee. Similarly, participants in the Broadus public meeting suggested that recreational and other users should help pay for the management of public lands.

2.2.13 RIPARIAN AND WETLANDS

One comment called upon the BLM to use wetland restoration, creation, and improvement to minimize effects and compensate for unavoidable impacts associated with the implementation of various projects. The same commenter also encouraged the establishment of riparian conservation areas (i.e., buffer zones) to avoid adverse impacts to streams and riparian areas and promote recovery of native fish populations. One commenter asserted that proper management of riparian areas involves livestock grazing.

2.2.14 SOCIOECONOMICS

Socioeconomic issues include those relating to the social and economic welfare of planning area residents and communities. Several commenters encouraged the BLM to explore the use of biomass (e.g., wood waste, timber slash) for energy development or fuel. One commenter noted that public ownership of lands and minerals

hinders economic development opportunities. Another recommended that payments in lieu of taxes should be based on a flat fee, noting that the current formula works to the disadvantage of sparsely populated rural counties. One commenter identified the use of federal land to graze livestock as an essential part of the local way of life and discouraged any decisions that might detract from that heritage. Several comments encouraged the BLM to hire only local residents to conduct vegetation management activities such as forest thinning, fuel management, and post-fire rehabilitation.

2.2.15 SOILS

Soil-related issues focus on the maintenance of soil productivity and the prevention of excessive erosion. One commenter stated that the BLM must maintain soils in a useful state by avoiding actions that would cause saline seeps and developing reclamation plans to prevent the formation of saline seeps. Participants in the Terry public scoping meeting encouraged the BLM to develop criteria that would allow permittees or leaseholders to repair eroding roads and trails within their allotments. The suggestion to subcontract maintenance of two-track roads (for instance, to the counties) also arose at that meeting.

2.2.16 SPECIAL MANAGEMENT AREAS

Issues related to special management areas include the management of areas of critical environmental concern (ACECs) and WSAs. One commenter cited a need for management actions to control damaging OHV use in special management areas, particularly ACECs. Others said that all WSAs should be closed to motorized use, or that road use should be limited to administrative access. Some commenters encouraged the BLM to identify restoration and rehabilitation needs within WSAs, emphasizing using road recontouring and reforestation where possible. Participants in the Jordan public scoping meeting urged the BLM to review how to conduct range improvement projects within WSAs and to review the kinds of projects that are authorized.

Several commenters recommended that the BLM revisit the process of designating wilderness in

eastern Montana, including resolving designations with local input and allowing current WSA designation to continue until Congress acts. Some commenters expressed the desire that all WSAs, ACECs, and wild and scenic river designations be eliminated. Others encouraged the development of new ACECs. Several commenters voiced opinions in favor of designating the Buffalo Creek and Zook Creek WSAs as wilderness. Participants in the Terry public meeting encouraged the BLM to examine the status of the Terry Badlands WSA and to develop criteria to allow for range improvements if the area remains a WSA.

2.2.17 SPECIAL STATUS SPECIES

Many commenters identified issues concerning the conservation and recovery of threatened, endangered, proposed, and sensitive species and their habitat. Prairie dogs and sage grouse received the most attention. Several different commenters offered input regarding the management of prairie dogs on BLM-administered lands. Some expressed concern about the potential negative effects of prairie dogs on other resources (including soil erosion and forage availability) and encouraged the BLM to prevent the spread of existing prairie dog complexes or to mitigate for the expansion of prairie dogs onto adjacent private lands. One commenter suggested that the BLM should look at the regulations regarding poisoning prairie dogs for control. Other commenters noted the ecosystem functions of prairie dogs complexes, particularly as habitat for black-footed ferrets.

Two commenters called attention to the potential for BLM-managed lands in the planning area to support a Category 1 prairie dog complex capable of supporting black-footed ferrets. One of these encouraged the BLM to designate an appropriate area (for example, near the existing Custer Creek black-footed ferret ACEC) for that purpose. Both commenters also recommended the designation of areas that support smaller complexes and colonies to support the state's Prairie Dog Conservation Plan (Montana Prairie Dog Working Group 2002).

With regard to sage grouse habitat management, one commenter encouraged the continued identification and maintenance of key sage grouse (and sharp-tailed grouse) nesting, brood-rearing, and wintering habitats. Another noted that the

BLM will have to address the threats posed to sage grouse habitat by invasive species, wildfire, grazing, energy development, and coal mining, among others. One commenter urged the BLM to reconsider no surface occupancy stipulations for sage grouse protection, noting that 0.25-mile is insufficient and 0.5-mile should be the minimum.

With regard to management of other special-status species (including threatened and endangered species), commenters encouraged the BLM to work closely with local residents and users of public lands to identify key habitats and areas. One commenter recommended that the BLM maintain and perpetuate all habitats and habitat features required by species considered of concern in Montana. Another said that the BLM should identify key parameters and strategies to improve habitat for declining native grassland birds. One commenter recommended the inclusion of standards and guidelines to ensure that all threatened and endangered species are considered whenever pesticide use is contemplated. Participants in the Baker public scoping meeting noted that a species-by-species approach may not be effective and encouraged a holistic management approach for threatened and endangered species management.

2.2.18 TRIBAL INTERESTS

Native American concerns are those issues specifically identified regarding traditional tribal cultural values in the planning area. Participants in the Ashland public scoping meeting recommended the removal of BLM-administered subsurface mineral estates on Indian reservations from future consideration for mineral leasing. In a letter from the Northern Cheyenne Tribe, it is mentioned that the tribe has the first right to excess water from coal bed natural gas development in the Tongue River basin, pursuant to the Water Right Compact (PL 102-374). In addition, the BLM was encouraged to consult with area tribes regarding culturally significant species, wetlands, and riparian areas.

2.2.19 VEGETATION

The management of vegetation to provide forage for livestock use while enabling the landscape to benefit multiple resources is the focal point of this issue. Most of the commenters who provided

input on this issue mentioned noxious weeds as a topic of concern. Most encouraged the BLM to take a proactive approach to halting the introduction and spread of weeds. Specific recommendations geared toward the control of noxious weeds included the following: impose restrictions on motorized vehicles and livestock entering areas that have not been invaded by weeds; provide education to the public (including oil and gas workers) regarding weed identification and control; clean construction equipment and OHVs when entering or exiting public land; stipulate the use of weed-free forage; and use biological controls (e.g., leafy spurge flea beetles) or herbivores for weed control.

Participants in the Terry public scoping meeting recommended active management of riparian enclosures to prevent them from serving as weed sources. One commenter recommended that oil and gas development plans should emphasize rapid reclamation of disturbed areas (requiring reclamation within 90 days of work completion) to minimize the potential for noxious weed establishment. Another encouraged the use of native species in revegetation projects, while a different commenter suggested using sterile non-native species. Some commenters recommended ways to fund weed control programs, including placing fees on hunting permits or a \$0.20-per-AUM surcharge on grazing permits.

One commenter suggested that the BLM should start pilot programs designed to replicate diverse vegetative conditions that incorporate various grazing and fire regimes across broad landscapes. The same commenter suggested that the BLM should reconsider the objective of maximizing forage production for livestock. The BLM should also ensure that natural habitat values are enhanced. Other commenters stated that BLM vegetation management should not emphasize livestock grazing, particularly in riparian areas. Some, however, called for the BLM to use rangeland for livestock and wildlife grazing. Two commenters recommended treating sagebrush (burning, cutting, or spraying) to encourage grass growth. In contrast, another recommended that the BLM encourage the regrowth of big-sage habitat types for expansion and repopulation by sage grouse. The same commenter also suggested that the BLM should minimize herbicide use in these habitat types. One commenter suggested grass

banking (i.e., reducing forage use in exchange for conservation benefits) for fire, drought, and ecosystem restoration, in partnership with conservation groups.

2.2.20 VISUAL RESOURCES

No commenters identified specific areas where landscape alterations for resource development would have priority over maintaining the characteristic landscape, or vice versa.

2.2.21 WATER RESOURCES

Issues related to water resources addressed the importance of maintaining water quality and quantity while developing other resource uses. Many commenters expressed concern about the potential for oil and gas development to harm water quality. At the Miles City public scoping meeting, for example, participants asked the BLM to ensure that water discharged as a result of coal bed natural gas development would not exceed state water quality standards. The Sidney public meeting participants recommended the establishment of safeguards in the Powder River and Tongue River watersheds to prevent adverse impacts to irrigation water from such development. One commenter said that no alkaline or sodic waters should be discharged anywhere in the planning area. More broadly, some commenters encouraged the BLM to manage its lands so as to ensure water quality that meets Montana and federal standards.

In addition to establishing standards and practices that would prevent water quality degradation, several comments called attention to the need for water quality monitoring. At the Glendive public scoping meeting, participants recommended that the BLM monitor all coal bed natural gas well discharges into streams. In Miles City, meeting participants proposed that the BLM ensure that retention ponds built for coal bed natural gas development are structurally sound and are inspected on a regular and frequent schedule. Sidney meeting participants encouraged the BLM to increase inspection and enforcement for oil and gas abandonments and conversions on the Fort Peck Indian Reservation.

One commenter called for the BLM to include objectives indicating that herbicides, pesticides, and other toxicants and chemicals should be used (e.g., as weed control measures) in a safe manner to protect and maintain water quality. Another remarked that beneficial uses must be found for all water. One commenter asserted that the BLM should not be allowed to take water rights away from permittees or local areas.

2.2.22 WILDLIFE

Several commenters raised issues related to the management of wildlife and wildlife habitat (other than special status species and their habitat). Recommendations included the identification and maintenance of key antelope and mule deer winter ranges and the promotion of the integrity and condition of shrubland and grassland habitats. One commenter encouraged the BLM to ensure that management actions would incorporate provisions of statewide conservation plans. Another called for the evaluation of options for reducing habitat fragmentation from management activities.

2.2.23 OTHER COMMENTS

Several commenters encouraged the BLM to cooperate with other federal, state, and local agencies in developing the plan and implementing planning decisions. In a letter, a commenter recommended working with Garfield County commissioners and local permittees to comply with the county land use plan. One commenter emphasized the need for broad, flexible rules and polices, so that the BLM would have latitude to deal with specific situations.

One commenter urged the BLM to hire and equip more enforcement staff. Another recommended starting monitoring programs to ensure adherence to management plans for wildlife habitat enhancement, livestock grazing, off-highway vehicle travel, river travel, weed control, and other public uses. Many comments called on the BLM to observe specific laws and regulatory requirements, including NEPA analysis requirements.

2.3 Actions Considered and Decisions Anticipated to be Made

In accordance with FLPMA, the BLM is responsible for balanced management of public land and its resources based on the principles of multiple use and sustained yield. Management direction is provided by land use plans, in this case RMPs, which are developed to determine decisions regarding appropriate multiple uses and allocation of resources, develop strategy to manage and protect resources, and establish systems to monitor and evaluate the status of resources and effectiveness of these management practices over time. Also, the management direction developed through the planning process has to be adaptable to changing conditions and demands over the life of the RMP. Development of the RMP will be consistent with the guidance set forth in BLM H-1601-1, Land Use Planning Handbook.

In anticipation of this planning process, the BLM developed an initial list of issues to support management decisions. These planning issues and criteria can be found in the March 16, 2004, BLM Miles City Field Office's Preparation Plan for the Miles City Draft RMP/EIS.

2.4 Issues Raised That Will Not Be Addressed

The following comments were submitted in response to the BLM's request for public input, but they are beyond the jurisdiction of the BLM or the scope of the Miles City RMP/EIS.

The BLM should engage in prairie dog extermination; the numbers of hunting permits issued should be changed.

The BLM manages habitat, not population numbers.

Hunting and fishing should be recognized as historic and traditional uses in the Upper Missouri River Breaks National Monument and should be included in current and future management plans.

The Upper Missouri River Breaks National Monument is located within the BLM Lewistown Field Office, outside of the planning area.

Provide equitable distribution of fire fighting resources across the state.

Personnel staffing is an administrative decision; such decisions are not made in land use plans.

The C.M. Russell National Wildlife Refuge should be returned to BLM management.

Any decision regarding the modification or revocation of existing withdrawals that added lands to the National Wildlife Refuge System would require an Act of Congress and, thus, would be outside the scope of the Miles City RMP/EIS.

Detailed surveys of proposed development areas should be conducted before any development occurs.

Site-specific analyses will take place during implementation of individual projects.

Keep water from Fort Peck Reservoir in the state.

Decisions regarding the disposition of water from the Fort Peck dam and reservoir are the responsibility of the U.S. Army Corps of Engineers.

2.5 Management Guidance That Will Be Common to All Alternatives

The BLM-administered public land in the planning area will be managed with direction from the 1985 Powder River RMP, as amended, and the 1996 Big Dry RMP, as amended. Many management actions from the existing RMPs were not identified during scoping as issues, so those decisions remain valid. The BLM intends to carry these management decisions forward into the RMP as management common to all alternatives.

The following discussion is a summary of current management direction that will continue to be implemented in the Miles City Field Office and that will be a part of all alternatives developed for the RMP/EIS. The information sources for this discussion are the Big Dry (BLM

1996) and Powder River (BLM 1985b) RMPs, as amended by the following documents:

- Oil and Gas EIS/Amendment of the Powder River, Billings, and South Dakota RMPs (BLM 1994)
- Decision Record for Coal Suitability Redesignations Amendment to the Powder River RMP (BLM 1992)
- Final Statewide Oil and Gas EIS and Proposed Amendment of the Powder River and Billings Resource Management Plans (BLM and State of Montana 2003)
- Calypso Trail Supplement to the Big Dry RMP (BLM 1997a)
- ROD for the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Montana, North Dakota, and South Dakota (BLM 1997b)
- ROD for the Makoshika State Park Amendment to the Big Dry RMP (Makoshika Amendment) (BLM 1999)
- ROD for the Areas of Critical Environmental Concern Amendment to the Billings, Powder River, and South Dakota RMPs (ACEC Amendment) (BLM 2000)

The Big Dry RMP provides the most thorough summary of management for the planning area. Unless otherwise specified, the management direction described below is drawn from the Big Dry RMP. Information from the Powder River RMP is included where management direction differs between the two planning areas. Where management direction from these two documents is superseded by one of the amendments listed above, only the most recent management direction is described. The following subsections identify management that will remain common to all alternatives for each resource area.

2.5.1 AIR QUALITY AND CLIMATE

The objectives for air resource management will be to maintain or improve air quality in the short and long term. Standard operating procedures will limit unnecessary emissions from existing and new point or nonpoint sources and will

prevent significant deterioration of air quality in Class I areas. Class II air quality areas will allow deterioration associated with moderate development and population growth. National and state air quality standards will be met in the planning area. Under the requirements of the Clean Air Act of 1979, as amended, federal agencies must abide by and support provisions of state implementation plans and state regulations.

2.5.2 AQUATIC RESOURCES

Priority for fishing reservoir construction will be based on proximity to residential areas. The BLM will try to develop self-sustaining game fish populations; however, most reservoirs will be maintained as a put-and-take fishery (stocked yearly). The BLM will try to improve existing reservoirs for fisheries habitat. The BLM also will consider fisheries potential during the design phase of new reservoirs. Fishery habitat improvements may include planting aquatic species, fencing reservoirs, placing structures to provide cover or spawning areas, or increasing reservoir depth for existing fisheries reservoirs.

2.5.3 CULTURAL RESOURCES

Per BLM Manual 8110, the primary objectives of the cultural resources program will be to manage the cultural resources under BLM jurisdiction through a system of identification, evaluation, interpretation, utilization, and reduction of conflict between cultural and other resources. Cultural resource management objectives will also be accomplished, in part, through the development of site- or area-specific activity plans that identify cultural resource use and protection objectives and outline procedures for evaluating accomplishments.

BLM Manual 8110 defines five use categories for management of significant cultural properties: (1) scientific use, (2) conservation for future use, (3) traditional use, (4) public use, and (5) experimental use. The scientific use category applies to any cultural property determined to be available for consideration as the subject of scientific or historical study at the present time, using currently available research techniques. Conservation for future use is reserved for any unusual cultural property that is

not currently available for consideration as the subject of scientific or historical study that would result in its physical alteration. Reasons for exclusion from consideration may include scarcity, a research potential that surpasses the current state of the art, singular historic importance, cultural importance, or architectural interest. The traditional use category is applied to any cultural resource known to be perceived by a specified social or cultural group as important in maintaining the cultural identity, heritage, or well being of the group. Public use may be applied to any cultural property found to be appropriate for use as an interpretive exhibit in place, or for related educational and recreational uses by members of the general public. Last, the experimental use category may be applied to a cultural property judged well-suited for controlled experimental study that would result in the property's alteration, possibly including loss of integrity and destruction of physical elements.

Actual use of public cultural resources by qualified institutions will be authorized and monitored by the BLM through a permit system. The BLM will continue to investigate and prosecute unauthorized use or destruction of significant cultural properties.

Cultural resources will continue to be inventoried and evaluated to achieve the objective of protecting significant properties from impact by proposed actions initiated or authorized by the BLM. Such inventory and evaluation routinely will be a part of project-level planning and will include application of the National Register criteria to cultural properties and consultation with the State Historic Preservation Officer and Advisory Council on Historic Preservation per current regulations, policy, and memoranda of agreement.

As time and funds permit, the BLM will continue to conduct inventories under the cultural resource program to find and document cultural properties that qualify for the National Register. Surveys will be directed toward areas where prior data indicate a possible need for active resource management to protect important sites.

2.5.4 FIRE AND FORESTRY

The RMP/EIS will incorporate the Montana/Dakotas Statewide Fire Management Plan. Fire management includes both wildfire actions and prescribed fire operations. Fire will be managed in the most cost-effective and responsive manner to achieve resource management objectives. The resource objectives identified in the RMP/EIS will provide the guidelines, direction, and degree of suppression to be used.

Fire use areas are designated areas where fuels management activities will benefit the fire suppression program and meet resource management objectives. Prescribed fire will be used throughout the planning area. The objectives will be to improve vegetation production, reduce fuel loads, and maintain public safety. For areas identified for fire use, prescriptions will be written in fire management activity plans for planned and unplanned ignitions.

The guidelines for fire rehabilitation in the planning area will be as follows:

- Hand and dozer line berms will be rolled back, feathered out, and blended in with the surrounding terrain.
- Surface disturbances on slopes greater than 10 percent will have angular water bars constructed perpendicular to the slope at intervals no less than 100 feet apart.
- Fire-killed trees that are determined to be a hazard to the user public will be felled and cut into firewood lengths. Tree stumps along roads or trails will be cut level to the ground to eliminate hazards to vehicles.
- Fires greater than 25 acres will be analyzed by a resource area advisor and fire staff for possible rehabilitation needs.
- BLM fire reports on fires greater than 25 acres will be accompanied by a fire rehabilitation report. This report can state that no rehabilitation work is required, or it can be as comprehensive as needed to assess environmental impacts, mitigation measures, and monitoring plans to measure success.

2.5.5 FOREST PRODUCTS

Wood product sales for posts and poles, Christmas trees, and firewood will be allowed only in designated areas. Harvest of posts and poles will be a selective cutting process; the preferred post size will be 6 to 8 inches in diameter and 4 to 6 feet in height. Ponderosa pine will be used for posts and poles, while juniper will be used for posts. Such harvesting will be conducive to natural regeneration. For Christmas trees, an area will be designated by the authorized officer, and individuals will be allowed to select a tree. Ponderosa pine and juniper are the most desirable species, and both regenerate naturally. Collection of firewood will be allowed on designated public lands for dead trees, with ponderosa pine being the primary species.

Wildings are live vegetative products sold off public lands. They are used for landscaping and include yucca, cactus, grasses, pine trees, and willows. Harvest of cottonwood will be allowed on public land only when human safety is a factor, or when disease or insect infestations are threatening cottonwood stands.

2.5.6 HAZARDOUS MATERIALS AND WASTE MANAGEMENT

The BLM will minimize future hazardous materials contamination and its associated risks, costs, and liabilities on public lands in authorizing activities. The BLM will protect the health and safety of public land users. No authorizations will be made for solid or hazardous waste disposal facilities on public land.

Before the BLM acquires land through purchase, exchange, or withdrawal relinquishment, the area will be inventoried for hazardous substances or contamination in accordance with Department of the Interior policy. The BLM will not acquire any contaminated real estate except at the direction of Congress, or for good cause with the approval of the Secretary.

A contingency plan has been prepared to direct and coordinate a BLM response to any reported incident involving the accidental or intentional spill or release of potentially hazardous substances on public land. Cleanup will take place in cooperation with the Montana State

Montana Department of Environmental Quality,
Hazardous Waste Site Cleanup Bureau.

2.5.7 LANDS AND REALTY

Access will be one of the primary considerations in exchanges. Easements will be considered in areas where exchanges cannot be used to resolve access conflicts.

The acquisition of additional public access is a recognized public need in some parts of the resource area. An aggressive program to acquire additional access will continue where identified needs exist, using purchase of easements, land exchanges that provide needed access points, validation of RS 2477 rights-of-way, and reciprocal rights-of-way. The resource area will continue to pursue needed public access points identified by public interest groups.

Emphasis will be placed on land tenure adjustment and easement acquisition within the planning area. All land exchanges will be based on the principle of willing buyer/willing seller. The goal of the lands program will be to consolidate scattered public lands, increasing management efficiency and accessibility. Prior to initiation of any land adjustment actions, consideration will be given to the impact on the affected county's payment in lieu of taxes and consultation will be sought with the county government.

The objective criteria for disposal and retention areas are listed below.

2.5.7.1 Disposal Areas

The public land in the disposal areas consists of small tracts or parcels that are widely scattered, have limited resource values, and are difficult to manage. The BLM's objective will be to dispose of these types of public land in these areas. Disposal will be through sale or exchange consistent with Sections 203 and 206 of the Federal Land Policy and Management Act of 1976.

Exchanges or acquisitions may be considered to acquire desirable tracts within the disposal areas or add to existing public lands within these areas meeting the long-term management objective criteria.

The following criteria will be used to identify parcels for disposal:

1. Lands of limited public value
2. Widely scattered parcels that will be difficult for the BLM to manage beyond minimal custodial administration and that have no significant values
3. Lands with high public values proper for management by other federal agencies, or state, or local government
4. Land that will aid in aggregating or repositioning other public lands or public land resource values to facilitate meeting national, state, and local objectives

Each parcel identified for sale or exchange will be subject to certain conditions before disposal. The results of the evaluations, clearances, and reports (consisting of hazardous waste, wilderness, wildlife, riparian/wetland, cultural, and mineral) will be included in an environmental analysis. A notice of realty action will subsequently be published. Parcels will be retained if the clearances, reports, or environmental analyses show any resource values worth retaining.

2.5.7.2 Retention Areas

The BLM's long-term objectives for retention areas will be to retain and manage the public lands. Specific objectives will be to consolidate public land with public access and resource values into units BLM can effectively manage. Individual tracts or parcels in the retention areas may be disposed or repositioned through sale or exchange when significant management efficiency, greater public values, or other objectives will be met.

General Acquisition Criteria

1. Facilitate access to areas retained for long-term public use.
2. Enhance congressionally designated areas, rivers, or trails.
3. Enhance designated areas of critical environmental concern.
4. Facilitate national, state, and local BLM priorities or mission statement needs.
5. Stabilize or enhance local economies or values.

6. Enhance the opportunity for new or emerging public land uses or values.
7. Secure significant water-related land interests for the public. These interests will include lakeshore, riverfront, stream, or pond sites.
8. Secure important riparian/wetland areas.
9. Avoid acquisition of cultivated lands, unless such acquisition is clearly necessary to attain a specific resource goal.

Program-Specific Acquisition Criteria

Cultural Resources—Any cultural site to be acquired should meet the following evaluation standards:

1. Possess high research values.
2. Have moderate scarcity.
3. Possess some unique values, such as association with an important historic person or have high aesthetic value.
4. Contribute significantly to interpretive potential cultural resources already in public ownership.

Minerals—Mineral acquisition should meet the following criteria:

1. Consolidate mineral estates.
2. Acquire in response to a federal project need, as in the case of a dam project. Criteria for this type of acquisition will generally include the following:
 - a. When the development of a federal project precludes the mineral estate owner from exercising development rights
 - b. When the exercise of the mineral estate owner's right of development will materially interfere with the federal project

Recreation—Acquire land with the following significant values:

1. Possess national values, such as congressionally designated areas, rivers, or trails.

2. Possess state values that enhance recreation trails and waterways or the interstate, state, and multi-county use.
3. Has local value for extensive uses such as hunting, fishing, off-road vehicle, and snowmobile activities.

Wilderness—Acquire inholdings within wilderness study areas and within the boundaries of congressionally designated wilderness areas under BLM administration.

Wildlife Habitat Management—Areas for acquisition will be lands of any size with significant wildlife values as defined below:

1. Threatened and endangered species
 - a. Federally listed species
 - b. Federal candidate species
 - c. State listed species of special concern
2. Fisheries
3. Big game—important habitat such as crucial winter areas, fawning, calving, and security areas
4. Upland game birds, migratory birds, and waterfowl—crucial breeding, nesting, resting, roosting, feeding, and wintering habitat areas of complexes
5. Raptors—existing and potential nesting areas for sensitive species or significant nesting complexes for nonsensitive complexes
6. Nongame—crucial habitat complexes

2.5.7.3 Other Land Actions

Right-of-way applications will continue to be approved on a case-by-case basis. Whenever possible, major rights of way will be constructed within or next to existing rights of way, such as highways and railroads. Environmentally sensitive areas identified during the grant application examination will be avoided. In areas where rights of way are allowed, stipulations from the BLM Manual 2800 will be used to protect resource values.

Leases, Permits, and Easements

Consistent with Section 302 of the Federal Land Policy and Management Act of 1976, legitimate uses of public land may be authorized on a case-

by-case basis by issuing permits, leases, and easements if they cannot be authorized by other laws and regulations. Permits may be granted for a maximum of three years for uses that require no extensive improvements, construction, or surface disturbance.

Leases may be granted to authorize use of public lands for long-term developments such as cultivation, small trade, or manufacturing concerns.

Easements may be used to preserve cultural and historic resources and threatened or endangered animal species on public and adjacent private land if it is determined to be in the public interest. Easements will also be sought to provide legal public access to isolated tracts of public land. They can be made a part of land exchange and sale transactions for access purposes.

Unauthorized Uses

Unauthorized uses of public land will be resolved in an expeditious manner. Unauthorized uses include agricultural, occupancy, enclosures, and rights of way. Unauthorized users will be held liable for past rental, plus administrative costs, and costs for rehabilitation of the affected lands.

Existing unauthorized uses of public land will be resolved either through termination, authorization by lease or permit, exchange, or sale. Decisions will be based on consideration of the following criteria: the type and significance of improvements involved; conflicts with other resource values and uses, including potential values and uses; and whether the unauthorized use is intentional or unintentional.

New cases of unauthorized use generally will be terminated immediately. Temporary permits may be issued to provide short-term authorization, unless the situation warrants immediate cessation of the use and restoration of the land. Highest priority will be given to abatement of the following unauthorized uses:

- New unauthorized activities or uses where prompt action can minimize damage to public resources and associated costs
- Cases where delay may be detrimental to authorized users

- Cases involving special areas, sensitive ecosystems, and resources of national significance
- Cases involving malicious or criminal activities

2.5.8 LIVESTOCK GRAZING

The RMP will incorporate the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Montana, North Dakota, and South Dakota (BLM 1997b). The Record of Decision (ROD) for the rangeland health EIS lists five standards for rangeland health on lands managed by the Miles City Field Office: (1) uplands are in proper functioning condition, (2) riparian areas and wetlands are in proper functioning condition, (3) water quality meets Montana State standards, (4) air quality meets Montana State standards, and (5) habitats are provided for healthy, productive, and diverse native plant and animal populations and communities, and are improved or maintained for special status species. The ROD also identifies 14 guidelines for grazing management. The guidelines are designed to ensure that standards can be met or that significant progress can be made toward meeting the standards.

Per the Big Dry RMP, management actions will be designed to maintain or improve vegetation conditions. Management actions include grazing use, grazing activity plans and systems, utilization levels, range improvements, and vegetation treatment. Increases or decreases in grazing preference AUMs may be implemented based on resource conditions within an allotment. Temporary adjustments may be implemented in response to conditions such as drought, fire, flood, or insect infestation. Long-term adjustments will be based on monitoring data that support changes in grazing preference. These adjustments will be consistent with 43 CFR 4110.3 to 4110.3-3 and the Montana Drought Policy. Coordinated activity plans and allotment management plans will be used to develop grazing management and multiple-use objectives. The BLM will take immediate action to resolve the problems on allotments in the improve ("I") category.

As described in the Powder River RMP, monitoring efforts will focus on allotments in the "I" category. The data collected from these

studies will be used to evaluate current stocking rates, schedule pasture moves by livestock, determine levels of forage competition, detect changes in plant communities, and identify patterns of forage use. Some of the methodologies that could be used include Daubenmire canopy transects, Lommason utilization transects, key forage plant utilization estimates, aerial and ground reconnaissance of animal numbers and grazing patterns, actual use questionnaires, and low altitude aerial photography transects.

2.5.9 MINERALS

The BLM policy for mineral development is designed to encourage private industry to explore and develop federal minerals to satisfy national and local needs. The policy imparts environmentally and economically sound exploration, extraction and mitigation practices. Public lands are open and available for mineral exploration and development unless otherwise restricted or designated. Mineral development is not inclusive on the public lands and may occur along with other resource uses.

Locatable minerals within the RMP area will continue to be administered through existing surface and mineral management regulations (43 CFR 3800, 3809). This includes the 1999 Surface Management Regulations for Locatable Mineral Operations EIS prepared by the BLM. The General Mining Law of 1872, as amended, governs the location of mining claims. It provides for exploration, discovery, and mining of metallic and certain nonmetallic minerals on federal lands. This law has five elements, three of which the BLM manages: (1) recordation of mining claims, (2) maintenance of mining claims, and (3) mineral patenting. See the 1995 Final Big Dry RMP/EIS for a complete explanation. The BLM also maintains a Memorandum of Understanding (MOU) with the Montana Department of Natural Resources and Conservation regarding the management of minerals on state lands that further defines their shared responsibilities. Minerals acquired by the federal government under the Bankhead Jones Act of 1937 are not subject to the General Mining Law of 1872, as amended and are leasable. Minerals acquired after the passage of the Federal Land Policy and Management Act of 1976, as amended, are subject to the General Mining Law.

Saleable minerals will be managed through sales or free use permits on a case-by-case basis to meet the demand for these resources, as in the past. These minerals commonly consist of sand and gravel used in road surfacing and maintenance and are disposed of when in the best interest of the public, while providing for reclamation of mined lands, and preventing unnecessary degradation of non-mineral resources. Sales or permits in excess of 50,000 yards or 5 acres require an environmental analysis and need to have a reclamation plan and operating stipulations accompany the permit.

Exploration and development of non-energy leasable minerals are authorized under the Mineral Leasing Acts of 1920 and 1947, as amended. These minerals include, but are not limited to gypsum, sodium, and potassium. Prospecting permits will be available for all lands not withdrawn from mineral leasing in conformance with 43 CFR 3500.

The basic requirements of coal management are detailed under the guidance in 43 CFR 3400. The objectives in managing the federal coal resource in this RMP area are (1) to provide for the development of federal coal in a orderly and timely manner, consistent with the federal coal management program and polices, environmental integrity, and national energy needs; and (2) to identify federal coal that is acceptable for further consideration for leasing. This RMP revision will provide the basis for tract specific analysis of areas considered for new competitive federal coal leasing, lease modifications, exchange, and license issuance. Within the former Powder River RMP area coal leasing and extraction is currently administered under the provisions outlined in the 1994 Powder River RMP.

Coal related determinations regarding coal screening procedures will follow legal requirements specified in 43 CFR 3420.1-4(e). The screening will consist of four components including: (1) identification of coal with development potential, (2) surface owner consultations (3) application of unsuitability criteria, and (4) multiple use conflict analysis. These screening tools will be applied to areas around the six existing mines (Rosebud, Absaloka, Big Sky, Spring Creek, Decker and Savage). Additionally two prospect areas will be

screened. These are the Otter Creek and Kinsey tracts.

Federal oil and gas leasing authority for public lands are found in the Mineral Leasing Act of 1920, as amended; and for acquired lands in the Acquired Lands Leasing Act of 1947, as amended. Leasing of federal oil and gas is affected by other acts such as the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1976, the Wilderness Act of 1964, the Endangered Species Act of 1973, as amended, and the Federal Onshore Oil and Gas Leasing Reform Act of 1987. Regulations governing federal oil and gas leasing and lease operations are contained in 43 CFR 3100, Geophysical Exploration (43 CFR 3150), Onshore Operating Orders (43 CFR 3164.1) and BLM manuals and instruction memorandums.

The Federal Onshore Oil and Gas Leasing Reform Act (FOOGLRA) of 1987 prescribes that federal lands must first be offered for lease at a competitive sale. Once a parcel is leased numerous stipulations including no surface occupancy, timing, controlled surface use, lease notice, and other special stipulation are assigned to protect the other resources. The current RMPs employ the NEPA analysis to identify what resources will be protected or mitigated, the reasons protection is required, and the manner in which it will be accomplished. Stipulations may be changed by application of waivers, exceptions, or modifications to protect or mitigate other resource values while allowing development. Surface use rights of the lessee are described in 43 CFR 3101.1-2.

The BLM continues to improve the way it manages oil and gas development on the public lands. BLM issued a Best Management Practice (BMP) policy on June 22, 2004. The policy instructs field offices to incorporate appropriate BMPs into Applications for Permit to Drill and associated on- and off-lease rights-of-way approvals. By reducing the area of disturbance, adjusting the location of facilities, and using numerous other techniques to minimize environmental effects, BLM is significantly reducing impacts associated with new energy development to wildlife habitat, scenic quality, water quality, recreation opportunities, and other resources.

The BLM and US Forest Service guide document "Surface Operating Standards for Oil and Gas Development" also known as the *Gold Book* has not been updated in over 15 years. The agencies are currently drafting a fourth edition to introduce Best Business Practices to improve the processing of Applications for Permits to Drill (APDs) and environmental BMPs to reduce the environmental effect of energy exploration and production.

Oil and gas exploration and development in the former Powder River RMP area including the process of drilling a well from access onto the drill site to the down-hole completion of producing zones is outlined in the 1992 Final Oil and Gas RMP/EIS Amendment ROD and in the 2003 Montana Final Statewide Oil and Gas EIS and amendment of the Powder River and Billings RMPs ROD. A summary of the steps required to obtain permission to drill and conduct surface operations is also contained in the 1992 Final EIS as Appendix A.

Oil and gas exploration and development in the former Big Dry RMP area are detailed in the 1996 ROD and Approved Big Dry Resource Area Management Plan. A summary of the development, reporting and reclamation procedures can be found in the 1995 Final Big Dry RMP/EIS Minerals Appendix. Furthermore, the Makoshika State Park Memorandum of Understanding between the BLM and the Montana DNRC addresses oil and gas development in the Park.

Conditions for existing oil and gas leases (valid existing rights) cannot be changed by the decisions rendered from a result of this RMP revision until the lease expires. When the lease expires, the area will be managed for oil and gas according to the decisions reached in this revision effort.

2.5.10 OFF-HIGHWAY VEHICLE USE AND ACCESS

With the exception of areas designated for open or certain types of limited use, off-road vehicle use will be restricted to existing roads and trails.

2.5.11 PALEONTOLOGY

In the Big Dry planning area, surface-disturbing activities will be subject to the following requirements:

- The lessee or operator must immediately inform the BLM of paleontological resources discovered as a result of operations and will stop until directed to proceed by the BLM.
- An on-the-ground survey for fossil material will be conducted by the BLM, and the operator will be notified where and when to continue operations.
- If the fossil material is significant, the activity will be moved so that the locality will not be disturbed.
- If the activity cannot be moved, mitigation measures will be completed. This may simply be collecting the fossil(s) and associated data immediately, or it may require a major excavation of the site.

Paleontological collecting permits will be issued to institutions with the proper facilities for preparation, study, and storage of fossil material. The researchers in charge of the field work must be qualified to remove and handle the fossil material. The fossils and associated data will remain available to researchers for study and for public display. A report of the results of the field work must be filed with the BLM. Excavations to recover paleontological materials or data will be backfilled. Topsoil will usually be removed and stockpiled separately at the beginning of an excavation, and will be spread over the backfilled material during reclamation. The area will be recontoured to match the original landscape and reseeded with native species. On slopes exceeding 30 percent, water bars (water diversions) or other methods to reduce erosion will be constructed.

In the Powder River planning area, paleontological resources will be protected by clearance or review of actions on a case-by-case basis. Avoidance or mitigation of specimens will occasionally be called for when there are surface disturbances. The Powder River RMP states that management plans will be developed for significant properties requiring protection or stabilization (BLM 1985b).

In both planning areas, assistance to institutions doing research or collection of specimens will continue. Monitoring and recording of specimen locations will continue.

2.5.12 RECREATION

In addition to existing policies and guidance, recreation management will follow Recreation 2000: A Strategic Plan (BLM 1989) and Recreation 2000 Tri-State Strategy (BLM 1990). Emphasis will be directed toward five goals: (1) budgeting, (2) visitor information, (3) access and land tenure adjustments, (4) facilities, and (5) resource protection.

The Lewis and Clark National Historic Trail (Trail) will continue to be managed in accordance with the act that established the Trail in 1978. The Trail will be managed for public use and enjoyment, while preserving the historic and cultural resources that are related to the events that occurred during the Lewis and Clark Expedition. Management objectives will be (1) at a minimum, maintain the existing public land base that adjoins the Yellowstone and Missouri rivers; (2) increase, where appropriate and consistent with this plan, the public land base that adjoins the Yellowstone and Missouri Rivers; (3) increase public use and enjoyment opportunities; and (4) maintain an undeveloped visual setting near known expedition campsites.

Any changes in the landscape within view of the Lewis and Clark National Historic Trail will be guided by Class II visual resource management objectives as described under Visual Resources, below. Future management actions will give full consideration to lessening adverse impacts to adjacent private landowners and users and will harmonize with and compliment existing multiple-use plans. Management actions will include acquiring and marking access to the Trail, installing interpretive signs, and developing interpretive brochures.

Priority will be placed on developing partnerships with other federal, state and local agencies, and private entities when the partnership benefits the public. Examples include developing wildlife viewing areas, managing campgrounds, acquiring access to public lands, developing fishing reservoirs and associated facilities, constructing trails and developing informational and interpretive brochures.

Priority will be placed on acquiring legal access to public lands through exchanges and easements. Priority will also be given to the identification (through signing) of parcels that are legally accessible and provide important recreation opportunities.

Guides and outfitters and other permitted recreational uses will be authorized according to the Special Recreation Permit Guidelines for Montana, North and South Dakota.

Determination of maximum allowable use will be according to the criteria in BLM Manual H-8372-1. Outfitting and guiding will be authorized on a first-come, first-served basis until an area's maximum allowable use is being approached. The affected area's maximum allowable use will be approached when one of the following conditions occur:

- User conflicts exist either among commercial outfitters or between the non-guided public and commercial outfitters.
- Damage to resources from visitor use is considered unacceptable.
- Enforcement and compliance problems exist.
- Conflicts with adjacent landowners exist.

When one of the above conditions is reached, and the conflict cannot be resolved through negotiations with users, the following process will be in effect until an activity plan is completed and the carrying capacity is established:

- No new permits for the activity in conflict will be issued for the affected area.
- A temporary allocation will be established using criteria such as camp spacing, temporary use areas, and day use limitations.
- Other types of commercial activities may be authorized if they do not add to the existing conflict.

The activity plan will show desired use levels based on the area's carrying capacity. The plan also will establish the method of distributing commercial use.

The BLM will continue to cooperate with the Montana Fish, Wildlife and Parks and private landowners to improve hunter access. This will involve participation in block management or

developing access agreements with private landowners.

In Makoshika State Park, mineral material sales and permits and oil and gas leasing and development will be conducted according to the 1999 Memorandum of Understanding among BLM, Montana Department of Natural Resources and Conservation, Dawson County, and Montana Fish, Wildlife and Parks. The park will be unsuitable for coal development.

2.5.13 RIPARIAN AND WETLANDS

Riparian/wetland objectives will be to restore and maintain riparian/wetland areas so that 75 percent or more are in proper functioning condition. All activity plans with riparian/wetland areas will have the same goal, as well as specific objectives such as desired plant communities, stream channel conditions, water quality standards, maximum allowable streambank alteration by livestock, minimum stubble heights of herbaceous plants at the end of the growing season, and a maximum allowable utilization level on woody plants. Management actions to accomplish those objectives will include the following:

- Implement grazing systems, seasons of use adjustments, water developments, fencing, and livestock management.
- Include the amount of seedling, sapling, pole, and mature and dead woody key species in activity plans for sites with potential for woody species. Describe the desired condition of the areas, as well as the desired ecological status.
- Do not install any troughs or tanks in areas containing important riparian/wetland vegetation, unless no possible alternative site exists. If the water source is necessary and no possible alternative site exists, implement appropriate mitigation measures (such as fencing or season of use adjustments).
- Fence new spring developments.
- Do not allow placement of salt and mineral blocks in riparian/wetland areas.
- Establish study enclosures in riparian/ wetland sites to compare progress, evaluate management, and confirm recovery rates. This will be a cooperative effort with the permittees.

2.5.14 SOILS

Federal oil and gas wells will be plugged according to federal regulations. Surface disturbance on slopes 30 percent or greater will be avoided whenever possible. If the surface-disturbing action cannot be avoided, appropriate mitigation measures will be applied to lessen the impacts to the soil.

The following are reclamation actions to mitigate the impacts to the soil and water resources from surface-disturbing activities:

- Mulching and nurse crops
- Road surfacing (gravel, scoria, or other surface materials)
- Surface water drainage (drop structures, culvert placement, water bars, erosion fabrics, gully plugs, contour furrows, ripping, chiseling, and pitting)
- Development of seed mixture, site-specific, for revegetation; (example: 3 pounds per acre dryland alfalfa or 2 pounds per acre yellow sweet clover, 2 pounds per acre green needle grass, 4 pounds per acre western wheat grass, 5 pounds per acre slender wheat grass)
- Topsoil removal, storage, and replacement (site specific recommendations of depths)
- Snow fencing for additional moisture in establishment of vegetation
- Proper seedbed preparation, including ripping depth, drill or broadcast seeding, raking and disking
- Produced water and mud pit design, including liners, proper compaction, and location away from perennial and ephemeral streams; ground water monitoring wells, if necessary
- Surface casing installed through the Fox Hills geologic formation to protect domestic ground water sources from possible contamination
- Reduced surface disturbance (smaller pad size, joint roads, pipeline rights-of-way, and selection of drill sites requiring the least surface disturbance, shorter access roads)

2.5.15 SPECIAL MANAGEMENT AREAS

The Powder River RMP presented recommendations and analyses dealing with

wilderness study areas as though the BLM's Interim Management Policy and Guidelines for Lands Under Wilderness Review had not been a factor (BLM 1985b). Some recommendations may not be implementable unless the study areas are released from interim management following a non-designation of wilderness decision by Congress. The Big Dry RMP provided no specific management direction with respect to special management areas.

2.5.16 SPECIAL STATUS SPECIES

Surface disturbance (other than water developments and fences) will not be authorized within 0.25-mile of sage grouse and sharp-tailed grouse leks. Disturbance will not be authorized within 2 miles of a lek from March 1 through June 15 each year to protect sage grouse and sharp-tailed grouse nesting habitat. In addition, no disturbance will be authorized within 0.5-mile of a raptor nest from March 1 to August 1 each year. Surface disturbance will not be allowed on least tern nesting habitat along the Yellowstone River. The piping plover site in Sheridan County will be unsuitable for coal development. In the black-footed ferret area, livestock grazing will be allowed.

The BLM will continue to be proactive in its management of threatened and endangered species, as well as those species that are candidates for listing. Management will be directed at recovering species that currently are listed as threatened or endangered and maintaining and enhancing habitat for species that are candidates for listing.

The BLM's special status species list was approved on May 6, 1994. These species include those that could easily become endangered or extinct in a state. These species will receive protection to the extent that is afforded to candidate species. This means that the BLM will conduct no actions that could contribute to these species being listed as threatened or endangered. The BLM will manage existing prairie dog habitat for black-footed ferret recovery, associated species, viewing, and recreational shooting.

Management of actions affecting prairie dogs or their habitat will be a cooperative effort among the affected landowners, the BLM, the U.S. Fish and Wildlife Service, the Montana Department

of Natural resource and Conservation, and Montana Fish, Wildlife, and Parks. Management actions could include prairie dog expansion, reintroduction, management of the recreational shooting of prairie dogs, plague abatement, or prairie dog control. The BLM will pursue exchanging lands with willing landowners to acquire additional prairie dog habitat. Management of prairie dog colonies on public lands will be subject to the Miles City District Black-tailed Prairie Dog Management Plan. This plan states that prairie dog towns that occur on the public lands and do not cause significant adverse impacts to the soil and vegetation resources are to be managed for wildlife and recreational values.

Prior to surface-disturbing activities, prairie dog complexes greater than 80 acres will require a black-footed ferret clearance according to U.S. Fish and Wildlife Service standards. If black-footed ferrets are not evident, activities can be authorized.

If prairie dog control is proposed and state or private lands are involved a cooperative effort will be used. Before controlling prairie dogs on public lands, the BLM will take the following actions:

- Consult with the grazing permittee and Montana Fish, Wildlife and Parks. Additional consultation will be conducted with the U.S. Fish and Wildlife Service, as required by Section 7 of the Endangered Species Act.
- Complete a damage assessment to determine the nature and extent of resource damage attributable to prairie dogs by identifying changes in condition, forage availability, and soil loss.
- Prepare or revise allotment management plans, habitat management plans, and coordinated resource management plans to include prairie dog management objectives and to identify management actions that provide for resource recovery.
- Complete an inventory on each prairie dog town for federally listed threatened and endangered species.
- The BLM will investigate the possibility of using nontoxic methods (perch poles, barriers, and water and vegetation enhancement) for prairie dog control.

2.5.17 VEGETATION

Land treatments (chemical, fire, biological, and mechanical) will be consistent with the guidelines stated in the Final Vegetation Treatment on BLM Lands in Thirteen Western States (BLM 1991), Northwest Area Noxious Weed Program Final Environmental Impact Statement and Supplement (BLM 1987), and BLM Manual H-1740-1.

Manual vegetation treatment is not common in the planning area because of the costs involved. Such treatment can be used to establish vegetation in riparian areas when other methods are not recommended. Hand planting of willow or cottonwood cuttings (sections of twigs or stems) or seedlings will be allowed in riparian areas.

Prescribed burning will be used to enhance the growth and vigor of certain species and to maintain a specific vegetation community. Prescribed burning will be avoided on highly erodible slopes. Areas will be burned to leave a mosaic pattern, with sagebrush cover, if possible. Livestock grazing will be delayed for at least one growing season. A two-year delay may be necessary for browse regrowth or when artificial seeding is required. Prescribed burns will be carried out according to the procedures in the BLM Manual 9214 and H-9211- 1.

Mechanical treatments will be avoided on slopes greater than 15 percent, on highly erodible soils, or in riparian/wetland areas. Mechanically treated areas will be allowed to rest for two growing seasons (April through September). Undisturbed areas will be left for livestock, and wildlife walkways in contour furrowed areas and waterways will not be disturbed. Mechanical treatments will be consistent with the 1971 Memorandum of Understanding (on file in the Big Dry Resource Area) between the BLM and Montana Fish, Wildlife and Parks. This Memorandum of Understanding states that the BLM will advise the regional supervisor of Montana Fish, Wildlife, and Parks of any proposed treatments and that the regional supervisor will be given the opportunity to provide comments on these treatments.

Interseeding will occur when desirable species are not present in the treatment area or on highly erodible soils to stabilize the soils. The seed used

must be tested for purity and free of noxious weed seeds. When seeding crested wheatgrass, an appropriate forb mix such as alfalfa or sweet clover could be included.

Harvesting of nonnative hay or seed will be authorized when consistent with resource management objectives for the allotments or areas. The BLM will have the option to reduce AUMs during the year the hay is cut if the activity will reduce the carrying capacity for the allotment. The operator will be informed of any potential reduction when they request prior approval for haying. Harvesting will be restricted in grouse nesting habitat within 2 miles of a lek until June 15. Harvesting will be excluded within 0.5-mile of an active raptor nest until August 1.

The BLM will cooperate with county weed boards in the planning area for control efforts directed toward noxious weeds on public lands. This cooperation will consist of providing BLM funding, exchanging information, and control efforts by BLM crews to expand county efforts. Cooperation by the BLM could be limited because of weed control funding and unavailability of staffing and equipment.

The BLM will use integrated pest management for noxious weed control (BLM 1985a, 1987, 1991). This approach is designed to reduce noxious weed damage to tolerable levels by using predators, parasites, genetically-resistant hosts, environmental modifications and, when necessary and appropriate, chemical pesticides (herbicides). Methods of treatment and acceptable levels of infestation will be described in a site-specific environmental analysis. An acceptable level of infestation may be incorporated into a desired plant community where total eradication is not economically or biologically reasonable.

Weed control on public lands will be conducted in cooperation with county weed programs. When county crews are unavailable, BLM crews and equipment may be used. Personnel involved in pesticide application must be trained, and a certified licensed applicator must be present. Individuals involved in herbicide applications, or using contaminated tools or equipment, will wear protective clothing and equipment (BLM 1991, BLM Manual 9011, H-9011-1).

Chemical treatment will be designed to reduce noxious weeds such as leafy spurge and knapweed species. Treatment occurs on Montana noxious weeds. Methods and rates are described in the Vegetation Treatment on BLM Lands in Thirteen Western States Final Environmental Impact Statement (BLM 1991), the Northwest Area Noxious Weed Control Program Final Environmental Impact Statement (BLM 1985) and the supplement (BLM 1987). Usually, the maximum rates will be used on small isolated infestations or newly introduced noxious weeds. The rates of herbicide application will depend on species present, the condition of the non-target vegetation, soil type, water table depth, and other water sources.

When applying herbicides, the BLM will provide buffer strips next to dwellings, domestic water sources, agricultural land, streams, lakes, and ponds. A minimum buffer strip 100 feet wide must be provided for aerial application, 25 feet for vehicle application, and 10 feet for hand application. Deviations will be according to the herbicide label. The herbicide will be applied by hand on each plant within 10 feet of water (USDI, BLM 1991, BLM Manual H- 9011-1).

Biological weed control methods will be implemented to a limited extent. Grazing by sheep or goats helps to prevent leafy spurge from spreading. The effectiveness of insects is uncertain because an adequate population of insects and the right combination take time to establish. The BLM will continue to work with agencies, universities and others using insects as a biological control agent.

The BLM contracted in 1992 with the Montana Natural Heritage Program to inventory plant communities. This inventory did not identify any rare plant communities. Species of special concern will be managed in accordance with BLM Manual H-6840. This manual provides guidance for the BLM to manage species of special concern in a manner that will not cause these species to become threatened or endangered. Inventories will continue as needed.

A 50 percent browse utilization level will be standard for the planning area, though other levels can be incorporated into the terms and conditions of a grazing permit or lease, or a grazing activity plan. If proper utilization levels are exceeded, adjustments will be made in

cooperation with the livestock operator. If an agreement cannot be reached, a decision concerning livestock use will be issued according to 43 CFR 4110.3-2(b) and 43 CFR 4160.

Forage increases resulting from improved grazing management or vegetation treatment will be allocated consistent with the management objectives for the particular allotment or area.

2.5.18 VISUAL RESOURCES

Visual resources will continue to be evaluated as a part of activity and project planning. Evaluation will consider the significance of a proposed project and the visual sensitivity of the affected area. Stipulations will be attached as appropriate to ensure compatibility of projects with management objectives for visual resources.

Surface occupancy and use in visual resource management Class I areas applied to public lands will be managed according to Interim Management for Lands Under Wilderness Review (BLM Manual H-8550-1).

Where publicly-owned minerals underlie privately owned surface, visual protection measures will be recommended to private surface owners to be used at their discretion.

To maintain aesthetic values, semipermanent and permanent facilities in visual resource management Class II will require special design. This design will include location, painting, and camouflage to blend with natural surroundings and to meet visual quality objectives.

2.5.19 WATER RESOURCES

The BLM will consult and coordinate with other federal, state, and local agencies as required by the Watershed Protection and Flood Control Act, Clean Water Act, and Office of Management and Budget Circular A-81.

The federal Clean Water Act (Public Law 92-500), section 305(b) and section 106(e)(1), requires each state to submit a biennial report on surface and ground water quality. The state of Montana's 1992 305(b) report includes a list of streams considered to be impaired within the planning area. Many of these streams have limited public lands along their stream reach. Impaired streams that have a significant portion

of public lands in the stream's basin will be considered critical watersheds.

Watershed activity plans, allotment management plans, and habitat management plans will be developed and implemented by consultation, coordination, and cooperation with the operator, local and state agencies, other federal agencies, and interest groups.

The BLM will file water rights with the state of Montana for water-related projects on public land. A database containing pertinent information will be maintained for water rights held by the BLM. BLM activities will be conducted consistent with Montana water quality standards.

The BLM objectives, both on upland areas and along stream bottoms, will be to maintain adequate vegetation cover to increase soil productivity and stability. Management objectives will include preventing the contamination of soils and water from spills. Vehicle and equipment servicing and refueling activities will be conducted away from wet areas and drainages, except where current facilities exist. Proper techniques will be used to collect petroleum products and to clean up spills. The operator must develop a spill prevention control and countermeasure plan (40 CFR 112).

Ground water wells, oil and gas wells, and facilities must be completed in a way that reduces the potential for contamination or depletion of the ground water aquifer. Wells will be constructed as regulated by the Montana Department of Natural Resources and Conservation and the Department of Environmental Quality. Protective measures must include, at a minimum, cementing or grouting the annulus of the borehole and grading the land surface to direct surface waters away from the wellbore.

2.5.20 WILDLIFE

Specific measurable objectives will be incorporated into coordinated resource management, habitat management, or allotment management plans to meet wildlife habitat goals. Grazing methods, land treatments, or other improvements will be designed and monitored to accomplish these objectives.

Whenever possible and appropriate, habitat enhancements, such as islands or nesting platforms will be constructed on new or existing reservoirs, ponds, potholes, or river systems. Bird ramps will be installed in stock water tanks located on the public lands.

In crucial winter range, the following activities will be allowed: locatable mineral development, mineral material sales, and permits and nonenergy leasable mineral development. Crucial winter range will be unsuitable for coal development.

Great blue heron and double-crested cormorant rookeries identified on public lands will be protected. Surface disturbance will not be allowed within 1,000 feet of rookeries. Power lines will follow the recommendations in Suggested Practices for Raptor Protection on Power Lines (Olendorff et al. 1981).

Aerial hunting of predators will be permitted in the planning area subject to the stipulations outlined in the Annual Animal Damage Control Plan (USDA 1993).

As described in the Powder River RMP, monitoring efforts will be directed at the biotic resource components using both temporary and permanent studies. The findings from these studies can be used to monitor responses in habitat condition and trend; forage availability, composition, and vigor; changes in cover and habitat effectiveness; and habitat management objectives.

Some of the available methodologies include Daubenmire canopy coverage transect, modified browse canopy coverage transects, woody riparian surveys and photo plots, range site condition ratings, height/weight grazed plant methods, color infrared aerial photography, pellet group transects, fisheries species composition and population surveys, and nongame bird and small mammal plots.

The data collected from the monitoring and evaluation process will be analyzed and fed back into the decision making process. This will provide information regarding the effects of the land use decisions, the adequacy of mitigation methods, etc. If monitoring indicates that significant unexpected adverse impacts are occurring, or that mitigating measures are not working as predicted, it may be necessary to

amend or revise the RMP. Conversely, if implementation and mitigating efforts are highly successful, monitoring and evaluation efforts may be reduced.

2.6 Issues To Be Carried Forward

Preliminary issues were identified in the Miles City Field Office's Preparation Plan for the Miles City draft RMP/EIS. Additional issues identified in public scoping comments are listed below.

Air Quality/Climate

Will all Class I air quality areas be protected from visibility degradation?

Will the BLM consider increment consumption when permitting mineral extraction?

Fire and Forestry

How will fire be managed in potential sage re-growth areas?

What areas are suitable for the restoration of natural fire disturbance regimes?

How much BLM-managed land will be treated for fuel management each year?

What methods of fuel management will be used?

How will fire suppression be implemented?

Should permittees have to obtain certification (i.e., a red card) before being allowed to fight fire?

Forest Products

Will the Miles City Field Office implement a commercial timber harvest program?

Hazardous Materials and Waste Management

How should wastewater from coal bed natural gas development be treated?

Lands and Realty

Should parcels smaller than 80 acres be offered for sale to lessees?

In what areas and under what circumstances will conservation easements be considered?

Should the general public be required to notify permittees before using public lands within grazing allotments?

Livestock Grazing

Will yearlings be managed at a rate of 0.75 AUMs?

Will AUMs be based on body weight?

How will grazing lease money be distributed?

What criteria will guide the requirement to develop an allotment management plan?

What alternative pasture rotations, grazing strategies, and distribution strategies should the BLM consider?

Minerals

How will oil and gas development be managed?

Will new lease stipulations be developed for oil and gas development?

What requirements if any will be placed on oil and gas operators regarding notifying surface owners of their intentions?

Will surface owner agreements be mandatory?

What is the extent of expanded coal mining within the RMP area?

Will surface owners have an opportunity to exchange land with the BLM if minerals such as coal are developed?

Will the Otter Creek tract be considered for coal development once more?

What mitigation measures will be employed during and after development?

Will bonds be increased to reflect the increased cost of mitigating abandoned sites?

Will areas be identified that are off-limits to leasing?

Does the BLM have plans to reduce energy development restrictions or standardize the process and reduce industry burden?

What can be done to increase carbon sequestration within the oil and gas industry in Montana?

Can the BLM reduce the impediments to coal development in The RMP area?

Off-Highway Vehicle Use and Access

What areas (if any) will be designated for open use?

What restrictions will be placed on OHV use?

Paleontology

How will specimens collected in the planning area be managed?

Recreation

Should commercial outfitting for hunting on legally accessible public lands be prohibited?

Should outfitting be allowed on lands that are not open to the public?

What areas (if any) should be designated specifically for non-motorized recreation opportunities?

Should nontraditional access agreements be considered for parcels where unrestricted public access might lead to conflicts with other resource uses?

Should the BLM designate specific camping and no-camping areas?

Riparian/Wetlands

Shall riparian conservation areas be established along streams?

How can unavoidable impacts to wetlands be minimized and mitigated?

Soils

What criteria can be used to allow permittees or leaseholders to repair eroding roads and trails within their allotments?

Vegetation

What standards will be used for the reclamation of areas disturbed by oil and gas development?

What plant species will be used for revegetation?

How should weed control programs be funded?

In what areas will livestock grazing be an appropriate vegetation management tool?

What vegetation communities should the planning area support?

Water Resources

In what areas will the BLM allow the discharge of alkaline or sodic waters?

Wildlife

How should prairie dog populations be managed on BLM-administered lands, particularly where they border other ownerships?

For no-surface-occupancy stipulations, how wide a radius should be drawn around sage grouse leks?

2.7 Special Designations, Including Nominations

One commenter recommended the establishment of ACECs around Category 1 prairie dog complexes and important birding areas. Another offered to help the BLM identify important breeding areas in the planning area. A different commenter recommended the establishment of

ACECs to protect suitable habitat for sensitive species such as sage grouse. Another commenter requested that 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 be evaluated for special management designation.

More information is needed from the nominators. Upon receipt, BLM will determine if the ACEC nominations will be analyzed in the RMP Revision.

3.0 PLANNING CRITERIA

Planning criteria for the Miles City RMP/EIS were made available for public review in the Preparation Plan, in hardcopy at the Scoping meetings, and at the project Website (www.MilesCityRMP.com). There were no comments received that resulted in changes to the planning criteria and therefore they have been finalized. These criteria are hereby incorporated by reference.

4.0 DATA SUMMARY AND DATA GAPS

At the onset of the Miles City draft RMP/EIS planning effort, management direction emphasized using the most current information to the extent possible. The BLM Land Use Planning Handbook encourages managers of planning efforts to use existing data compiled by other federal agencies; state, local, and tribal governments; and private organizations, as appropriate. The Miles City RMP Preparation Plan, approved March 16, 2004, includes a table that describes the specific data required to answer planning questions associated with the plan, along with the availability and status of the data. Efforts are currently underway to complete the task of obtaining and cataloguing the data necessary for the analysis.

Many commenters urged the BLM to base planning decisions on sound data and a thorough assessment of baseline conditions. This is the BLM's intent, per planning handbook guidance.

With regard to specific data needs, one commenter stated that the cumulative effects analysis would require an inventory of all private, state, and federal oil, gas, and coal bed natural gas leases within and surrounding the planning area. Another encouraged the BLM to acquire the funding necessary to determine the influence of coal bed natural gas wastewater on the chemical limnology, primary and secondary production, and the benthic community of the Tongue River reservoir.

The BLM planning handbook directs planning efforts such as the Miles City draft RMP/EIS to use existing data to the extent possible, because planning documents and environmental impact statements do not routinely require primary data collection. Also, decisions in the RMP/EIS will address land management rather than funding.

Comments received through the public scoping process did not identify any issues requiring the collection of new data or information. No significant data gaps were identified during public scoping.

5.0 SUMMARY OF FUTURE STEPS IN THE PLANNING PROCESS

The management situation analysis is being developed concurrent with this scoping report. Using information from these two documents, management alternatives will be developed for detailed impact analyses. A detailed analysis of each of the alternatives will be conducted, and a preferred alternative will be selected in late 2005.

The draft Miles City Resource Management Plan Environmental Impact Statement (draft RMP/EIS) will be prepared in the fall, winter, and spring of 2005/2006. The draft RMP/EIS will analyze the anticipated impacts of each of the alternatives in detail. Once the draft RMP/EIS is complete (in late spring of 2006), a notice of availability (NOA) of the draft RMP/EIS will be issued in the

Federal Register. Issuance of the NOA will start a formal public review and 90-day comment period to solicit input from tribal, state, and local governments; other federal agencies; and the public. Public meetings will also be held during this period.

Following the public review and comment period on the draft RMP/EIS, the final RMP/EIS will be prepared in the fall and winter of 2006/2007. Based on public comment, new information, and other necessary revisions, the final RMP/EIS will present the proposed decisions along with the other alternatives.

Another NOA will be issued in the Federal Register for the final RMP/EIS in the spring of 2007, followed by a 30-day protest period. Upon resolution of protests, a record of decision (ROD) will be issued approving the decision for the draft RMP/EIS. The BLM anticipates that the ROD will be released to the public in the fall of 2007.

6.0 REFERENCES

- BLM and State of Montana. 2003. Final Statewide Oil and Gas EIS and Proposed Amendment of the Powder River and Billings Resource Management Plans.
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- Olendorff, R.R., A.D. Miller, and R.N. Lehman. 1981. Suggested Practices for Raptor Protection on Power Lines—The State of the Art in 1981. Edison Electric Institute for Raptor Research Foundation. University of Minnesota, St. Paul, Minnesota.
- U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service. 1993. Annual Animal Damage Control Plan. Billings, Montana.

APPENDIX A

Notice of Intent

Shared Lands

Shared Plan

APPENDIX B

Project Scoping Brochure

Shared Lands

Shared Plan

APPENDIX C

Newspaper Notice

Shared Lands

Shared Plan

APPENDIX D

Media Release

Shared Lands

Shared Plan

APPENDIX E

Public Scoping Meeting Sign-In Sheets

Shared Lands

Shared Plan

APPENDIX F

Scoping Meeting PowerPoint Presentation

Shared Lands

Shared Plan

APPENDIX G

List of Cooperating Agency Status Workshop Invitees

Shared Lands

Shared Plan

APPENDIX H

Example Memorandum of Understanding

Shared Lands

Shared Plan

APPENDIX I

List of Potential Cooperating Agencies Interviewed

Shared Lands

Shared Plan

Cooperating Agency Meeting PowerPoint Presentation

Shared Lands

Shared Plan

APPENDIX K

Cooperating Agency Meeting Notes

Shared Lands

Shared Plan

APPENDIX L

Tribal Consultation Meeting Notes

Shared Lands

Shared Plan

APPENDIX M

**Letters, Forms, and Email Messages Received During
Public Scoping**

Shared Lands

Shared Plan