

## DAKOTA=S RESOURCE ADVISORY COUNCIL

## MEETING MINUTES

MARCH 26 - 27, 2001

## SPEARFISH CANYON RESORT, SPEARFISH, SD

March 26, 2001

The Dakota=s RAC meeting began at 8:30 a.m. Patrick Gubbins opened the meeting. Introducing Doug and welcoming all members. Present: Larry G. Nelson, Carol Koerner, Jerry Kobriger, Doug Burger, Patrick Gubbins, Curt Johnson, Rich Brauhn, Bob Paulson, Harvey Malon, Tom Quinn, Jim Melchoir, Dan Hutt and Jim Wickel (FS). Absent: Larry J. Nelson, Joe Satrom, Ron Ness, and Reinhard Hauck. Larry J. Nelson attended the afternoon session on Monday. Bureau employees attending were Dave Mueller, Barry Williams, Dennis Bucher, Russell Pigors, Chuck Berdan, and Nancy Rime.

Bio=s handout is the most updated. RAC datasheet - shows the expiration date for member terms. Those expiring: Carol Koerner, Curt Johnson, Tom Quinn, Larry J. Nelson, and Joe Satrom. Doug explained how their appointments are structured and if they are eligible for concurrent terms, if interested. Anyone wishing to re-up can get a form from Doug today or if they know someone who may be interested a form can be received from Doug or either BLM office.

The RAC has a web site where information about our council is posted. RAC members were asked and agree to allow their business phone numbers to be on the web page.

**Fuels Reduction Program - Dave Mueller, Fuels Manager from Miles City.** Dave is sharing what we have been doing in South Dakota in the Lead/Deadwood area. This is not just a BLM issue it is a community effort with the local fire departments. The reason we have concentrated in this area it is urban interfaced with public land. The local fire department would benefit through some formal grant dollars. Dave gave an overview of the MT/DKs fire suppression management area. Explaining where BLM has fire crews and equipment in the tri-state area. The specific Lead/Deadwood project comes from the result of concerns from the Lead/Deadwood fire departments. A team of BLM fire and resource management personnel assembled in the spring of 2000 to begin developing strategies on how to reduce the hazard and risk of wildfire to property within the exemption area. Last year wildfires across the west made it necessary to take a look at what we are managing around urban areas.

A General Audit Office (GAO) report indicated that we need to protect people and sustain resources in fire adapted ecosystems and develop a cohesive strategy. Hazardous fuel reduction: assign highest priority to hazardous fuel area. Our immediate goal is to reduce the hazard and risk of wildfire to communities within the BLM exemption area through reduction of dense standing forest fuels and accumulated forest floor fuels. Long range goal : The restoration of the entire fire ecosystem within the Black Hills. Dave explained where the exemption area is and the land pattern layout. Exemption Area means an area of 5200 acres of land - when the land in the Black Hills was turned over to Forest Service it was an area the USFS did not want due to the mining in this area. The present condition of the area: dense forest regeneration; a dense structure of ladder fuels (several layers of trees); what we need to do is change the fire regime. The ladder fuels create hazardous crown fire events. Something we want to prevent. They are very hard to fight and hard to put out. In the Lead/Deadwood area we have the wildland urban interface. We have slope and tree canopies, some are actually touching some homes in the area and some only 10 feet away from development. The towns have experienced two catastrophic

wildfires that have destroyed large amounts of property and structures in the early 1900's and 1950's where a lot of damage has occurred. The BLM is currently in the assessment and planning phase. Currently we are working on density, fire history, data collection, what type of treatments etc. What alternatives do we have? Who are the main players? The concept of a fuel break: A strategically located wide block or strip, on which a cover of dense, heavy or flammable vegetation is changed to one of lower volume and density. We can reduce crown fire potential through a fuel break area. Crown fires reduced to lower intensity surface line and allows for fire suppression access and holding capabilities. So what we are doing is restoring the fire regime in a given area. The priority treatment area would include both public and private lands.

The fuel break size depends on the topographic area. The fuel breaks would be completed through mechanical thinning treatment. The slash piles would then be burned during the winter months. Priority would then be given to fuel breaks around other communities within the exemption area. Once we have done this, a prescribed fire may then be safely introduced in the remaining area. The players include: BLM, State of South Dakota, City and Counties, Homestake Mine, utility companies, timber industry controlled lands and private land owners. This is a good cooperative effort and will need to take place in order to accomplish this process. This has to be voluntary agreements with private land owners. May have to have the county or city zoning boards work on some regulations regarding defensible space, etc. The insurance companies are starting to increase their rates because of wildland fires and what has happened to the insured=s homes. Funding: federal dollars can be spent for hazardous fuel reduction assessment, planning and project implementation on State, County, City and private lands. The law requires that local resources are utilized in the assessment , planning and implementation processes. This involves contacts with local people, local fire dept. in the assessment and planning stages, etc. Issues and constraints: 1) the Homestake Mine Closure - where they are selling large amounts of land and we would have to do additional research and talk to new owners about the assessment and planning phases. There are timber rights to large amounts of land within the priority area. 2) Private landowner agreements. 3) Utility corridors, 4) time is running out (i.e.; Jasper fire). A fuels manager has been hired in the Belle Fourche office. His responsibilities are to take over the Lead/Deadwood project and Fort Meade project. We will continue the planning and assessment phase - public scoping, solicitations, etc will have to take place. NEPA, implementation plan, and finally implement the project. Also need to have a Fire Wise community education program in place.

We have an ambitious goal to treat 150 acres as a pilot project for 2001. This does not sound like a lot but the process we have to go through to get there is huge. The 150 acres is in the Hearst Subdivision near Deadwood and is the pilot treatment area. Patrick discussed a meeting with the Lawrence County Commissioners as well as meetings with Homestake Mine. There were questions regarding the funding and how much money we will have to do this project. The pilot project is going to be done via an Environmental Assessment (EA) and done in house. The remaining portion of the exemption area is overall planning phase completed in FY2002 and implementation of the plan in FY2003. Our criteria is where we interface with urban areas and for us it is the Lead/Deadwood and Sturgis areas. There are three different types of accounts for fire suppression: 1) Equipment; 2) Educational; and 3) Fuels Management funding. Each project would involve a new NEPA process due to the different types of situations.

**Belle Eldridge Project Summation - Russell Pigors, South Dakota BLM.** History: In 1995, we noticed a seep in the stream - which were iron compounds which came from an old mine area. The acidity was quite high and had several other heavy metals to deal with also. An analysis of the wastes in the area were completed. Arsenic, zinc and cadmium were found in Spruce Gulch. Site cleanup began in 1999. Tailings were excavated from the old waste rock. Several alternatives were explored for treatment of the acidity. Further testing is needed this summer to see if the acidity is meeting the current standards. If they do not meet these standards then BLM would need to look at another type of treatment.. A

repository has been built where the excavated soil was placed. The repository is approximately 2 acres. What we did was encapsulate the tailings so the tailings would not produce the high levels of acidity when any moisture or oxygen met with the tailings. Russ explained the layering system of the repository. The area was reclaimed and hydro-seeded with native species grass. The site will be fenced off this year. The overall site area consisted of 8 acres. There were a number of trees in the area which were cleared and need to be disposed of this fiscal year. Options are limited for disposal. An important thing we need to be watching is the growth of vegetation which would hurt the integrity of the cap. The project ended up costing us \$1.8 million largely due to the tailings being 6.5 times more than what was originally thought. Results of the water tests since this project: the only water tests we have currently done are the pH testing where the pH had improved. The pH out of the mine was 6.8 - 7, once it passed through the waste rock and tailings it was a pH of 3.5. Was there some thought of putting the tailings back into the mine? Russ stated it would not have been feasible, there was a slight up slope and it would have been very difficult and with water coming through there it could have possibly created a larger problem. Water quality is a concern. Russ did bring along the water quality test results for anyone wishing to see them.

**Native American Consultation (NAC) - Barry Williams, North Dakota BLM** - The NAC process is a process of working relationships with Native American Tribes. Consultation - a US interaction of all groups taking in their concerns. The BLM goes out and asks the tribes how we should go about it. The way we interact with the tribes has changed. The Dakotas offices have committed to going out to the tribes and for the first time we will be going out and visiting with the tribes and work on inter-relationships. Teepee rings, cairns, etc. are of a high interest to the tribes. When there is a project in the BLM, we will be doing a consultation (tribal interaction). The consultation meetings which were open houses for anyone from the tribal council. Government to government (tribal councils). Which deal with the NEPA and youth employment aspects. The traditional leaders are interested in the Consultation and NEPA portion. The professionals which are college trained people in the tribe who know the cultural, archeological aspects and would be dealing with the Sec. 106, consultations, and NEPA process. The Monitors, the tribe trains people whose job is to oversee what the archeologist does. These people have the ability to stop projects. They are trained to identify what is out in the field. BLM does not require them and will not require them. If we have to hire a tribal monitor it could hold up business for us. Each one of these groups have different priorities in the matrix. The monitors even though they could identify something, it does not replace the consultation process of going back and talking to the tribes. Right now we have been doing open meetings where we can talk in depth about what we are doing in the project and in the process of the process. This takes a lot of time and commitment to build the trust levels of the consultation group. The tribal=s major concern is the youth employment in South Dakota and the Coteau is a major concern in North Dakota. The tribal council is very interested in the NEPA process and how this is going to effect their lands. Professional group is interested in doing it right. Monitors is more of a career in sec. 106. Currently BLM and FS are not using them. The Black Hills National Forest is working on an MOU and MOA with about a dozen tribes here in South Dakota. What they are trying to do is set up about 600 projects to bring to the tribes and decisions can be made at the meeting. BLM has several projects that are involved right now - 1) Dakotah Cement Exchange, 2) DM & E., 3) Coteau, 4) Fuels Reduction in the exemption area, and 5) Homestake exchange which need Native American Tribal consultation. BLM suggested for the tribes to look at the Black Hills as one unit. There is a concern on how many tribes will be participating in this agreement. Barry is hoping we will be able to participate in the agreement.

On the DM&E project, the cultural was being handled by a programmatic - BLM has decided not to sign it and no tribal councils are planning on signing it. The EIS draft from BLM in Wyoming has the lead on all the comments for the EIS draft. All comments are being deferred to the Newcastle office. Overall, the Park Service has the lead on all the comments for the Interior Dept. BLM has decided not to take a position on it at this time. Once a position has been taken by BLM that comment will be sent to the

National Park Service. The estimated cost; \$11.50 to \$22.50 per acre for archeology surveys. The cost variance is largely due to the type of land being surveyed. Patrick discussed the BLM's National policy and that consulting work is very expensive and we do not have the budget for this. Barry sees that if the MOU is going to work that each group (tribes, gov., professional, monitors) needs to have a representative on the decision making group. Doug's experience is that each group in the tribal organization has different agendas and if each agency brought in 10 projects, it would be very difficult to manage. There is no requirement that we get their consent to do the project, but the law requires us to consult the tribes. North Dakota's strategy, Barry and Doug will sit down with the tribes and negotiate with them on the projects to decide what type of projects will need to go to the tribes or what we can do without having to consult them (small project type of things). Patrick stated we are talking about the same thing in South Dakota. Doug's fear is the cost could be very high to be able to fund this type of clearing house for projects. Barry feels that the most important players of the group is the traditional leaders because the tribal council representatives will come and go.

**Dakotah Cement Land Exchange Proposal - Chuck Berdan, South Dakota BLM** - This proposal started about three years ago. Recently Dakotah Cement acquired a ranch. They wanted to know if they could acquire the BLM and the federal minerals. There is 320 acres of surface and 3640 acres of federal minerals. They came with their latest proposal - BLM would acquire a ranch north of Ft. Pierre and some additional land. Chuck stated there is a high level of cultural on here. There were approximately 100 sites in the area. On a second survey an additional 200 cultural sites were found. Another thing that has evolved is the plant is no longer owned by the State and is owned by a Mexican company. We have done two tribal consultation meetings on this project. We are at the point that we are doing a draft evaluation from the archeology end and in the process of determining the cultural significance of these sites. We may be looking at an EIS. Chuck stated we are looking at a meeting with them to discuss a budget from this company. Will the mineral appraisal be available once it is complete? Yes. Chuck stated we get land in replacement of the mineral estate. The plant is currently working with the FS on getting a corridor across the FS for their conveyor belt. The time line on this project is estimated for late FY2003. The BLM will not absorb any costs on this project at all. The company needs to decide if they wish to go ahead with this project and if so they will need to invest in it. The BLM was unaware that Dakotah Cement was up for sale and that there would have been a turn of events. Will it be possible to mitigate all of these areas? Chuck stated he had no idea. What types of cultural resources are we talking about? The sites are prehistoric, some sites are ring sites, a large number of hearth sites. Once they acquire the federal minerals they need to follow state regulations and not BLMs, only exception would be on the cultural areas where we may mitigate. What minerals are included? All minerals (all saleable, leasable or attainable). The BLM would acquire a peninsula on the west side of the river (Chantier Clear-Hoffman Ranch). There are about 3000 acres of BLM on this ranch plus some additional 3000 acres of private land.

Break for lunch.

Patrick introduced George Peternel, Marc Whisler, Craig Hayne - all of BLM Montana State Office, Brian Meyers - Harding County - SD Game, Fish & Parks Dept, Shelly Deisch, SD Game, Fish and Parks Dept - Rapid City, Scott Mickelson, SD Game, Fish and Parks Dept - Belle Fourche.

**Prairie Dogs and Sage Grouse - Marc Whisler, Montana State Office, BLM** - Marc gave an overview of BLMs role and responsibilities. Things are heating up over in Montana currently. There are several statuses that has a certain amount of responsibility that goes with it and each species has a different type of constraint for their specie. Background - it is designated as a candidate species. Warranted but precluded. Trying to make an effort to manage the species and bring it to a level that is safe so it doesn't get listed. There is a developed conservation team. State's are taking the lead on the conservation plan, each state is working on a plan but all eleven states are working together on one plan.

North Dakota has a draft. Montana is on their third draft looking to final next month. October 1, 2001, is the date set for having some sort of management criteria in place. The conservation plan shows what agencies are going to do to preserve the numbers and habitat. Fish & Wildlife found over utilization of the species. Recreational shooting is a major concern. Disease is another issue. South Dakota has not had to worry about this yet. We do not have the means to control disease - subtonic plague disease is very difficult to eradicate. Black Footed Ferret is another species susceptible to this disease. The Black Footed Ferret have been reestablished in fairly large prairie dog towns. Cheyenne River Sioux Reservation has a Black Footed Ferret transplant to help re-establish this species. Private land owner concerns are an issue and BLM has the responsibility to control the prairie dog towns on public lands. The BLM will not control prairie dogs through lethal methods. Can the Black Footed Ferrets be vaccinated for the plague disease? There is no immunization for the prairie dogs or black footed ferrets to protect them from this disease. In South Dakota there has been three cases of the plague found in canines and not in prairie dogs or ferrets down in Fall River County. Marc expressed his concern with the ecosystem and the role each agency has to support these species.

Our responsibility as a federal agency could end up where we, as a federal agency, are liable for issues regarding the species habitat and endangered species. Does the Fish & Wildlife have any incentives for the private landowner to participate in to help with managing these species? There is something being discussed and addressed as an incentive to private landowners to maintain prairie grasslands. Candidate Conservation Agreement with Assurances is a similar incentive for maintaining prairie dogs. An agreement where the landowner can maintain the land for a period of time and some assurances to that effect. Marc has a list of what he calls Grassroots Coalitions which have designed a program to help with these issues. North Dakota had a viability assessment completed which came out indicating that it can hold a viable ferret population. According to Jim Wickel, FS, ...North Dakota has not signed the conservation agreement - the MOU talks about expanding the habitat and North Dakota has decided not to sign.

Sage Grouse - Marc Whisler - In Montana they have a sage grouse working group along the same lines as the prairie dog working group. What is responsible management for sage grouse? This group is struggling with sage grouse guidelines, with sideboard parameters. Sage grouse habitat and prairie dog habitat are tending to cross over. Prairie dogs in some areas are actually clipping back sage brush which sage grouse need for their habitat. Prescribed burning and Wildland fire -keep in mind that sage grouse does not regenerate from a fire. For sage grouse it is a very controversial issue. There are a couple of states that do not allow any prescribed burns due to the sage grouse populations.

**Licensing ATPS - Harvey Malon** - Control of vehicles on BLM. land. How do you identify the people that are not doing the right thing? He stated that licensing ATVs is one way to keep track of the users on the trails and roads. George Paternal responded that BLM does not require a license. He stated that we recommend that people register their ATV. A public road is any road on BLM land. Some of the difficulty is the definition of a two track. In some cases, they may be on a county or state road and then the ATV would be required to have a license and turn signaling or it would be a violation. On a federal or state highway it needs a license. On a county road it needs a license because it is part of the state. It is up to the county to enforce the county roads as it is up to the state to enforce the state highways and roads. The FS in North Dakota are not cross deputies and can not enforce the laws. Harvey=s point was this would be a possibility of generating some funding for maintaining trails, etc. In Montana the ATVs are registered with the dollars to be used towards trails maintenance, etc.

**OHV Status - George Peternal - Montana State Office, BLM** - OHV EIS was issued in January, the protest period ended in February. We had 8 protests with the final result coming from Washington

office. The field offices have six months to identify their travel plan. Signage is a very important part of this process. Signs posting the regulations, restrictions, etc. The implementation is starting. The travel plans will deal with high and medium level priorities. This plan will only deal with Off Road Vehicle use at this time. Any snowmobiles, bicycles, etc will be in phase two. If the sign gets torn down, what status do the roads have? Our RAC had originally recommended to allow game retrieval, however, the BLM Director had made the decision not to allow game retrieval. Our initial effort is to educate the public and get up the signs to educate the public on the restrictions. The BLM will work with the ranchers and the private land owners in developing these travel plans. As well as the State School and Public Lands and state Game, Fish and Wildlife Depts.. The topography is pretty tough and you don't know whose land you are on. It was suggested to set up a working group with all entities involved. In most cases, the land is so co-mingled that you may not know where you are at. Doug stated we have to remember the primary purpose of this was to decide if motorized cross country travel is amicable or not. The next step is to go out and look at the roads and trails, put them on a map, check to see which roads should be established roads and then put some trails or roads back to native grass. BLM is also being held to a higher standard now because we are expecting more of the public. BLM is required to stay on established roads and trails. Disabled persons - vehicle access for game retrieval? EIS states that disabled in based on the 1973 Act. Field Offices will have to look at it on a case by case situation. Section line access - Statute 2477 is an issue that is being protested. According to Jim Wickel, if the road was there when the land was re-acquired than there is a right-of-way, if the road was not there when the land was re-acquired than there is no right-of-way. Are the two agencies (BLM & FS) in North Dakota discussing game retrieval with Game and Fish Dept.? We have to figure out how we are going to get the word out to the public. Doug said that it would be best if we could get this listed in the Game and Fish in the proclamations. But with the protests going on now we won't make it at this point. Pat Stockdill was wondering if this information will be put out before the deer proclamation comes out. Patrick stated in South Dakota we will be working with the SD Game, Fish and Parks Dept on this. On State land it is walk in only. Public relations and outreach teams will be working with George Peternal so everyone is doing the same and being concise. Bob Paulson applauds the BLM and FS and the conscientious effort they are using for doing their work. Rich Brauhn asked about oil and gas - it will be looked at pretty closely. Brian Meyers of the SD Game, Fish and Parks commended the BLM and FS for keeping them involved. Hunting is a big player when we are talking about OHV. Jerry Kobriger, ND Game and Fish Dept. asked if their agencies would be required to get a permit to do their job in some of these areas. Tom Quinn stated that NRCS would also need permits in SD if this is the case. It was agreed that both agencies should seek a permit from BLM in the form of a letter of authorization.

**Outfitters and Guides - George Peternal, Montana State Office - BLM** - Special recreation permit - an environmental assessment is done to see if it is feasible to issue a permit. It costs approx. \$80.00 for the permit. It is a requirement that outfitter=s need to have insurance filed with our office(s) and it depends on the risk level. In Montana, hunting and fishing has to be licensed with the health board. We have issued 2 or 3 commercial permits in South Dakota in recent years. These permits can be for horseback riding, hang gliding, you name it. We do not give these permits for exclusive use. An outfitter permit does not keep the public out of this area and it would be the manager=s discretion whether BLM permits another outfitter on the same area. Dennis Neil, BH National Forest, gave a synopsis of what is required for big game where an outfitter is required on the National Forest. BLM does not have a set amount of days a permit is good for. If a permit is denied, is it illegal for an outfitting guide to be in there guiding.

**Baca Bill and Land Exchange Process - Craig Haynes, Montana State Office - BLM** - The Baca Bill comes into play after the land exchange has taken place. The reason to do land exchanges is to implement land use plan and management objectives. We do exchanges to acquire access, or to accommodate some legislation. Requirements for land exchange: 1) must be consistent 2) has to be in the public=s interest 3) lands must be exchanged in the same state 4) must be a citizen of the US or a US

company. Some exchanges can be utilized through facilitators. Assembled land exchanges is another kind of exchange where BLM tracts seem to lend themselves. Legislative type of land exchanges are recommended by Congress. BLM MT/DKs has been doing land exchanges since the 1980s. A lot of our exchanges were direct exchanges although this is getting more complex. Where are we at today, the BLM will continue to do land exchanges to manage our programs. We can not do an exchange in 30 days, some times it takes a very long time - maybe years before a land exchange can be accomplished. Depends on what everyone's expectations are when doing the exchange. There will be a policy coming out for the MT/DKs from the State Office - looking at ways to stream line the process and the way we do exchanges. Looking at equitable ways to fund the project, look at the priorities of the project. Craig handed out a sheet showing the process of a land exchange. Discussing that an exchange is done on a value for value basis and not an acres for an acres basis. The key thing is we need to look at the whole initial process from the start to the closing process. Take a line of action to decide what steps are needed and who is going to pay for the process. Once these steps are done then we do a feasibility report and decide if we have an equitable exchange to work with. Once this decision is made than the serial numbered case is set up. The feasibility report and agreement goes before the State Director for approval and in some cases to Washington Office for approval. Once this is approved than the Notice of Intent is sent out. This puts the people on notice that there is an exchange and to notify any holders. Craig discussed the appraisal process. This all comes down to where an actual decision of whether the exchange goes forth or not. A notification goes into the paper that an exchange is proposed. For the most part, an exchange can be accomplished within two years.

The Baca Bill is a provision where it allows BLM to take the money and put it into an account to use towards procuring other lands. But the way the bill is set up, there is no way the BLM is guaranteed to get this money when it needs it. There are other federal agencies who are in this same account. Any agency can submit a proposal to use money from this account. Craig asked the RAC to give their thoughts to Doug and Patrick on how this is being developed. Perhaps the RAC can be used as a sounding board for upcoming land exchange proposals. Patrick asked whether our funds collected in South Dakota would stay in South Dakota or if it falls into the MT fund. Lands for sale: under the provisions of the Baca Bill the money collected from sales also goes into this account. The other key thing with the Baca Bill it is only for those lands that have been currently identified in our plan. The process that BLM has to follow is pretty strict and we won't be able to work on an exchange or sale as we did in the past. The Field Managers will have to decide whether we will be doing an exchange or sale. The cost will be absorbed 50-50 on the project. Cultural is something that can be passed on to the proponent. **Bob Paulson and Rich Brauhn would like a copy of the current Land Use Plan which shows what lands have been identified for disposal.** A third party can be used to help with some of the process to speed things up. Larry Nelson stated that he felt there may be some value with one-on-one land exchanges to help block up some public land within a grazing lease. Some other costs that can be incurred are newspaper notices, appraisals, cultural, reclamation costs of hazard substances. Doug discussed the history of small tract sale in North Dakota about 6 years ago, these lands were handled in a competitive bid type process and the BLM benefitted from it. If you do a public auction, do you have to go through the whole process? Yes, about 2/3rds of it anyway. It is easier than a land exchange. The Baca Bill account can not be used to enhance the public lands. The Federal Land and Public Management Act (FLPMA) says that the public lands would be held in public ownership. Up until 1976, we could dispose of any public land, but then FLPMA that any public land would stay there. The Nature Conservation has done exchanges with several agencies and the BLM takes the longest.

Tuesday, March 27

### **Public Comment Period:**

Dennis Niel and Lois Zieman, USFS, spoke to our group at the public comment period. Dennis

discussed that the USFS is mandated to set up an advisory committee under the new management act. Dennis discussed the fluctuating 25% funds which benefit the counties. Lois was researching different forms of committees. Dennis asked the group how they feel about this and how it effects their interest groups and so forth. He was looking for advice on how a group like this works and what to look for. Their group would be for South Dakota and Wyoming. Secretary of Agriculture has to approve this group. Dennis and Lois were looking for feedback from this group on how to begin a committee similar to our advisory group to help build collaboration with the counties and the people. Curt thanked them for coming in to our meeting and inquiring about our group.

**Land Exchange - Harvey Malon** - Harvey discussed the land exchange and the truck by-pass issue near Sturgis. Harvey stated that the Governor sent a letter saying he was all for a land exchange because it is a win-win situation. Harvey met with the Meade County Commissioners in Sturgis. He said that the relationship with the commissioners and BLM is not a good one at this time. Sturgis Chamber of Commerce is working well with BLM and the Commissioners but they do not want the truck-by-pass. The Farm Bureau passed the resolution that they are not in favor of any land swaps not just in Meade County but around the State. He stated that this gets to be a whole can of worms - he said that the Commissioners have stated it ain't going to happen.

McKenna Ranch situation: Harvey leased one 1/4 of school land - an isolated piece. He stated that there are three parties around him that have paid hunting. He was able to get this small parcel exchanged and received the patent to it so he was able to pick this small parcel up. He would like BLM to try and accomplish some of these same methods.

**Land Exchange - Patrick Gubbins** - Patrick would like to take another swing at this. He is interested in RS2477 - historic right-of-ways, when FLPMA was enacted in 1976, people had ten years from the start of the Act to clear up and assertions. Patrick explained the by-pass route. The county stated that with the RS2477 the proposed truck by-pass is on a historic right-of-way. The back country by way runs through Ft. Meade - Patrick explained what the back country by way is. Patrick would like some guidance from the RAC on whether we should proceed with this one more time. SDSU has an MOU with the School and Public Lands for the State land and also with the BLM for the public land. Patrick would like to get people together all in one room with a facilitator. Curt attended a public meeting at Sturgis and there was no consensus between the city and the ranchers. Because the city does not want any by-pass. Harvey would like to leave the by-pass out of it and just work on the land exchange between the State land and BLM. The interpretation regarding RS2477 is that if there is a road the agency has to maintain it and shouldn't become an issue. Curt felt that the Sturgis exchange could have been a win-win situation also, however, there were some people on the commission that did not agree with the exchange and therefore halted the progress. Doug stated this group needs to decide whether they will back this proposal. We may have to redo the appraisals. **Bob Paulson would like to see what we have done in the past.** It was suggested to visit with the folks who are in favor of this proposal and would like to see it completed. Curt's only concern is that with the Farm Bureau coming out with their resolutions to the legislature and concern that it could turn into a political thing. Dan Hutt asked if the committee could recommend all the principle parties get together and pursue this. Curt said if the RAC group decided we should continue with the exchange. The individuals should be contacted one on one to see where they stand. The RAC has supported this effort since we started this proposal. Realistically the ranchers has some pull with their county commissioners. The appraisal, the public input and the land exchange team in Washington are some of the things that we will have to redo.

Tom Quinn moved to revisit the exchange and try to go ahead with the land exchange between the BLM and the State School and Public Lands. Jim Melchoir second. Vote: Passed.

**Bob Paulson, Rich Brauhn, Jerry Kobriger would like copies of original state land proposal.**



**Restoring WPA Dams and Dugouts - Harvey Malon** - he said there is some support for restoring old WPA Dams through the Farm Service offices. His question is are there any WPA Dams on BLM land and if there are should we be looking at restoring them and obtaining some funding for use either on public land or private land. Curt said there are about 183 of these dams/dugouts across SD. About 103 of them are on school lands and others on Game, Fish and Parks. Doug is not aware of any on BLM lands in North Dakota and Patrick is not aware of any in South Dakota. He continued on saying that we do have range improvement projects that we do on our own dams and dugouts with continued inspections. The WPA and CCC dams were all built about the same time and some of them in the Black Hills are historical. Tom Quinn stated that the NRCS has worked on some small dugouts on BLM land in conjunction with the lessee and the BLM The engineering process is very expensive.

**Figure 4 Ranch - Doug Burger** - The ranch is located north of Dickinson and the Three Affiliated Tribes Reservation is along the east side of the ranch. Of the 15,000 acres, 4,000 of it is BLM. When the tribe acquired this ranch, their intent was to fence it all in and introduce elk. The problem was inside the fence there was already a wild elk herd. They started building a fence and then decided to put buffalo in there instead of elk and continue the fencing. There were concerns that it trapped wild elk and other wild animals. This ranch has become quite controversial even among their own tribal members. They have hired a ranch manager and now are considering doing some sort of tourism. Doug said we considered blocking up the BLM and the tribe didn't want to do this. They also tried to exchange some other lands for the BLM in another part of the county. This didn't work either. A letter from the governor suggested they put in parking lots for the public to use for better access into the public land. The tribe didn't go for it. The county may allow to abandon county line access for access through the ranch on the county road. Doug stated that the tribe had no authorization to doze any public land property but the tribe asked adjoining landowners for permission to build this fence. A question was whether they had contacted the Animal Health Unit to see if there was a problem in these animals being trapped in this ranch. There is some feeling that if something isn't done that we could eventually lose status of that public land and the State, their land, through a congressional legislative action. This could turn into a political situation. Doug stated the best solution is for the BLM to get out of that ranch. This is a quick update of where this is and no action is required from this group. This ranch is in our land use plan and is in the retention zone and not as a disposal area. The question was asked if the plan can be revised due to the situation and if it can be taken in another direction.

**Weed Demonstration Project - Andy Canham, Mid Dakota Vegetation Management** - Andy passed around some project booklets and some grants that he had put together for the group to review. Andy discussed the coordinate Cooperative Weed Management Project effort and the SD School and Public lands strategy for controlling noxious weeds. These cooperative projects are partnerships created with other State and federal land management offices. When various entities work together they are able to communicate their goals, concerns, abilities and limitations amongst the group. There is sharing of expenses and avoid duplication. Implement cost effective weed management is one of the largest goals. Weeds are moving very quickly across the state. A cooperative control project is where you identify a management area, organize interested parties, form a committee to get an equal representation of people, identify a fund base, develop an integrated weed management plan, inventory and survey management area (GPS), implement control activities, monitor and evaluate the project. Some projects that benefitted the BLM include the Moreau River, one in Fall River County, and the Ft. Meade area is a project that is occurring now. The Ft. Meade project is looking at following the Alkali Creek area. The issue of weeds is a very serious issue. Patrick stated that Andy did a wonderful job coordinating the relationships in the Ft. Meade area. Andy's presentation consisted of showing the numerous projects that he and his crew have been working on across the state of South Dakota. He stated that to get a project started it takes approximately \$20,000-30,000. In order to get a grant you need a grantee. Harvey Malon suggested that BLM become more visible on the Ft Meade project. Andy agreed. This would help with our public relations in this area. The measurement of success is measured through monitoring of the project. It was

suggested to Andy that perhaps after the third year a request should go in to fund the recheck monitoring. The work is above what all these entities are already doing. All projects are based on integrated methods for control.

A question was asked about wash down procedures for vehicles when going out in the field. The presentation opened up a topic of discussion of what the members of this group can take back home with them and something for BLM to consider when running their own vehicles in the field.

**Next RAC Meeting:** North Dakota, August 20 & 21, 2001.

**Suggested Topics from RAC members include:**

- Follow Up on Belle Eldridge and water quality to see if the project is working for the dollars spent.
- Follow Up report from Barry on his efforts with the Native American Consultations
- Follow up with the FS on how it is going with their new committee or council
- Would like to revisit the issue of having more than two meetings a year
- Like an executive summary for new members - coming into a meeting prepared prior to the meeting date. Summary of agenda items, etc.
- Land exchanges and where we are - Ft. Meade update
- Grazing Associations - grazing management items, what is happening in grazing management
- Tribal representation on the group - why isn't there any / Tribal liaison - develop better relations with tribes
- Roads and OHV - licensing or permits for travel
- Prescribed burns - what is our stand and are we still doing them
- Selling small BLM parcels and the Baca Bill and use of the money to expand for public use
- Figure 4 Ranch situation - update
- Spread of noxious weeds on public lands - are we winning the battle
- What are the effects of the Baca Bill and what other bills are coming up that would affect public lands
- Oil, gas and energy issues and where they are going on federal lands
- Sage grouse - study going that the BLM is contributing money to and bring in a student who is doing this study to talk about it. Sage grouse - is there anyway we can do something differently regarding habitat to protect the sage grouse population.
- FS involvement in the North Dakota arena

- Nomination of someone who is of the same status as Curt Johnson, elected official.
- Fuel reduction program update
- Dakotah Cement issue in southern SD
- Helpful presentation on different partnerships that BLM can benefit from and can work with
- Coal methane production and the impacts
- Reclamation projects on BLM lands
- Next meeting - field trip options - 1) Figure 4 Ranch, 2) Coteau operations, watersheds, etc. 3) Schnell, or 4) Oil and Gas reclamation practices (co-done with FS). The group decided to tour Coteau

**Next Meeting notes:**

The members would like to know anything new that is on the horizon that BLM has coming up on the drawing board. This would give the RAC members a heads up and apprized of what is happening.

Meeting on Monday with a presentation of oil and gas reclamation preview, field trip on Tuesday at Coteau, and perhaps wrap up the meeting up at the mine on Tuesday afternoon.

The subject of meeting more than twice a year came up. Doug explained that we will do what the group would like to do. Tabled for further discussion at August meeting.

Nominations for new RAC members.

Meeting adjourned.



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## Resource Advisory Council Meeting

Monday, August 20, 2001

Travel Lodge, Dickinson, ND

### Attendance

Harvey Malon, Larry J. Nelson, Steve Williams, Jim Melchoir, Carol Koerner, Dan Hutt, Rich Brauhn, Chuck Berdan, Ron Ness, Jerry Kobriger, Doug Burger

### **Welcome and Introductions - 8:10**

### **Logistics**

Doug reminded everyone to sign their travel vouchers.

We arranged for lunch and dinner reservations.

Doug passed around the RAC data sheet.

Mine Tour head count - 10 going over, 8 coming back.

Ron asked if it would be possible to put together a combined list (BLM and Forest Service) of draft due dates and comment periods, etc.

**Public Land History Presentation** - Doug presented a Powerpoint presentation of Public Land History. Larry J. brought up that there was no mention of the Taylor Grazing Act. Ron mentioned that we could try to bring out the message that BLM has tried to protect the public lands through many different avenues.

**SD Homestake Exchange update** - Chuck Berdan explained that it was a court mandated exchange. In the suit filed by BLM, we were to receive land in Haakon county. As of Aug 2 we closed on the main part of that exchange, 3617 acres of public lands were transferred to Homestake. We received 1432 acres of the Don Ferguson ranch that is located about 15 miles northwest of Philip, SD in Haakon County. All that remains to be transferred is 40 acres that has cultural properties and 20 acres with an un-relinquished mining claim. It was a fair market value exchange. With Homestake going out of business, they will continue to work on closing of the mine and disposing of properties. The beginning was the pollution of the Whitewood Creek, and then tailings were found all the way down into Oahe Reservoir.

**Update on the Off Highway Vehicle Initiative** - Doug Burger and Steve Williams. The BLM is awaiting resolution of a protest, so implementation has not started. Planning Amendments have to be approved in Washington, that's where it is at this point. We have no final date as of yet. Forest Service appeal process consists of issuing a Record Of Decision (ROD). The FS has begun implementation.

**Section Line Access Update** - Jim asked for a quick description of section line access. Using a flip chart, Doug diagramed section line easement. Thirty three feet on either side of a section line make up the access. Steve added that the FS does recognize that a road currently on a section line is considered a road open to the public under the OHV initiative.

**National Energy Policy discussion** - Doug Burger showed a Powerpoint presentation. The Energy plan places a lot of emphasis on Alaska. It's not very controversial in the Dakotas at this point. Ron commented that ANWR will become the focus of the whole issue. People will take sides on this issue as time progresses. Ron was there on May 18, he said he can equate the scenery to a frozen Lake Sakakawea. Harvey asked that we put Ron on the agenda for the next meeting to elaborate on the ANWR situation. Jerry wondered about the rest of the coast, on up into Canada even. Steve said there is a letter written by Mark Herndon on [Tony Dean's](#) web site regarding ANWR. Ron said the people in the village can kill 3 whales a year, they don't want anyone in the water or in the mountains - they are considered sacred lands and waters. Rich said the coastal plain is a source of waterfowl nesting. He wondered about an EIS on wind energy development regarding bird strikes, etc.

**Wind Energy in the Dakotas** - Jay Haley; EAPC Architects Engineers- Grand Forks, ND There are a number of pluses for Wind Energy in the Dakotas - rural economic development opportunity and environmentally friendly are among them. They pay up to a \$4000 land lease payment per year for each turban that is on the property. It creates new jobs and brings money into the community. They have created a sales and use tax exemption, also an investment tax credit among other things. There are a number of wind turbans and wind farms out there. Wind turbans are actually designed to produce electricity. Remote wind power would be the best economic use of a turban. Jay reviewed the various styles of wind turbans. Jim asked approximately how many new jobs a wind farm might provide. Jay said approximately 10 new jobs for an 80 megawatt farm. The wind industry is saying we need a mix of coal and wind energy sources. The contracts are generally 15 - 25 years. Usually transferrable.

**Vision 21:New Coal Mines/plants in ND** - Tony Rude, guest speaker. Tony gave each of the members a handout outlining the project. Dan commented that 80% of SD electricity comes from ND, and SD appreciates that. He asked how the lignite industry competes with low sulfur coal out of Powder River Basin. When you add transportation to Powder River coal it puts lignite in a different light. Can you build transmission routes and fix the cost. Larry J. wondered why there aren't more coal plants being built in Powder River Basin. Tony said that water is a major issue. Larry G. commented that they're thinking of running coal trains through Pierre. He wondered how that would effect the cost. To said they are looking at a number of alternatives. Rich asked how building power plants would affect BLM. Tony answered there would be very little effect. Generally developers will look to develop on private land. Dan mentioned that Senator Berg was looking to roll a lot of bills related to clean coal. Steve said there have been letters in the Bismarck Tribune comparing lignite with Mercury.

**Coalbed Methane Issues** - Chuck Laakso from the Miles City BLM showed a Powerpoint presentation regarding Coalbed Methane introducing the process to the members. Dan asked what road specs. are needed.. Chuck said only the minimum of road requirements were needed since the wells don't need to be visited often. They can be monitored in the office. They may be able to get by with a two track road. Larry J. said you need to have someone in there who has insight on when to close a road and not let people in there. When the soil is primarily gumbo it can really tear up the ground. Methane is tied to oil and gas estate, not the coal estate. Harvey asked if producing these wells would lower the water table. Chuck agreed that it could over time. There is a potential of effecting water wells in the vicinity. Companies are putting in monitoring wells, there are a number of them in the Decker, MT area. Jim asked if it was a requirement for the producers. Chuck said we will have some monitoring wells. Steve asked what the life of the wells is. Chuck said they're saying 20 years but it may be more like 10 to 12. The only length of time is what we can project from the work that has been done in Wyoming . Ron said they're having a difficult time attracting producers to the Williston basin area to search for oil because of the emphases on natural gas nationwide.

**Reclamation practices in the oilfield** - Frank Dudley with the Dickinson BLM showed a Powerpoint presentation on the various reclamation practices used in the area. Harvey asked if they were all

potential water wells. Frank said very few were.

**Payment-In-Lieu of Taxes presentation** - Wendy Favinger from the BLM State Office in Billings showed a Powerpoint presentation. Payment in Lieu of Taxes are Federal payments to local governments that help offset losses in property taxes due to nontaxable Federal lands within their boundaries. Public Law 103-397 increased those payments. There are two basic formulas, Formula A and Formula B. With Formula A, prior year payments (like Federal revenue sharing payments to local governments) are deducted. Jim said a share of coal royalties go directly back to the schools. 199 million was funded this year. HR 1811: This bill would establish a permanent appropriation of PILT funds. Wendy went through the notebook she handed out to the RAC members. The Intermountain states receive in the 90's percent of PILT payments.

Doug presented a plaque to Larry J. Nelson in recognition of outstanding service to the RAC.

**Public Comment Period** - Katie Goldsberry from the Medora Grazing Association presented a packet to chairman, Larry G. Nelson. She was asked if she would like to address the RAC and she declined. Copies will be made and sent to the RAC members.

### **Next Meeting**

**Date** - Feb. 25 & 26<sup>th</sup>, 2002

**Time** - 8:00 a.m.

**Place** - South Dakota

**Issues:** Update on National Energy Policy, Update on Section 106 requirements National Historic Preservation Act, update on land exchanges, sage grouse update, OHV update,

**Grasslands Plan** - Steve Williams from the Forest Service showed a Power point presentation of the Grasslands Plan. Steve went through the changes that were made in the "final draft" that is now out for comment.



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