

## **Resource Advisory Council Meeting**

**Fort Benton, Montana**

**January 30 and 31, 2001**

The meeting convened at 1:00 p.m. on January 30 at the Grand Union Hotel. RAC members present were Craig Roberts, Art Kleinjan, Bob Doerk, Mike Aderhold, Glenn Terry, Randy Gray, Arlo Skari, Jim McDermand, Ed Stoots, Dale Slade, Darryl Seeley, Joy Crawford, Stan Meyer, and Hugo Tureck. Absent was Kim Lacey.

BLM personnel present were Mat Millenbach, Dave Mari, Bruce Reed, Owen Billingsley, Richard Hopkins, Gary Slagel, Wade Brown, Craig Flentie, Chuck Otto, Jerry Majerus, Don Judice, Kaylene Patten, and Kay Haight. Also present were several members of the public.

### **Public Comment Period**

Three people offered comments during this time: Garvey Wood, Alan Rollo, and Les Dolezal.

### **Welcome/Chairperson Synopsis/Meeting Minutes**

Kaylene Patten welcomed everyone and reviewed the meeting agenda. Hugo Tureck distributed a memorandum from Interior Secretary Babbitt to the BLM State Director which stated, in part, that wherever feasible, the RAC recommendations should be implemented. Hugo noted that as a consensus council, the RAC has made a significant impact in respecting people's wishes and has been successful to the degree able to reach consensus. He thanked everyone for allowing him to serve as Chairman. A copy of the Monument Proclamation was distributed to all RAC members.

Hugo signed the minutes of the October, 2000 RAC meeting. Stan Meyer praised Hugo for his work as Chairman of the RAC.

### **Election of Officers/Designated Federal Official**

#### Nominations for Chair and Vice-Chair

*Craig Roberts was nominated as Chair by Hugo Tureck, seconded by Bob Doerk. Ed Stoots was nominated as Chair by Joy Crawford, seconded by Dale Slade. The nomination was withdrawn by Ed Stoots. Nominations closed and Craig Roberts was elected and accepted.*

*Ed Stoots was nominated as Vice-Chair by Bob Doerk, seconded by Joy Crawford. Bob Doerk was nominated as Vice-Chair by Jim McDermand, seconded by Arlo Skari. Nominations closed. Bob Doerk noted that representation should be from Categories 1 and 3 and withdrew his name. Ed Stoots was elected and accepted.*

#### Designated Federal Official

*A motion was made by Bob Doerk and seconded by Hugo Tureck that Bruce Reed, Malta Field Office Manager, be the Designated Federal Official for the next year. The motion passed.*

### **Sun River Watershed Project**

As a follow-up to the October tour of the Greenfields Irrigation District, the RAC was addressed by Alan Rollo, (Sun River Watershed), Ed Everheart (Manager, Greenfields Irrigation District) and Pete Stevenson (Bureau of Reclamation).

A discussion was held concerning several management issues on District lands, including: hunting and fishing access on the District's grazing lands; implementation of best management practices; monitoring of grazing practices; water conservation; water assessments; multiple use; and mining of sand and gravel. Craig Roberts and Hugo Tureck will attend a meeting of 15 conservation districts on February 16 and will report back to the RAC.

### **Off-Highway Vehicle EIS and Plan Amendment**

The Final Off-Highway Vehicle Environmental Impact Statement (EIS) and Proposed Plan Amendment was issued on January 3, 2001. Jerry Majerus gave a PowerPoint presentation on the EIS that included the RAC's previous motions concerning off-highway vehicle management and the major differences between the draft and final versions of the EIS. He also noted that the major differences are highlighted in the Dear Reader letter at the front of the EIS.

### **Missouri River Survey**

Jim Burchfield and Neil Moisey, from the University of Montana, gave a PowerPoint presentation on the results of a visitor survey conducted last summer on the Upper Missouri National Wild and Scenic River (UMNWSR). Their report included conditions and trends affecting the UMNWSR.

### **CARA and BACA Bills**

A conference call was held with Craig Haynes of the Montana State Office on the current status of the CARA and BACA bills.

The meeting adjourned at 5:05 p.m.

## **Resource Advisory Council Meeting**

**Fort Benton, Montana**

**January 30 and 31, 2001**

The meeting convened at 8:00 a.m. on January 31 in the Grand Union Hotel. Present were all RAC members, except Kim Lacy, and BLM personnel identified on previous day. Also present were members of the public.

### **Upper Missouri River Breaks National Monument**

#### Monument Designation

Dave Mari briefed the RAC on the Upper Missouri River Breaks Monument designation. He termed the designation a "work in progress" with many issues still to be addressed, including several raised by the RAC. Dave pointed out the Monument boundaries on a map which was also distributed to members of the RAC. The boundaries were drawn at the departmental level (Washington Office). It was noted that the PN Ranch is included within the boundary.

Dave noted specific provisions of the Monument Proclamation:

- The area is withdrawn from mineral entry.
- The area is withdrawn from mineral leasing, although valid existing rights will be grandfathered in.
- BLM is precluded from disposing of any federal land inside the Monument.

- Transportation planning is necessary to protect objects of antiquity.
- The Secretary shall prohibit all motorized and mechanized vehicle use off-road, which is consistent with the off-highway vehicle EIS.
- BLM will be the managing agency.
- Reservation of water rights on Arrow Creek and the Judith River will be made, subject to valid existing rights, because they are major tributaries to the Missouri River within the Monument area. Nothing is to be construed as a relinquishment or reduction of existing water rights.
- There will be no new rights-of-way, except to provide access to private or state land.
- There will be no changes regarding the State of Montana's jurisdiction over fish and wildlife.
- Grazing laws, regulations and policies will continue inside the Monument boundary the same as outside.
- Private lands inside the boundary will not be subject to condemnation. Private property rights will be protected.
- Existing designations will not change.

### Interim Management

The Washington Office has issued an instruction memorandum that gives interim guidance to the BLM between the time a designation is made and the completion of land use planning document. A stand-alone land use plan will be developed, which is about a three-year process. In the meantime, there are many gray areas. BLM staff will study interim management plans at other monuments and will propose an interim plan for the Upper Missouri River Breaks National Monument. The plan will be publicized.

Items that could be addressed under interim management include:

- Proposed road changes and improvement from Winifred to Big Sandy
- Improvements at Stafford Ferry
- Gas well permits
- Visitor use center

### Funding

\$100,000 in funding was received this year, specifically for the hiring of Monument managers at both the Upper Missouri River Breaks and Pompeys Pillar. BLM has additional funding to assist with management on the Missouri River. More funding will be requested in the next fiscal year to initiate the planning process. One of the benefits of a monument designation is that the Agency acknowledges the importance of the area and directs funding toward it.

A coordinating team has been established and will consist of Dave Mari (Lewistown Field Office Manager), Sandy Brooks (Billings Field Office Manager), Greg Albright, (Montana State Office Public Affairs), Greg Bergum (Montana State Office Engineer) and Howard Lemm (Montana State Office, Branch Chief for Recreation and Contact for National Landscape Conservation System).

The National Landscape Conservation System was established to deal with issues associated with national monuments, national conservation areas, designated wilderness areas, and wilderness study areas (all of which are designations created by Congress or the President).

Mat Millenbach, BLM State Director, noted the planning will include a scoping process to determine what issues the local people think BLM should be concerned about. He said it is highly unlikely the Monument designation could be reversed (it would take a Congressional action), and BLM is going ahead with managing the Monument and will be asking for money to do so.

Questions from the RAC concerning the designation and responses from Mat Millenbach and Dave Mari are listed

below:

- How much private land was included in the designation?
- A little under 80,000 acres of private land, about 39,000 acres of state land, and about 375,000 acres of BLM, for a total of 493,000 acres.
- How much of the 80,000 acres is within the existing Wild and Scenic boundary?
  - 40,000 acres.
- If Fort Benton got a BLM visitor center, would the Monument manager be headquartered there or in a field office?
  - That is one of the issues for the long-term plan, but for now the manager will be working with Dave Mari in the Lewistown Field Office. Local governments and people will have a say in the long-term plan about where the manager would be headquartered.
- Has the State of Montana said anything about exchanges?
  - They have indicated an interest in exchanging State lands out of the Monument area.
- If private lands within the boundary come up for sale, will BLM buy the property?
  - Nothing specific is planned at this point. In the last two budget cycles, Land and Water Conservation Funds (LWCF) were limited. BLM still hopes to move forward with funding from the LWCF for conservation easements or fee title acquisitions. Many landowners on the river have expressed interest in conservation easements, but BLM has been unable to go forward because of lack of funding.
- Will private land values be increased or decreased?
  - Federal land appraisals are based on fair market values only. Intangibles are not taken into account.
- In terms of other monument designations (e.g. Grand Staircase-Escalante), what has happened to land values?

A We don't know.

- In terms of fee title acquisitions or conservation easements, will BLM have the power of condemnation? If so, will it be exercised?
  - The government does not have authority to condemn land just to acquire an inholding. If a landowner is preventing access into a large area of public land, condemnation is legally allowable but has never been done. To condemn property is a lose-lose situation for everyone.
- Will there be changes in jurisdictional enforcement between Fish, Wildlife and Parks and the BLM?
  - There will be no changes in the relationship with Fish, Wildlife and Parks or the CMR National Wildlife Refuge. However, since the Monument takes in both sides of the river, there may be internal (BLM) changes because current field office boundaries end on either side of the River.
- Will there be any changes to PILT payments within the Monument area?
  - No.
- What are grazing plans along the river and what has happened in the past with other monuments?
  - The Proclamation is consistent with current practices. Allotments will have to comply with standards and guidelines, the same as outside the boundary. Grazing regulations for 2001 will continue as

presently stated. One question to be decided is whether to back off from watershed plans and handle the grazing issue through the land use plan, or go ahead during the interim period with standards and guides and not let everything come to a halt. For example, providing offsite water to deal with the hot season grazing would not be put in abeyance.

- What about the grazing dispute on the Grand Staircase-Escalante in Utah?
  - See the BLM's Utah web site for a very good explanation. (Go to "www.blm.gov" and then click on "Offices & Centers" and "Utah.")
- Has visitation to the Grand Staircase-Escalante increased since the designation?
  - It has definitely increased. Mat will get the numbers.
- What additional measures are in place for a private landowner if he wants to improve an existing road within the boundary to his property? Is he now precluded from doing that at all, and will he still have to incur archaeological expense?
  - Archaeological requirements would be the same as before. However, road improvement would be in the gray area of what would be consistent with interim management and we can't give an answer today.

### **BLM's Enforcement Procedures on Trespass**

Chuck Otto addressed the RAC on enforcement procedures for trespass and distributed an information packet. Rigid procedures are followed, and the Lewistown Field Office has a zero tolerance policy. There are many types of trespass, but the three most common types of trespass are timber, mining, and grazing, and they can range from non-monetary to fire trespasses, which could run into millions of dollars in administrative fees and trespass charges. An administrative action is usually used, although criminal trespass citations can be issued and followed up with an administrative action.

Eighty to ninety percent of trespass actions are brought against ranchers. In areas where BLM has a scattered land pattern, trespass can occur because ranchers don't pay attention to whose land they are on. Fences can be put in or roads bladed, not realizing that authorization from BLM is needed. A letter is sent annually to all grazing lease permittees which includes a paragraph dealing with unauthorized disturbances of public land. Nothing in a permit allows a right to do anything except graze cattle.

Detection is usually by adjoining landowners or other permittees affected by the trespass. Anyone can report a trespass, whether a member of the public or a permittee. Once a call is received, action is taken. Oftentimes, a phone call is all that is needed but if that doesn't take care of it, a notice of trespass is sent by certified mail so BLM can document that the notice was sent out. The notice gives 5 days to appear in the BLM office to try to resolve it.

Special investigators are called in for criminal-type actions. Fire investigators are brought in to determine how and where a fire started. Most actions do not go to court. BLM makes a settlement offer to trespassers, and they can respond with a counteroffer. Normally, the initial settlement offered will be the maximum amount BLM feels it can get. In addition to fees, reclamation costs must be borne by the trespasser. Settlements are usually as stated below:

Non-willful trespass What the material may cost in the private market. 1 AUM is \$12.60.

Willful trespass Twice the private rate

Repeated willful trespass Three times the private rate and for repeated offenses, BLM will reduce or cancel a permit. This covers mineral, timber and grazing leases, although in the case of grazing may happen only once every ten years.

Types of trespasses include: supplemental feeding on public lands; unauthorized subleasing; trailing across someone else's allotment; livestock in excess of numbers authorized; range improvements without authorization (includes blading roads); interfering with free travel through public lands (posting land to make the public believe it is private property).

If no settlement can be reached, a final decision is issued by BLM and can be appealed to the Interior Board of Land Appeals (IBLA). Grazing decisions are valid on issuance. A decision cannot be changed unless an appeal is granted, a process which usually takes about 18 months. Once an appeal is made and the IBLA takes jurisdiction, BLM is out of the picture. When a decision is made by IBLA, it is binding on both BLM and the trespasser.

When asked about the process to follow if, for example, a road has had a recent washout, Chuck explained they expect the rancher to call the BLM and advise that they've had a washout and need to fix the road. Normally, that is all it takes. Otherwise, if a member of the public calls in to report the road work, a trespass can be issued. All trespasses are documented and kept in the permittee's file.

No formal interagency agreements are used to watch each other's lands, but agencies do work together. For example, the Choteau Ranger District or CMR Refuge will call BLM if a trespass is noticed. An example of a cooperative agreement with DNRC was included in the packet distributed to RAC members. According to that agreement, a trespass proceeding is handled jointly in terms of rehabilitation, but administrative fines are handled separately.

Other trespass issues were brought up by the RAC. On the ownership of gravel rights, land acquired from BLM is for surface rights only, and BLM retains the mineral rights. If a fire is started on private land and then goes onto BLM land, investigative help would come from BLM if a large cost to the Agency is incurred in fighting the fire. There are three BLM law enforcement officers in the Central Montana RAC area.

## **Field Managers Issues**

### Dave Mari, Lewistown Field Office

- UMNWSR funding was reviewed.
- A meeting will be held the week of February 5 concerning the use of Undaunted Stewardship money.
- A public meeting is scheduled for February 15 in Fort Benton to talk about a visitor center and to see what the community wants.
- Land and Water Conservation Fund moneys have been eliminated for the past two years in the appropriation process. Dave asked that the RAC work with the BLM to put on workshops about conservation easements. He noted the importance of starting dialogue now about the benefits of easements, so concerns and suspicions have been dealt with before reaching the appropriation process. RAC members suggested he contact the extension agent for details of a seminar held a month ago in Stanford.

### Bruce Reed, Malta Field Office

- The Bitter Creek ACEC was issued on mountain plover.
- A Zortman/Landusky Mine reclamation update was given. BLM is in the process of preparing a supplemental environmental impact statement. A multiple accounts analysis meeting will be held next week to tweak the last of the alternatives. They hope to have the draft ready in March. There are six alternatives for Zortman and six alternatives for Landusky. The Tribes are part of the process. They are going to approach Congress for funding to complete reclamation costs above bond amount. Interim reclamation is occurring now with bond money.
- A couple of instances of plague were found in prairie dog towns last summer in Phillips County. BLM will present a proposal for the release of black-footed ferrets on the 40 Complex this year.
- There is a real concern about the lack of water and the reduction in forage production as a result. BLM and permittees need to start a dialogue this year about changing grazing practices to deal with the drought.

- Fire budget increases for this year were reviewed. The primary intent of the increase is twofold: to be better prepared to manage and prevent fire situations and to protect communities from wildland fire. Funding is included for: hazardous fuel reduction; fire preparedness; fire and non-fire construction; and includes \$500,000 for rural fire districts in Montana. Currently, DNRC calls on local fire companies for fire assistance. The Forest Service has put their money into supporting that process, and BLM proposes to do the same by putting the \$500,000 toward that effort. Fire management officers in each zone coordinate with other agencies. They do not want a repeat of the Los Alamos situation. BLM hopes to issue a draft state fire plan in the next month.

#### Owen Billingsley, Havre Field Office

- The Montana Air National Guard (MANG) proposal to use a 3x5 mile area for bombing practice was reviewed. MANG is now evaluating three main alternatives in an EIS. One proposed site is in Blaine County, involving a few scattered parcels of BLM land. Two other sites are in Phillips County. The EIS process has been contracted with a company from Santa Barbara and the EIS should be available for review in late spring or summer. Briefing papers on the MANG proposal are available on BLM's web site.
- The Havre office has been approached about an exchange involving a 3,000-acre contiguous block of land north of Chinook. BLM is in the process of preparing a feasibility report to determine if the land exchange has enough merit to proceed. If approved by State Director, then negotiations would be entered into. The exchange would be for comparable isolated tracts scattered around Blaine County.

#### Don Judice, Great Falls Field Station

- A map showing current oil and gas activity and leasing requests was reviewed. An EIS will be prepared for the Blackleaf study Area, located along the Rocky Mountain Front in Teton County. They will be consulting on interim management for the leases located inside the Monument boundary. Wells proposed in the Monument area are on existing leases.

#### **Update on Flood Plain Management by Art Kleinjan**

Art Kleinjan briefed the RAC on flood plain management and distributed a pamphlet to RAC members. There are no official flood plains unless each affected county has had the area surveyed. Management of flood plains is handled by counties and cities. A letter was sent by the RAC to Chouteau, Liberty and Hill Counties recommending that flood plain regulations be pursued along the Marias River below Tiber Dam. No response has been received to date.

*A motion was made by Jim McDermand and seconded by Arlo Skari to send a follow-up letter. The motion passed. Chairman Roberts will include a copy of the original letter and state that the RAC would like a response.*

Lunch break from 11:10 a.m. to 12:30 p.m.

#### **Review of Outfitter Moratorium**

Wade Brown distributed an issue paper on the outfitter moratorium and reviewed the moratorium language in the Federal Register Notice. Since the moratorium was issued, BLM has realized that the language is too inclusive, and covers one-time special recreational permits to educational groups that charge a fee, such as Outward Bound. BLM needs discretion to issue one-time permits. If approved by the RAC, the only requirement for implementation is to amend the Federal Register Notice.

As a separate issue, a new owner of an outfitting business must reapply for a permit which was held by the previous owner. This issue was set aside for later discussion.

A discussion was held on the outfitter moratorium, including concerns that the moratorium has created a private

property right to use a public resource. Possible options to control overcrowding, instead of moratorium, are to limit the size of groups going down the river, require outfitters to provide porta-potties, or build more outhouses.

*A motion was made by Darryl Seeley and seconded by Art Kleinjan that BLM has the authority to issue a one trip permit per floating season to educational groups that charge a fee. The motion passed.*

## **RAC Subgroup Update**

Harry Mitchell reviewed a progress report from the RAC Subgroup. It was distributed to members of the RAC. A letter sent by the Subgroup to the MSU College of Agriculture, requesting a coordinated effort to avoid duplication of efforts, has not been answered.

*A motion was made by Jim McDermid and seconded by Arlo Skari that the RAC follow up Harry's letter with another one if he hasn't heard from the steering committee within one week of the steering committee's next meeting. The motion passed. Chairman Roberts will write the letter.*

A discussion was held about the continued need for the Subgroup and whether the Monument status dissolves the need for the Subgroup. Mat Millenbach stated the subcommittee was set up for a specific purpose, and suggested we stay with that for the time being. There is a lot of work to be done in terms of visitor use. The next step is to take the University of Montana recommendations and develop a priority list. The Subgroup's sole reliance on the University of Montana data and the assistance of Jim Burchfield with that data means there is a duplication of facilitation efforts with the Montana Consensus Council.

*A motion was made by Hugo Tureck and seconded by Ed Stoots that to avoid duplication, the University of Montana will become the facilitator of the Subgroup. The motion passed.*

Reimbursement of expenses incurred by subcommittee members was also discussed. A motion by Art Kleinjan to provide mileage and stipend to Subgroup members was made.

*A motion was made by Art Kleinjan and seconded by Ed Stoots to have Dave Mari determine if mileage and stipend can be paid to Subgroup members, and possibly direct the \$10,000 that will not be paid to the Montana Consensus Council toward this effort. The motion passed.*

When asked if the RAC would be involved in trying to help management decisions, or if their time would be wasted by paralleling planning efforts, Mat Millenbach responded that the advisory capacity of the RAC, and the way issues are dealt with in such a respectful way, is very valuable to the BLM. Even if all recommendations are not followed, it is important to stay with the process.

Discussion of the outfitting moratorium reopened for 15 minutes, specifically how permits are handled if an outfitting business is sold. If someone has purchased a business from a current special recreation permit holder, BLM would like authorization to entertain their application. There would still be no net increase in the number of permits. It also would not guarantee that the new owner would be issued a permit. The BLM is mandated to use current permitting procedures to find the best qualified applicant and not be in conflict with national policy.

*A motion was made by Darryl Seeley and seconded by Hugo Tureck to amend the existing moratorium to allow BLM to accept applicants for new special recreation permits, so long as there is no net gain in the number of special recreation use permits issued; and further, that the moratorium sunsets in April, 2002. The motion passed.*

Following the motion, discussion continued on whether the moratorium has created a monopolistic situation and if it creates a private right on a public resource. Because this dovetails in with all other issues on the River, RAC members felt it should be studied by the existing Subgroup or an additional subgroup formed to study this sole issue. The discussion was tabled until the next meeting with the suggestion that testimony be given, BLM bring data to the meeting, and the Subgroup report on the issue.



## **Next Meeting**

### Agenda Items

- Outfitter usage and the role of the subcommittee. Testimony and BLM reports, report from the Subgroup.
- Update on the sage grouse issue and potential listing as an endangered species.
- Move from consensus vote to regular vote for the Subgroup.
- Monument update.
- Drought management for grazing permits.
- Report on Wilhelm property.
- Update from BLM/BUREC on withdrawn lands.
- Update on reclamation at Zortman/Landusky.
- Update on prairie dog issue.

### Meeting Details

Where: Lewistown

When: May 1, 2001 (1:00 p.m. to 5:00 p.m.) and

May 2, 2001 (8:00 a.m. to 3:00 p.m.)

Field Trip: Tuesday evening to Brewery Flats with picnic supper

Public comments: May 1, 2001 at 1:00 for 30 minutes

### **Wrap-Up**

Travel vouchers were distributed. RAC members expressed appreciation to Mat Millenbach for his attendance. The meeting adjourned at 2:55 p.m.

## **Resource Advisory Council Meeting**

### **Public Comments**

**January 30, 2001**

#### Garvey Wood

First, I'd like to thank you all for coming to our little town. We're pretty proud of Fort Benton. It's a nice place to live, I grew up here. My name is Darby Wood. I'm a consulting archaeologist. I live and my business is in Loma, it's about 10-11 miles from here. I'm also a hotel owner and I have a farm. A couple of other things, I'm the Loma fire chief and I'm also a school board member from out there.

What I'd like to address to you today is about multiple use on BLM lands in the Lewistown District. I'm pretty familiar with the way multiple use works around Loma. It works very well in our area. We have a close relationship with the Havre Resource Office and how the public lands are maintained and operated, and we work with them very well. We have public lands that are native sod, farm lands, there are BLM hiking trails, campgrounds, and we even have a boat landing there. I guess with the designation of a national monument, I would like to recommend that one of the themes of the national monument is multiple use. I would like to see

farming, ranching, tourism continue there, and then further on down the river there is a gas field that I have quite a bit of experience with that I think ought to be considered as one of those multiple uses.

The second thing I would like to just briefly mention is that there is discussion going on in the county about a BLM Interpretive Center here in Fort Benton. The people of Loma have formed a group called "The Village of Loma." It's mostly the businesses there, but a few individuals too. We understand that there are two or three places here in Fort Benton that this Interpretive Center, or whatever it will eventually be called, is planned for, and we certainly support that effort here. However, we also understand that there are people in the county that are opposed to it, different places and people in town that are opposed to it, so we would like to invite the BLM to consider, if opposition develops here in Fort Benton, we would like to invite them to place their Interpretive Center down on Signal Point, just south of Loma. We passed a resolution at our last meeting of The Village of Loma, inviting the BLM to consider that. We would certainly, if any of you have not had a chance to take a trip up to Signal Point, please do so. It's very well done. There are some interpretive signs there and there's plenty of room to put an Interpretive Center of any size. I would like emphasize we're not in any way trying to compete with Fort Benton. If opposition develops here, we would the BLM to consider that.

Going back to the gas fields down below, it's my understanding that this gas field has been in quite a long time. I was the archaeologist on site that monitored the construction of the pipeline across the river. Matt Knox and I, Matt worked at night, and I worked during the day there. The environmental concerns and the way they were addressed with that project, with the gas exploration down there, I would have to assure the Resource Advisory Council that every chance, everything was taken into consideration when gas wells were permitted and when pipelines were lined up to cause the least environmental damage. It is literally impossible now to locate the big gas line through there because of the way those issues were addressed at that time. Again, I would request that any gas fields on both sides of the river, that this be one of the multiple uses that are allowed in the national monument area.

The final thing has to do with fire protection and suppression. I understand that's going to be discussed tomorrow at some time. I also serve as the secretary of the Chouteau County Fire Council, and we discussed this issue last night to some length. Our council is concerned, as is the Loma Fire Department and the Big Sandy Fire Department, Geraldine Fire Department, Elam Fire Department, Fort Benton Fire Department, we're all concerned about working with the BLM. We would like to do that. We would like the BLM fire people to come to the Fire Council, not only the Chouteau County Fire Council, but the Fire Councils of Blaine, Phillips, and Fergus, and develop protection and suppression plans for the monument area and for BLM lands.

I would like to conclude by saying that I would like to recommend that this Council consider all these issues and consider multiple use as the way to develop that area. Thank you.

#### Alan Rollo

Good afternoon. I'm Alan Rollo, and what I wanted to touch on was that I have attended a couple of meetings of a new group being formed through several conservation districts along the Missouri River. Out of those, there are 15 that have formed a coalition to address natural resource issues along the Missouri River. This group of conservation districts has requested at their last meeting to see if Hugo attend their next meeting. They were mainly interested in forming at least a dialogue between the RAC and this association of conservation districts that are along the Missouri River. Our next meeting is February 27th. Hugo, with your term ending, I'm not quite sure exactly how to move that forward, but they did mention you by name because you're farming in that area and involved with conservation districts already. So they mentioned you by name to see if you could attend their meeting. Again, the full intent is to start a dialogue between the RAC and the conservation districts. The meeting is February 27<sup>th</sup> in Lewistown. It starts at approximately 10 o'clock. If you're interested, let me know and we can get that moving forward.

#### Les Dolezal

Good afternoon. My name is Les Dolezal, and I should only need about 10 or 20 percent of the time that's been allotted to me. Six months ago I hadn't heard of the Council and since then I've been reading through a lot of the

literature that the BLM has sent me, and I just wanted you to know that I appreciate your collective, thoughtful decisions that you've been making.

The primary reason I'm here is I have a question on the outfitter's moratorium, as far as the transferability of the permits. I'm interested in buying one of the outfitting businesses and we need to get that clarified to see if we can, in fact, have this transaction. That's where my interest lies. Thank you.

**Central Montana**  
**Resource Advisory Council Meeting**  
**Lewistown, Montana**  
**May 1 and 2, 2001**

The meeting convened at 1:00 p.m. on May 1, 2001, in the Montana Fish, Wildlife & Parks building.

RAC members present were Bob Doerk, Kim Lacey, Arlo Skari, Darryl Seeley, Stan Meyer, Dale Slade, Hugo Tureck, Art Kleinjan, Jim McDermand, Joy Crawford, Mike Aderhold, Glenn Terry, and Craig Roberts. Absent was Randy Gray.

BLM personnel present were Bruce W. Reed, Dave Mari, Owen Billingsley, Richard Hopkins, Gary Slagel, Chuck Otto, Wade Brown, Craig Flentie, Kaylene Patten, and Kay Haight. Also present were several members of the public.

**Public Comment Period**

Three members of the public made comments. See Appendix A.

**Welcome/Chairperson Synopsis/Meeting Minutes /Awards**

Kaylene Patten did housekeeping chores and reviewed the agenda. Craig Roberts, RAC Chairperson, welcomed everyone to the meeting. He reviewed highlights of the Missouri River Conservation Districts Council meeting that he attended with Hugo Tureck and Gary Slagel.

Per the last RAC meeting, a follow-up letter regarding floodplain management along the Marias River was sent to the Chouteau County Planning Board on March 6, with a copy to Hill, Liberty and Blaine Counties. The RAC has received replies from Hill and Chouteau Counties acknowledging receipt of the letter. Arlo Skari will contact the Liberty County Commissioners. Art Kleinjan noted that it may be some time before a survey can be done because of higher priorities on the federal level.

*A motion was made by Bob Doerk and seconded by Glenn Terry to approve the minutes of the January 30-31 meeting.*

*The motion passed.*

Dave Mari and Bruce Reed presented awards to parting RAC members Mike Aderhold and Darryl Seeley. Dave acknowledged the resignation of Ed Stoots, who took a job in Virginia.

**Update on RAC Subgroup**

Joy Crawford and Jim McDermand gave an update on the activities of the RAC Subgroup. Jim noted that Jim Burchfield and Neil Moisey, from the University of Montana, are doing a superb job of facilitating and working with the Subgroup.

Wade Brown said that the RAC Subgroup has narrowed its focus to visitor use, including outfitted use and facilities, and expressed confidence that the Subgroup will make headway. The University of Montana group is developing a web page

so that the public can track issues addressed by the Subgroup.

Wade stated that the BLM is implementing three new measures effective this year:

- Outfitters will complete a mandatory registration for each trip prior to getting on the river.
- Mandatory use of portable toilets is a requirement for all outfitters and clients stopping on BLM lands, outside of developed campgrounds. In addition, they must pack the waste out and not dispose of it in cat holes.
- An annual performance review for each outfitter will document how they operate on the river.

He gave the following statistics on visitor use of the Upper Missouri River for the past four years:

Year	No. of Permits	Outfitted Visitors <sup>1</sup>	Overall Visitors/ Floaters <sup>2</sup>	Percent Outfitted <sup>3</sup>
1997	15	682	3252	21%
1998	19	1202	4339	27%
1999	23	1676	5442	30%
2000	23	1361	5090	24%

<sup>1</sup> Based on actual year-end numbers from outfitters.

<sup>2</sup> Based on voluntary registration, believed to be accurate within 5-10%.

<sup>3</sup> Average outfitter use was 25%.

Figures are from May through September each year.

### **Outfitter Usage Testimony**

As requested by the RAC at its last meeting during a discussion on the outfitter moratorium, several outfitters offered testimony. One client also made comments. See Appendix B.

### **Monument Update**

Gary Slagel distributed to RAC members a summary of the 24 comment letters received on the Monument interim management plan. Interior Secretary Norton has written a letter to elected state officials and county officials in all counties associated with new monuments, requesting concerns or ideas about boundary or management issues.

In the interim, BLM is proceeding with finalizing interim management guidelines.

### **Grazing Management in Response to Drought**

Chuck Otto gave an update on the drought situation and distributed to RAC members a draft letter to permittees. The letter will be finalized and sent by Friday, May 4. It recommends a 25 percent reduction in livestock grazing on BLM lands, gives options for payment of grazing fees, requests that permittees contact the BLM to advise of their grazing plans, and outlines what the BLM will do if the drought continues. If there is no drought relief, mandatory grazing restrictions will be implemented and BLM will need to look at closure of the federal range. This is the third year of the drought, and even if it ends this year, restrictions will be in place for 2002 because the stress on

damaged  
plants would be too great.

Supplemental feeding is not allowed on public lands. Under the Taylor Grazing Act, base property is intended as some place to take livestock when they are not on BLM lands. Wherever cows are fed, there are impacts to that site which take years to recover. BLM would rather have the supplemental feeding done on private land.

The voluntary 25 percent reduction would not affect AUMs permanently, but it would for next year or for as long as there are drought-based restrictions. If BLM does go to mandatory restrictions, it would probably be based on an allotment categorization process. The "I" areas, which are intended for improvement, would be first. Next would be the "M" or maintenance areas. The last type to be affected would be isolated custodial allotments.

### **Discussion on Outfitter Usage**

The RAC discussed outfitter usage and made the following points:

- Big operators are a concern.
- Let the Subgroup continue with the issue of outfitter usage.
- Many in Montana now believe that the only way to grow the tourism business is through a longer-term, better quality experience for existing numbers of tourists, rather than increasing the numbers.
- There is a perception that some individuals are benefitting unduly from a public resource (an inequitable share).
- Land managers (BLM, MWFP) can insist on standards for outfitters to ensure a quality experience.
- Signature Days for the Lewis and Clark Bicentennial that are slated for Montana will have more impact in Great Falls than along the river.
- Do we need to look at extending the moratorium?

The discussion then opened to outfitters in the audience, who made the following points:

- The projected numbers of tourists visiting during the Bicentennial may never materialize.
- Lifting the moratorium would cause the quality of outfitted trips to diminish unless standards and guidelines for outfitters are implemented due to new, inexperienced guides coming in for the Lewis and Clark Bicentennial.

*The RAC's recommendation was that the Subgroup has until December 10, 2001 to make recommendations to the RAC on the moratorium and outfitter usage.*

The meeting adjourned for the day at 4:50 p.m.

**Central Montana**

**Resource Advisory Council Meeting**

**Lewistown, Montana**

**May 1 and 2, 2001**

The meeting convened at 8:00 a.m. on May 2, 2001, in the Montana Fish, Wildlife & Parks building. Present were all RAC members and BLM personnel identified above. Also present were RAC member Randy Gray and members of the public.

### **Election of Vice-Chairperson**

*Due to the resignation of Ed Stoots from the RAC, a new Vice-Chairperson was elected. Dale Slade (Category 1) was nominated by Jim McDermand, seconded by Bob Doerk. Dale Slade nominated Art Kleinjan (Category 3), seconded by Joy Crawford. Stan Meyer moved that nominations close, seconded by Bob Doerk. Following a discussion of not having two chairpersons from the same category, Art withdrew his nomination. Art then moved to cast a unanimous ballot for Dale. The motion was approved by consensus.*

### **Implementation of Sage Grouse Plan**

Charlie Eustace, Montana Fish Wildlife & Parks, gave a presentation on sage grouse population trends in south central Montana from the late 1800s and noted the following facts:

- For the first two weeks of life, the sage grouse diet is 40% insects/60% vegetation.
- By 3 months of age, the diet changes to 10% insects/90% vegetation and they start to work on sagebrush.
- Only during the months of June-September is sagebrush less than 60% of their diet.
- If there is no sagebrush, there will be no sage grouse, without exception.
- 90-100% of all nests are at the base of a sagebrush plant.
- They are the most long-lived of all upland game birds.

Roxanne Falise, BLM Montana State Office, reviewed agency efforts to identify sage grouse habitat. There will be a combination of local, state and national efforts in developing guidance for the purpose of coordinating strategies with other uses on federal lands and establishing guidance on how to integrate those strategies into land use plans.

To avoid listing sage grouse as an endangered species, the agencies want to make sure there are good, long-term strategies and objectives in place that are a regulatory mechanism. The eventual statewide plan will be a framework to look at the big picture and develop guidance for work at the local level. Involvement on the local level is important because 50 percent of sage grouse habitat in Montana is on private land. The agencies need to provide the tools to help people at the local level understand the issues and figure out solutions.

Roxanne made the following comments in response to questions from the RAC:

- Habitat problems vary so much by area, it is unknown how much predation increases are due to the loss of cover from the drought.
- The CRP program has probably not had as much effect on sage grouse as other species, because they predominantly nest in sagebrush habitats. There is discussion on including sagebrush seed in CRP mixtures.
- While sage grouse populations in Idaho, Montana and Wyoming are very secure, in the rest of the western states they are scarce or gone. An endangered species listing would be based on all states, not just Montana. However, if Montana has a good conservation strategy in place and is managing sage grouse, then a lot of the

endangered

species restrictions and regulations would not apply here.

- Throughout several states, some of which allow hunting and some which don't, at this point hunting is not having an impact on sage grouse trends. Cumulatively over the years, there is more than one cause for the population decline.
- Public meetings will be held in Butte (mid-June); Dillon (mid-July); Lewistown (August 6 evening public meeting, and regular work group meeting August 7-8); Miles City (September); Glasgow (October); and Billings (November).  
Any other communities interested in holding an open meeting should contact FWP and BLM.
- With the right conditions, leks can be created. It takes a fairly extensive area of sagebrush. Sage grouse winter in open flat areas. Ideal habitat is that land also best suited for conversion to farming.
- BLM and FWP are putting a lot of effort in locating leks, which has resulted in finding many more. They estimate a population of 80,000 in Montana, just on the leks that have been found.
- Burning sagebrush is not a big problem up to this point. The turnover rate on sagebrush is 20 years.
- Sage grouse apparently favor big sage over silver sage.
- Opinions are mixed on whether federal farm policy has encouraged dissipation of their habitat.
- The State and FWS have financial incentive programs. The work group is looking at funding and how to leverage dollars.

*Recommendation: Members of the RAC suggested that the work group get people to attend local meetings and become involved, including school children. They requested that updates be sent to individual members, rather than waiting for the next scheduled meeting. Roxanne will add their names to the mailing list and requested help from RAC members to get people interested in attending meetings.*

### **Missouri River Conservation Districts Council**

Fay Lesmeister and Paul Gies made a presentation on the Missouri River Conservation Districts Council (MRCDC), a coalition of 15 conservation districts from Hebgen Dam to the Montana/North Dakota state line.

They explained the Conservation Reserve Enhancement Program (CREP). The PPL purchase of Montana Power made \$8 million in funding available for projects along the upper and middle portions of the Missouri, within a one-mile wide corridor on each side of the river, from Hebgen Dam to the Fred Robinson Bridge (524 miles and 338,000 acres). A proposal is being submitted by MRCDC to use the \$8 million to leverage \$52 million in additional funds.

Projects will include deep well drilling, off-site watering, fencing, riprapping, buffer zones, diversion-type construction on small streams entering a major body that are having a negative effect on the water body. The projects must have an element of conservation protection and will be on both private and public lands.

Other projects under CREP include a set-aside program similar to CRP. Landowners along the river corridor will be asked to set aside land to protect the river and its characteristics. Private land would remain private. The landowner would not lose control and would not have to open the land up to public access.



This is a 15-year commitment, rather than the 10 years in CRP. All other programs can be integrated. It is estimated that most project activities will cost the landowner no more than 10 percent. Matching money must come from state or local sources or in-kind contributions (labor and/or equipment donated by landowner).

The economic incentive would exceed, in most cases, any income that could be generated on the corridor. MRDCDC will contact the 600 people along the corridor. They are unsure about whether municipalities could be involved too. Agencies will administer the CREP the same as CRP.

The MRDCDC has three subgroups: The first reach is from the headwaters of the Missouri River through Cascade County; the second reach is from Chouteau County to Fort Peck; and the third is from Fort Peck to the North Dakota border. The subgroups will bring issues needing support to the MRDCDC. They are following the consensus process used by the RAC. The working plan is to resolve issues through consensus. If that is not possible, they will use a voting process.

*Recommendation: The RAC requested that they be on the mailing list, along with the RAC's subgroup.*

### **Zortman/Landusky Mine Update**

Scott Haight, BLM Mineral Resource Specialist, presented an update on reclamation at the Zortman and Landusky Mines.

- About half of the 1200 disturbed acres is on BLM land. The State of Montana has jurisdiction over the private lands.
- In 1999, a technical working group was formed to determine what type of reclamation was needed at the sites. Twelve alternatives for reclamation were developed and compiled in a supplemental environmental impact statement to be mailed to the public today. Preferred alternatives have been developed which will cost more than the reclamation bond monies available. The agencies have also identified "second choice" alternatives that would fall within the available bond amounts in case the extra funds cannot be generated. One of the issues on relocation of mine waste is the removal of spent ore from a pad and replacement into a pit. The site would look nicer, but additional water quality problems would be created. Other issues include slope regrading and water management.
- To date \$9.3 million has been spent on reclamation. BLM has provided \$600,000 toward water treatment costs.
- The water treatment plants and the pumpback systems require a lot of electricity. The agencies have been told that Big Flat Electric has a long-term contract so prices should remain stable for a time.
- BLM and DEQ are continuing to work with the Fort Belknap Indian Council. The tribes have agreed with the preferred alternatives. They recognize the trade-offs of costs and benefits.
- A new scoring system method was developed to determine best costs vs. most environmental benefit.
- BLM was mandated by the IBLA to prepare the Supplemental EIS. The cost will probably total around \$800,000.
- Under the preferred alternatives, 20-30 people would be employed. Twelve people would be employed in the water treatment plants for the long term.
- Reclamation work will take five years.

- The reclamation work has been broken down into small enough chunks so that local contractors can bid within bond amounts.
- The agencies believe minimum regulatory requirements can be met under any of the alternatives.
- The comment period for the draft SEIS will be 60 days, closing on July 9. Public meetings will be held the week of June 4 in Hays, Lodgepole and Landusky. A Record of Decision will likely be issued in September-October.
- It is possible to reclaim the mine with no cost to the taxpayers if the alternatives are selected that would limit reclamation to available bond amounts.

### **Field Manager Issues**

Bruce Reed, Malta Field Office Manager, reviewed the following issues:

- Crow Boundary Agreement (briefing packet given to RAC members).
- OHV EIS is in the protest phase. The protests are being handled by the Washington office.
- The Landusky school site patent transfer will take place on May 25 at 11:30 a.m.
- Fire season planning is under way. Applications from rural fire districts for funding will be reviewed and approved within the next few weeks.
- BLM water right filings for two small reservoirs between Malta and Havre have been denied after the Glasgow Irrigation District protested. The decision will be appealed.

Owen Billingsley, Havre Field Station Manager, briefed the RAC on the target range proposal. Three alternatives have been identified, one in Blaine County and two in Phillips County. There is no public land involved in the one-square mile impact area under any of the alternatives. A draft EIS will be available the end of June for a 60-day review period.

Dave Mari presented the following updates:

- The Missouri River Odyssey will take place June 24-27 in Great Falls.
- Fort Benton Visitor Center. A Memorandum of Understanding is being prepared prior to beginning design work and an environmental analysis of using the water plant site. \$400,000 in funding for A&E is available.
- Subgroup compensation. He has been unable to find funding to help with expenses incurred by the Subgroup.
- Undaunted stewardship efforts. Two meetings have been held with MSU and the Montana Stockgrowers Association. MSU has agreed to come up with selection criteria for projects to be funded. BLM and the Stockgrowers will comment on the criteria. The Stockgrowers do not want the money used to expand programs for which BLM already provides funds. They would prefer to have the money channeled to a particular location. The rationale is that if they can showcase a good, credible job at that location, there would be a better chance of receiving more funding in the future.
- Land and Water Conservation Funding. We are no longer on the priority list due to the lack of congressional support for doing something on the river. BLM wants to meet with landowners to talk about the pros and cons of conservation easements along the river. The Chouteau County Conservation District has agreed to take the lead with landowners. A

meeting will be held May 21. If there is interest on the part of landowners, they will need to contact our congressionals to ask for funding.

- Foundation for Research on Economics and the Environment. A contest is being sponsored to come up with a plan for managing the monument. The Foundation will meet in August to select the contest winners.
- As a follow-up to trespass concerns discussed at a past RAC meeting, one impoundment was issued and that operator is now working with the Lewistown BLM office. They are still working on another trespass issue. BLM takes its responsibilities seriously and gets engaged as soon as possible when a trespass occurs.
- The Lime Kiln Trail environmental analysis has been issued. This is for a proposed hiking trail in the Judith Mountains. A local landowner has indicated he will protest the action. BLM hopes to issue a decision sometime this summer and get started on construction.
- Hot season grazing. Comments were received at a watershed meeting that rules for grazing along the Wild and Scenic River were changing, and hot season grazing would no longer be allowed due to the Monument designation. Verbiage in the proclamation states that grazing will continue subject to existing laws and regulations. BLM has always advised permittees that grazing might change in the future along the river. The changes would be the result of implementation of standards and guidelines, not due to the Monument designation. If an area has potential for riparian improvement, hot season grazing would be detrimental to that effort. The bottom line is standards and guidelines must be met.
- Hole in the Wall road. BLM put a gate at the campground so people cannot drive from the campground to the river. They hope it will cut off OHV use to the Hole in the Wall itself.

## **Nominations**

Guideline 8(G) states that Council members may serve no more than two consecutive terms. Nominations have been received by the Lewistown Field Office and will be forwarded to the Montana State Office and the Interior Secretary.

## **Lunch Break**

### **Withdrawn BOR Lands Update**

The RAC sent a letter to the Secretary last fall, with a copy to the Bureau of Reclamation, regarding development of an interim multiple use management policy for the Sun River Project. The response letter received from Susan Kelly, Area Manager of the Bureau of Reclamation, Great Plains Region was discussed by members of the RAC.

Mat Millenbach noted that the politics of reclamation lands is that the grazing districts have a set amount of land they control and thus a certain amount of resistance to turning lands back to public management. The Secretary has an option to take lands out of BUREC control and turn them over to the BLM for management. It would first require research before making such a proposal.

Discussion: It's time to return the land to BLM control. The RAC needs to respond to Ms. Kelly that there is no reason to continue the arrangement as the requirement of Congress has been satisfied. Couched in those terms, the lessees would know the RAC is not merely "meddling."

*A motion was made by Hugo Tureck and seconded by Jim McDermand, directing Craig Roberts as RAC chairperson to make contact with representatives of DNRC, Sun River Irrigation Project, Bureau of Reclamation, Greenfields Irrigation District, and Fish Wildlife & Parks to initiate a meeting to discuss problems/concerns about trust lands in the Greenfields Irrigation District. The motion was approved by consensus.*

*A motion was made by Stan Meyer, seconded by Jim McDermand to respond to Ms. Kelly that it is out of our hands, but the facts are (explain) and the requirement has been satisfied. Explain the meeting and talk about reversing the lands to BLM. A copy of the letter will be sent to the Interior Secretary, congressional delegation, Governor's office, and State Director. The motion was approved by consensus.*

The letter will be drafted by Craig Roberts and Richard Hopkins, and the original letter and Ms. Kelly's response will be attached.

### **Wilhelm Property**

Randy Gray presented a brief report on the 20-acre Wilhelm property located across the river from Giant Springs State Park and the Lewis and Clark Interpretive Center, which may potentially be sold and subdivided into 5-acre parcels. A community group has been exploring opportunities to acquire lands in the Great Falls area specifically tied to Lewis and Clark. They want to acquire the property as an "urban landscape." There may be funding from the LWCF to pursue this and BLM would be the conduit, although it is not on BLM's priority list for LWCF funds. The lands could be managed by Montana Fish Wildlife & Parks through an MOU.

### **Prairie Dog Issue**

John Grensten, Malta BLM, summarized BLM efforts to recover black-footed ferrets. The 40 Complex has a large enough prairie dog population to support reintroduce of ferrets.

Prairie dog habitat has a historic level of 100 million acres. About a million acres is left due to urbanization, croplands, poisoning, and recreational shooting. Montana formed a working group in 1996 and a conservation plan will probably come out this year.

He reviewed the problems of prairie dog management due to the plague and recreational shooting. From 1992-1996, 80 percent of the prairie dog population was wiped out by plague. Two studies will be conducted to determine how the plague functions in the ecosystem. The plague currently covers about 700 acres. It seems to show up about July of each year and affects both prairie dogs and ferrets. It is not known if prairie dogs acquire immunity. Ferrets do not control the size of colonies.

Unlike sage grouse, prairie dogs are probably the best biological control of sagebrush there is. In prairie dog towns they will continue to work on a sagebrush plant until it is killed.

Recreational shooting may affect remaining prairie dogs in a town that has been affected by plague. From the standpoint of closing things down, special interest groups pressured BLM to shut down the entire area to recreational shooting. In 1998 BLM started voluntary closure in the 40 Complex area and went to full closure because of

heavy public use. This is a potentially serious problem because of conservation groups looking at this as an animal rights issue. Populations are increasing, and there are approximately 280 towns now, compared to 235 in 1988.

## **Open Discussion**

### Letter to Secretary Norton

Stan Meyer read the first two paragraphs of a proposed letter to Secretary Norton in response to statements implying the RAC's public process was flawed prior to the proclamation.

*A motion was made by Art Kleinjan and seconded by Kim Lacey that the letter be sent to Secretary Norton as written and distributed to RAC members. The motion was approved by consensus.*

### Hunter Restrictions

A permittee wants proof that hunters have had the underside of their vehicles washed before he will allow out-of-county hunters on his property. He has asked the BLM to become involved in this. Discussion: One of the reasons for starting the OHV limitation was because of weeds spread by the vehicles. For BLM to institute and enforce such a requirement would be difficult. It would have to go through an entire process, including public comments, before it could be implemented. If on public lands, who would the proof be presented to? Also, it would pit hunters against permittees if they demand proof from the hunters.

The RAC suggested that the permittee, working with Art Kleinjan, come up with a plan to implement such a restriction in a limited area and bring it back to the RAC for discussion. Mike Aderhold noted that this could possibly be included under rules of block management by inserting a provision in specific cases.

### Weed Control Grant

During the public comment portion of yesterday's meeting (Appendix A), Jim Cummings asked the RAC to write a letter of support for the Chouteau County Weed District's funding request to use Undaunted Stewardship money for mapping a noxious weed inventory along the river corridor.

Discussion: Many people don't know that free funding sources are available for mapping. For example, during the Arrow Creek weed control project a lot of mapping was done by Dow Chemical and other companies. BLM and the extension offices have also helped in the past.

It's not this particular grant we're supporting, just the concept. The grant money is available out there. We'd essentially be providing support to the districts that are involved in this.

*A motion was made by Art Kleinjan and seconded by Bob Doerk to write a letter to the Chouteau County Weed District and Chouteau County Conservation District to support the weed control grant as presented to the RAC by Jim Cummings on May 1. Following discussion, the motion was approved by consensus.*

Craig Roberts will write the letter.

## **Agenda for next meeting**

Target range - National Guard or BLM presentation

Fort Belknap Water Rights Compact - Bruce Reed w/Rich Aldrich, Matt McCann, Susan Cottingham

OHV and weed control by washing vehicles - Art Kleinjan

Wetlands project - Jim McDermand

Upper Missouri River update - stats/experiences

Greenfields Irrigation District

Zortman/Landusky proposed decision

Subgroup update

Drought update

Lewis and Clark Bicentennial update - Bob Doerk

Gerard Baker, Corps II

**When:** September 11 and 12, 2001

**Where:** Havre, or if meeting space not available, Malta

**Start time:** 1:00

**Public comments:** 1:00 to 1:30

**Social:** Underground tour/buffalo jump

**Meeting location:** Havre GN

**Central Montana**

**Resource Advisory Council Meeting**

**Havre, Montana**

**September 11 and 12, 2001**

The meeting convened at 1:00 p.m. on September 11, 2001 at the Best Western Great Northern. RAC members present were Craig Roberts, Glenn Terry, Jim McDermand, Art Kleinjan, Hugo Tureck, Bob Doerk, Arlo Skari, Mike Aderhold and Dale Slade. Absent were Kim Lacey, Randy Gray, Darryl Seeley, Joy Crawford and Stan Meyer. BLM personnel present were Bruce Reed, Dave Mari, Owen Billingsley, Richard Hopkins, Gary Slagel, Wade Brown, Rich Adams, Lou Hagener, Kaylene Patten, and Kay Haight. Also present were members of the public.

A copy of the agenda is attached hereto.

**Public Comment Period**

One member of the public gave comments, as follows:

Tom Walling

I didn't anticipate being the only one here to make a comment, and after listening to the news today I feel that our concerns here might be minor up alongside what they might be tomorrow. But as you people all know, I live over on the south side of the Missouri River by Winifred. I know at this point that there isn't anything that we're going to do about the Missouri River Monument. Those decisions as far as the monument go are made. I feel that we do have a chance to change the boundary, and I know there's a lot of disagreement on that. But down the road the boundary is going to be a big issue. It's not going to go away. You people have heard all the pros and cons.

I'm a private property owner over in that area. I don't own a lot of ground that's in this monument, but I own some. If I had been contacted personally before they established the boundary line and asked if I cared if my ground was in the monument, my feelings wouldn't be the way they are today. But I am very disturbed in the way that the boundary line was drawn. We were never, ever asked if we wanted to have our property inside of the monument. This is what concerns me. It's an invasion of private property rights.

Down the road this situation that we're faced with today is going to cause problems between the private property owners and the sportsmen. This is the last thing that we want. I personally have always had a place when some people came to my ranch and wanted to go hunting, maybe I told them they couldn't hunt exactly where they wanted to, but I always had a place that was open for them to go. If we don't see some changes in the boundary line of the monument, those days in our area are going to be over.

One of the other things that concerns me, as you know when you get more traffic flowing up and down the river,

and I'm not against the traffic going up and down the river and my neighbors aren't either, but we are concerned about the control of this traffic. As you try to control the traffic that goes up and down the river, you're going to destroy what those people are going there for. They want to go over there and float down the Missouri River and see it as Lewis and Clark did. This is their reason to be here. They want to see our land as it looked in 1800. When we have to put in latrines and campgrounds down along the river to accommodate these people, those things are going to change. That's what we'd like to see down along the river, is the nature the way that it has been. So we're going to have to do something to control the traffic so that they aren't ruining our environment. That's one of our big concerns.

At that point those are my main things that I want to bring before you today. You people that are on the RAC, the RAC committee, you will have a lot of input into how these things are controlled down the road. They're going to be your responsibility so that we don't ruin the environment down along the Missouri River. So as you guys sit here and make decisions about what's going to be done down along the river, this is one of the things you're going to have to be concerned about. We have a lot of people out there that are all in favor of the monument, but they don't know what the monument really affects.

We are concerned about keeping the Missouri River as we have seen it as we grew up. I've lived out there for 55, 56 years along the Missouri River and there's a lot of that that's the same as it was when I used to ride up and down there horseback when I was a kid. I would love to see it stay that way. But as we have to make changes to accommodate all of this traffic we're going to have, it's going to change, and that responsibility is going to rest upon you. Thanks for listening to my comments. Thank you.

### **Welcome/Chairperson Synopsis/Meeting Minutes**

Kaylene reviewed the agenda for the meeting. Due to the shutdown of all airline flights, the people scheduled to update the RAC on Corps II and the Target Range Proposal will not be able to attend. Also, due to the lack of a quorum in Categories 1 and 3, no decisions can be made by the RAC at this meeting.

Chairman Craig Roberts welcomed everyone to the meeting and asked that we all remember the victims of today's horrific events.

A thank-you letter from Darryl Seeley was read aloud to RAC members.

Sage grouse/sagebrush/prairie dog issues. Meetings have been held as part of an ongoing process to develop a conservation plan that would address the needs of sage grouse and the sagebrush environment, and to come up with some strategies and concepts to be implemented by landowners and agencies to help avoid potential listing of the sage grouse as an



endangered

species. There are many points of view and it's quite a task, but there seems to be the ability by the participants to make progress. Hopefully, it will be a document that everyone can live with, both private landowners managing sagebrush habitat types as well the agencies that are being challenged by some of the recommendations. It's not a decision document, but rather it's a recommendation document.

Prairie dogs tend to be a more contentious issue. That group met last week and they are finalizing a document. The final draft is out, and it will be tweaked and submitted to the various agencies that would participate in that effort.

The RAC minutes from the last meeting were accepted and signed.

### **RAC Subgroup Update**

Jim McDermand gave an update. The Subgroup took a work trip down the Missouri River this summer. They were able to ride together on a tour boat volunteered by Larry Cook. No voting could be done at that time due to the lack of a caucus for all the groups. They took a mile-by-mile, firsthand look at some of the campsites. Jack Lepley and Larry Cook provided historical knowledge of the area.

Another meeting was subsequently held by the Subgroup. At the RAC's recommendation, they formed two subcommittees to deal with (1) campground issues of overcrowding and dispersion of people, headed by Jeff Sheldon of Lewistown; and (2) outfitter issues, headed by Jim McDermand.

The campground subcommittee is already at work. The outfitters subcommittee has postponed its first meeting until after the busy season so that all outfitters could attend. That meeting is set for September 18 in Fort Benton. The intention of both subcommittees is to come up with plans, vote on them, and bring their recommendations to the RAC by the first of the year.

Wade Brown said that due to an oversight, minutes of the Subgroup meetings have not been forwarded to Kaylene for dispersion to the RAC members. That oversight has been corrected, and Wade distributed to RAC members the Charter, Meeting Notes of April 13, 2001, and 2001 Statement of Intent of the Upper Missouri RAC Subgroup. The meeting notes from the last meeting will be completed and forwarded to Kaylene within the next week.

The Statement of Intent outlines the Subgroup's objective for 2001, which is to develop recommendations for visitor use management on the Upper Missouri River with a focus on campgrounds, facilities, and outfitter use. Also identified in the Statement of Intent are anticipated dates for major activities to occur.

Chairman Roberts distributed to RAC members a letter received from Jim Cummings dated August 31, 2001, regarding a vendor permit application and activities of the Subgroup and its subcommittees. A discussion followed.

The BLM received an application for a vendor permit at Coal Banks. The vendor proposed to set up a trailer across the

fence from the campground to sell prepared foods such as hamburgers, hot dogs, etc. The permit application was denied.

Gary Slagel and Wade Brown noted that permit applications are routinely reviewed by BLM and that BLM has the authority to act on the applications independent of any input. This particular one was brought to the attention of the Subgroup at their regularly scheduled meeting on July 23 as a courtesy since it involved an issue the Subgroup is dealing with. This blends in with overall facility issues, and the fit of vendor permits with various management levels along the river, which will be addressed in Subgroup recommendations to the RAC. BLM also sought input from the National River Management Society, which made a recommendation to deny the permit. The Society does not want a precedent set on a nationwide basis for concession permits along a National Wild and Scenic River.

It was also noted that when a special recreation permit is issued, any stipulations can be attached that BLM deems necessary. The current resource management plan states that BLM will consider concessionaires, and this issue will also be addressed in the resource management plan to be prepared for the Monument.

RAC members noted that any solid recommendations coming from the Subgroup will go before the RAC, not directly to BLM. Hugo Tureck commented that the RAC was concerned about development along the river, and allowing vendors would be a change from the way it's been managed in the past. They want to keep the river pristine without adding buildings, hot dog stands and marinas. It would be a step toward opening that door. The RAC wants development to take place in the gateway communities to bring in business and traffic. Another issue to consider is Chouteau County's zoning laws and whether putting a building at that site would be a violation.

Jim McDermand distributed to RAC members his letter of July 30, which was addressed to river outfitters (including Jim Cummings and others not mentioned); the BLM-RAC subgroup dealing with outfitter issues on the UMNWSR; and other interested parties. He read highlights of the letter, including the purpose. Mr. McDermand noted that he serves on one subcommittee, not both as stated by Mr. Cummings in his August 31 letter.

Chairman Roberts will draft a letter of response to Jim Cummings, a draft of which will be distributed to RAC members by Kaylene.

### **Fort Belknap Compact**

Rich Aldrich, Interior Department Solicitor's Office in Billings, reviewed the Fort Belknap Compact. He gave background information on Federal reserved water rights, what the doctrine is, how it contrasts with normal water rights systems, and specifics of the Fort Belknap Compact.

The three systems of water rights that commonly occur in the United States are:

Riparian (eastern states). Based upon ownership of lands adjacent to a watercourse and the reasonable use of

the water.

Very common where there's a lot of rainfall (Mississippi River).

Appropriation (western states). Based upon first in time is first in right and the beneficial use of the water.

Reserved (anywhere - principally in the western states). Judicially created and based upon the reservation or withdrawal

of lands from the public domain and the implied or expressed need for water to support the reservation or withdrawal.

Includes Indian reservations, national parks, monuments and recreation areas, wildlife refuges, wild and scenic rivers, public water reserves, national forests.

The differences in the establishment/creation of water rights between appropriative rights and Federal reserved water rights are:

Appropriative Federal Reserved

Establishment/Creation Filing/Permit/Diversion/Use Act, Treaty, Exec. Order

Priority Date Date of Filing/Application for Permit/ Date of Act, Treaty, Exec. Order

Diversion/Use

Type of Use & Quantity Content of Filing/Permit/ Purpose under Act, Treaty,

Actual Beneficial Use Exec. Order

The process for acquiring Federal reserved water rights is different from appropriated rights in that:

- The right may be created without diversion or beneficial use.
- The priority of the right dates from the date of the land withdrawal/reservation or "time immemorial" if the use predates the withdrawal.
- The right may not be lost by nonuse.
- The measure of the right is quantified by the amount of water reasonably necessary to satisfy the purposes of the reservation.

Under the Montana Water Use Act passed in 1973, the Montana Department of Natural Resources and Conservation began an adjudication process to catalog all water rights in the State before that date. After that date, the only way to appropriate water is by applying for and receiving a permit prior to development of the water right. The exceptions are small groundwater developments of 35 gallons per minute (gpm) or less, not to exceed 10 acre-feet per year, or stock water development of 15 acre-feet or less, with a total of less than 30 acre-feet per year.

In 1979, the legislature created the Montana Water Court to adjudicate Montana's water, rather than DNRC, and the Montana Reserved Water Rights Compact Commission was created to negotiate Federal reserved water rights.

Also in 1979, the U.S. filed a number of Federal Court lawsuits to make sure that the Indian Tribes' water rights

would be adjudicated in Federal Court. The U.S. Supreme Court ruled that Montana's adjudication statute was adequate for the adjudication of Federal reserved water rights.

Mr. Aldrich reviewed the background and history leading up to settlement of the Fort Belknap Compact, for which approval is pending, as well as the history of water allocation and development in the basin. The Fort Belknap Compact protects all existing water uses on the tributaries of the Milk River, even though non-Indian uses may have a junior priority date. The Fort Belknap water right was quantified as all of the natural flow of the Milk River up to a total diversion of 645 cubic feet per second (cfs).

In 1908, the Winters case involved water rights of the Fort Belknap Indian Reservation. In that case the U.S. Supreme Court held that Fort Belknap was entitled to 125 cfs with an 1888 priority date. Through the negotiated Fort Belknap Compact, they will receive the remainder of the natural flow when it is available, up to 645 cfs. In return, the parties agreed that the U.S. and State of Montana would mitigate losses to the Bureau of Reclamation for project losses on the Milk River associated with development of Fort Belknap's water right. No costs have been identified as yet. High on the list would be opportunities to increase storage at Nelson Reservoir and to pump back from the river into the reservoir at certain times of the year, which would benefit the piping plover that nest there.

Mitigation provisions must be developed at least as rapidly as Tribal development of the water rights. Also included are the following provisions:

- The Milk River is closed to all new appropriations with the exceptions of small groundwater development of 35 gpm not to exceed 10 acre-feet per year, and stock water development of not more than 15 acre-feet, or 30 acre-feet per year with limits of not more than one of those facilities per section.
- BLM will be allowed to continue fisheries development, but prior approval must be obtained from an administrative body. BLM can accumulate stock pond development into a larger development.
- Two administrative bodies will be established, one decision making and the other consultative. The Milk River Authority is an advisory body made up of representatives from irrigation districts, landowners, Federal and State agencies and the Tribes that will work together to improve a bad situation on the Milk River. While the opportunity for new appropriations has been closed under the Compact, development of new storage facilities will be allowed. On an average annual basis, nearly 200,000 acre-feet per year flow out of the Milk River past the last diversion dam. The Milk River Authority will make threshold determinations of whether projects are beneficial to the basin. If they make that determination, the applicant will be allowed to go forward through the permitting process. Also allowed will be the potential for municipal development.

Bill Greiman, Montana Reserved Water Rights Compact Commission, gave more specifics about the Fort Belknap Compact. There is a potential site on the Reservation for a 60,000 acre-foot reservoir for irrigation purposes, which could result in 20,000 acres of new irrigation. The Tribes will need the storage facility in place, as well as the capacity to pump

the water,  
before the water could be diverted. If they are entitled to 645 cfs but the pumps in place can only pump 200 cfs,  
then 200  
cfs is all they will be allowed to use. Negotiations for the 645 cfs included mitigation for affected tributaries of the  
Milk River.

Also negotiated was mitigation for Tribal water rights on Peoples Creek and Beaver Creek. All water rights for the  
Tribes  
have been quantified. For groundwater, all existing uses are accepted. Any new developments that impact  
surface flow will be  
considered surface uses. Mitigation could be a way to soften drought-year impacts in the basin. Farmers could be  
paid for  
their water, instead of using available water on a smaller portion of lands with no cash-in-hand benefits.

The Milk River Coordinating Committee will oversee basinwide issues. It will be comprised of two Tribal members,  
three  
irrigation district members, and others. Another organization all compacts have is a compact board. Any issues  
between the  
Tribes and the non-Tribal public will be arbitrated by the compact board.

### **Water Rights (Judith River & Arrow Creek)**

Rich Aldrich reviewed the water rights reserved by the U.S. on the Judith River and Arrow Creek. The U.S.  
already has a  
water right for the main stem of the Missouri river associated with the Wild and Scenic River. Congress created an  
express  
reservation of water. It was quantified on the basis of scientific examinations of the amount necessary. The  
Federal  
government's priority date for water rights on the Monument are as of January 17, 2001, the date of the  
Monument designation.  
The Monument designation takes away no water rights from existing allocated users. The proclamation expressly  
disclaimed any water  
rights except on Arrow Creek and the Judith River, where water rights were expressly reserved but junior to valid  
existing rights.

The purpose of the express reservation is to protect the cottonwood gallery on lower reaches of Judith (on private  
lands),  
to allow cottonwood seed to continue down the Judith to the Missouri, and to protect spawning habitat for the  
endangered  
pallid sturgeon. The Federal government has no say in the landowner's use of the cottonwood gallery, but this is  
an attempt  
to maintain the status quo. On Arrow Creek, they are trying to maintain the status quo for deer populations and to  
allow  
cottonwood seed to continue down Arrow Creek to the Missouri River. No storage reservoirs are planned or  
authorized. The  
Federal government can quantify flows and the amount of water necessary to meet needs, but that has not been  
done at this  
time. If the U.S. does come up with a number, the senior users (prior water rights) are first allowed to use  
whatever they  
are entitled to. The Federal government would only get its share from that portion remaining.

Standard attributes of any water right as applied to Monument:

Priority Date January 17, 2001

Place of Use In stream

Point of Diversion NA

Purpose In-stream flow

Quantity Quantify in terms of a flow rate OR

all remaining unappropriated flows as of January 17, 2001

If the second options is exercised, the basin could be protected by closing it to all rights except "exempt" stock and groundwater uses (wells under 35 gpm and 10 acre-feet per year; stock reservoirs with less than 15 acre-feet capacity and a total of less than 30 acre-feet per year); or no stock reservoirs; or no major storage reservoirs, either on the main stem or basinwide.

If the Monument designation stands and the express reservation of water remains in place, the quantification could occur two ways: (1) litigation (not recommended); or (2) work with the State Reserved Water Rights Compact Commission.

In concept, the basin would be closed to all new appropriations of water. Under this type of conceptual settlement, a private landowner would not be able to construct a reservoir because the spring flow that would be stored is the very flow that is needed under the Monument reserved water right for the purposes identified.

The option, in this instance, would be to close the Arrow Creek basin itself, which is a sub-basin of the Missouri, and the Judith River sub-basin. If existing water rights on Arrow Creek and the Judith River normally exceed flow, landowners would continue to be eligible for what they have always been entitled to since the Monument designation does not take away water rights from existing allocated users.

The U.S. is the single largest claimant for water rights and the single largest objector to claimed water rights. The U.S. makes objections only when they believe there is a significant Federal issue. They have become the State's policeman to keep adjudication on the up and up. The Water Judge knows that inflated claims have come into his court, but he has no ability to do anything about it and relies on the U.S. to do so.

The Monument designation plays very well with downstream states' concerns about water rights because, theoretically, it could assure that whatever flows are in the river are going to continue on downstream. The Federal Reserved Water Rights Doctrine assures that whatever water is in stream will flow on downstream and out of the State. The State's Reservation Doctrine assures the water will run downstream and out of state. There are 16 million acre-feet that run out of the Missouri and Yellowstone River basins on an average annual basis every year.

Downstream states will resist anything involving significant consumptive uses such as marketing by tribes, potential impacts as a result of barge use, recreation, etc.

The Fort Belknap Compact allows the Tribes to market their water, but limits where it can sell the water to within the Missouri River Basin, and offers Milk River water users the right of first refusal to purchase the water not at the

negotiated price, but at the prevailing rate for water in the basin (agricultural rates).

If the Canadian rights to Milk River water were to be developed (70,000 acre-feet per year is an estimate), the impact would be about the same magnitude as the Tribes developing their water rights.

### **Other Business**

RAC members viewed a video loaned by the Clack Museum of scenery along the Missouri River, filmed on 8 mm. tape by Mr. Dontigny, one of the first guides to take visitors down the River in the 1950s and 1960s. He also pioneered efforts to preserve and protect the river.

The meeting adjourned for the day at 4:30 p.m.

## **Central Montana**

### **Resource Advisory Council Meeting**

#### **Havre, Montana**

**September 12, 2001**

The meeting convened at 8:00 a.m. on September 12, 2001. The revised agenda was reviewed. An additional RAC member present today was Joy Crawford.

### **Upper Missouri River Update**

Gary Slagel distributed visitor use figures for the season through August. Final figures will include September floaters. Through August, 5220 floaters registered of which 1328 were on guided trips. He estimated that 95 percent of all floaters did register. Of the 5220 that registered, 2797 were Montana residents, 2423 were non-residents. Early projections show that the Montana floaters were earlier in the season, which gradually changed to more non-residents. Figures for the number of people on one-day float trips have not been compiled, but he estimated there were less than 300. 1997-2000 figures probably include one-day floats. The total number of floaters this season is a little above the 2000 figure of 5090 registered floaters, and may end up closer to 1999 figure of 5442 registered floaters.

Currently BLM is working on a preparation plan for the Montana Resource Management Plan. It explains who will be involved in the plan, the issues, cost and schedule. They hope to have it ready for review by the National Landscape Conservation Office and BLM offices by late September or early October. The planning process will last about three years.

Other issues:

- The architecture and engineering work for the road into Wood Bottom is scheduled to be done in 2002, with construction

probably to be done in 2003.

- The Subgroup is looking at the issue of pack in/pack out of all materials and garbage by individual floaters
- Flat rock campsite (fences cattle out of campground). Could the fence be moved to include a better camping area?  
It is located next to State land.
- Eagle Creek campground didn't seem to be over packed this year. Any plan to use the camp area across the river for an overflow site? Subcommittee is looking at it.
- Slaughter River has one shelter now.
- Is there a policy against signage where the Lidstone Ferry was?
- Requested accounting of \$1 million received during this fiscal year for the river. (Agenda item for next meeting.)
- The Subgroup observed all potential campsites on the river and is gathering ideas on whether they should be improved or unimproved. The Subgroup will also make recommendations to the RAC on limiting group size; definitive size of groups (private vs. outfitted, special large groups such as school groups, Boy Scouts; and applying to the BLM for special use permits.
- Have the Stockgrowers said how they're going to spend their \$500,000? They have expressed interest in putting funding into "showcase" areas. MSU has developed site selection criteria and as of now they've identified four sites and talked to interested landowners. The next step is looking at more specific plans for those sites. Approximately \$200,000 is left this year. Of the four viable sites, only one is on the Missouri River. The others are in the Mission Valley, Beaverhead Valley, and near the Gates of the Mountains.
- The Subgroup has tried to contact the Stockgrowers three different times in order to coordinate efforts and not have duplication. So far no response has been received.
- What is the intent and objectives of the Stockgrowers to showcase the four areas? Public education, economic development, site selection, and looking at fairly accessible areas where the public would have an opportunity to see good things that the livestock operators are doing.

## Target Range

Owen Billingsley briefed the RAC on the Target Range EIS. The comment period is open until September 24.

Public meetings

were held in four communities. The main point BLM will be making is they would like to see more detail on potential impacts

to the Monument from overflight noise. There are three alternatives, one in Blaine County, and two in Phillips County. The

preferred action is Blaine County (Alternative 1), which is 1.5 miles north of the northern edge of the monument.

Not identified

are the number of planes, where the flights will be, or how often the flights will take place.

The bulk of the land in Alternative 1 is privately owned land just west of the Fort Belknap Reservation. The 3x5 mile

footprint area in this alternative would include 720 acres of BLM land in scattered parcels. Alternatives 2 and 3 would

include 2856 acres and 4373 acres of BLM land, respectively. In all three alternatives, the impact area is a square-mile

section on private land in the middle of the footprint, with BLM land in the safety zone surrounding the target area.



In Malta, public comments included specific concerns about getting across the area to get to neighbors. At Fort Belknap and Lodgepole, there was an opposition faction from one of the traditional societies against having the activity near the Reservation. At Chinook, there were three public comments offered, two for and one adamantly against. Not much discussion was held about the adequacy of the EIS. They were voting for or against the proposal.

Art Kleinjan stated that he has visited extensively with impacted ranchers in Blaine County. They support it wholeheartedly. Most of that land in Blaine County is owned by U.S. in trust for Fort Belknap. Blaine County is responsible for fire and other emergency services in that area. Fort Belknap is willing to cooperate (e.g. fire protection).

Private land owners will be given compensation through a long-term lease of 25 years. The National Guard can't justify this type of expenditure for a shorter time period. Locating the target range in northcentral Montana will be a considerable savings for the Guard since it will cut travel time down from two-thirds to one-fifth of a mission.

The Fort Belknap Community Council is in favor of Alternative 1. It is not known if any resolutions have been passed to that effect. It was that favor that led the National Guard to work closely with the Reservation. The proposal provides economic benefits to the Reservation and training benefits to the Guard.

BLM doesn't really know how it would affect the Missouri Breaks. Impacts from BLM's standpoint would be noise and visual. If they can better define location, numbers and pattern of overlap on Monument area, impacts would be easier to discern. The Guard has said that if anything, it will draw air traffic away from the river.

The military airspace predates the Monument and even the Wild and Scenic designation. It has been there since the early 1970's.

## **Field Managers Issues**

### Dave Mari

- Gary Slagel has been selected as the Monument Manager. He will be stationed in Lewistown while the monument RMP is being prepared. Fort Benton has expressed desire to have the Monument headquarters located there.
- The new RAC members are not known as yet. The nomination package and charter are on the Secretary of the Interior's
- The University of Montana needs another \$100,000 to complete their visitor use study, which will carry them through 2004 to finish the project. Funding looks like it will be available.
- BLM anticipates starting the Resource Management Plan ( RMP) for the Monument in 2002. It will be a 2½ to 3-year process. The decision was made not to have a centralized planning team for both the Pompeys Pillar and Missouri Breaks Monuments. Due to completion of the Environmental Analysis (EA) for the visitor center at Pompeys Pillar, the majority of work yet to be done is on the Missouri Breaks Monument. Therefore, the planning team will be located out of Lewistown.
- The monument RMP planning team leader should be selected within the next month and we anticipate

funding for the planning process. One of first tasks will be to hold scoping meetings to ask the public's help in identifying issues to be addressed in the land use plan.

- Other major workloads for Lewistown:

Three applications have been received for permits to drill on the Rocky Mountain Front (Black Leaf). BLM has decided to contract out the EIS. It will still involve substantial work on BLM's part, preparing a Statement of Work and reviewing documents as they come in from the contractor. The approach will be to start from scratch and do an EIS for the permits. It will be controversial.

Another major workload is the proposed visitor center in Fort Benton. \$400,000 was appropriated in the current fiscal year for architecture and engineering (A&E) design. No construction funding was allocated in the House bill for Fort Benton, \$5.4 million was allocated for Pompeys Pillar. In the Senate, \$2.9 million was allocated for Pompeys Pillar, \$2.5 million for Fort Benton. A conference committee will work out the differences. It is unknown at this time whether construction money will be appropriated in FY2002. Even if BLM gets construction money for 2002, we will be working with the A&E contractor on design. BLM would not be prepared to obligate construction money until 2003.

The first step will be to prepare a Scope of Services for the A&E firm. Once BLM has partial designs of the project we will do the EA. In the past, the EA has focused on site selection. With the City of Fort Benton willing to donate property, the EA will instead develop alternatives associated with that site (facility design, traffic flow, etc.) BLM will work closely with Fort Benton and the River and Plains Society.

This workload will interfere with the watershed planning process, which means Standards and Guides for watersheds will be affected. Key people are involved in all projects and there are not enough personnel to do everything.

#### Bruce Reed

- The US Fish and Wildlife Service has announced that 20 ferrets will be introduced to the 40 complex. They will be available on November 11 for pickup. One prior condition is to dust the release sites with insecticide because of plague identified this year about 2 miles north of the complex. This is the first confirmed plague in the history of Phillips County. A BLM team started Monday morning and has been dusting every day this week.

The ferrets will be released on town 41. An electric mesh fence 30 inches high to control coyotes will be placed around the town for a week or so before the release and maintained for a couple of weeks after the release. There will not be a major hunt for coyotes.

- The Mountain States Legal Foundation has filed a notice of intent to sue BLM due to closure of shooting on the 40 complex. If BLM rescinds the closure, they will withdraw the notice.
- The fire management plan comment period closes September 17. The plan appendices detail how individual BLM offices will deal with fires in their areas.

- Fire restriction designations have been revised from different levels to open, closed, and a couple of stages in between. This will be much less confusing for the public. With the new procedure closures can be dealt with on a county-by-county basis.
- Fire restrictions in Blaine County are still in effect. There should be an agreement between the County and BLM for the hunting season. The whole concept is based on person-caused fires. If BLM and the County decide against allowing campfires, the State will talk about it. The incorrect assumption is that when closures are in effect they apply to everything. Restrictions imposed on private lands are most valid in preventing fires.
- A lot of fire money is available this year. The process of getting money from the Federal agencies to the local fire districts took most of the summer, but it has been done. The numbers are not what was requested, but considerable dollars did go out.
- Fire planning process for wild land/urban interface. The towns of Zortman and Landusky sit at the bottom of canyons with one way in, one way out. A public meeting was held last week in Zortman and one is upcoming in Landusky to discuss what is being done by BLM to reduce fuel loads and what people can do on their own property. The Landusky volunteer group has requested and received \$35,000 for a building to house fire equipment that is currently stored on ranches in the area. They are working with County Commissioners to place the building on BLM land in the Landusky townsite.
- The Malta Field Office is concerned with the Fort Belknap Compact because of affected watersheds and stockwater development. There are 4,000-5,000 water developments each in Blaine and Phillips Counties alone. From the Compact we will get some relief in that area. Another issue of concern is water rights at two sites on the western side of Phillips County that were protested by the Glasgow Irrigation District. The protest has gone through the water review board and BLM has lost so far. Glasgow is 103 miles from point of diversion. BLM is concerned about the precedent.
- Mandatory NEPA training is taking place for all field managers.
- Staffing. Rich Adams is the new assistant manager. A soils vacancy will be filled in mid-November. They are recruiting for a wildlife biologist. No funding is available to fill a vacated position for an outdoor recreation planner.
- Zortman/Landusky SEIS. The comment period closed August 9 after being extended for 30 days. 52 comment letters were received. BLM will select a proposed action and issue a Record of Decision. We had hoped to issue the ROD by early October, but are probably looking at November. The upcoming Tribal Council election may impact the Zortman/ Landusky EIS and the Target Range EIS.
- A \$300,000 matching grant has been received from the State for tailings removal in the Zortman townsite. Public meetings have been held on proposal. The Montana Department of Environmental Quality hopes to put it out for bid in October, close in November, and start work in late November/early December. Up to 12 feet of tailings on the north end of town and up to 5 feet on the south end of town will be removed. The tailings are slated to be used as pit backfill and cover on the mine site. The removal work will coincide with local water district improvements.
- Both Zortman and Landusky were designated as townsites after land was given over from the Forest Service in the 1960's. BLM still maintains several lots in the townsites. A local citizen in Zortman will have to remove private property

from BLM lots for the tailings removal project. A couple of lots will be appraised and sold to this person to solve the trespass issue. This may open the door to purchasing other lots by the public at fair market value. Some lots in the townsite have sold for \$3,000-\$5,000 (100x200 lots).

Landusky is basically a retirement community. Residents are concerned with road traffic. Zortman is the opposite, looking for business. The prairie dog shooting restriction lawsuit interests them because hunters stay in the town. During the Memorial Day, 4<sup>th</sup> of July and Labor Day holidays, hundreds of people were there.

- Grinnell Treaty. The master title plat shows BLM acquired the notch of land in the southern boundary of the Fort Belknap Reservation when the Grinnell Treaty was signed. The Tribes claim the land was illegally obtained and the line is not accurate. The judges and attorneys will deal with that issue, which is being pursued by the Tribes.
- The Square Butte Grazing District has lands in both Blaine and Phillips Counties that they are in the process of subdividing and selling. These lands are within the Monument boundary.
- Discussions will be held with Department of Justice attorneys in Billings on September 20 concerning the lawsuit filed by the Tribes against the U.S. for violating trust responsibilities.

## **Corps II**

Bob Doerk, RAC member gave a brief overview of the Corps II project. The National Park Service is planning an exhibit on Lewis and Clark that will be traveling all around the country in two or three semis. The exhibit will also be a broadcast center to classrooms, etc. around the world for information and education on Lewis and Clark. They will follow the journals and try to be in the area at the same time of year entries were made in the journals. In the wintertime they will probably be set up in warmer climates. The total project cost is around \$40 million. They will try to fund half the cost with corporate sponsorship, the other half with congressional appropriations. A call was put out to communities several months ago to request visit dates. Fort Benton has requested June 6-12, 2005 at the Fort Benton fairgrounds. Cascade County has requested the dates that immediately follow. The actual schedule is unknown.

## **Greenfields Irrigation District**

As per a previous RAC decision, a letter was sent Susan Kelly and a response has been received. A previous motion was made for Craig Roberts to meet with his counterparts in Helena and Conrad to work out agreements to improve management of trust lands within the Greenfields Irrigation District. The meeting has not been scheduled, but will take place before winter. The District has already implemented a review of some of their properties and has made some changes to improve grazing practices.

## **OHV Use and Weed Control**

An individual operator in northeastern Blaine County requested some kind of weed control for vehicles coming onto both BLM and private lands during the hunting season. An undercarriage washdown was discussed and the conclusion

reached that there is no way either BLM or the County can make it mandatory because of a lack of personnel. Blaine County will see if there is any way to get this to work, either through hunting regulations or through educating hunters to go through an undercarriage car wash on a voluntary basis. This would be for vehicles coming from outside the County, or even from within the local County in an area with leafy spurge or knapweed. The car wash operator could give them a sticker to place in the window. Art Kleinjan will call Fish, Wildlife and Parks to see what they can do to help.

## Open Discussion

- A brief discussion was held on individual floaters being required to carry portable toilets. The Subgroup's subcommittee on campgrounds is looking into the issue.
- Trust Land/State Land Issue. A fenced, designated parking lot on a school section north of Denton was the site where someone dumped a substantial amount of Russian knapweed and intentionally distributed it. They were mature, fully blooming plants that had been pulled out in bunches. The plants were thrown out both in the parking area and on both sides of the walk through gate.
- In an incident in the Sweet Grass Hills, hikers in June ran into three young fellows riding dirt bikes in an ACEC area. On the very steep surface the dirt bikes chewed up the surface, causing a lot of damage. A chainsaw was also used to cut a clearance to the very top of Mount Royal. These were local people who did the damage, not outsiders.
- A trailer was found in the Malta Field Office area that contained a meth lab. Law enforcement officials disassembled
- Dan and Mike Negaard have provided testimony at various public hearings regarding denial of access to their private property. A letter sent to them by BLM provides a clear understanding of the issues, and copies were given to the RAC members.
- Update on the ferry project. It is behind schedule. Montana Department of Transportation was hoping to have log structures built on all three ferry sites, but there is not enough funding. They will instead try to get the terminals designed as modular types with log siding and still hope to be done by January 17, 2003. The new structures will be built to the same design as the old ones. A California consulting firm is designing the terminals and a Washington consulting firm is designing the ferries.
- Hole in the Wall access road update. There have been problems with vehicles in the campground, both 4-wheelers and full-size vehicles. There was some damage to planted trees. Also, 4-wheelers were driving between the Hole in the Wall and the campground. BLM had originally intended to shut the road and posts were put in. Because of calls from the public, BLM met with the Chairman of the Chouteau County Commission to view the site. BLM agreed to allow the road to remain open. People can drive to the campground and park outside the fenced area, but no farther. That has alleviated some of the problems. The permittee was given a key to drive beyond that point so he could go down to the river, but only to administer livestock. The road to the campground has never been closed. Roads will be one of the issues in the upcoming planning process.

## Next Meeting

### Agenda

Recommendations from RAC Subgroup (Decisions)

Wetlands Project - (Jim McDermand)

Monument Resource Management Plan Update (Gary Slagel)

River Usage Statistics (Gary Slagel)

Accounting of \$1 Million Spent in FY 2001 (Dave Mari)

Proposed Square Butte Subdivision update

Undaunted Stewardship Program - updates on projects (MSGAs representative to give update)

Corps II

Ferret Reintroduction update

Greenfields Irrigation District Meeting (Craig)

Sage Grouse Numbers

Off-Site Water Projects along the River update

Election of Officers

### Location and Date

**Where:** Fort Benton GU/Lewistown

**When:** January 29 and 30, 2002

**Public Comment:** 1:00-1:30 on 29th

**Social:** New site/canoe launch & fort/museum

**Start Time:** 1:00 p.m. - 5:00 p.m. and 8:00 a.m. - 3:00 p.m.

The meeting adjourned at 11:15 a.m.