

# Chapter 1.0: Purpose of and Need for Action

## 1.1 Purpose of the Proposed Action

The Bureau of Land Management (BLM) proposes to improve its implementation of the National Fire Plan and 2001 Federal Fire Policy, by amending all Resource Management Plans (RMPs) in Montana, North Dakota, and South Dakota, to update direction for fire and fuels management.

These amendments would: 1) provide consistent fire management direction by assigning fire management categories and broad levels of treatment as directed by BLM Handbook H-1601-1 (Nov. 22, 2000), Appendix C; 2) provide general guidance for fire management (including both fire suppression and fuels management) needed to protect other resource values, and 3) revise specific RMP decisions that currently limit BLM's ability to conduct safe and efficient mechanical hazardous fuels treatments in the Judith-Valley-Phillips (JVP), West HiLine, Billings; and Miles City Big Dry and Powder River planning areas.

The following BLM Montana/Dakotas RMPs would be amended: Big Dry, Billings, Garnet, Headwaters, Judith-Valley-Phillips, North Dakota, Powder River, South Dakota, and West HiLine.

The Dillon Management Framework Plan (MFP) would not be amended by this EA/plan amendment. The Dillon Field Office is currently working on the Dillon RMP/EIS, and fire and fuels management decisions will be made through that planning process.

Planning areas are displayed on Map 1.

## 1.2 Need for the Proposed Action

National fire management policy has evolved in response to the increased fatalities, property loss, local economic disruptions, and risk to ecosystems associated with increasingly catastrophic wildland fire seasons. The Federal Wildland Fire Management Policy and Program (1995) was developed (and then updated) after severe fire seasons in 1994 and 2000. The 2000 fire season also prompted a report from the Secretaries of Agriculture and the Interior, which eventually became the basis of the *National Fire Plan*.



**The Grizzly Gulch fire, burning near Deadwood on 6/29/03. Credit Tom Warner, Warner Images.**

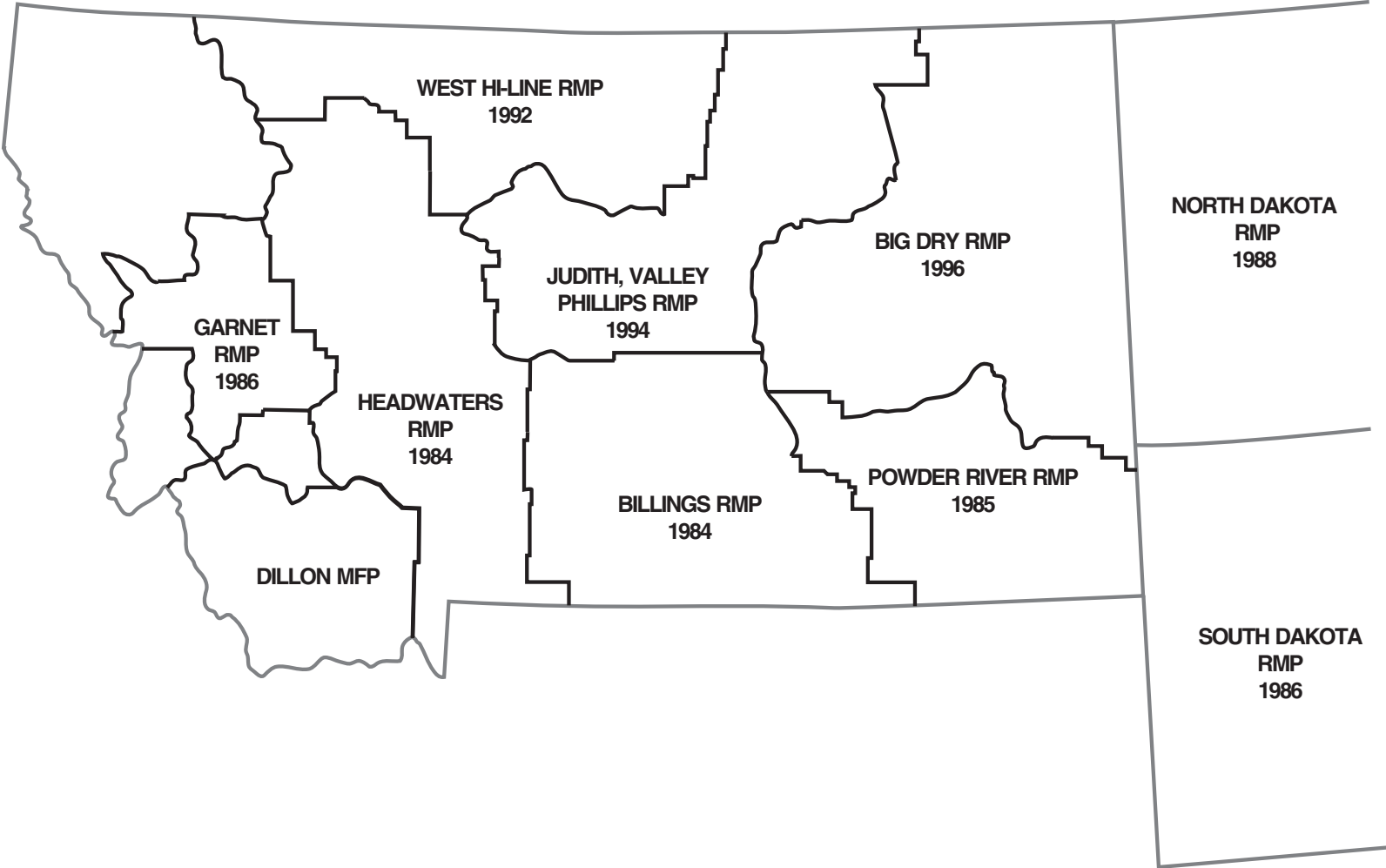
The *National Fire Plan* and the *2001 Federal Fire Policy* both indicated that federal agencies must change their fire management practices to increase protection of human life and decrease natural resource and private property damage. Specifically, the *2001 Federal Fire Policy* established that the deteriorating condition of fire-adapted ecosystems is the result of fire exclusion, that the fire hazard in fire-adapted ecosystems is worse than previously thought, and that the extent of the fire hazard in the WUI was not fully recognized in 1995.

BLM planning documents have not kept pace with national fire and fuels management policies, nor do they reflect the condition of BLM-administered lands in terms of fuels (and associated risks to ecosystems and communities) in Montana and North and South Dakota.

The *2001 Federal Fire Policy* referenced preliminary Condition Class data (finalized as Schmidt et al 2002) as a way of inferring risk to ecosystem sustainability and risk of uncharacteristic wildland fire behavior and effects (Hann 2002). According to coarse-scale spatial estimates for Montana and the Dakotas, past policies and activities have either moderately or significantly altered the fire regimes and frequencies on about 1.3 million of the 8.4 million acres of BLM-administered lands in the study area. The result is moderate to dramatic changes in fire size, intensity, severity, and/or landscape patterns. Based on estimates of vegetation condition, these 1.3 million BLM-administered acres need treatments to restore the historical fire regime.

Risk to communities has been projected in response to nationwide inquiries related to the National Fire Plan (i.e.

# MAP 1 MONTANA/DAKOTAS RMP/MFP BOUNDARIES



Communities at Risk published in the August 17, 2001 Federal Register). Montana/Dakotas BLM Field Office staff also completed in 1999 a survey on communities within 1/2 mile of fuels buildups on BLM lands. Of 79 priority communities identified as part of the 1999 survey, 67 had moderate to high escaped fire potential and/or moderate to high potential for loss of life or property. Since that survey was completed, wildland fire has occurred in or near six of the priority communities. Map 2 shows communities/areas at risk from wildland fire on public lands.

The proposed action was developed to respond to national policy and hazardous fuels conditions on BLM-administered lands in Montana, North Dakota, and South Dakota.

### 1.3 Goals

A change in fire management strategies is needed to:

- provide greater protection to human life
- reduce the risk and cost of severe wildland fires
- sustain the ecological health and function of fire-adapted grasslands, shrublands, and forestlands
- minimize the adverse effects of wildland fire suppression
- use fire and other fuels management methods to reduce hazardous fuels while meeting other resource objectives (e.g., restore degraded fish and wildlife habitat)

### 1.4 Scope of the Analysis

Fire/fuels management is considered in this analysis at the regional RMP level. The level of detail regarding proposed activities and potential effects will be appropriate to this first tier of BLM's land use planning process. This "big picture" view of the proposed action in Montana, North Dakota, and South Dakota includes a consideration of statewide land use plan management direction and guidance for fire suppression and treatments to reduce hazardous fuels. This analysis also considers the cumulative effects of BLM fire/fuels management activities.

This analysis considers effects of statewide guidance for wildland fire suppression as well as general effects of suppression activities.

Vegetation treatments and their environmental effects are analyzed at the programmatic level if their purpose is to reduce hazardous fuels. The effects of vegetation treatments that are not associated with fuels management have already been considered in BLM Resource Management Plans (RMPs) for Montana and the Dakotas and in the 1991 BLM Vegetation Treatment EIS.

Specific information, effects, and activities associated with site-specific projects are not considered in this analysis.

Following this analysis, an updated Fire Management Plan (FMP) will be prepared by each field office. Local-level environmental analyses will be completed when individual projects are proposed. These analyses will study the most effective ways to apply the management direction provided by RMP-level plans to local and "on-the-ground" resource issues and values.

#### 1.4.1 History of the Planning and Public Participation Process

The planning process began in September 1998, when BLM published a Notice of Intent (NOI) to prepare a NEPA document in the Federal Register.

The project leader sent 5,067 letters to potential interested parties identified by the Field Offices. The letters explained the planning process and asked for issues and/or a reply from those who wanted to remain on the mailing list.

The State Director sent a similar letter to 115 other federal, state, and local agencies.

The BLM Fire Management Officer sent a letter asking for issues and concerns from 48 fire wardens.

The BLM initiated contact with a number of different agencies, including:

- Northern Rockies Coordinating Representatives
- Forest Service
- MT Dept. of Fish, Wildlife, & Parks
- County Commissioners in counties where fuels reduction activities would likely take place.

BLM representatives attended meetings of the Montana Fire Wardens, Montana Associations of Counties, and Resource Advisory Council.

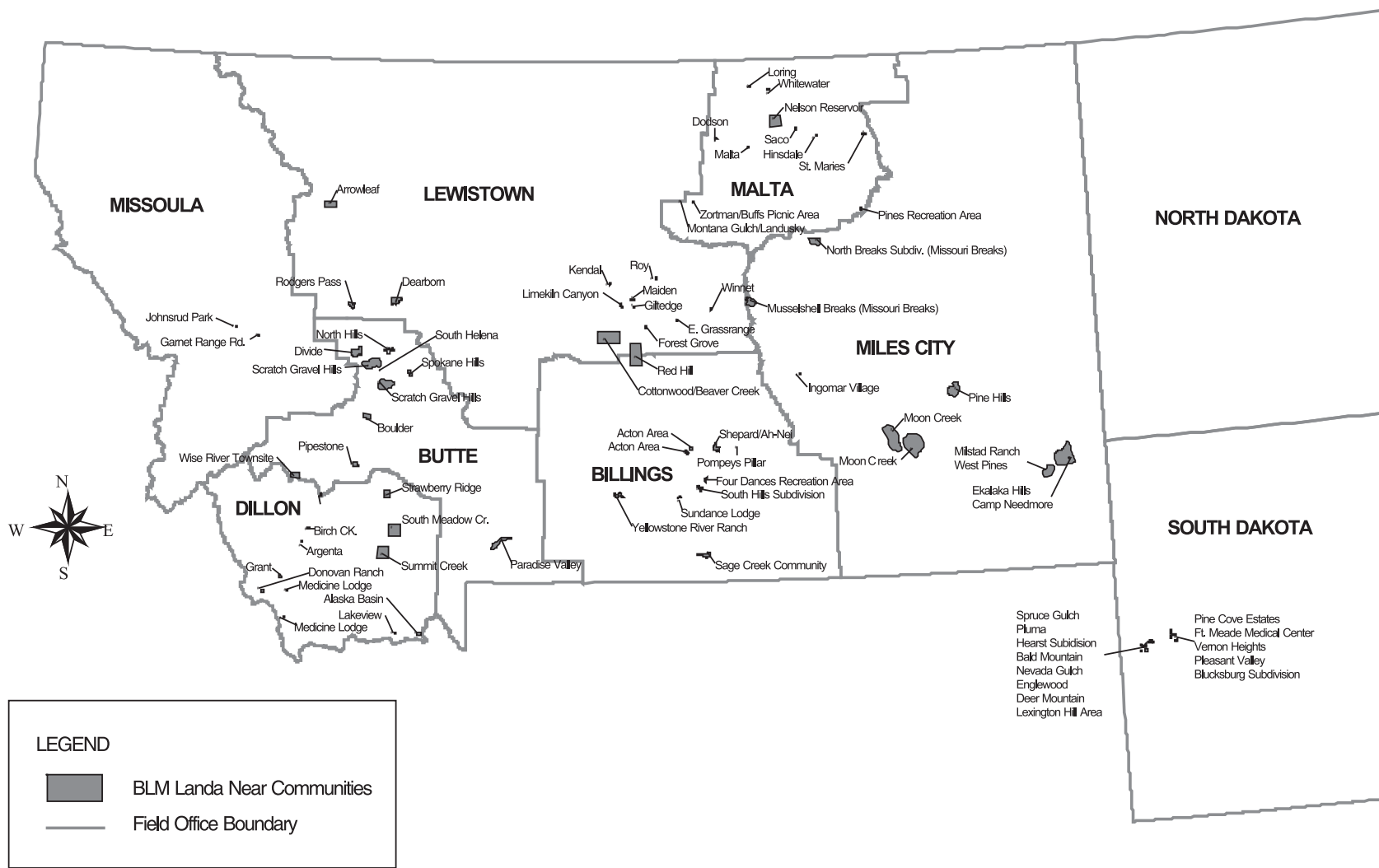
Approximately 700 persons, groups/organizations, and agency contacts wanted to remain on the mailing list. See section 1.4.3, Issues Studied in Detail, and 1.4.4, Issues Eliminated from Detailed Study, for a summary of public comments received as a result of initial mailings.

Congressional delegations were briefed at project initiation and in 2001.

The EA was released for public comment in August 2001. Following the end of the public comment period, the scope of the analysis was expanded to consider mechanical fuels treatments and chemical weed treatments, in response to public comment and internal policy direction (IM-2002-034).

# MAP 2

## COMMUNITIES/AREAS AT RISK FROM WILDLAND FIRE NEAR BLM LANDS



### 1.4.2 Relevant Planning Documents

- Billings RMP (1984)
- Butte Headwaters RMP(1984)
- Dillon MFP(1979)
- Lewistown Judith RMP (1994)
- Lewistown West HiLine RMP (1988; 1992 for protested portions)
- Malta Phillips RMP (1994)
- Malta Valley RMP (1994)
- Miles City Big Dry RMP (1996)
- Miles City Powder River RMP (1985)
- Missoula Garnet RMP (1986)
- North Dakota RMP (1988)
- South Dakota RMP (1986)
- OHV Amendment/EIS (Pending Protest Resolution)
- Standards for Rangeland Health and Guidelines for Grazing Management EIS (1997)
- Vegetation Treatments on BLM-administered lands in 13 western States EIS (1991)
- Northwest Area Noxious Weed Control Program EIS
- Vegetation Treatments Programmatic EIS (not completed)
- Wilderness Management Plan for the Bear Trap Canyon Unit of the Lee Metcalf Wilderness

### 1.4.3 Issues/Questions Studied in Detail

- Where is fire not desired at all; where is unplanned wildland fire likely to cause negative effects; where is fire desired to manage ecosystems, but current vegetative conditions create constraints on use; and where is fire desired, and there are no constraints on its use?
- What types and amounts of fuels treatments could be reasonably anticipated over the next 10 years?
- What direct, indirect, and cumulative effects on resources would be caused by the types and amounts of treatments identified?
- If unacceptable adverse impacts are anticipated, how might impacts be minimized, mitigated, or avoided?
- What effects would occur if treatments are not undertaken?

### 1.4.4 Issues Eliminated from Further Study

Most issues and comments received as the result of the initial mailing are examined further within this analysis.

Other issues dealt more directly with the BLM's response to wildland fire, including the possibilities of BLM providing more equipment for fire suppression; BLM paying local fire

departments to fight fires; fixing dams to provide a more accessible source of water for fire suppression; and allowing private parties to have a more direct role in the fire suppression process. These concerns may have a place in future suppression and budget actions or analyses. However, the scope of this analysis is concerned with examining how to align BLM suppression and fuels treatment policy to be consistent with the 2001 Federal Fire Policy and the National Fire Plan.

### 1.5 Decisions to be Made

Based on this analysis, the BLM Montana/Dakotas State Director will decide whether to amend land use plans that include:

1. Fire management zones and categories for all RMPs.
2. The EA discloses the cumulative effects of adopting the Proposed Action including broad levels of fuels treatments, wildland fire suppression, and associated support treatments (i.e. chemical weed treatments) in RMPs.
3. General guidance for fire management to protect other resources and values for all RMPs.
4. Revised specific decisions in the Billings, Big Dry, JVP, Powder River, and West HiLine RMPs to improve ability to implement of the National Fire Plan and 2001 Federal Fire Policy.

The Dillon Field Office is in the process of developing an RMP/EIS to replace the Dillon Management Framework Plan (MFP). The final decisions will be approved in the Dillon RMP/EIS and not through this planning process; however, likely categories are included here to allow cumulative analysis. Potential fuels treatments in the Dillon Field Office are also included in the levels of treatment associated with this proposed action.

The State Director may decide to implement the proposed alternative, to take no action, or to examine and select another alternative. Any new programmatic direction selected by the State Director would apply to BLM-administered lands in Montana and the Dakotas.

The State Director will not authorize specific hazardous fuels reduction projects based on this analysis. As described in section 1.4, each Field Office would prepare an updated, NEPA-compliant Fire Management Plan and appropriate site-specific NEPA analyses for individual projects. These analyses may include more specific fire management objectives and guidance to protect unique resource values within project areas.

## 1.6 Applicable Legal and Regulatory Restraints and Coordination

Under either alternative, the BLM would comply with the constraints and processes imposed by the following laws, policies, and legal/regulatory agreements, both on this plan and any future site-specific plans that tier to it:

- Endangered Species Act of 1973: Fire suppression, rehabilitation, fuel reduction treatments, and related activities would comply with the Endangered Species Act (ESA) including, but not limited to, Sections 7(a)(1) for conservation of species and Section 7(a)(2) for consultation on actions that May Affect species. This shall include consultation on effects from BLM actions or authorizations that may extend onto private, state, tribal, or other land ownership. Section 7 consultations will be completed on this programmatic plan and on any future site-specific wildfire restoration, prescribed burn or fuels reduction NEPA analyses that May Affect listed species or critical habitat.
- Emergency Section 7 Consultation: Federal regulations (50 CFR 402.05) recognize the need for expedited consultation in response to natural disaster (including wildland fire) or other calamity. Where emergency actions (including fire suppression) are required that may affect listed species and/or critical habitats, the action agency shall initiate consultation, usually by phone or facsimile, at the first opportunity. Emergency consultation procedures allow action agencies to incorporate endangered species concerns into their actions during the response to an emergency. Under no circumstance where human life is at stake should an emergency response decision be delayed due to administrative work required by the consultation regulations.
- All site-specific fuels reduction projects would be coordinated with the State Historic Preservation Officer (SHPO). In addition, the SHPO would be notified of certain surface-disturbing actions taken during fire suppression.
- BLM will comply with the provisions of the National Historic Preservation Act of 1966 (NHPA), including Native American consultation, through existing programmatic agreements. In the absence of such agreements, the BLM will adhere to regulations found at 36 CFR 800. Projects subject to the NHPA include fire suppression/restoration activities and fuels reduction projects.
- In Montana, burn permits for site-specific projects would be coordinated with the MT Dept. of Environmental Quality, Air Quality Division. This

analysis does not authorize any projects itself, so burn permits would not be obtained until the site-specific planning level.

- Additional legal and regulatory authorities relevant to this proposed action:
  - The Clean Air Act
  - Federal Land Policy and Management Act of 1976
  - Archaeological Resource Protection Act of 1974
  - IM no. 99-032 (Cultural Resources Protection for prescribed fire activity)
  - Executive Order 12898 (Environmental Justice)
  - American Indian Religious Freedom Act of 1978
  - Native American Graves Protection and Repatriation Act of 1990
  - Resource Conservation and Recovery Act of 1976
  - Comprehensive Environmental Response, Compensation, and Liability Act of 1980
  - Safe Drinking Water Act of 1974, as amended
  - Clean Water Act of 1977, as amended by the Water Quality Act of 1987, including total maximum daily load (TMDL) requirements
  - Migratory Bird Treaty Act of 1918
  - Executive Order 13186 (Implementation of MBTA, 2001)
  - Migratory Bird Conservation Act of 1929
  - Fish and Wildlife Coordination Act of 1934
  - Bald and Golden Eagle Protection Act of 1940
  - Executive Order 11990 (Protection of Wetlands)
  - Wild and Scenic Rivers Act of 1968, as amended
  - Wilderness Act of 1964
  - Lacey Act, as amended (invasive/nonnative species)
  - Federal Noxious Weed Act of 1974, as amended
  - Executive Order 13112, Invasive Species

## 7.7 Additional Relevant BLM policy and Plans/Agreements

The following policies and plans/agreements typically guide development and implementation of individual projects. These policy documents and agreements are listed here to provide a reference as Fire Management Plans and site-specific project plans are developed.

### Standard Operating Procedures and Manual/Handbook Guidance

- Standards for Fire and Aviation Operation (Red Book): Contains procedures for protecting environmental qualities during fire suppression and fuels management activities.
- Air: State regulations and implementation plans as

specified in Manual Section 9210 (Fire Planning), and the Montana/Idaho Airshed Group Operating Guide

- Burned Area Emergency Stabilization and Rehabilitation (ESR) Handbook, including the BLM-specific exhibit
- Native American Consultation: Manual 8160 and Handbook H-8160-1
- OHV: Manual 8340 and State Director memo IM no. MT-2001-004
- Prescribed Fire Management Handbook; Manual 9214
- Special Status Species: Manual 6840
- Visual: Manual 8410, Handbook H-8410-1 and H-8431-01. IB 98-135 and IBLA decision 98-100
- Water: Streamside Management Zone (SMZ) guidance as described in state law (MCA-77-5-301 to 307) and Water Quality Best Management Practices for Montana Forests (BMPs)
- Wilderness and Wilderness Study Areas: Manual Section 1742 and Handbook H-1742-1. Manual section 8500, H-8560-1, H-8550-1. Interim Management Policy for WSAs
- Weeds: BLM Manual 9011, H9011-1 Chemical Pest Control Guidance, and Partners Against Weeds: An Action Plan for the Bureau Of Land Management

Agreements related to Species Conservation and Recovery:  
BLM would comply with existing agreements regarding the following Conservation and Recovery Plans or Strategies and/or Memorandums of Understanding (MOUs).

- Montana Bald Eagle Management Plan
- Interior Least Tern Recovery Plan
- Piping Plover Recovery Plan
- Black-footed Ferret Recovery Plan
- Montana Black-footed Ferret Recovery Strategy
- Grizzly Bear Recovery Plan
- Interagency Grizzly Bear Guidelines
- Gray Wolf Recovery Plan
- Canada Lynx Conservation Agreement and Strategy
- Interim Bull Trout Habitat Conservation Strategy and Implementation
- Bull trout recovery plan
- Westslope Cutthroat Trout Conservation Agreement and Implementation Strategy
- Cooperative Conservation Agreement for Yellowstone Cutthroat Trout
- Montana Fluvial Arctic Grayling Restoration Plan
- Conservation Plan for Black-Tailed and White-Tailed Prairie Dogs in Montana
- North Central Montana Black-footed Ferret Reintroduction and Management Plan
- MOU Among Western Association of Fish and Wildlife Agencies (WAFWA) and U.S. Department of Agriculture, Forest Service, and U.S. Department of Interior, Bureau of Land Management, and U.S. Department of Interior, Fish and Wildlife Service. 2000.

