

Western Montana RAC Meeting Notes
Butte Field Office
02/21/2007

Members Present: Richard Young, Corby Anderson, Steve Flynn, David Schulz, Jack Kirkley, Mitzi Rossillon, Joyce Thompson, Nate Finch, Pat Flowers, Ben Deeble, Garry Williams, Dennis Phillippi

Members Absent: Francis Auld, Dan Lucas, Robin Cunningham

BLM: Rick Hotaling, Butte Field Manager; Nancy Anderson, Missoula Field Manager; Tim Bozorth, Dillon Field Manager; Marilyn Krause, Butte Field Office; Craig Haynes, State Office; Pat Zurcher, Butte Recreation Planner

Guests: Joni Packard, US Forest Service Assistant Program Manager for Developed Recreation, Region One, Missoula; Mary Laws, Bitterroot National Forest; Bruce Johnson, Flathead National Forest; David Payne, Helena National Forest, LeRoy Mehring, President Skyline Sportsmen, Butte.

Election of Chair and Vice-Chair: Jack Kirkley moved that Dan Lucas remain as Chair, and Robin Cunningham remain as Vice-Chair. Steve seconded the motion. There were no dissenting opinions. Dan and Robin will continue to be the Chair and Vice-Chair for the RAC.

North Hills Shooting Issue: Pat Zurcher, Butte Field Office Recreation Planner gave an overview of the recreational shooting situation in the North Hills area near Helena (for more details refer to last meeting notes). Since the last meeting, a nine person Working Group has been formed to find possible solutions. Members of the Working Group are:

Category 1 Home Owners, Grazing Permittees, Minerals,		Category 2 Environmental Organizations		Category 3 Federal, State and County Agencies	
Rudy Strobbe	OHV Users	Ron Yurk	Shooting Perspective	*Mike McHugh	L&C County
Allan Payne	Energy and Oil Development	Ken Wallace	Hikers	Garry Williams	RAC, State of Montana
Charles A. Smith	Northwest Energy	Connie Cole	Equestrian Users	David Schulz	RAC, Madison County

* Mike will act as group leader.

In the discussion following the overview, Rick Hotaling explained that any kind of restriction would require the BLM to publish a *supplemental rule making* to make the restriction a regulation that would be published in the Federal Register and become effective 30 days later. The regulation would need to be approved by the Washington

Office. The RAC's support of any regulation would help in the approval process. Once the regulation was approved and published the area would need signing and the public would need to be notified. An area could be signed without a regulation, but without a regulation in place shooting restrictions could not be enforced.

When asked if the RMP would address the issue Rick said the RMP could not make the decision but could recommend promulgating this type of regulation.

Mike McHugh said the public wants results. There needs to be a place for the public to shoot recreationally. Mike wanted to know if the BLM would make a regulation. Rick is willing to pursue taking a regulation through the approval process if it is the consensus of the RAC.

The Working Group has not chosen a date or place for their first meeting. The group will begin discussing alternatives to present to the public. The group hopes to have a proposal for the RAC by the September meeting.

If a shooting area is designated Pat Flowers said the FWP administers grants for shooting areas and that Ron Aashiem should be contacted.

Butte RMP Briefing: Rick Hotaling briefed the RAC on the RMP, stating that not much has changed. The draft is still on track and should be ready by May 30. Dennis Phillippi questioned Rick on how the RMP was addressing weeds. Rick said that weeds will be managed as they are now and the weed program is based on current budgets. The Butte FO plans to treat 2000+ acres per year with priorities being areas that have or will be disturbed. Aerial spraying will incorporate a set-back of 300' from riparian areas.

Recreation Fees: Joni Packard, US Forest Service Assistant Program Manager for Developed Recreation, gave a power point presentation on Recreation Site Facility Master Planning RS-FMP (see attached). Her presentation was followed by briefings on individual Forest's overviews. Giving overviews were Elizabeth Casselli, Lolo National Forest; Mary Laws, Bitterroot National Forest; Bruce Johnson, Flathead National Forest; David Payne, Helena National Forest. The Forests are going through an analysis to determine the best use of funds to meet the changing needs of recreationists. Presented were the results of the analysis and a summary of the program of work for developed recreation sites. There is still more work to be done on the analysis, including public involvement. There may be a request to the RAC for approval to raise or lower fees at certain sites. The Forest Service is still setting criteria for proposed fee hikes. The Forest Service will be looking for more public involvement. Handouts are attached to the original minutes.

Joni Packard said there are about 1500 developed recreation sites in Region 1. Of those sites 30% are fee sites, the remaining 70% are non-fee. Of the 450 campgrounds in the region, about 50% are fee sites. The Region recognized the value of dispersed recreation sites to the recreationists using them. During the analysis the Forests are trying to

determine which sites are being used the most in order to prioritize maintenance and the effective use of funding.

At this time there is no set fee in mind for sites that may need to have the fees raised. It is all based on cost recovery as directed by REA.

The Forest Service does not plan to develop all sites to the maximum potential. They realize that the majority of recreationists do not want or need amenities such as electricity, RV dumps etc. In special sites that may be appropriate, but most sites will have a simpler approach. In order to cut costs some sites may not be maintained to standard for full 6-months. The “shoulder” seasons, before and after the main season, may see a decrease in maintenance. The public would be notified via signage that the toilets may not be as clean or stocked with toilet paper, or the water system may not be functioning during certain periods of time.

Weed control is a concern and will be a priority no matter what the analysis concludes.

When the agenda for the next meeting was discussed the RAC asked for more information, a review of public comments and for time to discuss the information as a group. Marilyn, Ben and Nancy will arrange to meet with Joni before the next RAC meeting in Missoula.

Energy Corridor EIS: Craig Haynes, BLM State Office Realty Specialist, presented a power point overview of the Energy Policy Act of 2005 where Federal agencies are coordinating with each other to designate energy transmission corridors across Federal lands throughout the nation in anticipation of increased national energy needs and to incorporate the designated corridors into relevant agency land use plans within 24 months in the West and by 2009 in the East. Power point presentation is attached.

For more information go to: <http://corridoreis.anl.gov/>

The BLM field offices will determine where energy corridors will be most suitable on their lands.

Craig pointed out that energy companies will not be forced to use the identified corridors, but if they choose to use them, much of the groundwork will already be in place. If an energy company wants to run an energy corridor in another location it will mean a longer processing time on the part of Federal agencies, but they will have that option.

There is a large wind farm planned near Glasgow, Montana that people should be watching to see how it proceeds. Several other smaller wind farms across Montana are also being proposed at this time.

The Draft EIS will be out in late May, followed by a 90 day public comment period. By the end of October the Final EIS will be submitted with a December 29, 2007 release

date. Public comments and concerns are to be submitted during the 90 day comment period when the draft is published.

White Sandy Recreation Site: Rick Hotaling discussed the new recreation site at White Sandy. Right now the fee proposal is for \$10 per day camping fee and a \$2 for day use. The BLM would like to not charge the day use fee. Rick feels that the camping fees will be sufficient to maintain the campground, though those fees will not cover major expenses.

One reason the BLM would like not to charge a day use fee is the impact of implementing the fees would have on the Black Sandy State Recreation Site, which does not charge a day use fee. It would also ease the confusion between the two agencies fee rates.

The BLM and Montana FWP plan to cooperate by hiring one person to manage both the White Sandy and Black Sandy sites. It would be a State position since the State hires are less expensive and the BLM wouldn't have to provide all the personnel training.

Rick Hotaling put the motion to the RAC to not charge day-use fees at White Sandy. The RAC passed the motion and support not charging the day-use fee.

Field Manger Overviews: Nancy Anderson, Rick Hotaling and Tim Bozorth gave overviews of what is happening in their areas.

Missoula Field Office:

Personnel: George Hirschenberger, Land Use Specialist – Project Leader, has announced his retirement. His last day will be March 2, 2007. Amanda James, Natural Resource Specialist, has accepted a position with BLM in Arizona. She will leave our office the end of March.

We issued the Decision Record for the Hoodoos Resource Management Projects EA (effective date of February 16, 2007). There is a 15 day protest period. For purposes of protest and appeal, separate decisions will be issued for grazing management and the sale of commercial forest products.

We are currently working on a watershed assessment in Rock Creek. The assessment will cover 11,700 acres of public land. The majority of the assessment should be completed by mid-April.

Contracts for the Garnet salvage sale, Phase II of our Garnet Stewardship project, and the Flint/Rock Timber Sale are in various preparatory stages.

Cultural resource concerns have been raised regarding the request we received from a company (Ladies in White) to scatter ashes on our lands as a commercial enterprise. [Note: since the meeting, BLM has denied the permit.]

We are continuing to work on the Rumsey Road right-of-way request from Granite County. We have begun preparing an EA and have requested additional information so we can do our effects analysis.

Dillon Field Office Update:

The Bean Creek Salvage/Aspen Treatment was appealed. The Bean Creek project contains 221 acres and an estimated 621 MBF of live and recent dead conifer timber and 137 MBF of fuel wood. 138 acres (62%) will use ground-based equipment; 83 acres (38%) will be helicopter yarded. We received a protest to this sale that I denied on 11/20/06.

The Barton Gulch Sale Selective Shelter wood cut will resume after 5/15/07. Of ~200 acres all but 10 acres has been cut and ~30 acres yarded via helicopter. The rest will be yarded by helicopter next spring/summer after 5/15.

The determinations for the Blacktail and South Tobacco Roots Watershed assessments completed last summer have been made and we are working on the EAs. We are also preparing for the Beaverhead West (85,000 acres) and Red Rock (52,000 acres) watershed assessments for next field season and continuing to implement projects from the watershed assessments completed in prior years. The decisions on the Sage Creek Watershed that we toured on the field trip last summer are being implemented.

We are beginning to implement the travel management decisions from the Dillon RMP. Open routes will be signed open and anything else will be closed.

To facilitate mining we recently approved an R-O-W for a water pipeline to dewater the Broadway/Victoria Mine near Silver Star and are working on the powerline and road R-O-Ws for this mine.

I recently issued a Determination of NEPA Adequacy (DNA) for the use of an existing road in the Axolotl Lakes WSA to access a patented mine claim/operation. A validity exam was recently conducted on 2 mines within the Axolotl Lakes WSA. It was determined that valid existing rights exist for these mines. Since these mines have valid existing rights, access must be granted to these sites, if requested, which we anticipate.

BLM and MDFWP received funding through the Madison/Missouri River Fund to hire a MDFWP employee to work on issuing Special Recreation Permits for outfitters on the Madison River. There is a meeting today in Bozeman between BLM and MDFWP to further discuss this effort.

We are getting prepared for our spring burns to address Wildland Urban Interface concerns. These are in the foothills of the Ruby Mountains

Butte Field Office Update:

Graymont Mine: The life of mine expansion proposal to the south is being reviewed. The expansion is proposed into an area of unexploded ordnance (UXO) near the National Guard Training Area.

Golden Sunlight Mine Wind Farm: We have received a proposal from Wind Hunter to install a 50 megawatt wind generated facility on the west waste rock dump for GSM. The facility would be approximately 30-50 wind turbines, with the majority on BLM.

Golden Sunlight Mine: BLM continues to coordinate with MT DEQ to facilitate the completion of the SEIS. Release of the Final SEIS and Record of Decision is pending an agreement between BLM and DEQ on the selected alternative and stipulations.

Legislative EIS for the Limestone Hills National Guard Withdrawal: A third tier review of the proposed draft LEIS has been completed by the Dept. of Defense and Dept. of Interior. The draft LEIS is being prepared for public distribution.

Iron Mask Acquisition: Final funding for the acquisition was not approved in the current budget. We are waiting for approval by Congress of the FY 07 LWCF budget. This area is important winter wildlife habitat.

Causeway Exchange with PPL Montana: No change in progress due to RMP workload and staffing constraints. This action would exchange landlocked BLN land with some land with a private landowner to improve public access in the Hauser Lake area.

The bighorn sheep habitat improvement project near the Graymont Mine will be completed next year. We were not able to complete the burning this October due to weather. The mechanical treatments were completed prior to hunting season.

Clancy Right-of-Way: A ROW request has been filed for the Sheep Mountain Road in the Clancy travel management area to access a private subdivision development. The development would utilize the Sheep Mountain Road and a segment of new road construction would be needed to connect the Sheep Mountain Road with the proposed subdivision. The proposed subdivision would consist of 20 home on four private mine sites surrounded by BLM. The subdivision would be located near one access point for OHV trails in the area and an access point for rock climbers.

Montana Tunnels Mine: The mine near Jefferson City is proposing a life of mine expansion. The expansion would divert a portion of Clancy Creek around the mine. Upon abandonment, this portion of Clancy Creek would be diverted into the mine to create a pit lake. It is expected to take 100 years to fill. An EIS is being developed for this project, with MT DEQ taking the lead.

Next RAC Meeting:

The next RAC meeting is scheduled for May 16 at the Missoula Field Office, 3255 Fort Missoula Road, starting at 9 am. RAC members that need to incur overnight travel to travel to Missoula should contact Marilyn ahead of time for travel authorizations.

Topics for the next meeting include an update on the Butte RMP and the North Hills Shooting Issue. Considerable discussion followed on recreation fee proposals and the best way to manage the issue. RAC members commented that they would like to see comments from the public resulting from FS public outreach. They also wondered how long they would have to make a recommendation on fees. RAC members asked for a list of proposals over an extended period of time and a copy of rating spreadsheets and criteria that were used. They thought it would also be helpful to know in advance what areas would be covered so they could check with their counterparts in other communities. After discussion, Pat Flowers suggested that the RAC needed to develop a process for council to use when deliberating the fee proposals. Marilyn will coordinate a meeting with Joni Packard. Ben Deeble will represent the RAC and Nancy Anderson will represent BLM managers.

Meeting adjourned.

s/s Dan Lucas
Dan Lucas, Council Chair
Date: March 19, 2007

**Western Zone Resource Advisory Council Meeting
 Agenda - May 16, 2007 Missoula Field Office - 3255
 Fort Missoula Road**

Time:	Discussion Topic:	Purpose:	Discussion Leader, Presenter
9:00 am	Gather for coffee and breads at Missoula Field Office		
9:10	Welcome/Housekeeping Items <ul style="list-style-type: none"> . Agenda Review . Travel Vouchers and mileage claims 	Info Share	Krause
9:20	Field Manager Updates	Info Share	Anderson Hotaling Bozorth
10:15	Break		
10:30	RRAC Evaluation Proposal (Internal RAC Process)	Discussion, Decision	Krause, Deeble, Anderson, Packard
11:30	Public Comment Period	Info Share, Discussion	Krause Facilitates
Noon	Lunch on your own		
1 :00 pm	Overview of Forest Service "High Impact Recreation Areas" Lake Como near Darby	Info Share, Discussion	Chuck Oliver, Mary Laws, Joni Packard
2:30	Break		
2:45	Wrap-up, determine topics for the next meeting , Sept. 5 in Dillon Complete administrative tasks	Info Share	All
3:15	Adjourn		

RAC Meeting Notes for May 16, 2007

Field Manager Updates:

Nancy Anderson, Missoula Field Office

We are continuing to work on a watershed assessment in Rock Creek. The assessment will cover 11,700 acres of public land. The majority of the assessment has been completed.

We are finishing up the contract for the Garnet salvage sale (approximately 2.7 MMBF; 760 acres). We plan to sell it this summer. We have decided to postpone the offering of the Flint/Rock Timber Sale until next fiscal year.

We are finalizing the EA on the Rumsey Road right-of-way request from Granite County. The proposed road would access the back side of Discovery Ski Basin. When the EA is prepared, Granite County will host a public meeting in the Philipsburg area.

We are continuing with our spring prescribed burns. To date, we have burned approximately 160 acres in the McElwain drainage and today we are planning to burn approximately 400 acres in the Philipsburg area.

This week we are working on a restoration project in Cottonwood Creek. The project entails placing large woody debris in the creek and fencing out a portion of the riparian area. This project was covered under our Hoodoos EA.

We are proceeding with the Garnet Ghost Town National Register Nomination process. This work is being done under contract with Field Research Services in Billings.

This fiscal year we received \$1,000,000 in LWCF for the Blackfoot Community Project. This funding will be used to acquire a section of land from The Nature Conservancy in the Marcum Mtn. area. We should close by August.

Rick Hotaling, Butte Field Office

Butte Resource Management Plan (RMP): The document is at the printers and it is scheduled to be released on June 22, 2007. The actual document will be mailed from the printer the week of June 11. The comment period will be open for 90 days with public meetings held in July. The public meetings will be in Butte, Bozeman, Helena, Townsend, Boulder, and Divide.

Graymont Mine: The life of mine expansion to the south is proposed. The expansion is proposed into an area of unexploded ordnance (UXO) near the National Guard training area. The Notice of Intent for the NEPA document is being published in the Federal Register, which starts the official scoping and NEPA process.

Legislative EIS for the Limestone Hills National Guard Withdrawal: The draft LEIS will be available for public distribution on June 4.

Causeway Exchange with PPL Montana: This action would exchange landlocked BLM land with land from a private landowner to improve public access in the Hauser Lake area. The feasibility report has been approved and the ID team is starting work on the EA.

The bighorn sheep habitat improvement project near the Graymont Mine will be completed next year. We were able to complete the burning this spring. The final mechanical treatments will be completed prior to hunting season. Weed treatments have been provided for in our agreement with Broadwater County.

Golden Sunlight Mine: BLM continues to coordinate with MT DEQ to facilitate the completion of the Supplemental EIS. Release of the Final SEIS and Record of Decision is pending an agreement between BLM and DEQ on the selected alternative and stipulations.

Clancy ROW: A Right of Way request has been filed for the Sheep Mountain Road in the Clancy travel management area to access a private subdivision development. The subdivision development would use the Sheep Mountain Road and a segment of new road construction would be needed to connect the Sheep Mountain Road to the proposed subdivision. This subdivision is proposed for 20 homes on four private mine sites surrounded by BLM. The subdivision would be located near one access point for OHV trails in the area and an access point for rock climbers. Public scoping has been completed with numerous comments on the proposal. A large number of comments have requested a public meeting on the project. We are currently working with Jefferson County to schedule a public meeting sometime in June.

Golden Sunlight Mine Wind Farm: We have received a proposal from Wind Hunter to install a 50 Mw wind generated facility on the west waste rock dump for GSM. The facility would be approximately 30 – 50 wind turbines, with the majority on BLM. Since this is a cost recovery project, we are currently waiting for Wind Hunter to agree to the costs and provide the initial funding.

The Iron Mask Ranch Acquisition: Final funding for the acquisition was approved in the current budget. We are waiting for a closing date in July. This area is important winter wildlife habitat.

Montana Tunnels Mine: Montana Tunnels mine near Jefferson City is proposing a life of mine expansion. The expansion would divert a portion of Clancy Creek around the mine. Upon abandonment, this portion of Clancy Creek would be diverted into the mine to create a pit lake. It is expected to take 100 years to fill the pit. An EIS is being developed for this project, with the Montana DEQ taking the lead. We have received the first two chapters of the EIS for review.

Rangeland Health Assessments: We are planning on conducting rangeland health assessments on 34 allotments this field season.

Fish Two Heart Project: The Fish 2 Heart stewardship project was awarded to RY Lumber of Townsend. The project is a mix of fuels reduction, riparian restoration, and timber harvest in an area southeast of Butte. The project is scheduled as a multi-year project.

White Sandy Recreation Area: The White Sandy recreation area will be dedicated on May 24 and opens to the public on May 25. The dedication will include tours of Hauser Dam by PPL Montana. Due to the new regulations regarding recreation fees, the BLM was not able to meet the timeframes required to charge a fee (published in the Federal Register 180 days prior to the collecting fees). This will result in the area being free to the public for this summer. Fee collection will begin next year.

North Hills Shooting Subgroup: We are having difficulties getting the subgroup to come together on a meeting date. We are continuing to work with the chair of the group to schedule the first meeting.

Tim Bozorth, Dillon Field Office

In the Centennial Valley the Price Creek/Bean Creek Salvage/Aspen Treatment road work will take place this summer with harvest work taking place next year. This project contains ~1200 acres and an estimated 2.5 MMBF of live and recent dead conifer timber and fuel wood.

The Barton Gulch Sale Selective Shelter wood cut will resume after 5/15/07 of ~200 acres all but 10 acres has been cut and ~30 acres yarded via helicopter. The rest will be yarded by helicopter next spring/summer after 5/15.

The determinations for the Blacktail and South Tobacco Roots Watershed assessments completed last summer have been made and the EAs went out for review. The public comment period for Blacktail ended May 11 and the Proposed Decision was issued May 14th. The Public comment period for South Tobacco Roots will end on June 8 and we expect to issue the Proposed Decision shortly thereafter. The South Tobacco Root EA contains substantial amounts of forest health, (timber harvest and prescribed fire) WUI (prescribed fire and mechanical treatments), riparian, juniper and weed treatments. We are also preparing for the Beaverhead West (85,000 acres, 50 allotments) and Red Rock (52,000 acres, 23 allotments) watershed assessments for the 2007 field season and continuing to implement projects from the watershed assessments completed in prior years. We will also be starting the quantitative monitoring on the Watershed Assessments scheduled for 2008 (East Pioneers, Rochester Basin and East bench). The decisions on the Sage Creek Watershed that we toured on the field trip last summer are being implemented. The South Tobacco Root EA contains substantial amounts of forest health, timber harvest and fuels and weed treatments.

We have received the signs and are beginning to implement the travel management decisions from the Dillon RMP. Open routes will be signed open and anything else will be closed.

The Sheep/Herbicide Weed Treatment Study with Madison Valley Ranchlands, MDFWP, American Sheep Institute on the Madison has been extended two additional years from the three already completed.

We have been having four scoping meetings with outfitters, the public and shuttle drivers related to the Special Recreation Permit process underway on the Madison River with MDFWPs. The EA will be out for public review June 25th. Implementation 2008.

We will have two weed seasonals again this year working the Madison. They will treat and inventory weeds in the Bear Trap Wilderness Area, Wilderness Study Areas and the recreation sites in the Madison Valley and surrounding Areas. Another weed seasonal will be working out of the Dillon Office.

This spring so far we have accomplished 500 acres of WUI prescribed fire, 150 acres of mechanical treatment and 1,500 acres of non- WUI prescribed fire. We anticipate accomplishing additional prescribed fire this fall in the Camp Creek area.

We placed radio collars on 23 sage grouse and are monitoring their movements.

This summer we are conducting two westslope cutthroat trout enhancement projects where we are removing brook trout.

There are wind energy proposals being developed for the Norris Hill area.

On 5/31/07 we are having a meeting to discuss a land exchange on the Big Hole River.

We have leased oil and gas rights on 12,272 acres of 98,375 acres that were put up for lease. Most of the acres went for the minimum bid of \$2.00 per acre. Stipulations from the RMP apply on these leased acres. There have been no exploration efforts or Applications for Permit to Drill filed. There are 7,042 acres in the May oil and gas lease sale in Beaverhead County. Previous oil and gas leasing occurred in the Dillon Field Office in the 1970's and 1980's. Due to the age of the previous Land Use Plan, oil and gas leasing was curtailed in the 1990's. Previous leasing focused around the Muddy/Big Sheep Creek area. This is the same area that is being leased today. In 2001 ~ 12,000 acres was under lease. With the completion of the Dillon RMP, lease applications began to be processed. This processing consists of the Dillon Field office receiving the parcels nominated for leasing and reviewing these parcels and attaching all pertinent O&G lease stipulations and making a determination of NEPA adequacy. This package is sent back to the MSO for processing and preparation for the O&G lease sale. This package is also put out for public review and comment. If the parcels receive a bid (minimum \$2/acre) the land is leased for 10 years with the attached stipulations. If it's not bid upon it can be subsequently leased for the minimum for up to 2 years after the lease sale.

In the Dillon RMP we analyzed the geology and past drilling activity of the area to develop a reasonable foreseeable development scenario (RFD) This RFD predicts up to 10 wells 4 dry holes and 2 producers each with two step out wells disturbing up to 523 acres with all ancillary

facilities over 15 years. We have been criticized that this is an overly optimistic RFD considering that there have been 44 dry holes in Beaverhead County and no producing wells.

Discussion from Managers Updates

A topic of discussion that resulted from the manager's updates was the oil and gas lease process. The RAC felt that the main issues of this topic were: access to information on a timely basis; more time to comment; applications need to be more user friendly (easier to read and understand). BLM gets information at the same time as everyone else. It was suggested to E-mail the RAC members when the BLM receives notifications. This would allow the RAC to receive same notices as the agencies. This may come as a hard copy instead of email.

RAC requested a map to show all the parcels, more research would be needed to see if this would be a possibility.

If RAC and/or individual have comments on stipulations, right now is the best time to submit the comments.

It was suggested to have this as a topic for the September 5 meeting. It was also asked if it would be helpful to have someone from the State Office at the meeting to answer any questions the RAC may have. This also may be an issue with other RAC groups, and could possibly be addressed as a whole. There has been discussion that all RAC groups get together every couple of years. This may be a good topic at a state-wide or national meeting.

RRAC Evaluation Proposal (Internal RAC process)

A mini work group which included Nancy Anderson, Ben Deeble, Marilyn Krause, Joni Packard, and Chris Miller came up with an internal process that the RAC could use to review the recreation use fee proposals. BLM and Forest Service processes are the same, with a few exceptions.

One of the decisions the RAC would need to make, is if they would want to deal with small inflationary increases. If the group decides not to be bothered by these standard increases, it would decrease the workload significantly. The other option is grouping the proposals by geographic area or by campgrounds.

There are seven National Forests that fall within this RAC, Kootenai, Flathead, Lolo, Bitterroot, Beaverhead-Deerlodge, Helena and Gallatin National Forest. These are the bigger recreational areas in the region. There are 138 campgrounds, 107 cabins, 15 day use sites, 45 group sites and couple special recreation permits and one high impact recreation area (HIRA) at Lake Como. It is a workload and was a concern of the RAC at the last meeting.

The Forest Service does not use the business plan like the BLM does. This is because of the size of the recreation program the Forest Service has. The Forest Service has developed a data base template with the same components as the BLM business plans, but displayed in a concise format. It describes the recreation fee change, fee proposed, financial analysis, comparable local

facilities both private and public, and also describe public involvement. Forest Service along with BLM has a process to inform the public. New fee sites are required to go through a Federal Register Notice process. Forest Service also has an internal regional fee board, to engage the public and the RAC. If the Forest Service fee board determines that a proposal is good to go to the public or the RAC, they launch the proposal, gather public input and put together a packet and then present the fee proposals to the RAC. The RAC does a review and makes a recommendation and that goes back to the Regional Forester where it is decided whether or not to go ahead with the recommendations from the RAC. There could be some modification, based on recommendations, or the Regional Office could say they do not concur with the recommendations and decline the recommendation. At this time it would go before congress, with notification of why the Forest Service would not be implementing.

A template was created by the Forest Service where all business plan elements were taken and put in one place, to be able to take a quick look at the information. This template is being fine tuned but can be used by RAC if they decided to.

There will be a number of fee sites with routine fee increase for many of the campgrounds. The fee increases will likely range from \$2 to \$4. Many of these fee sites have not raised fees since the late 90's, early 2000. These would be routine cost of living type increases. Some will be a little higher from \$5 to \$7 range for sites below market value. Cabins will be bumped up \$5, \$10, or \$15; and again, cabins have not had a fee increase in several years.

A way to present the volume issue of these increases to the RAC would be by bundling the proposal before presenting to the RAC. A print out for each site, so RAC could see at a glance everything about the site. An executive summary would also be presented with the bundling of these sites. If there is a site that is more controversial, then more information would be provided. This was proposed to the RAC as an idea to help with this workload.

A full set of comments could be routed to RAC. Many of these fee proposals should not be controversial; they have been around for many years, so generally are not a concern for the public. Sites that may have a little more controversy could be where an old campground has been renovated, and a fee would be charged for the first time. In this instance, information would be in more detail than the other proposals, but still using the same template.

An issue discussed in previous meetings about this topic was how the RAC would be involved in campground closures. It would not be part of the RAC responsibilities. A RAC member asked if there could be a calendar problem from the stand point that the public comment period would not be officially closed before the RAC was asked to give a recommendation.

The RAC meets September 5, where fee proposals would be presented. Would the RAC be comfortable with going forward with those fee proposals the last week of public comment or wait until after comment period was officially over and have a conference call at that time?

At the September 5 meeting, the FS would like to present new day-use fee sites, 11 campgrounds, 7 cabins basically in the Federal Registers right now, 3 existing day-use sites, Lake Como and one group site.

At the November 28 meeting it would be useful to use the bundling approach to deal with routine fee increases for our campgrounds and cabins. Anticipating maybe 45 to 75 campground increases, most of which would increase to the \$2-\$4 range, some may be a little higher. Cabins could be around \$30-35 bumping up \$5, \$10, and/or \$15. Proposal bundles would be given to RAC 3-4 weeks ahead.

For the September 5 meeting, RAC should have fee proposal bundles by August 10 and for the November 28 meeting another package would be available early part of November.

It was asked how much of the workload would be decreasing amenities and/or closing. Still do not have all information to give accurate amount. It was given an estimate of a hand full being closed due to non-use. Right now Forest Service is seeing a bottle neck of fee proposals, but in time this should even out.

Confusion on what were amenities. Recreation Enhancement Act has criteria in terms of where you can and cannot charge for day use sites. Standard amenities fees would need to have six amenities provided to charge a fee. For expanded amenity sites (campgrounds and highly developed boat launches) you only have to meet a majority of the amenities (5 out of 9). Cabins do need to meet majority.

It was asked if the group agrees the template would be a helpful tool, especially for the Forest Service because of the amount of proposals. With BLM, it is not such an issue, with fewer proposals. The big decision for the group is if they want to deal with the inflationary nominal fee increases? Does this need to be defined? Is there a definition of minor or inflationary increase? It is better not to go on percentages. Minor increases are \$2-4 range for campgrounds. REA would be check point of whether charging appropriate fees.

It was also asked if RAC would be okay with not looking at nominal fee sites, but new sites. Existing campgrounds who did not charge previously, are ones the RAC would like to look at. A summary of nominal fee sites would be a suggestion to help with the workload of the nominal fee increases. The issue seems to be the definition of nominal.

It was suggested to rely on BLM and Forest Service for nominal proposals and just seeing a summary of them. It was also suggested to use percent and flat rate. The RAC voted to define a nominal fee increase as less than or equal to 20% of the current fee and less than \$5. Nominal fee increases would be seen as a summary. Campgrounds and cabins may still need to be seen separately. It was suggested to start with this proposal and make any changes needed once proposal is used by RAC members.

The RAC agreed on the proposal to look in depth at new fee sites, or old free sites that are becoming new fee sites. Anything that is a nominal fee increase of less than or equal to 20 percent and less than \$5, the RAC would be satisfied with seeing a summary of those particular actions. This proposal would be with the understanding that it can be amended. Joni will do an analysis to see if this would work and get back to Marilyn.

High Impact Recreation Areas (See attachment 1)

Lake Como (See attachment 2)

Topics for September 5 Meeting

- Comments on Butte FO RMP
- Project Outline for South Tobacco Roots project
- Speaker from State Office on Oil and Gas (Jim Albano)
- RRAC fee proposals
- Limestone Hills Legislative EIS
- Travel Management Update (Compliance)
- North Hills Shooting Area

Meeting Adjourned.

Dan Lucas, Council Chairperson

Date

High Impact Recreation Areas - Fact Sheet

Background

The Federal Lands Recreation Enhancement Act (REA) enables the Forest Service to charge fees for 'areas' as long as they have six 'amenities' (parking, toilet, trash, interpretive sign, picnic table and security services), provide significant opportunities for outdoor recreation, have substantial federal investments and fees can be efficiently collected.

In many cases, these 'areas' are actually single sites; however in some cases, they are true 'areas' which may cover multiple recreation sites.

The Forest Service's REA 'Interim Implementation Guidelines' issued April 2005 further refined the term 'area', calling them "High Impact Recreation Areas (HIRAs)". The guidelines add the following requirements to HIRAs:

- A. Clearly delineated contiguous area with specific tightly defined boundaries.
- B. Clearly defined access points.
- C. Concentrated recreation use and opportunities associated with natural or cultural features.
- D. Analyzed by the regional fee board, approved by the appropriate line officer, and reviewed by Recreation RACs.
- E. Typically have regionally or nationally recognized recreation resources, are located near high population areas and are marketed for their tourism values.

The Forest Service established HIRAs because:

1. They are areas where development is high and/or use is intense. Fee revenues are often used to provide health and safety measures.
2. People often use multiple sites within the area.
3. It is cost-prohibitive, unnecessary, and sometimes unsafe (as in the case of garbage cans in bear habitat) to provide the required six amenities at each and every site.

Why did you establish HIRAs? The term "HIRA" is simply a name given to further describe the word 'area' which is used in REA. No new fees were established by the agency's implementation of HIRAs. Across the nation, the implementation of HIRAs either enabled the agency to continue with already-established fees with no change, or resulted in shrinking recreation area boundaries where fees had already



been charged. In addition, some previous fee sites within HIRAs, such as overlooks, were removed from the fee program.

What considerations do you have in determining whether or not to have a HIRA? In addition to the criteria outlined above, considerations include such factors as:

- How does the HIRA fee enable the sites to be maintained to recreation standards, including health and safety?
- If there were no HIRA fee, would it result in requiring multiple fees for similar sites in the same geographic area?
- Will the forest need to consider closing sites without the HIRA fees? Will there be recreation or resource impacts to other areas if a site(s) is closed?
- What services and facilities may be affected?
- How do fees affect volunteer and partnership funding?
- Are there other alternatives or ways to mitigate concerns about HIRA fees?

Doesn't charging a fee for an area violate REA? No, the agency is allowed under statute to charge fees for an area, as long as REA criteria are met. The argument that HIRAs violate REA generally refers to two prohibitions in the Act:

- 1) The Forest Service cannot charge entrance fees; and
- 2) The Forest Service cannot charge solely for parking.

The agency is not violating the entrance fee prohibition because people do not need to pay a fee if they are simply driving through a HIRA. In addition, the "solely for parking" prohibition is not an issue in HIRAs. People using these areas are using the sites. Sometimes overcrowding is so intense, that people will park alongside roads rather in the designated parking lots, but they are still using the facilities and services at sites within the HIRA.

Has This Been Tested in Court? Yes. A woman was cited for parking in undesignated parking areas within a HIRA. She refused to pay the fine and the FS took her to court. She argued that the FS violated the REA by combining multiple recreation areas and charging a recreation fee for use of any of the combined areas. She also argued that even if the FS could combine recreation areas, the HIRA fee violates section 6802 (d) of the REA which forbids a recreation fee "solely for parking, undesignated parking, or picnicking along roads or trail sides."

The Forest Service claimed that the agency is allowed to combine areas under REA, and HIRA fees are not charged solely for parking but for the use of the amenities in the HIRA in combination with parking.



Known as the "Wallace Case", the Magistrate Judge **decided against** the Forest Service saying that (1) the FS could not charge a fee for undesignated parking and that (2) the signs declaring a fee area were contrary to the statutory prohibitions on fee-collecting for parking.

The Forest Service **appealed** and **won** in the District Court. This Court decided that REA allows that a standard amenity recreation fee may be charged for federal recreation lands that qualify as an "area," that "solely" applies to all the following words not just the first and that the signs were proper.

AREA

Issue is statutory interpretation of what constitutes an "area" and what limits are placed on recreation fees inside an "area."

1. FS interpretation of area is permissible under statute language.
2. FS can charge fees in areas that contain the required amenities.
3. FS decision to combine areas and charge by vehicle is an issue of administrative efficiency and practicality.

SOLELY

Issue is definition and meaning of the word solely in the FLREA, which forbids a recreation fee "solely for parking, undesignated parking, or picnicking along roads or trail sides."

1. It is grammatically permissible to link "solely" with "parking," "undesignated parking," and "picnicking."
2. FS interpretation does not conflict with Congressional intent behind the statute. The fee is not charged solely for parking but for the use of the area.
3. Linking "solely" with "designated parking" but not "undesignated parking" would create tremendous enforcement problems for the FS.
4. FLREA is not nullified if it is read to allow fees for parking in combination with amenities.

SIGNS

Issue is whether the road signs met the intent of FLREA.

1. The signs inform people that if they enter the HIRA and participate in any of the listed activities, e.g. roadside parking, they are availing themselves of the HIRA amenities and are, therefore, required to pay a recreation fee. The signs provide proper notice as required under the statute.

This case has now been published and is considered precedent setting.



RRAC NOTEBOOK

Recreation RAC Review. We are bringing these HIRAs before you to address any concerns or questions you may have and to ask for your ideas how we might improve or make these HIRAs better. Please let us know if we have missed any key considerations or could do a better job communicating what HIRAs are and why we developed HIRAs.





- Recreation Fee collected 95 out of 365 days
- Estimated 60,000 visitors a year
- Average number vehicles/day summer 300, high 650
- 200 designated developed day use parking sites, 35 overnight, designed for 840 People at one time
- 3.5 mile long lake, 980 acres

May/June/July

August/April

Delineated, contiguous area with boundaries and access points

Concentrated Recreation Use

60,000 visitors: boating, bike, fishing, stock, hike, reunions, weddings, picnic, overnight camp and cabin use

Opportunities for outdoor recreation associated with natural features

Water sports		Trails access
Canoe		Exercise – fitness
Jet ski		Picnic areas
Motor boat		Climbing rock
Water ski		Camping
Defined swim area		Biking
fishing		

Facilities at Lake Como

- Upper Como Tent Campground
- Lower Como RV Campground
- Rock Creek Horse Camp
- Paved Interpretative Trail (1/3 mile)
- Trail around Lake 8.5 mile
- Picnic Areas and parking
- Beach and parking
- Boat Launch and parking

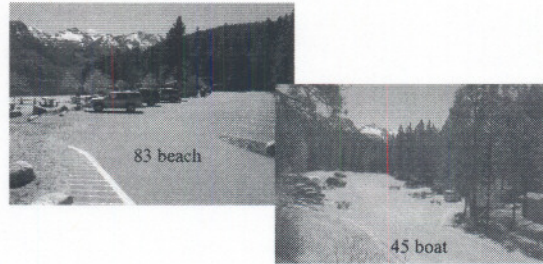
Investments during construction >\$2 million
Forest Service (BOR additional)

Investments since 1999 >\$45,500 CI + \$72,000 DM



Amenities

200 designated day parking spaces



Fee collection

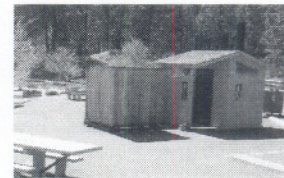


On site self service



Forest Service office
and Vendors sell passes

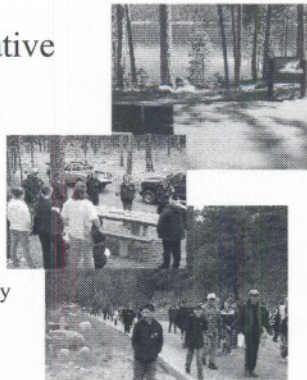
Toilets and Garbage



- 13 concrete outhouses, 1 wooden outhouse
- Pump outhouses 3 times a year
- Clean and refill toilet paper 2 times on weekends at the Beach
- 6 bear proof 1.5 Cubic yard containers

Interpretative

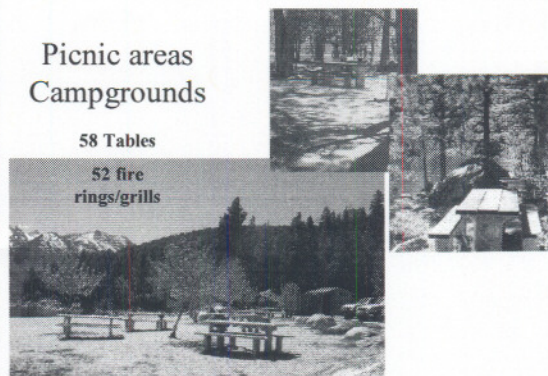
- 9 interpretative signs
- 6 information Kiosk
- 8 fee kiosk
- Conservation days – all valley 5th graders
- School trips
- Como Free Day – July 10th, 2007



Picnic areas Campgrounds

58 Tables

52 fire
rings/grills



Regular Patrol – sense of security

- Campground Host
- Forest Service Law enforcement
- Forest Protection Officers
- Ravalli County Sheriff – coop agreement
- Montana Fish & Game wardens
- Highway Patrol



Expenditures

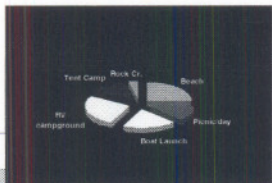
Operation and Maintenance
\$75,000 average per year – approximately \$675,000 since 1997

- Pump outhouses \$3,000
- Garbage service \$4,000
- Campground host \$2,500
- Bank Contract \$2,000
- Summer help 3 students – 7 days week (90 fee days) - \$15,000
- Personnel – (75 days) \$15,000 management of Lake
- Supplies (960 rolls toilet paper \$850) - \$6,000
- Road maintenance – (recipng \$480) \$4,000
- Facility maintenance - \$5,000-\$30,000
- Water system testing and maintenance \$3,000
- Vehicles, phones, radios - \$6,000

Identified Deferred maintenance needs = \$75,600
Identified Capital Improvement needs = \$230,000

Collections

- 1997 to present = \$341,200
- Average (2001-2006) per year = \$35,600



Summary

- 440 acres of 1,600,000 acre Bitterroot Forest
- 1 of 15 day fees (concession, FS) in region
- 9 recreation sites within ½ mile of each other
- One main road in/out
- Visitors use multiple sites each visit
- Vehicle parking is number one Safety Issue

Public scoping

- Local support
- News article fall/winter 2006
- On site posting January 2007
- Presentation to
 - Bitterroot RCD
 - Bitterroot Back Country Horsemen
 - Open House – Bitterroot National Forest
 - Title VI RAC
- Friends of the Bitterroot newsletter
- Congressional and County Commissioner contacts

Improvements

- Cap wells at Boat Launch and Upper Como site
- Extend horse camp parking (stock trailer sites)
- Erosion control Rip Rap at Picnic area
- 5 new tables and fire grills
- Stairs at beach
- new 32 spot parking at beach
- new 4-6 spot parking for Rock Creek Trail #580
- Bouy and swim line rope
- Boat for Lake Como
- Replace Woods Cabin outhouse
- Fix liners Beach outhouses
- Woods cabin foundation work
- Replace deck at Woods Cabin
- Welcome to Lake Como sign
- Generator Host
- Phone to Upper Campground Host
- Pressure tank and water system repairs
- Fee Boxes
- Transport equipment, place rock for site protection
- New Kiosk below ditch on main road

Forest Service 12/2008 existing day use fees Northern Region

Project	Agency	Site Name	Site Number	Site Type	Category	Open	Daily Fee	2007 Proposed Fee	Funding		Comments
									Available	Not Available	
Forest	BAC	Woods Cabin	60100	Day Use	Open	\$4.00	\$4.00				
Forest	Central Montana	Boat Launch Day Use	40100	Day Use	Open	\$4.00	\$4.00				
Forest	Central Montana	Rock Creek Full Day	40100	Day Use	Open	\$12.00	\$12.00				
Forest	Central Montana	Upper Como Day Use	40100	Day Use	Open	\$4.00	\$4.00				
Forest	Central Montana	Lower Como Day Use	40100	Day Use	Open	\$4.00	\$4.00				
Forest	Central Montana	Rock Creek Day Use	40100	Day Use	Open	\$4.00	\$4.00				Comments: Update signage
Forest	Central Montana	Chickadee Day Use	40100	Day Use	Open	\$4.00	\$4.00				
Forest	Central Montana	Upper Como	40100	Day Use	Open	\$4.00	\$4.00				Area at park for boat launch
Forest	Central Montana	Kaiparowits River Launch	40100	Day Use	Open	\$4.00	\$4.00				Area at park for boat launch
Forest	Central Montana	Upper Como	40100	Day Use	Open	\$4.00	\$4.00				Area at park for boat launch
Forest	Central Montana	Upper Como	40100	Day Use	Open	\$4.00	\$4.00				Area at park for boat launch
Forest	Central Montana	Upper Como	40100	Day Use	Open	\$4.00	\$4.00				Area at park for boat launch
Forest	Central Montana	Upper Como	40100	Day Use	Open	\$4.00	\$4.00				Area at park for boat launch
Forest	Central Montana	Upper Como	40100	Day Use	Open	\$4.00	\$4.00				Area at park for boat launch
Forest	Central Montana	Upper Como	40100	Day Use	Open	\$4.00	\$4.00				Area at park for boat launch

**RAC Meeting Minutes for September 5, 2007
Dillon, Montana**

RAC Members Present: Jack Kirkley, Mitzi Rossillon, Pat Flowers, Nate Finch, Ben Deeble, Garry Williams, Dan Lucas, David Schulz, Joyceann Thompson, Dick Young, and Robin Cunningham.

RAC Members Absent: Corby Andersen, Francis Auld, Steve Flynn, Dennis Phillippi

BLM Staff Present: Tim Bozorth, Nancy Anderson, Rick Hotaling, Jim Albano, Marilyn Krause

The meeting was called to order by Dan Lucas, RAC chairperson. Administrative details were taken care of and the Field Managers handed out their updates for discussion later.

Butte RMP: Rick announced that the comment period closes on September 6 but that Butte had received a verbal and written request for a 30-day extension for additional review and comment. [**Note:** Later in the day, Rick announced that the State Office had granted a 30 day extension and the new comment deadline is October 9, 2007]

Rick reported that BLM had a decent turnout at the public meetings and that comments were generally good and more specific. Several of the comments are related to travel management which is consistent with other plans. With the extension, BLM expects to have a final plan by June/July 2008 followed by a 60 day protest period and a Record of Decision. Butte wants to complete the plan by the end of September, 2008.

Dan wondered if the RAC would have opportunity to look at the summary of comments at the next RAC meeting on November 28 in Butte. BLM can provide a summary of public comments but we will not have responses completed by then.

Rick said that more people requested CD's rather than hard copies of the plan and that, overall, there were fewer public comments that expected.

Dick asked how BLM handled travel management for the Scratchgravel Hills since that working group didn't reach consensus. Rick reported that the preferred alternative calls for one route through the Scratchgravel Hills to be open all year from dawn to dusk to curb illegal activities. Most of the spur roads branching from the main road would be closed.

Garry W. reported that DNRC needs keys to BLM's gates for fire suppression activities. Rick said most of BLM's gates are by combination but he would make sure DNRC would have the access they needed.

Limestone Hills Withdrawal LEIS: The legislative EIS is out for public review with a closing date of October 17. Two public meetings were held – one each in Helena and Townsend. Helena had a poor turnout but 20-30 people attended the Townsend meeting. Most of the comments and questions related to how the legislative process will work for a planning document and the issue of Broadwater County losing PILT payments once the land is withdrawn by the Department of Defense (DoD). Broadwater Co. has asked for a \$1 million payment for loss of PILT to be set up in an escrow account to remedy their loss over 20 years. The payment is included in the EIS as a proposed action.

Rick reported that a second document will be developed that will include verbatim comments from the public meetings and the agency response. BLM will submit a recommendation report through BLM and the Department of Interior; then, legislation will be

written in Washington with input from Montana's congressional delegation. It is expected that the congressional delegation will work closely with BLM, the National Guard Bureau and the public as the legislation is drafted.

Mitzi asked about the relationship of Graymont's mine expansion to the Limestone Hills withdrawal. Rick said the current agreement between the National Guard and Graymont which states that the Guard will clear proposed mining areas of unexploded ordnance (UXO) prior to mining operations will continue. There are some claims that are not compatible with Guard activities and future actions by Congress may include a buyout of some claims or a validity exam of some of the claims to see if they are viable.

Mitzi asked if more claims could be filed and Rick said the area is "segregated" which means it is not available for future mineral entry. Graymont is a very active participant in the EIS planning process.

Nate asked about other resource users such as grazing permittees. Rick said that three grazing allotments are affected by the withdrawal along with a variety of recreation uses. BLM proposed that grazing permittees would have the same rights and privileges they currently have under BLM management, only with a 20-year permit instead of 10. The impact area is grazed when training is not in progress and, to Rick's knowledge, there have been no animals killed or hurt. It was noted that military training and grazing have coexisted in the area since the 1950's.

Ownership of the land stays with BLM but the jurisdiction falls to the Department of Defense who leases the area to the National Guard for management under the Sikes Act. Under the proposal, DoD will be responsible for grazing management with assistance from a "grazing advisory group" made up of local individuals. BLM's Standards for Rangeland Health and Guidelines for Grazing Management do not apply if the land is withdrawn but DoD has vegetation standards for their facilities. BLM would retain responsibility for minerals management.

Jack wondered about liability. It falls under the purview of the DoD. Dan asked what influence the RAC would have with this planning process. Congress has decision authority but BLM and DOI would look strongly at any RAC recommendation. Garry asked about fire protection which would become the responsibility of the Guard.

Mitzi asked if recreation use was still allowed if it doesn't conflict with Guard activities. Recreation use is only excluded from the impact area and the UXO contamination area, approximately 5000 acres.

Dan asked the RAC if they wanted to submit comments. Dan suggested that BLM's Standards and Guidelines be used to manage the rangelands for consistency. Rick mentioned that one of the alternatives allows BLM to manage all uses outside of the UXO area. Dan asked if BLM thought that the DoD would be receptive to using BLM's S&G's. Rick said that our S&Gs are outside the norm for DoD managed facilities. The RAC decided that comments to the congressional delegation in the future may be more useful than comments on the current draft.

South Tobacco Roots: Aly Piwowar, forester from the Dillon Field Office used a power point presentation (copy attached) to share information on the project area. The area consists of 33K acres, 30 grazing allotments and focuses on vegetation management. The area was assessed in 2006 by a number of BLM specialists and they noted declining forest health, noxious weeds, conifer encroachment into grasslands and riparian areas due to fire exclusion, epidemic levels of spruce budworm that resulted in 80% tree mortality in some areas, and increasing levels of mountain pine beetle, Douglas-fir beetle and white pine blister rust.

The environmental assessment analyzed issues such as forest health, fuel loading in the wildland-urban interface, aspen regeneration, and protection of private property and cultural/historic sites such as Virginia City. The plan calls for treatment of several hundred acres

of vegetation treatment (burning or mechanical), treatment of juniper in riparian areas with fisheries streams the highest priority, and 4000 acres of commercial timber harvest. Aly mentioned that road building and stream crossings would be kept to a minimum and that roads would be closed once the project was complete.

Ben said that cheat grass is a problem in the South Tobacco Roots and that burning causes it to spread. Aly said that BLM had dropped some areas that needed burning because of the cheat grass. Dan commented that cheat grass is a fall germinating annual that is not classified as a noxious weed. Granite County is going to try some fall spraying and he will let us know what kind of success they have.

Garry asked about coordination with DNRC and if any areas of State land were identified for treatment. Aly said BLM coordinated with DNRC and that the State has already done some treatment on their land.

Dan asked about monitoring for instream flow pre and post treatment. Aly said BLM was pursuing monitoring and will not have a lot of pretreatment data but even a year of two of data is helpful.

Dave mentioned that the FS has proposed a stewardship project in the same general area but, because of appeals, it hasn't been implemented. He said there were some WUI areas in the Mill Creek area near Sheridan where the FS has been thinning.

Dick asked about the 14 miles of temporary roads and how they would be closed after the project is completed. Aly said the BLM would close the roads with Kelly humps and slash. That would keep the roads there for emergency or future use, but make them impassable in the short term. She said BLM recommended helicopter logging in sensitive areas. Helicopters are much more expensive to use and usually not available during fire season but that all BLM's helicopter timber sales have sold.

Dan asked if BLM looked at other equipment that may be used. Aly said BLM left the options open.

Plaque presentations: Tim presented Ben Deeble, Pat Flowers and Garry Williams with commemorative plaques for the service to the RAC.

Forest Service Fee Proposals: Joni Packard wanted to have a bundle of fee proposals to present to the RAC but fire season got in the way. Today she only has one fee proposal (Maxey Cabin on the Gallatin NF) for the RAC to consider.

For November's meeting, Joni will try to have a pre-work package to the RAC by early November. The FS is looking for price consistency across forests, looking at comparable amenities and settings and looking at local facilities for price comparisons.

Joni reviewed the score sheet used by the FS to develop a rating or "points" compared to private sector cabins and campgrounds. She looked at Montana and northern Idaho to determine a fee range. The Maxey cabin rated in the mid-index range and the FS proposed a fee of \$40/night. Maxey cabin is located in the popular Hyalite Canyon south of Bozeman and the FS anticipates that it will be a high use cabin. The cabin and land were donated by the Maxey family, built in 1912 and the FS has replaced the roof, floor, siding and added an accessible toilet facility. It has a deferred maintenance cost of \$14K and the FS estimates it will generate about \$11K in revenue. The cabin has been free-use for the last six months while the Federal Register time frame was being met. The notice was published March 19 with no public comments. The press release generated minimal public comment. The FS plans to put the cabin on the national reservation system by mid-October.

Joni asked if the template format for fee proposals works for the RAC to review. The consensus was that it did. Dan asked about scoring on the summary sheet noting that cabins don't have an amenity requirement for fees like the campgrounds.

Jack asked if Maxey was comparable to other FS sites. Joni said she expects some of the other cabins to come in with higher fee proposals. Ben asked about the cabin receipts. 95% stays with the Gallatin NF and 5% to a regional account to plug into other facilities.

Pat asked if the FS considered occupancy rate when setting fees – noting that if the Maxey cabin is very popular, the deferred maintenance may be made up in one year. Joni explained that the FS uses an average figure of \$9.60 per PAOT (person at one time) when figuring costs across the Forests and that the Maxey cabin would be in that range. She also noted that the FS can ask for a fee decrease if the cabin generates too much money. The FS doesn't want to undercut private businesses and they want to consider local economic conditions.

Joyce asked what the deferred maintenance backlog was for the Gallatin NF. Joni doesn't have a total figure, but mentioned that if Maxey generated more money than expected, the excess could be used for other cabins on the Gallatin to make them more desirable.

Dave asked if the money can be used for road maintenance such as bridges and stream crossings. Joni said that specific roads that access recreation areas may be eligible to receive some revenue – road plowing in winter would be an example.

Dick moved and David seconded to approve the Maxey Cabin as a fee site at \$40/night. It was approved unanimously by the RAC.

The RAC discussed the minor fee increase proposal from the last meeting and Joni suggested an increase structure tied to the Consumer Price Index (CPI) rather than a percentage figure. She said the last 10 years showed an inflation rate of about 30% or 3% a year. The Office of Management and Budget (OMB) suggests a rate review every two years. Joni stated that once a price is set, that increases are made based on CPI without RAC review, but the RAC would receive a summary. Also, using the CPI would be a small, justifiable increase. If a Forest needed to ask for a larger increase, then that request would be made separately noting higher maintenance costs or upgrades.

Dick asked about interagency passes and the effect on agency revenue. Joni said that interagency passes are honored on a case by case basis depending on permit or prospectus with concessionaire; agencies haven't quantified loss of revenue due to passes.

Garry moved that rate increases below a 3% average annual increase would be exempt from RAC review and approval. Joyce seconded the motion and it was approved by the RAC.

Public Comments: Michael Gibson from Trout Unlimited addressed the RAC concerning oil and gas development. TU is not against development but they are concerned about the process and felt their only option to have a voice in the process (outside of commenting on Resource Management Plans) is to protest the lease sales. New information coming from Wyoming indicates more affects to sage grouse and mule deer than previously expected. TU is asking for more collaboration up front so they don't need to protest leases. Robin felt the question at hand is how do RAC members get involved earlier? Jack asked if it was within the RAC's ability to have a preview of upcoming leases.

Tim commented that the time to get involved is at the RMP level where decisions are made on areas open/closed to leasing and stipulations are applied to those areas.

Lunch Break

Oil and Gas Leasing – Jim Albano, Montana State Office

See power point, attached.

Tim said that 19K acres were leased this year in the Dillon FO dating back many years waiting for completion of the Dillon RMP. There are no new nominations pending and no applications for permit to drill. A display map showed the 3 mile limitation near sage grouse leks with timing restrictions.

Albano mentioned that issues arise related to split estate where private surface overlays federally owned minerals. It was noted that BLM started making leasing decisions as part of the RMP since we were previously criticized for not considering cumulative impacts when leasing decisions were made in a separate document.

A question was raised on off-site mitigation – where does it happen? As an incentive for companies to get the well spacing they need, a company may try to do off-site mitigation to make up for the habitat lost in well development.

In response to a question on bonding regulations pertaining to oil and gas development, Albano mentioned a \$10K bond for an individual or a \$25K bond statewide. The bond has increased for operators over the years – e.g. a large operator selling to a smaller operation with larger liability.

Dick asked how coal bed methane regulations differed from traditional oil and gas. The regulations are basically the same with additional regulations in place for CBM development. The State of Montana (DEQ) has primary responsibility for water quality issues.

Ben asked if there were any concerns voiced from split estate surface owners in Beaverhead County. Tim said no.

Ben mentioned new data that shows a decline in mule deer in high development areas. Tim said BLM was criticized for estimating two producing wells over 15 years – some felt that was optimistic. Ben wondered about options for BLM to add new stipulations if needed. Tim said that if the stipulations affect resource allocation, then BLM would need an amendment to the RMP. If new leks were found, then BLM just applies the current stipulations to the new sites.

Tim said that to amend the RMP is a time consuming process and that the Dillon RMP is only a year old. The reasonable foreseeable development (RFD) in Dillon’s plan predicts two producing wells and associated disturbance (500 acres total) over the plan life. If the number of wells/acres is significantly different, then additional development needs to be analyzed.

Pat asked what constitutes enough of a change to the Statewide Sage Grouse Conservation Strategy to prompt a change to BLM stipulations. Tim said that was probably a question for BLM’s solicitor. Rather than change every plan; BLM may choose to complete a statewide programmatic EIS/EA to bring all plans up to date.

Dan asked if companies are leasing parcels to actually explore. Companies often lease acres to borrow money against or show leased acres to possible investors. Tim mentioned that possible oil and gas bearing formations in the Dillon area are very deep (15,000’) and the cost to drill is significant compared to a CBM well that is often only 200-300’ deep. Also, the pipeline infrastructure is not available in this area.

Wrap-up: The next RAC meeting is November 28 in Butte (BLM Conference Room) starting at 9 a.m. Meeting topics will be:

- Travel Management Compliance – a status report from the zones on compliance, enforcement, problem areas and possible solutions.
- Presentation on hard rock leasing
- Energy corridor and powerline proposals
- North Hills shooting area

- FS fee proposals (90 min.)
- Fire suppression budgeting & resource management impacts.

Chairperson Dan Lucas adjourned the meeting at 3 p.m.

Dan Lucas, Chair Date:

See attachments for field manager updates and power point presentations.

Attachment 1:

Missoula Field Office – September 5, 2007:

Personnel: We will be advertising for a career seasonal weed technician. This employee will be responsible for our Integrated Weed Program. We have recently hired a career seasonal recreation technician whose primary duties will involve interpretation at Garnet ghost town.

We have been under Stage II Fire Restrictions since July 23, 2007. The two large incidents which affected our office were the Mile Marker 124 fire and the Sawmill Gulch Complex. While we don't have the final numbers yet, BLM acreage burned is a small component of both fires.

We are continuing to work on a watershed assessment in Rock Creek. The assessment will cover 11,700 acres of public land. The majority of the assessment has been completed.

We will review proposals for our Garnet Stewardship project next week. The project will treat approximately 300 acres around Garnet and Coloma.

We are continuing to work on the Rumsey Road right-of-way request from Granite County. The proposed road would access the back side of Discovery Ski Basin. We held a public meeting in Philipsburg area on July 18, 2007. We're currently reviewing comments which were received on the Environmental Assessment.

The Blackfoot Youth Field Day will be held in Garnet this year on September 12, 2007. The event brings together over 100 students and teachers from schools in the Blackfoot Watershed.

We will be doing a Public Lands Day project, the Chamberlain Creek Elk Study Fence Removal, on September 29, 2007. The fence was constructed in 1971 as part of a study to determine the influence of forest management actions on elk. The project will remove approximately 2.5 miles of old fence line.

The EA for our Garnet salvage project should be out shortly. Approximately 1/3 of the 4,100 acre contract area will be treated.

We are working with the Valley Fire District in Granite County to lease a parcel of land to them to use as a site for a fire station near Maxville (under the Recreation and Public Purposes Act). If there are no objections, the lease should be issued in October.

We have completed our lynx habitat mapping project in the Garnets and Seeley Lake area for the season. This is a joint project with the Forest Service.

Dillon Field Office Update – September 5, 2007

Travel Management Implementation

The Dillon Field Office began implementing the travel management decisions made in the Dillon RMP approved in February 2006 by signing routes designated open to motorized wheeled travel. Approximately 80% of the designated open routes have been signed and “portal signs” have been changed to inform the public of the new designations at most of the entry points to larger blocks of public lands where the signing has been completed. As part of this effort, we have also identified locations when entering or leaving public lands.

We have documented (GPS) the locations of each signpost location, the information or symbol marked on the signs, locations of the portal signs, and any access or resource -related issues associated with the designated routes (with photos). We have coordinated this signing effort with the DNRC, recently receiving their concurrence on the designations of routes crossing State Lands that are integral to the designated route system on BLM lands. We have provided designated route signing across State Lands where they are surrounded by BLM lands to ensure public awareness of those designated routes on State Land as well.

Continental Divide Trail

We completed the Environmental Assessment for the relocation of the CDT in the Hell Roaring Creek area in the Centennial Mountains. This EA was completed cooperatively with the Targhee National Forest in Idaho to resolve some longstanding issues associated with the location of the CDT in the Blair Lake to Keg Springs area as well as relocating the trail within the Hell Roaring drainage to avoid the need for multiple projects to address resource issues on the originally designated route.

Over the course of this summer almost 1 mile of the trail now designated for use as the CDT was reconstructed to improve trail grades and reduce erosion. This is possible through the contribution of almost 400 hours of volunteer labor, 3 weeks of Montana Conservation Corps work and assistance from the Continental Divide Trail Association staff. The Targhee National Forest is in the process of completing a new segment from the Keg Springs Road in Idaho that will meet up with the BLM Dillon Field Office’s work to avoid some poorly located trail around Blair Lake.

Watershed Assessments and Implementation

- Congress has directed the BLM to fully process all Term Grazing Permit Renewals by 2009. Fully processed means that the allotment has been assessed for land health and NEPA documentation has been completed.
- The Dillon Field Office is continuing to complete this work through program integrated Watershed Land Health Assessments. Programs included in the Watershed based land health assessments are Range, Weeds, Wildlife, Fisheries, Fuels, Forestry, SWA, Wilderness, Recreation and Cultural.
- We have now completed land health assessments on 810,741 acres and have 90,485 acres remaining in the DFO. The completed acreage includes the Beaverhead West and Red Rock Watersheds, which we will be working on NEPA documentation this winter.

- During the 2007 field season, we completed Field Assessments for Beaverhead West (86,204 acres; 50 allotments) and Red Rock (55,582 acres, 24 allotments) Watersheds. The Watershed Assessment Reports are being prepared and will be sent out to the public by December.
- We also completed the Watershed Level Environmental Assessments (NEPA documentation) and Decisions for Blacktail and South Tobacco Roots Watersheds during 2007. The Decisions for both of these watersheds are now final. The Blacktail Watershed included 63,261 acres and 20 allotments. The South Tobacco Roots Watershed included 33,629 acres and 30 allotments. Over 5,500 acres of forest health, conifer expansion and hazardous fuels treatments and over 17 miles of riparian juniper treatments are included in the South Tobacco Roots Decision.
- Quantitative monitoring data was gathered this field season from two of the three watershed assessments planned for 2008. The watersheds scheduled to be assessed in 2008 include East Bench (20,200 acres, 13 allotments); Rochester Basin (28,537 acres, 20 allotments) and East Pioneers (25,594 acres, 17 allotments).
- We are continuing to implement Watershed Plans in the Medicine Lodge, East Grasshopper, Upper Horse Prairie, SW Highlands, Middle Ruby, Centennial, Big Sheep Creek, and Sage Creek Watersheds and have started to implement the plans for South Tobacco Roots and Blacktail Watersheds. A list showing the 2007 project accomplishments by watershed is attached.

2007 Watershed Plan Implementation Accomplishments Dillon Field Office

East Grasshopper

- Marked timber sale unit in Shale Creek (approx. 230 acres)
- West Fork Dyce Creek Fence completed
- Dyce Creek brook trout removal project continues
- Westslope cutthroat trout genetic samples collected from East Fork Dyce Creek.
- Bon Accord Wildlife Guzzler completed
- Horse Mountain Spring – plan to install winterized trough this fall
- Puddles Spring – plan to relocate troughs and enclose spring this fall

Medicine Lodge

- Morrison Creek Fence completed
- Deer Canyon Fence completed
- Westslope cutthroat trout genetic samples collected from Craver Creek.

Upper Horse Prairie

- Roberts Gulch Cattle guard installed
- Roberts Gulch Division Fence completed
- Everson Creek Fish Barrier planned for September (contract). Brook trout removal will begin once barrier is installed.
- Shannon Creek Water Gap Fence completed
- Nip & Tuck Division Fence completed
- Trapper Creek Drift Fence completed

- Grimes Creek Riparian Exclosure completed
- Alkali Flat Spring development planned for September
- Upper Horse Prairie Stewardship Contract (25 acres completed; local contractor performed mechanical fuel augmentation using skidsteer-mounted cutting shears to cut trees.
- If weather conditions allow and fire resources become available, we are planning to burn 200 acres between the South Fork of Everson Creek and Black Canyon. May also do some mechanical fuel augmentation (saw work) in the same area this fall.

Southwest Highlands

- Soap Gulch Riparian Exclosure completed
- Old Glory Spring Exclosure completed
- Soapy Spring Exclosure completed
- Box Spring Exclosure expansion completed
- Old Glory Fence Extension completed
- Approximately 800 acres of prescribed fire completed in Camp Creek area (burn targeted conifer expansion)
- Approximately 500 acres of mechanical fuel augmentation completed in preparation for future prescribed burning in same area.
- Gooseberry Spring development planned for this fall
- Box Spring pipeline planned for this fall
- Nez Perce pipeline extension planned for this fall

Middle Rubies

- Completed approximately 200 acres of prescribed burning near Laurin Canyon. This was a hazardous fuel reduction project near the wildland-urban interface.
- Completed Barton Gulch Timber Sale (196 acres).

Centennial

- Contract awarded on Price Creek (925 acres) and Bean Creek (221 acres) Timber Sales.
- Marked timber sale unit at N1 (85 acres)
- Middle Spring Exclosure completed
- Price Peet Spring Exclosure completed
- Brundage Spring Exclosure and trough completed
- Contractor is starting on Brundage Bridge Riparian Pasture Fence
- Contractor is starting on Passmore Riparian Pasture Fence
- Brundage Bridge Hardened Water gap completed
- Metzel Creek Pipeline completed
- Bear Awareness signs installed. (Grizzly bear Mgt.)
- Tree Frog Spring (additional spring head box installed).
- Sage Grouse telemetry project continues
- Sand Dunes prescribed fire planned for this fall for sensitive plant management.

Big Sheep Creek

- Elk Track Spring Exclosure completed
- Kelner Spring Exclosure completed
- Rock Creek Wetland Fence completed

- Muddy Creek corridor fence completed
- Rock Canyon Spring Exclosure completed
- Rock Canyon Meadow Fence completed
- Carr Wetland Fence and pipeline completed
- Deadwood Campground Fence completed
- Patterson Spring development completed
- Big Sheep Creek cattle guard installed
- Big Sheep Creek cattle guard fence completed
- Island Butte Spring development planned for September
- Porcupine pipeline planned for September
- Caboose Canyon Fence Removal completed
- RP County Road Fence modified to meet wildlife specifications

Sage Creek

- Established baseline monitoring transects as per the Monitoring Plan in the Sage Creek EA (upland, riparian, wildlife habitat and sensitive plant monitoring).
- Stanford Fence completed
- Big Spring cattle guard installed
- Big Spring division fence completed
- Big Spring Well completed
- Big Spring South Well completed
- Bog Hole Spring Exclosure completed
- Saddle Spring Exclosure and spring development planned for September
- North Spring reconstruction planned for September
- Sage grouse telemetry project continues
- Sage Creek Fence modification contract advertised; will be completed this fall. Several miles of fence will be modified to meet wildlife specifications.

South Tobacco Roots

- Obtained weed management funding from Abandoned Mine Lands funding to treat weeds along dredged streams and old mine sites.
- Term Grazing Permits being renewed with revised Terms and Conditions
- Marking in timber sale units will commence this fall.

Blacktail

- Term Grazing permits being renewed with revised Terms and Conditions
- Six wildlife escape ramps installed in water troughs.
- Two dysfunctional fences removed near Sweetwater Creek (wildlife hazards removed)
- Bear Awareness signs installed
- Big game storage poles will be installed in East Fork Campground this fall (Grizzly Bear Management)

Beaverhead West

- Westslope cutthroat trout genetic samples collected from Mauer Creek.

Butte Field Office, RAC Update - September 5, 2007

- Butte Resource Management Plan (RMP): The comment period closes September 6, 2007. We have received a request to extend the comment period for 30 days and that request is being considered. If approved, the new comment period would end October 9, 2007. The final RMP would be published in July 2008.
- Graymont Mine: The life of mine expansion to the south is proposed. The expansion is proposed into an area of unexploded ordnance (UXO) near the National Guard training area. The Notice of Intent for the NEPA document has been published in the Federal Register and scoping meetings were held in Helena and Townsend.
- Legislative EIS for the Limestone Hills National Guard Withdrawal: The draft LEIS is available to the public and meetings were held in Helena and Townsend.
- Causeway Exchange with PPL Montana: This action would exchange landlocked BLM land with some land with a private landowner to improve public access in the Hauser Lake area. The feasibility report has been approved and the ID team is starting work on the EA.
- The bighorn sheep habitat improvement project near the Graymont Mine will be completed next year. We were able to complete the burning this spring. The final mechanical treatments will be completed prior to hunting season. Weed treatments have been provided for in our agreement with Broadwater County.
- Golden Sunlight Mine: BLM continues to coordinate with MT DEQ to facilitate the completion of the SEIS. Release of the Final SEIS and ROD has been completed by DEQ; however, the BLM ROD will not be released until the end of September.
- Clancy ROW: A Right of Way request has been filed for the Sheep Mountain Road in the Clancy travel management area to access a private subdivision development. The subdivision development would utilize the Sheep Mountain Road and a segment of new road construction would be needed to connect the Sheep Mountain Road to the proposed subdivision. This subdivision is proposed for 20 homes on four private mine sites surrounded by BLM. The subdivision would be located near one access point for OHV trails in the area and an access point for rock climbers. Public scoping has been completed with numerous comments on the proposal. A large number of comments have requested a public meeting on the project. A public meeting was held in June. Over 70 individuals attended and provided comments. A final decision is anticipated by the end of September.
- Golden Sunlight Mine Wind Farm: We have received a proposal from Wind Hunter to install a 50 Mw wind generated facility on the west waste rock dump for GSM. The facility would be approximately 30 – 50 wind turbines, with the majority on BLM. Since this is a cost recovery project, we are currently waiting for Wind Hunter to agree to the costs and provide the initial funding.
- The Iron Mask Ranch Acquisition: Final funding for the acquisition was approved in the current budget. We closed on the property in July. This area is important winter wildlife habitat.
- Montana Tunnels Mine: Montana Tunnels mine near Jefferson City is proposing a life of mine expansion. The expansion would divert a portion of Clancy Creek around the mine. Upon abandonment, this portion of Clancy Creek would be diverted into the mine to create a pit lake. It is expected to take 100 years to fill the pit. An EIS is being

developed for this project, with the Montana DEQ taking the lead. We have received the first two chapters of the EIS for review.

- Rangeland Health Assessments: We conducted rangeland health assessments on 34 allotments this field season.
- Fish Two Heart Project: The Fish 2 Heart stewardship project was awarded to RY Lumber of Townsend. The project is a mix of fuels reduction, riparian restoration, and timber harvest in an area southeast of Butte. The project is scheduled as a multi-year project.
- WhiteSandy Recreation Area: The WhiteSandy recreation area was dedicated on May 24 and the area open to the public on May 25. Due to the new regulations regarding recreation fees, the BLM was not able to meet the timeframes required to charge a fee (published in the Federal Register 180 days prior to the collecting fees). This will result in the area being free to the public for this summer. Fee collection will begin next year.
- North Hills Shooting Subgroup: We are having difficulties getting the subgroup to come together on a meeting date. We are continuing to work with the chair of the group to schedule the first meeting.

Western Montana RAC Meeting Notes
Butte Field Office
11/28/2007

RAC Members Present: Dan Lucas, Jack Kirkley, Sam Samson, Corby Anderson, Richard Young, Mack Long, David Schulz, Mitzi Rossillon, Robin Cunningham, Steve Flynn, Michael Gibson, Nate Finch, Dennis Phillippi

RAC Members Absent: Francis Auld and Joyceann Thompson

BLM Staff Present: Tim Bozorth, Nancy Anderson, Rick Hotaling, Marilyn Krause, Joan Gableman, Pat Zurcher, Mary Figarelle, Brad Rixford

Guests: Joni Packard (Forest Service - Regional Recreation RAC Coordinator and Fee Program Coordinator), Deb Mucklow (Flathead National Forest), Chuck Oliver (Bitterroot National Forest)

The meeting was called to order by Dan Lucas, RAC chairperson. Administrative details were taken care of and the Field Managers' updates were handed out. As there was no time for discussing Field Office updates during the meeting, RAC members were encouraged to email (to Dan Lucas or Marilyn Krause) any comments they may have on the updates.

Hard Rock Leasing – Mineral Development and Permitting Process on Federal Lands

Joan Gableman (Butte Field Office geologist) gave a power point presentation on mining (see power point presentation attachment). The goal of the presentation was to clarify the foundations of the mining law and its relationship to environmental laws. Joan began with a history of mining and mining laws. The first mining law was passed in 1865, establishing that mineral lands would be open to exploration for all citizens. The 1872 General Mining Law established a qualitative basis to judge the validity of a mining claim. It also established a progression of laws and management procedures to encourage people to find and develop resources, while providing revenue for the government (taxes on goods produced). There have been numerous changes and revisions to this law, the most recent in 2002.

Joan discussed the permitting process for mine claims, 3809 regulations (defines use levels), maintenance fees, mining taxes and bonding, state laws, and the fact that although the Mining Law is not an environmental law, it is subject to all environmental laws.

Steve asked: what are extralateral rights? Joan explained that a claim has a certain dimension on the surface and the extralateral right means you can follow the projection of that claim beneath the surface beyond the actual boundary of the claim. This was common in Butte and Joan mentioned a model in the Butte museum related to this issue. Dave asked if two people could have the same claim and Joan said that would have to be resolved in a court of law.

Sam requested a copy of Joan's power point presentation, which she said she would provide to RAC members.

There was discussion regarding what constitutes casual use. Sam asked how much disturbance a person can do before staking a mine claim. Joan said you don't actually need a claim to mine. The mine claim gives you rights to the minerals. For example, under casual use, a person can collect rock samples and use a gold pan. Mitzi asked if a person is required to inform with casual use and Joan said no. But casual use depends on the magnitude. A group of people gold panning would not constitute casual use.

Rick discussed notice levels. They can be denied, but it has to be based on something legitimate. Joan clarified that not all lands are open for mineral entry (areas not open would include wilderness areas, Indian reservations, wild & scenic rivers and acquired lands). Sam asked for a clarification on acquired lands. Rick explained that when the BLM acquires lands with the land & water conservation fund money (such as Iron Mask and McMaster's Ranch), those lands are not open to mineral entry unless the BLM makes them open.

Jack asked if you can still own the mineral rights, without owning the surface. Joan replied yes - you must patent it so you own the mineral rights, which is what a claim does. Joan clarified the difference between the terms "Patented Claim" and "Mining Claim".

- Patented "Claim" is land transferred competently into private ownership, not administered by government. It should be referred to as PATENTED LANDS.
- A "Mining Claim" is land staked for the mineral rights (claimant has "ownership" of minerals, not surface land). Individuals can only stake claims on lands open to mineral entry, which excludes withdrawn lands (National Park Lands, Indian Reservations, Wilderness Areas, etc.).

Jack clarified that people can build homes on a patented claim because it is private land. Joan responded yes - not occupying a claim applies to non-patented lands that are staked on federal lands. Rick clarified that with a patented claim, which is private ownership, the federal regulations do not apply. However, Joan stated that if you own a private, patented claim, you have to adhere to all state regulations, which include all the environmental regulations.

Dennis brought up the split estates situation. Joan clarified that the split estates is where the federal government still owns the minerals on private property. That is administered under the federal 3809. The claimant in that situation should first negotiate with the land owner, to set up some mutually beneficial agreement. Dick suggested that a private land owner can do what they want on their land, in regards to mining. Joan disagreed, pointing out that the state law administers those claims. Corby gave an example of a mine that is on unpatented claims, but the mill is on private land. Both are subject to all existing environmental regulations. Joan said that if anyone does extensive environmental damage, CERCLA will intervene, and the individual would pay for the damages done.

Dick raised the issue of bonding and said some environmental organizations feel the bonds are too low. Joan said that is no longer true; the bonds are currently quite expensive. Tim explained that the BLM has to annually report on where we are on our bonds and bond at 100% reclamation. Jack asked if there was a MT state law passed that said you don't have to reclaim to a certain standard. Joan said there is a state law, and that is the argument over Golden Sunlight. There are different parameters you have to reclaim to. There are some boundaries, but you don't have to fill the open pit.

Forest Service (FS) Recreation Fee Proposals:

Marilyn explained to new RAC members that in 2005 congress passed the Federal Lands Recreation Enhancement Act, which required the BLM and FS to get approval from a RAC group before implementing any new recreation fee proposals or increasing existing recreation fees. RAC members decided at the last meeting that fee increases that fell within the consumer price index would not have to come before the RAC group. Only fee proposals over the consumer price index will come before the RAC; which comes to about 3% a year.

Joni Packard introduced Chuck Oliver and Deb Mucklow. Joni explained there have been some technological problems with the pre-work 2-page template. She hopes to have that information out to RAC members before the next RAC meeting.

Chuck Oliver (Bitterroot National Forest – Darby Ranger District)

Proposal for Fee Increases at Lake Como Recreation Area:

The Lake Como Recreation Area is located in the Bitterroot Valley, NW of Darby, MT. Amenities at the site include a horse camp, RV and tent campsites, Woods Cabin, a picnic area, trailheads, a boat launch and a beach area. Lake Como has long been a destination for people all around western Montana. In the last few years, the use at Lake Como has increased dramatically. Last year, nearly 80,000 people visited the area. The increase in use has maxed out the capacity of the facilities and caused a budget issue for the Bitterroot NF. Chuck explained that the Darby District had an extensive public involvement effort prior to the proposal to raise fees. A scoping letter had wide distribution and the FS received four letters of support in response. A newspaper article appeared in the Ravalli Republic and the FS briefed various groups including the Bitterroot RC & D, Back Country Horsemen, and the Title II RAC (FS) which provided a letter of support. The FS held an open house and representatives of the Darby District briefed local service groups including the Rotarians and the Lions. They also briefed local government including the mayor and county commissioners. No negative comments were raised.

- The Darby Ranger District has proposed to increase the day use fees at Lake Como from \$2/vehicle per day (this fee has been in place since 1997) to \$5/vehicle per day and the season pass from \$20/vehicle to \$30/vehicle and \$5 for an extra vehicle.
- Fees are collected between Memorial Day and Labor Day only.
- The annual operating and maintenance costs for the Lake Como Recreation Area are approximately \$75,000/year at this time. The current revenue from the site is approximately \$41,000; predicted revenue with the fee increase would be approximately \$45,000.
- The FS has used Lake Como Recreation site fees to cap wells, extend the horse camp parking area, put in a new parking area for the beach, put some stairs in for the beach, installed new picnic tables, and constructed new parking lots for the beach area and for Rock Creek Trailhead.

Dennis asked: does the FS pay half of the fee and the campers pay the other half; is that a trend across the country or just in this case? Chuck said that is just in this case. Joni explained that the FS does not do 100% cost recovery at their facilities. For this region, about 40% of the cost is recovered by fees and 60% is covered with appropriations. Dennis asked what appropriations the FS gets. Joni responded that the FS gets NFRW recreation dollars. Chuck said it varies a lot by forest. On the Bitterroot, the big recreation draw is Lake Como. That uses up a lot of the recreation budget from the other camping areas. Joni pointed out there are over 1600 developed sites in the region. Of those, 476 sites are campgrounds with 208 of those fee campgrounds and 268 free

campgrounds. Typically the FS is charging fees where there is a higher level of amenities provided; where there is a higher taxpayer investment.

Dick asked if someone pays for a camp site, do they also have to pay the \$5 day use fee as well? Chuck said no – you pay per night for camping and that includes the day use. Dick asked if fee collectors are present at the campground. Chuck said there are people there, but they do not collect fees. Fees are collected in envelopes, on the honor system.

Dick asked if you can drive up the Little Rock Creek Road without paying a fee. Chuck said you can go through the Como Recreation site without paying a fee, to access the Rock Creek Trailhead or you can park in the Como Recreation area for a fee, where there are people monitoring the area.

Steve suggested that the projected dollar increase (from \$41,000 to 45,000) seems conservative. Chuck said that with the increase in fees, more people may purchase season passes and there may be more carpooling. And initially, there will be some people who decide they don't want to pay the increase in fees. Mack commented that the Como Recreation area sits in FWP region as well. The type of visitor going to Lake Como is a pretty high impact visitor, so he feels \$5/vehicle is a reasonable approach.

Dave moved to approve the proposal to increase the fees at Lake Como to \$5/vehicle per day and increase the cost of season passes to \$30 and \$5/extra vehicle. Dick seconded the motion and it was approved by the RAC.

Nate asked: if the projection is way off and the FS doubles their revenue, will that money be put toward this site? Chuck said the money would go to this site and if possible, some money would go to sites that are currently being neglected. But there is a huge backlog of things to get done at Lake Como. Dave asked how much of the funds will go towards compliance. Chuck said compliance has not been a major emphasis. Part of that money goes toward an agreement the FS has with the local sheriff's department. They provide a patrol on holiday weekends.

Deb Mucklow (Flathead National Forest – Spotted Bear Ranger District)
Proposal for 3 New Cabin Rental Sites:

Deb pointed out on a map the location of a number of existing Forest Service rental cabins. The Forest Service is proposing three additional rental cabins. There has been a lot of support for this proposal. The public is requesting that the FS keep the rent affordable.

The Silvertip Cabin is located up the Spotted Bear River Road and was built in 1965 as an administrative cabin. The National Smokejumpers Association has assisted with restoring the cabin. There is \$10,000 available for cabin restoration, to make the cabin compliant for rental. If a fee is not charged, the building will fall into disrepair and the public will lose a recreation opportunity. Groups in support of the cabin proposal include the Flathead County Commissioners, the local Back Country Horsemen, the local RAC, Bob Marshall Wilderness Foundation, MT Wilderness Association and the 3 local resorts under special use permit at Spotted Bear. During the scoping process, the public appeared to be excited about the new recreation opportunity. Most of the users (70-80%) will have horses or mules with them.

- Proposal is to rent the cabin for \$50.00/night.

- The cabin would be rented out when the road is open, during the months of July and August (July 4th and Labor Day weekends included).
- The cabin holds 8 people, with a limit of 4 days for camping.

Dan asked about noxious weed enforcement. Deb said there has been good compliance with using weed-free hay by users, and an aggressive weed program on the district by the FS.

Nate asked about the price range on this cabin. Deb referred to the rating on the sheet; the range for this one was \$45 - \$65/night.

Robin moved to accept the proposal and Steve seconded the motion. The proposal was voted on and approved by the RAC

The Swan Guard Station was the original ranger station for the Swan Ranger District. It is located at the south end of Swan Lake (right off the highway), with vehicle access to the cabin. It is still being renovated, so rental would start September 30, 2008 (reservations would start this summer). The building is eligible for the National Historic Register listing. There is extensive support for this proposal from the community of Swan Lake, and the Lake County Commissioners are supportive as well. The public has requested that the FS keep the rental affordable for local families. The occupancy rates in the Swan are not very high.

Someone asked if there is lake access from the cabin and Deb said you have to drive to the lake.

- The proposal is to rent the cabin for \$55/night.
- The cabin can hold 10-12 people.
- The cabin would be open year-round.

Dan moved to accept the proposal; Dave seconded the motion. The proposal was voted on and approved by the RAC.

The Old Condon Ranger Station is located between Swan and Seeley Lakes; one mile off the highway, accessible by a good dirt road. The cabin is in good shape.

- The proposal is to rent the cabin for \$65/night
- The cabin can hold approximately 10-12 people
- The cabin would be open year-round.

Dan asked if the predicted revenue will exceed the maintenance costs and if so, will the money be used for the backlog of maintenance at other sites. Deb said yes – it would be used to help out with Mission Look Out and a backlog on other cabin rentals or sites.

Dennis moved to accept the proposal; Dick seconded the motion. The proposal was voted on and approved by the RAC.

Mitzi requested that the FS come back 1-2 years from now to report to the RAC where these proposals got them in their projected revenue and their expected annual occupancy rate. Other RAC members agreed that would be a good idea. Deb said she might need two years for data on the Silvertip Cabin, but she could get data on the others in a year. Joni said she would give the RAC an annual report each fall.

Travel Management Compliance

Marilyn said the Eastern MT RAC has come up with a list of recommendations they want BLM to consider and they sent it to the new Director of the BLM, Jim Caswell. As this pertains to the Western Zone, Joyceann wanted to know from the field managers what type of travel management compliance issues are being experienced in the Western Zone, and if the suggestions from the Eastern RAC would apply to our end of the state as well.

Nancy said the Missoula BLM has a travel management plan in place. Most of the compliance concerns occur during hunting season. Otherwise the topography and vegetation prohibit a lot of off road use. There are a lot of gate closures during hunting season, and during those times the Law Enforcement (LE) and Park Rangers and FWP wardens do extra monitoring during hunting season. It's not a big issue for Missoula.

Sam asked if the BLM has any authorized game retrieval areas, and he asked how the group feels about retrieval. Nancy and Tim do not have retrieval areas. Rick said Butte does have game retrieval areas: (1) Radar Creek/Whiskey Gulch; Whitetail Pipestone (2) on the Big Hole River and (3) one that was just implemented in the Sleeping Giant area. Sam asked if it works. Rick said there has been a lot of pressure to have these areas. The hard part is enforcement – it is probably one of the worst compliance issues. Dennis asked if this is more of a state issue. Mack explained that it is a cooperative agreement that allows FWP to enforce OHV illegal use on federal lands during a hunting season. Jack asked what the protocol is for reporting illegal use. Mack said on federal lands it should be the federal enforcement agency, but because there are so few LE people, it goes to whoever is close and available. The sheriff's office often gets the first call. Dennis asked if trained volunteers could be empowered to help with enforcement. Rick said no; all BLM LE officers have to go through a rigorous training program. Mack said that street legal OHVs are required to have a sticker and a license plate. The stickers are now being made larger and therefore more visible, so a person can report those numbers.

Tim said yes, in Dillon there is a problem. The BLM closed 600 miles of roads in the travel management planning for the Dillon RMP, and have now signed 80% of the open designated routes on public land. So a lot of the work has been done, but enforcement is a big issue. In a lot of the Dillon area, the terrain and vegetation allows for going around things. Dillon BLM has one ranger covering over 900,000 acres. They work with FWP game wardens and with the forest service. Tim said that a letter to the director is not going to get the BLM another LE ranger position – the budget is just not there.

Dick thought that if enough RACs complained as a group about the lack of LE enforcement, perhaps it would have some value. He feels it makes a farce of an RMP and of setting regulations when those regulations can't be enforced. Nate pointed out there are law abiding people out there, who will abide by the signs once they are posted. Dick said the law abiding people are being punished by those who ignore the laws. Nate suggested that it would be impossible to patrol such a large area and an education program would be the best way to deal with the situation. Dick said a larger license plate would be very helpful.

Rick pointed out that in the Butte Field Office (BFO) there are a couple of high OHV use areas at Clancy and Whitetail Pipestone and in the North Hills. In the summer, the BFO hires summer seasonal trail rangers to patrol those areas and educate people. If they see illegal activity, they notify the BFO LE ranger. So there are ways to educate people aside from having a LE ranger

present. And we try to impress upon people that if these areas continue to be abused we can simply close the area, which is very easy to enforce. Writing a letter to the Director probably won't get us any additional rangers, but it serves a good purpose; keeping the law enforcement personnel we have currently. Right now our LE rangers can be sent to the large BLM dune areas in California and elsewhere for big events, so a letter might serve to let the director know this is an issue here and helps us to possibly keep the positions we currently have and the funding we receive for them.

Dick suggested that the jurisdiction is pretty diffused. Who do you call? Rick said the BLM uses TIP MT. Dave said there is a good relationship between the counties, state and federal agencies. Rick's point is well taken. If the user groups don't do a better job of self managing and educating others, the problems will continue and roads could be closed.

Marilyn asked if the group wants to address this locally or if they want to suggest it as a topic of consideration for the statewide meeting. Dennis suggested it should go to the state meeting. Dan said that in the Eastern RAC letter, there are only 2 alternatives: (1) reallocate existing levels of funding and shift resources from some resources to law enforcement or (2) go to congress and say we need additional funding for enforcement and that is probably not realistic. If BLM was given a "pot of money" is law enforcement where the money would be used? Rick said some would probably go into law enforcement but the money would be divided up. Education is another component of this. Nate suggested that if the penalty were severe enough, maybe people would pay attention and perhaps the BLM could fund some of the enforcement through the penalty. He asked about the process for changing fines. Rick said the fines are set in regulation and the BLM would have to re-do the regulations. Almost every violation the BLM writes is classified as a "Class A" Misdemeanor violation. Tim said the OHV violations did go up. They were \$50; now they are over \$100. Mack said it is difficult getting judges to increase the fine. FWP does have a good OHV education problem but the problem is that most of the people who are causing the problems aren't the ones who go to educational programs or belong to a club. There is also the problem that you don't want a warden driving off road to look for violators because as soon as they create a track, someone else will follow it. Sam agreed that education is key, as well as clarification of the regulations. Tim said it would be more effective to write the director to ask him to work on modifying the penalties vs. asking for more funds for positions. Nancy clarified that the LE rangers are not funded by LE dollars. They are funded with recreation dollars, with timber management dollars, etc.

Dan asked if the Western MT RAC wanted to endorse the Eastern MT RAC letter appeal for more law enforcement or table the issue for now and suggest it as a topic for the state-wide meeting.

Sam moved to add the E. MT RAC letter as an agenda item to be discussed at the state meeting; Robin seconded the motion. Dick said if there is no state meeting, the issue would be worth re-visiting. Marilyn said she would contact the RAC coordinator in Miles City and let them know what the W. MT RAC is proposing.

OHV Compliance

- topic at State-wide meeting
- suggest emphasis on education
- changing penalties/increase
- clarification on signing/road designations

LUNCH BREAK

Energy Corridor Draft Programmatic Environmental Impact Statement (PEIS)

For this segment, the RAC spoke on the phone with Craig Haynes, a Realty Specialist at the MT State Office in Billings and the project lead for MT on the Energy Corridor PEIS. PEIS fact sheets and maps were provided to RAC members.

Craig explained that through the Energy Policy Act of 2005, congress directed the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior to designate corridors on federal land in 11 Western states for oil, gas and hydrogen pipelines and electricity transmissions and distribution facilities. To evaluate issues associated with corridor designation, the Departments have prepared a Draft Programmatic Environmental Impact Statement. The intent is to propose energy corridors that will be preferred locations for future energy transport on federal lands. Based on the information and analyses developed in this PEIS, the DOI, USDA, and DOD will amend their respective land use plans to implement corridor designation. Future Right-Of-Way (ROW) project proponents are not obligated to use the 368 corridors nor are land managers obligated to accept proposals made within them. ROW proponents will benefit from using the corridors through streamlined permitting processes but will still need to meet the requirements of laws, regulations, and policies.

The agencies looked at existing ROWs and developed some preliminary maps. They then looked at special designated areas. The Draft PEIS proposal avoids major known and designated sensitive resource areas including wilderness areas and national parks, tribal lands, national monuments and national recreation areas, wherever possible. In 2005, scoping meetings were held in all 11 states and included key stakeholders such as the governors, American Indian tribes, state energy offices, industry representatives and the public.

They have come up with two alternatives:

- (1) No Action Alternative – would not designate any corridors, but would defer projects to the local land use planning effort and
- (2) The Preferred Alternative – encourage industry to locate their projects into the corridors, which would improve the transport of the various energy resources and would expedite the process the agencies have to follow.

The designation of corridors is strictly an administrative action, so analysis of any actual local impacts will be deferred to site specific proposals.

The PEIS:

- would not relocate existing energy transport infrastructure into the corridors.
- does not endorse or authorize any specific energy transport projects, or approve any ROW applications. Those actions would occur only after site specific analysis is completed when applications are filed.
- does not contain specific biological assessments or biological opinions.
- does look at the overall potential impacts to the natural environment.
- the Record Of Decision (ROD) will amend various Resource Management Plans to incorporate the best management practices that industry has, as well as to acknowledge and allow for the designation of the corridors.

There are about 102 miles of corridor proposed for public lands in MT; 59 miles on BLM, 42 miles on FS. The proposed corridor miles follow existing transmission lines or pipelines to an extent, and

some have already been designated through local land use plans. The intent of the proposed corridor width is to provide a large enough width that would accommodate multiple facilities that could share the same corridor. For MT, about 44 miles of corridor average approximately 2600 feet in width and 57 miles average about 3500 ft. Each of the local offices will identify any restrictions of width less than 3500 ft.

The PEIS has been released to the public for a 90 day comment period, which ends February 14th, 2008. The Draft PEIS is available on-line or you can view a hard copy at the Butte Field Office. Comments can be submitted on-line through the project web site, mailed or faxed in (1-866-542-5904) or submitted at one of the public meetings. There will be at least one public comment meeting held in each state (for MT, the meeting will be held in Helena on January 29th 2008, at the Best Western. The final draft should be issued in the spring and a Record of Decision some time this summer.

PEIS Project Web Site: the Draft Energy Corridor PEIS can be accessed on-line at: <http://corridoreis.anl.gov>. Review copies are also available at libraries and agency regional and field offices. Craig encouraged people to submit comments, as they will be considered.

Robin noticed that in the Energy Policy Act of 2005, it states there is no requirement that future projects be put in the corridors and asked what the incentive is to put them in the corridors – the streamlined permitting process? Craig said yes and the companies would know that if they go through the corridor, they should be able to reduce the expense of the NEPA process. Also, there may not be as many conflicts as if they were to go outside the corridors. Robin questioned whether that is sufficient incentive and Craig felt it is.

Jack asked why the number of proposed miles in MT is so much lower than in other states. Craig said it is mainly because of land ownership patterns in MT, where we have a lot of scattered public land. They didn't think it was right to designate corridors where there was not a preponderance of public land. The majority of the routes are in the Dillon area, where they already have designated routes. The corridors are only on federal land (BLM and FS); not on private land, state land, or tribal land.

Sam asked who will be building and using these lines. Craig said private industry; any company looking to put in electric transmission lines and pipeline companies (transporting oil, gas or hydrocarbon). Also one of the goals is to bring energy resources from where they are found or generated to where they are needed, to sustain the economy. Sam asked - how can you establish routes when you don't know where they are coming from or where they are going. Craig said the hope is that by identifying these proposed corridors now, they can make a grid connection across the country that will allow for the future construction of lines to get power from where it is generated to where it is needed.

Dick asked, if the maximum corridor width is 2600 and 3500 ft, is there a minimum corridor width? Craig said there is no minimum width. The width will depend on topographic features and the resources, etc.

Corby asked if the corridor will connect to the north. Craig said the majority of the corridors are in the western part of the state. This corridor effort did not identify a corridor going north out of Helena or Great Falls because there wasn't much public land in that part of MT.

Mack asked for a clarification regarding some numbers designated on the map (229-254). Craig said those were numbers placed on the segments of corridors so they could be identified as they were doing the analysis and proofing the maps. Mack asked if there is a designation in the PEIS that matches those numbers and Craig responded that he believes so.

Mitzi asked if the PEIS identifies specific protocols for assigning lead agencies in the event that a company wants to use a corridor. Who is responsible for making sure the environmental regulations are followed? Craig said that when a specific project is proposed, the applicant will bring it to either the BLM or FS and it will be run through the normal ROW process. The EIS does not establish a protocol for who is in charge when both agencies are involved in a project. The BLM would work to get a national project lead to coordinate the project and they would combine NEPA processes, so the FS can utilize the same NEPA process to issue their authorization. But that is determined based on each individual project.

Jack asked in reference to E3 section of map, why there are 2 proposed corridors that are just 5-25 miles apart. One segment goes right through prime sage grouse habitat, which would be a big concern for upland game birds. Craig responded that the parallel routes are most likely due to existing power lines along both of the routes. Jack questioned that statement and Tim said there is a 163 KV line that goes down through Medicine Lodge but there is not a line that goes up through the middle of Henneberry Ridge. There is one to the edge of Henneberry Ridge, towards the interstate, (to the east) but not in the northern-most section of 50-260. Tim said that is a new line he has never seen before in any of the previous work. The BLM and FS have obtained new information regarding sage grouse from FWP, which will lead them to comment on this route. Craig pointed out that each of the offices is proofing the maps, to assure they are correct, and that each of the field managers will make the final recommendations on corridor designations.

Dan said he noticed that a lot of the designations are multi-model. Given that BLM & FS have holes in the corridor, have the private landowners been contacted regarding the possibility of natural gas or oil pipelines in addition to the powerlines going through their property? Craig doesn't know if each specific landowner along the route has been contacted. However all of this information has been made available to the general public through various public meetings, news releases, etc, so most people should be aware of this effort.

Jack asked if the defensibility of these corridors plays a role in what will be selected as corridors. Craig responded that it is probably one of the items being considered, but he doesn't know to what extent.

Northwestern Energy Proposal:

Tim spoke regarding a specific proposal from NW Energy for a 500 KV line, for which NW Energy has filed for a ROW. Craig has been the interim project manager on this, but a Washington Office program manager (out of UT) has now been assigned to the project. Tim explained that the BLM works on a cost reimbursable basis on these types of projects. NW Energy has signed an agreement and has been meeting with ID and MT on this, with the state government and some federal entities. Tim went over a map and alternatives on this proposal. Craig said there will be a joint EIS done, between the BLM, FS and MT DEQ, which will analyze the alternatives. NW Energy has not yet identified a preferred route at this time. Tim said the BLM has talked with a variety of agencies on this, including the MT FWP, US Fish & Wildlife Service, FS, ID Fish & Game, ID BLM and FS

and Beaverhead County. A letter is being signed by all the entities, saying that the preferred route is from Townsend, down Highway 287, across I-90, over to the Mill Creek Substation and down I-15. The letter will state that this will be the only acceptable route.

Dick asked - what is a kilovolt. Tim responded that a 500 kilovolt line is the size of the line that came across to Townsend. These are big towers. It will be a distinct change to the landscape in SW MT. Tim said there is also another proposal from a Canadian company, Northern Lights. They are proposing to bring energy down from Alberta, through Great Falls, to Townsend and then run down basically the same general area. They haven't identified specific routes. The BLM is proposing that both of those should go in the same corridor. Sam mentioned that the Elkhorn Working Group has also recommended that existing routes be used, which would be economical and make more sense environmentally.

Tim said the companies obviously prefer the shortest route. The NW Energy project is an \$800,000,000 project. MT has three times the amount of power it needs. The theory is this will just be a transmission line down to a mid-point sub-station in ID; then it will go south, hit a grid there and go to CA and NV, and with the deregulation of power in MT, we will be paying the same rates for NW Energy power as southern CA pays once this is completed – about three times what we pay now. Tim mentioned some wind power proposals. This project will not allow any tie-ins; it would be a \$30,000,000 bill to tie into this line.

Sam asked what the 2600-3500 ft ROW includes; what is the difference between a corridor and a ROW. Tim said that is the corridor designation in the PEIS. The ROW for the NW Energy project is 220ft. Rick explained that you can put numerous ROWs inside of a corridor.

Dick noticed that on the 50-260, the corridor has a lot of public land. The other corridor doesn't have much public land on it. That raises the issue of imminent domain. Rick said the only way it would become imminent domain is if it was shown that the powerline was in the national interest. Tim said one was proposed in the SW and one back east, and both states are objecting.

Marilyn pointed out that what is being discussed in regards to the NW Energy proposal and the PEIS are separate proposals. The NW Energy proposal is not dependent on the completion of the PEIS.

Mack asked if there would be mitigation for stream crossings, and Tim said yes. Dick asked if it would be of value for the RAC to make a statement about which route is preferable. Tim said that would be helpful for him. Tim said he would send out a draft to the RAC, for review, by next week. The letter would be directed at the NW Energy project, but it will be basically the same letter for the PEIS. If comfortable with the letter, RAC members can reply to Marilyn or Dan and Dan could sign it on behalf of the RAC group.

North Hills Shooting Issue Update

For new RAC members, Pat handed out a hard copy of the power point presentation which was presented to the RAC in February 2007. He distributed proposal maps to RAC members and turned the discussion over to Connie Cole via phone (North Hills Working Group representative). Connie explained that the North Hills issue is a safety issue. The area receives use from a wide range of recreational users and there is only one road network. Recreational shooters have created several shooting areas that are not suitable or appropriate for this use. People are shooting down the road,

without regard to other peoples' safety. This issue was brought to the attention of the Lewis & Clark County Commissioners, who suggested a safety zone 150' on either side of the road. The North Hills Working group felt this would not be the best option, as it could result in more safety issues and more resource damage than the current situation. In speaking with the Fish, Wildlife and Parks, they were told that the 150' safety zone would not be enforceable.

Instead, the working group is suggesting the following **proposal**: the creation of a "No Shooting Zone", to encompass Section 34, T12N, R3W. The no shooting zone would create a year-long closure of the area immediately under the transmission line, to firearms use but would not close the remainder of these public lands outside Section 34 to lawful hunting or recreational shooting. Signage would be required to inform and educate the public regarding the boundaries and purpose for the no shooting area.

Jack asked how the area would be signed to notify users of the closed area. Connie responded that it would be signed similarly to other areas on public lands, indicating "Entering" and "Leaving" the "No Shooting Zone". One of the side-bars the working group had to deal with was that for reasons of liability and hazardous materials management, setting up a shooting area was not within the scope of the working group. There is an area that is just on the eastern edge of section 34 that would be an ideal shooting area; an open meadow with a backdrop of a rolling hill that would make an excellent backstop. It would be the hope that people would be "invited" by the topography and the terrain to utilize this as a shooting area.

Jack asked if it would be legal for some group to set up a target structure. Connie explained that the BLM would need to transfer the land to Lewis & Clark County, for the use of a private group who could set up a shooting area. Dennis asked if any of the local hunting groups might be willing to help out. Connie said the N. Hills Working Group has talked to various Helena area shooting groups and no one is willing to take this on. Pat mentioned that one of the working group members is a member of the Prickly Pear Sporting Group and they are involved in education and outreach with this. Pat interjected that since there is only one access road, it would not be difficult to sign the area, to let people know where the boundaries are.

Connie wanted to emphasize that the working group in no way wants to prohibit the use of public lands for shooting. The group is simply trying to encourage safe use of public lands in the area for all recreational users. She said that ironically, hunting season is when there are the fewest problems in the area, due to safe hunting practices. The problem is not coming from hunters, but rather from recreational target shooters. Pat said the road is the main problem area in section 34. The proposal would help reduce some of the safety issues where people are driving, biking or hiking along the main corridor.

Dave asked if barriers could be set up by the BLM, and Rick explained that the BLM can not put out any structures that would encourage a shooting area because then the BLM would assume the liability and the hazmat responsibilities.

There was discussion among some RAC members that the entire area is unfit for shooting and that it might be better to close off the whole area for shooting. Mack said he supports the N. Hills Working Group proposal, but wanted to comment that he would not want to expand this idea too far because wildlife management right now in western Montana is getting tough. If you start closing areas simply because there is a house nearby, most of western Montana would get shut down before

long and there wouldn't be anywhere for people to shoot. Sam pointed out that this is related to target practice and not hunting, but Mack said there is a very close association between the two.

Sam moved to approve the N. Hills Working Group's proposal and Jack seconded the motion. There was not a consensus among the RAC members on this issue. Dennis and Dick both felt that this proposal does not solve the safety issue. But the majority of the RAC members voted to approve the proposal, in favor of the no-shooting zone, so the proposal passed.

Marilyn asked Rick for any comments he had regarding this issue. Rick pointed out that if you look at the safety of shooting in the Helena valley area, most any area can be unsafe for shooting if people do not use common sense. Rick said that with education and signing, this proposal should make a difference. Sam asked about a shooting area in the Boulder area, at Galena. Rick said the BLM is finishing a RMPP sale on that.

Rick told the RAC that the BLM has to go through a process, including holding a public meeting on this issue. The BLM will take this issue forward and try to process it, but there is no guarantee the proposal will be implemented.

Fire Suppression & Budgeting

Marilyn reminded the RAC that in the RAC charter, the RAC mandate is to provide advice to the BLM on a variety of land management planning issues with the exception of personnel actions and budgeting. But the issue came up around FS budgeting related to fire suppression when it took over 40% of their agency budget to pay for fire suppression last year.

Rick explained that the fire budget is different for the Forest Service than for the BLM. When congress allocates money for wildland fire fighting, part of it goes to the Forest Service and the other part goes to the Department of Interior (DOI). Under DOI, there's the Fish & Wildlife Service, National Park Service, BIA and BLM, which all have fire fighting components. All the DOI money is divided up among those different agencies. So, if BLM has excessive firefighting costs, the DOI can offset that by taking money from the other DOI agencies and visa versa. Last year we didn't lose resource dollars to pay for fire fighting. The money actually came out of the BLM's fuel reduction budget. The year before that, the BLM lost some money out of the fuels budget and lost some money that had been sitting in accounts for 10 years without being spent. That money was taken back by the DOI. The DOI has more flexibility to move funds around than the FS.

2008 RAC Meeting Dates:

Marilyn explained to new RAC members that the Western MT RAC has been meeting quarterly. She also mentioned that a statewide RAC meeting would most likely occur in April or May of 2008, at the MT State Office in Billings, which would take the place of whatever meeting date would fall within that timeframe. Meeting Dates/Locations for 2008 were decided on as follows:

<u>Date:</u>	<u>Location:</u>
February 28, 2008	Butte Field Office
May 15, 2008 (this date may change, if there is a state-wide meeting)	Missoula Field Office
September 4, 2008	Dillon Field Office
November 20, 2008	Butte Field Office

Topics for Future Meetings were discussed. Suggestions were as follows:

Topics for a State-Wide Meeting:

- Standards & Guidelines For Forest Health – suggestion from Dan
- Cooperative Rangeland Monitoring (entities working together) – suggestion from Dennis
- OHV Compliance
- Energy Development Impacts – Jack

Topics for the Next RAC Meeting:

- Forest Service Fee Proposals
- Cooperative Rangeland Monitoring – Dennis
- Forest Health Issue – Dick
- Existing Flight Info (insect damage) – Steve

The meeting was adjourned at 3:30 p.m.

_____/s/ Daniel Lucas_____ 12/20/07_____
Dan Lucas, Chair Date:

See attachments for field manager updates and power point presentation.

Attachment 1:

Missoula Field Office Updates – November 28, 2007:

We are continuing to work on a watershed assessment in Rock Creek. The assessment will cover 11,700 acres of public land. The majority of the assessment has been completed.

We are working through some issues regarding the award of our Garnet Stewardship project. The project will treat approximately 300 acres around the ghost towns of Garnet and Coloma.

We will be holding a public meeting tonight at Lubrecht Experimental Forest to discuss an upcoming stewardship project on the Garnet Range Road (by the 5 mile marker). We are also planning a stewardship project on Bear Creek Flats.

We issued the decision on our Garnet salvage EA last month. No protests were received and the sale was sold on November 21, 2007. Approximately 3.5 MMBF of bug killed timber will be harvested in the 4,100 acre contract area.

Under the Recreation and Public Purposes Act, we issued the lease to the Valley Fire District in Granite County for a site for a fire station near Maxville.

Progress is continuing on the Blackfoot Community Project. The Blackfoot Challenge, in partnership with The Nature Conservancy, developed this project in an effort to guide the future

ownership and management of key lands in the Blackfoot that were owned by Plum Creek. The Nature Conservancy has exercised its final option (Option 3) with Plum Creek Timber which involves the purchase of 20,000 acres in North Chamberlain and the balance of acres in Lincoln. This transaction will put the total acres purchased at approximately 89,000 acres. These lands are being re-sold by the Conservancy according to a community-driven plan. Some lands go into public ownership and others to private ownership with safeguards to protect community and conservation values. To date, the BLM has acquired 6,120 acres.

Butte Field Office Updates – November 28, 2007:

- Butte Resource Management Plan (RMP): The comment period was extended to October 9, 2007. We received over 180 comment letters or emails during the comment period. We are currently working on responses to the comments and preparing the proposed RMP/Final EIS to be published in August 2008.
- Graymont Mine: The life of mine expansion to the south is proposed. The expansion is proposed into an area of unexploded ordnance (UXO) near the National Guard training area. A contractor is working on the draft EIS for this proposal. A draft is planned for public release sometime in the spring of 2008.
- Legislative EIS for the Limestone Hills National Guard Withdrawal: Comments were received on the draft LEIS. The MANG and BLM are working on responses to the comments and preparing a recommendation to the respective Departmental Secretaries. The BLM recommendation will be from the State Director.
- Causeway Exchange with PPL Montana: This action would exchange landlocked BLM land with some land with a private landowner to improve public access in the Hauser Lake area. An exchange agreement has been initiated with PPL and the mineral report has been completed. We have preliminary approval to proceed with the exchange. The ID team is starting work on the EA.
- Clancy ROW: A Right of Way request has been filed for the Sheep Mountain Road in the Clancy travel management area to access a private subdivision development. The subdivision development would utilize the Sheep Mountain Road and a segment of new road construction would be needed to connect the Sheep Mountain Road to the proposed subdivision. This subdivision is proposed for 20 homes on four private mine sites surrounded by BLM. The subdivision would be located near one access point for OHV trails in the area and an access point for rock climbers. A final decision was issued in September to approve the ROW. The developer plans on starting work this spring.
- Golden Sunlight Mine Wind Farm: We have received a proposal from Wind Hunter to install a 50 Mw wind generated facility on the west waste rock dump for GSM. The facility would be approximately 30 – 50 wind turbines, with the majority on BLM. Since we have not received a cost recovery agreement from Wind Hunter, we are going to return the proposal.
- Montana Tunnels Mine: Montana Tunnels mine near Jefferson City is proposing a life of mine expansion. A draft EIS is proposed to be released in early 2008.
- Fish Two Heart Project: The Fish 2 Heart stewardship project was awarded to RY Lumber of Townsend. The project is a mix of fuels reduction, riparian restoration, and timber harvest in an area southeast of Butte. The project is scheduled as a multi-year project.
- Scratchgravel Hills Fuels Treatment Project: A fuels reduction project in the scratchgravel hills outside of Helena. This is proposed as a stewardship project and the majority of the work would be accomplished using mechanical methods. The goal of the project is to

reduce fuels loads and to utilize as much biomass as possible. The project will be implemented in the spring of 2008.

- Tie Creek – Alder Creek Fuels Break. During the Pattengail fire of 2007 (south of Wise River), the fire team started construction of a fuels break from Bryant creek to Alder creek. The fuels break followed existing roads where possible. The last section of the fuels break was not completed. This project would complete that last section of line on BLM land (approximately ½ mile).
- Bald Butte Repository and Great Divide Sand Tailings: Historic mining waste at several sites around the Marysville area are being proposed for cleanup. The waste material would be placed in a repository on BLM. The cleanup would include the removal of sand tailings at the Great Divide Ski area. A public meeting is planned for Dec/Jan and the project is proposed to start in the spring of 2008

Dillon Field Office Updates – November 28, 2007:

2007 Accomplishments
Projects
September 28, 2007

Bon Accord Guzzler	Peregrine hawk tower maintenance (2 towers)
Stanford Fence	Wildlife guzzler maintenance (5 guzzlers)
Old Glory Fence Extension	Sage Creek Fence Modification (7 fences)
West Fork Dyce Fence	
Big Spring Cattleguard	Soap Gulch Exclosure Extension
Big Spring Fence	Middle Spring Exclosure
Morrison Creek Fence	Shennon Creek Water Gap Fence
Roberts Gulch Cattleguard	Old Glory Spring Exclosure
Roberts Gulch Division Fence	Soapy Spring Exclosure
Tree Frog Spring addition	Price-Peet Spring Exclosure
Deadwood Campground Fence	Elk Track Spring Exclosure
Big Spring South Well	Kelner Spring Exclosure
Big Spring Well	Brundage Spring Exclosure
Nip & Tuck Division Fence	Gallagher Creek Exclosure (burned)
Trapper Creek Drift Fence	Rock Creek Wetland Fence
Metzel Creek Pipeline	Bog Hole Spring Exclosure
Patterson Spring	Muddy Creek Corridor Fence
Brundage Spring Water Trough	Rock Canyon Spring Exclosure
Big Sheep Cattleguard Fence	Rock Canyon Meadow Fence
Big Sheep Cattleguards (2)	Carr Wetland Fence
South Daisy Fence (reconstruct)	Gallagher Mtn Spring #1 Exclosure
North End Fence Reconstruction	Gallagher Mtn Spring #2 Exclosure
Stock Driveway Fence Reconstruction	Box Spring Exclosure
Carr Spring Development	Grimes Creek Riparian Fence
Porcupine Pipeline	Brundage Bridge Hardened Crossing
Harkness Meadow Fence Extension	Passmore Riparian Fence
	Brundage Bridge Riparian Fence
	Everson Creek Fish Barrier
	Quakie Patch Spring Exclosure
Deer Canyon Fence	
Sweetwater Spring #3	
EF Division Fence	
Brenner Sec. 4 Fence	Riparian Exclosures with BLM maint.

Mill Gulch Fence
 Shannon Creek Division Fence
 Farlin Water Delivery System
 Albers Spring
 Buffalo Creek Well
 Leonard Spring
 Crooked Creek Pipeline
 Exchange Pipeline
 PHW Spring
 Caboose Canyon Fence Removal
 Pipe Organ Fence Removal
 RP County Road Fence Modification
 Blacktail Fence removal (Rock Creek area)
 Install wildlife escape ramps (10)
 2007 Watershed Plan Implementation
 Accomplishments
 Dillon Field Office

East Grasshopper

- Marked timber sale unit in Shale Creek (approx. 230 acres)
- West Fork Dyce Creek Fence completed
- Dyce Creek brook trout removal project continues
- Westslope cutthroat trout genetic samples collected from East Fork Dyce Creek.
- Bon Accord Wildlife Guzzler completed
- Horse Mountain Spring – plan to install winterized trough this fall
- Puddles Spring – plan to relocate troughs and enclose spring this fall

Medicine Lodge

- Morrison Creek Fence completed
- Deer Canyon Fence completed
- Westslope cutthroat trout genetic samples collected from Craver Creek.

Upper Horse Prairie

- Roberts Gulch Cattle guard installed
- Roberts Gulch Division Fence completed
- Everson Creek Fish Barrier planned for September (contract). Brook trout removal will begin once barrier is installed.
- Shannon Creek Water Gap Fence completed
- Nip & Tuck Division Fence completed

(List on board 43 checked and/or maintained)
 Pipe organ ditch treatment
 Exchange Spring Exclosure
 Harkness Meadow Fence maintenance

Southwest Highlands

- Soap Gulch Riparian Exclosure completed
- Old Glory Spring Exclosure completed
- Soapy Spring Exclosure completed
- Box Spring Exclosure expansion completed
- Old Glory Fence Extension completed
- Approximately 800 acres of prescribed fire completed in Camp Creek area (burn targeted conifer expansion)
- Approximately 500 acres of mechanical fuel augmentation completed in preparation for future prescribed burning in same area.
- Gooseberry Spring development planned for this fall
- Box Spring pipeline planned for this fall
- Nez Perce pipeline extension planned for this fall

Middle Rubies

- Completed approximately 200 acres of prescribed burning near Laurin Canyon. This was a hazardous fuel reduction project near the wildland-urban interface.
- Completed Barton Gulch Timber Sale (196 acres).

Centennial

- Contract awarded on Price Creek (925 acres) and Bean Creek (221 acres) Timber Sales.
- Marked timber sale unit at N1 (85 acres)
- Middle Spring Exclosure completed
- Price Peet Spring Exclosure completed
- Brundage Spring Exclosure and trough completed
- Contractor is starting on Brundage Bridge Riparian Pasture Fence

- Trapper Creek Drift Fence completed
- Grimes Creek Riparian Exclosure completed

Alkali Flat Spring development planned for September using skidsteer-mounted cutting shears to cut trees.

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Upper Horse Prairie Stewardship Contract (25 acres completed; local contractor performed mechanical fuel augmentation

- Contractor is starting on Passmore Riparian Pasture Fence
- Brundage Bridge Hardened Water gap completed
- Metzel Creek Pipeline completed
- Bear Awareness signs installed. (Grizzly bear Mgt.)
- Tree Frog Spring (additional spring head box installed).
- Sage Grouse telemetry project continues
- Sand Dunes prescribed fire planned for this fall for sensitive plant management.

Big Sheep Creek

- Elk Track Spring Exclosure completed
- Kelner Spring Exclosure completed
- Rock Creek Wetland Fence completed
- Muddy Creek corridor fence completed
- Rock Canyon Spring Exclosure completed
- Rock Canyon Meadow Fence completed
- Carr Wetland Fence and pipeline completed
- Deadwood Campground Fence completed
- Patterson Spring development completed
- Big Sheep Creek cattle guard installed
- Big Sheep Creek cattle guard fence completed
- Island Butte Spring development planned for September
- Porcupine pipeline planned for September
- Caboose Canyon Fence Removal completed

Sage Creek

- Established baseline monitoring transects as per the Monitoring Plan in the Sage Creek EA (upland, riparian, wildlife habitat and sensitive plant monitoring).
- Stanford Fence completed
- Big Spring cattle guard installed
- Big Spring division fence completed
- Big Spring Well completed
- Big Spring South Well completed
- Bog Hole Spring Exclosure completed
- Saddle Spring Exclosure and spring development planned for September
- North Spring reconstruction planned for September
- Sage grouse telemetry project continues
- Sage Creek Fence modification contract advertised, will be completed this fall. Several miles of fence will be modified to meet wildlife specifications.

South Tobacco Roots

- Obtained weed management funding from Abandoned Mine Lands funding to treat weeds along dredged streams and old mine sites.
- Term Grazing Permits being renewed with revised Terms and Conditions
- Marking in timber sale units will commence this fall.

Blacktail

- Term Grazing permits being renewed with revised Terms and Conditions
- Six wildlife escape ramps installed in water troughs.
- Two dysfunctional fences removed near Sweetwater Creek (wildlife hazards removed)

- RP County Road Fence modified to meet wildlife specifications

Completed signing open 80% of the travel management routes designated as open in the Dillon RMP.

- Assessment Report S&G determinations on the 50 allotments in the South Tobacco Root and Blacktail watersheds
- Completed monitoring on 96 allotments.
- Coordinated the development of two interdisciplinary watershed level management plans. Revised management on allotments that did not meet the Standards for rangeland health in the South Tobacco Root and Blacktail watersheds and issued decisions on changes in management/S&G compliance for the 50 allotments in this watershed.
- Constructed 53 Watershed improvement projects and the maintenance of 86 projects. Inventoried 145,000 acres of sage grouse habitat, 70,000 acres of wildlife habitat in the Beaverhead West and Red Rocks watersheds and 50,000 acres of the Centennial Carnivore Study Area. Completed 86 miles of stream inventory. Restored 200 acres of sagebrush habitat, modified 25 miles of fence to be more wildlife friendly, implemented 4 species recovery actions, and conducted 92 miles of stream/riparian treatment. Monitored 38 miles of streams.
- **Noxious Weed Management**
- Treated 7,110 acres, evaluated 1,200 acres of previous treatment and inventoried 44,175 acres for weed infestation.
- Completed the assessments on 50 allotments and ~95,000 acres in the South Tobacco Roots and Blacktail watersheds. Completed the Watershed herding costs for the sheep operator.

We have had a very successful project along the Madison River for the past 4 years in cooperation with the Madison Valley Ranchlands Group, FWP, Madison Co to continue this project for at least one more year and longer if funding is available. We have had sheep (about 700-800 yearlings) graze along the river corridor for seven miles on each side of the river south of Ennis between May 15 and September. They are intensely herded and penned up at night. We (the BLM) set up monitoring transects prior to the project starting, read the transects this past summer and will read them again once the project is over to look at vegetative trend. We also looked at seed reduction during 2004 and 2007 by marking 100 plants in grazed and ungrazed areas in the spring and counting seed heads at the end of each grazing season. In 2004, seed heads were reduced by 77% and in 2007 they were reduced

by 81% within the sheep grazed areas. The Montana Sheep Institute set up some paired plots to determine what the sheep were selecting for. I have the 2004 data which shows that overall, grasses were grazed/ utilized at 26% and knapweed was utilized at 55%. Good project, interesting data. We also put up a large educational sign for the public at McAtee Bridge telling them about knapweed and the purpose of the sheep along the river and have gotten some positive feedback. The cooperators have been paying trucking and herding costs for the sheep operator.

